

Voted
A-113-A
Provl Ordinance

Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING - November 4, 1998

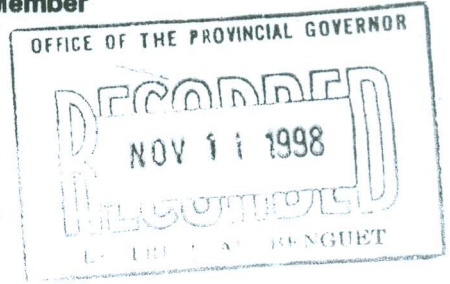
PRESENT: HON. ROBERT M. TINDA-AN, Provincial Vice-Governor, Presiding Officer

DISTRICT I

HON. MARVIN D. ATOS, Board Member
HON. FRANCISCO E. GOLINGAB, JR., Board Member
HON. FERNANDO M. ARITAO, Board Member

DISTRICT II

HON. LISO L. AGPAS, Board Member
HON. MANUEL C. CUILAN, Board Member
HON. DANIO L. BOLISLIS, Board Member
HON. ALBERT D. MAYAMNES, Board Member
HON. SARIO M. COPAS, Board Member



SECTORAL REPRESENTATIVE

HON. CONCEPCION D. BALAO, PCL President, Member
HON. BONY L. TACIO, ABC President, Member
HON. REDENTOR P. EDOC, SKF President, Member

ABSENT: NONE

PROVINCIAL ORDINANCE NO. 98 - 48

ORDINANCE GRANTING MONTHLY LEGISLATIVE ALLOWANCE TO EVERY COMMITTEE CHAIRMAN FOR COMMITTEE MEETINGS AND OTHER RELATED ACTIVITIES

WHEREAS, the Honorable Vice Governor and Members of the Sangguniang Panlalawigan of Benguet have to attend various committee meetings, caucuses, dialogues, consultations and similar activities within and outside the Province necessitating them to incur expenses in conducting research in aid of legislation ;

WHEREAS, the members are presently receiving monthly representation and travel allowance (RATA) but the amount is not sufficient to cover the expenses for the purpose, hence, there is a need for legislative allowance so as not to diminish their meager salary;

WHEREAS, Section 468 of Republic Act 7160 otherwise known as the Local Government Code of 1991 provides that;

"Section 468. Powers, Duties, Functions and Compensation - (a) The Sangguniang Panlalawigan, as the legislative body of the province, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the province and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the province as provided for under Section 22 of this Code, and shall:

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(1) Approve ordinances and pass resolutions necessary for an efficient and effective provincial government and in this connection, shall;

(viii) determine the positions and the salaries, wages, ALLOWANCES and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds x x x."

NOW THEREFORE, on motion duly seconded,

BE IT ENACTED BY THE SANGGUNIANG PANLALAWIGAN IN SESSION ASSEMBLED THAT:

SECTION 1. A monthly legislative allowance in the amount of P2,500.00 is hereby granted to every Committee Chairman of the Standing Committee of the Sangguniang Panlalawigan for committee meetings, caucuses, dialogues, consultations, research and similar activities. The source for the current year shall be drawn from the unspent amount of RATA of the three (3) Sectoral Representatives which have not been filled;

SECTION 2. The Honorable Vice Governor and Presiding Officer of the Sangguniang Panlalawigan shall likewise be entitled to the Legislative Allowance being a Chairman of two standing committees;

SECTION 3. This Legislative Allowance is limited to two committee Chairmanship or a total of P5,000.00 per month.

SECTION 4. This ordinance shall take effect upon approval.

APPROVED.

MARVIN D. ATOS
Board Member


FRANCISCO E. GOLINGAB, JR.
Board Member


FERNANDO M. ARITAO
Board Member


LISO L. AGPAS
Board Member


MANUEL C. CUILAN
Board Member


DANILO E. BOLISLIS
Board Member


ALBERT D. MAYAMNES
Board Member


SARIO M. COPAS
Board Member


CONCEPCION D. BALAO
PCL President, Member


BONY L. TACIO
ABC President, Member



REDENTOR P. EDOC
SKF President, Member

CERTIFIED CORRECT:



ROBERT M. TINDA-AN
Vice Governor
Presiding Officer

ATTESTED:



NOEL S. SABOG
Sangguniang Panlalawigan
Secretary

APPROVED:

