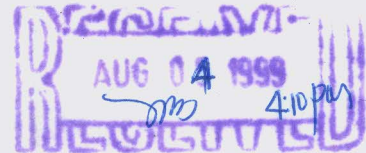




Republic of the Philippines

PROVINCE OF BENGUET
LA TRINIDAD
OFFICE OF THE GOVERNOR

FILE A-11-2
Prom. Ord.
OFFICE OF THE GOVERNOR
LA TRINIDAD, PROVINCE OF BENGUET



1st Indorsement
August 3, 1999

Respectfully returned to the Honorable Members of the Sangguniang Panlalawigan through the Honorable Robert M. Tinda-an, Vice Governor and Presiding Officer, the herein Provincial Ordinance No. 99-55, received by this Office on August 2, 1999, with my **VETO** thereon for the following reasons:

1. It provides in Section 1 thereof that the power to appoint is vested on the Provincial Vice-Governor, which is contrary to law. The appointment of all employees paid out of Provincial funds is vested by law to the Provincial Governor. This is clearly explained by the Civil Service Commission in its ruling in the case of Amelita S. Navarro, Resolution No. 982506, dated September 23, 1998, a copy of which is attached hereto for ready reference. The disposing portion of which reads as follows:

"WHEREFORE, the Commission hereby rules that the City Vice Mayor is granted a certain degree of discretion in the determination of who should be appointed to primarily confidential positions in the Office of the City Vice Mayor as determined by existing laws, policies and regulations. Accordingly, once an appointee to the personal and confidential position in the Office of the City Vice Mayor is determined by the City Vice Mayor, the issuance of appointment pertaining thereto is a ministerial duty on the part of the City Mayor."

2. It should be a resolution, not an ordinance. An ordinance is permanent in character and lends the consequential effect that the creation of a Casual Private Secretary II, G-15 is permanent in character. The employment of "Ordinance", instead of "Resolution", obscures the legislative intent to create a Private Secretary II, G-15, in a temporary character up to December 1999 only. There is likewise the adverse legal effect that the measure dooms permanently such a position to a casual employee, even as the position is made in a permanent character.

3. There is actually no need for any resolution or ordinance to be passed by the Sangguniang Panlalawigan. All that is required is for the necessary amount for wages to be re-aligned for wages, and then the casual employee will be appointed by the Provincial Governor.

RAUL M. MOLINTAS
Provincial Governor

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

REGULAR MEETING - July 14, 1999

PRESENT: HON. ROBERT M. TINDA-AN, Provincial Vice-Governor, Presiding Officer
HON. MARVIN D. ATOS, Board Member
HON. LISO L. AGPAS, Board Member
HON. FRANCISCO E. GOLINGAB, JR., 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, Liga ng mga Barangay Pres., Member
HON. REDENTOR P. EDOC, SKF President, Member

ABSENT: NONE

PROVINCIAL ORDINANCE NO. 99-55

AN ORDINANCE PROVIDING FOR HIRING OF A CASUAL PRIVATE SECRETARY II, G - 15 FOR THE OFFICE OF THE PROVINCIAL VICE GOVERNOR AND AUTHORIZING HIM TO HIRE AND APPOINT THE CASUAL PRIVATE SECRETARY II AND RE-ALIGNING FUNDS THEREFORE

EXPLANATORY NOTE

The Office of the Provincial Vice-Governor at present, is manned by only two personnel: the Executive Asst. II tasked with liaisons and attending to the outside duties in representation of the Vice-Governor; and one assigned clerk attending to records and callers of the office.

Another personnel is needed to attend to the other paper works such as drafting of letters, answers to various communications entered in the office and confidential matters. The lack of personnel sometimes cause the delay in the delivery of public services resulting to unsatisfactory performance and generating unsavory remarks from the public;

Hence this measure.

NOW THEREFORE, as sponsored by Hon. Danio L. Bolislis, and on motion duly seconded, be it

ORDAINED, by the Sangguniang Panlalawigan of Benguet in Session Assembled, the following:

SECTION 1. The Provincial Vice-Governor is hereby authorized to hire and appoint one (1) casual Private Secretary II, G-15 to attend to his clerical needs, draft various letters and communications and attend to confidential matters;

[Handwritten signatures in blue ink, including a large signature on the left and several smaller ones scattered across the bottom of the page.]

SECTION 2. The casual Private Secretary II, as herein provided, shall report directly to the Provincial Vice-Governor who shall directly supervise and give instruction relative to his work.

SECTION 3. The amount of P86,836.50 is hereby re-aligned from the savings of the personal services of the Sangguniang Panlalawigan Office for the salaries and other benefits of the casual Private Secretary II, G-15 from August 1, 1999 to December 31, 1999 as per computation by the budget office.

SECTION 4. This Ordinance shall take effect immediately upon its approval.


CARRIED.



MARVIN D. ATOS
Board Member


LISO L. AGPAS
Board Member



FRANCISCO E. GOLINGAB, JR.
Board Member


FERNANDO M. ARITAO
Board Member



MANUEL C. CUILAN
Board Member



DANILO L. BOLISLIS
Board Member


ALBERT D. MAYAMNES
Board Member



SARIO M. COPAS
Board Member



CONCEPCION D. BALAO
PCL President, Member


BONY L. TACIO
Liga ng mga Brgy. Pres., 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: _____