RAUL M. MOLINTAS
Provincial Governor
Date: _____



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FILE

A-113
PROV'LE ORDINANCE

Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

REGULAR MEETING: November 25, 1998

- PRESENT:** HON. ROBERT M. TINDA-AN, Vice Governor, Presiding Officer
 HON. MARVIN D. ATOS, Board Member
 HON. LISO L. AGPAS, Board Member
 HON. FERNANDO M. ARITAO, Board Member
 HON. MANUEL C. CUILAN, Board Member
 HON. DANIO L. BOLISLIS, Board Member
 HON. ALBERT D. MAYAMNES, Board Member
 HON. SARIO M. COPAS, Board Member
 HON. CONCEPCION D. BALAO, PCL President, Member
 HON. BONY L. TACIO, ABC President, Member
 HON. REDENTOR P. EDOC, SKF President, Member

- ABSENT:** HON. FRANCISCO E. GOLINGAB, JR., Board Member

RESOLUTION NO. 98-573

OVERRIDING THE VETO OF THE PROVINCIAL GOVERNOR ON PROVINCIAL ORDINANCE NO. 98-48 GRANTING MONTHLY LEGISLATIVE ALLOWANCE TO EVERY COMMITTEE CHAIRMAN FOR COMMITTEE MEETINGS AND OTHER RELATED ACTIVITIES.

WHEREAS, forwarded to this Body is Ist Indorsement dated November 16, 1998 of the Provincial Governor relative to the Provincial Ordinance No. 98-48 passed by this august Body expressing his veto thereon with reasons:

a. That upon implementation, the Ordinance violates Section 81, R.A. 7160 which provides that increase in compensation of elective local officials shall take effect only after the term of office of those approving such increase shall have expired. Moreover, increases shall not exceed the limitations on budgetary allocations for personal services;

b. That the legislative allowance is another term for RATA and consequently, the Ordinance transgress Local Budget Circular No. 61 dated March 18, 1996 and Local Budget Circular No. 68 dated June 4, 1998 which provided for a rate of monthly RATA for Sangguniang Panlalawigan Members in Second Class Provinces.

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Res. No. 98-573 dated November 25, 1998
of the Sangguniang Panlalawigan of Benguet

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WHEREAS, Hon. Marvin D. Atos said that there appears to be a miscommunication between the Sangguniang Panlalawigan and the Governor's Office. He said that the Governor's Office is thinking about compensation but the Sangguniang Panlalawigan is thinking about allowances. Hon. Liso Agpas said that if they adhere to the suggestion of the Governor to establish a fund to draw expenses for conference, it is hard. When Hon. Marvin D. Atos inquired if he opts to override the veto, Hon. Liso Agpas answered affirmatively. Hon. Danio L. Bolislis agreed with the previous speakers and added that they are not increasing the RATA as stated but it is used for their extra works. He said that if they don't override the veto, some might say that they are increasing the RATA. So, he supports to override the veto.

WHEREAS, the question of whether to override the veto or not was put to a vote. Eight (8) were in favor of overriding, none opposed and Two (2) abstained.

On motion duly seconded, be it

RESOLVED, as it is hereby done, that this august Body override the veto of the Provincial Governor pertinent to the aforesaid Provincial Ordinance No. 98-48, entitled: An Ordinance Granting Monthly Legislative Allowance to Every Committee Chairman for Committee Meetings and Other Related Activities; and

RESOLVED FURTHER AND FINALLY, to forward copies of this resolution to the Provincial Governor, the Provincial Treasurer, the Provincial Accountant, the Provincial Auditor and the Provincial Budget Officer, for information.

CARRIED.




MARVIN D. ATOS
Board Member
(In favor)




FERNANDO M. ARTAO
Board Member
(In favor)



LISO L. AGPAS
Board Member
(In favor)



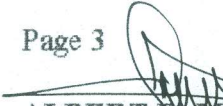
MANUEL C. CULAN
Board Member
(In favor)





DANIO L. BOLISLIS
Board Member
(In favor)

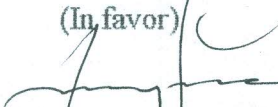
Res. No 98-573 dated November 25, 1998
of the Sangguniang Panlalawigan of Benguet


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ALBERT D. MAYANNES
Board Member
(In favor)



SARIO M. COPAS
Board Member
(In favor)


CONCEPCION D. BALAO
PCL Pres., Member
(Abstained)


BONY L. TACIO
ABC Pres., Member
(Abstained)


REDENTOR P. EDOC
SKF Pres., Member
(In favor)

CERTIFIED CORRECT:


ROBERT M. TINDA-AN
Provincial Vice-Governor
Presiding Officer

ATTESTED:


NOEL S. SABOG
Provincial Secretary

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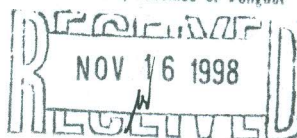


Republic of the Philippines

PROVINCE OF BENGUET
LA TRINIDAD

OFFICE OF THE GOVERNOR

OFFICE OF THE SANGGUNIANG PANLALAWIGAN
La Trinidad, Province of Benguet



1st Indorsement
November 16, 1998

Respectfully returned to the Sangguniang Panlalawigan, through the Honorable Vice-Governor and Presiding Officer of the Sangguniang Panlalawigan, the herein Provincial Ordinance No. 98-48, dated November 4, 1998, which was received by this Office on November 11, 1998, with my VETO thereon for the following reasons:

1. While Section 468 (viii) provides for the power of the Sangguniang Panlalawigan to determine the *"allowances and other emoluments and benefits of officials and employees paid wholly or mainly from provincial funds"*, such a provision is not unbridled but circumscribed by law and rules and regulations, which may not be transgressed even by the wisdom of law-making authority, as follows:

(a) Section 81, R.A. 7160, provides that while the compensation of local officials and personnel shall be determined by the Sanggunian concerned, the increase in compensation of elective local officials shall take effect only after the term of office of those approving such increase shall have expired, a provision violated by the implementation of Provincial Ordinance No. 98-48 "for the current year".

(b) Moreover, the increases shall not exceed the limitations on budgetary allocations for personal services (Section 81, R.A. 7160) and the compensation must be based upon the pertinent provisions of R.A. 6758, which "applies to all positions appointive or elective, on full or part time basis, now existing or hereafter created in the government" (Section 4).

2. Provincial Ordinance No. 98-48 provides that the *"monthly legislative allowance in the amount of P2,500.00 is granted to every Committee Chairman of the Standing Committee of the Sangguniang Panlalawigan for committee meetings, caucuses, dialogues, consultations, research and similar activities"*, with the limitation that the Legislative Allowance shall not exceed *"a total of P5,000.00 per month"*. It is clear from this provision and the preambulatory explanation of the said ordinance that the Legislative Allowance is another term for the RATA. Consequently, Provincial Ordinance No. 98-48 transgresses the following laws:

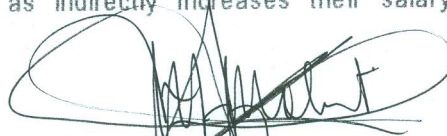
(a) Local Budget Circular No. 61, dated March 18, 1996, issued by the Department of Budget and Management, provides the Revised Index of Occupational Services, Position Titles and Salary Grades (IOS) in the Local Government. Thus,

members of the Sangguniang Panlalawigan belong to Grade 27. In Local Budget Circular No. 64, dated January 22, 1997, also issued by the Department of Budget and Management, members of the Sangguniang Panlalawigan of Benguet Province receive a monthly salary of P20,279.00, the first step for first class provinces;

(b) Under Local Budget Circular No. 68, dated June 4, 1998, of the Department of Budget and Management, members of the Sangguniang Panlalawigan are entitled to representation and transportation allowance pursuant to Section 41, RA 8522, subject to certain conditions. It provides "*that the local officials enumerated in Section 2.1 thereof shall only be allowed to collect one RATA*", and the "*rate of RATA authorized in the LGU shall vary depending on the income classification of said LGU.*" This Local Budget Circular No. 68 went into effect on January 1, 1998. For members of the Sangguniang Panlalawigan of Benguet, they presently receive a total of P5,036.00 monthly RATA, for Second Class province.

These rules and regulations limit the law-making power of the Sangguniang Panlalawigan with respect to allowances.

3. Finally, Section 325 (b) of RA 7160 provides that "*no official or employee shall be entitled to a salary rate higher than the maximum fixed for his position or other positions of equivalent rank by applicable laws or rules and regulations issued thereunder*". Provincial Ordinance No. 98-48 seeks to increase the RATA of the members affected as well as indirectly increases their salary. Hence, my VETO.



RAUL M. MOLINTAS
Provincial Governor