

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

REGULAR MEETING-DECEMBER 19, 2001

PRESENT: HON. CRESCENCIO C. PACALSO, Board Member  
HON. MARVIN D. ATOS, Board Member  
HON. MARCIANO T. INSO, SR., Board Member, Temporary Presiding  
Officer  
  
HON. LISO L. AGPAS, Board Member  
HON. JOSEPH A. COSENTE, Board Member  
HON. WASING D. SACLA, Board Member  
HON. BENJAMIN C. SAGUID, Board Member  
HON. JOHNNY S. UY, Board Member  
HON. SARIO M. COPAS, Board Member  
HON. DANIO L. BOLISLIS, Board Member  
HON. REDENTOR P. EDOC, SKF President, Member  
HON. PEDRO T. ESTEBAN, Liga ng mga Barangay President, Member  
HON. WILLIAM H. ESTEBAN, PCL President, Member

ABSENT: HON. EDNA C. TABANDA, Vice Governor, (OB)

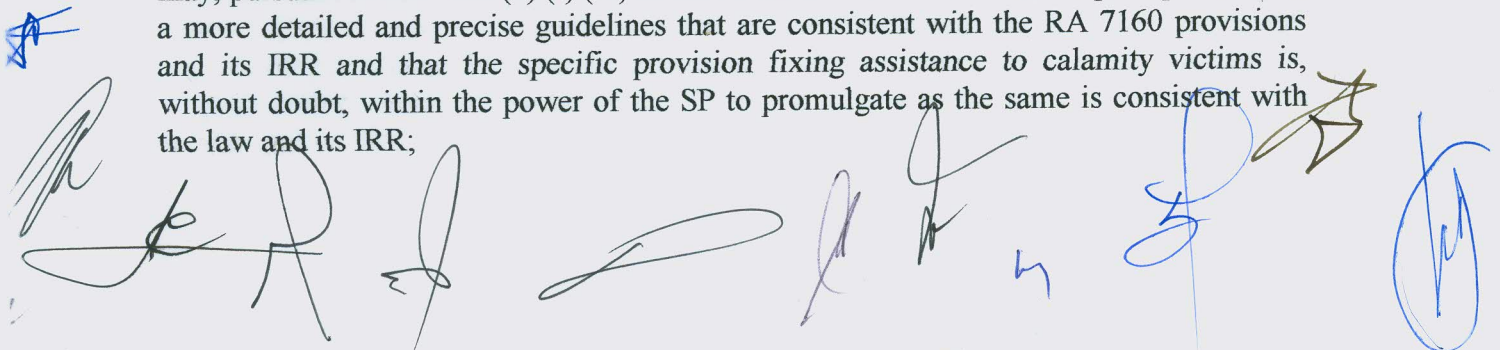
PROVINCIAL ORDINANCE NO. 01-73

**PROVIDING GUIDELINES FOR THE ALLOCATION, UTILIZATION AND  
DISBURSEMENT OF THE PROVINCIAL CALAMITY FUND OF BENGUET  
PROVINCE IN ADDITION TO THE RULES, REGULATIONS IMPLEMENTING  
RA 8185 ENTITLED: "AN ACT AMENDING SECTION 324 (D) OF RA 7160,  
OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991"**

WHEREAS, the Provincial Board of Benguet Province had already appropriated 5% lump sum appropriation as calamity fund for the year 2001 which is P13,711,750.00 based on the income of the province derived from regular sources of its income;

WHEREAS, its is necessary to utilize said calamity fund judiciously in order to maximize its utilization and expenditure;

WHEREAS, the Department of the Interior and Local Government, Cordillera Administrative Region (DILG-CAR) through Everdina Echalar-Doctor, Regional Director, issued its opinion dated October 15, 2001 that, the Sangguniang Panlalawigan, may, pursuant to Sec. 468 (a) (1) (iv) of the Local Government Code, adopt or promulgate a more detailed and precise guidelines that are consistent with the RA 7160 provisions and its IRR and that the specific provision fixing assistance to calamity victims is, without doubt, within the power of the SP to promulgate as the same is consistent with the law and its IRR;



WHEREAS, the following guidelines are hereby provided in addition to the Rules and Regulations Implementing RA 8185 entitled: "An act amending Section 324 (d) of RA 7160, otherwise known as the Local Government Code of 1991";

I. PREREQUISITE:

Before any portion of the Provincial Calamity fund may be expended, it is necessary that the Sangguniang Panlalawigan must first declare the whole province as under the state of calamity upon recommendation of the Provincial Governor.

II. UTILIZATION OF PROVINCIAL CALAMITY FUND

The Provincial Calamity fund may be used for the following:

A. Reconstruction

Priority for provincial roads that are destroyed or damaged during the occurrence of a calamity during the budget year. Provincial Calamity funds may be used for the reconstruction of Barangay Roads and of National roads whether primary or secondary upon approval of the SP.

B. Other Works and Services.

1. For financial assistance to calamity victims:

- a. For every deceased victim, the sum of P5,000.00 may be given to the immediate family/heirs as financial assistance.
- b. For the seriously injured victim the sum of P2,500.00 may be given to their family as financial assistance.
- c. For the sick victims of the calamity, a portion of the provincial calamity fund may be budgeted for medical supplies and medicines as assistance to said victims.

C. Procedural Requirements:

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1. The allotment from the 5% Provincial Calamity fund shall be released by the Provincial Budget Office within 24 hours from the occurrence of the calamity upon presentation of the disbursement vouchers duly approved by the concerned authorities and supported by the resolutions from the Sangguniang Panlalawigan and the Provincial Disaster Coordinating Council (PDCC) estimates based on the surveys of the extent of damages.
2. The Provincial Calamity Fund shall not be expended at one time for only one calamity but shall be budgeted for the entire budget year.
3. The Provincial Treasurer shall prepare and submit a report on the utilization/disbursement of the calamity fund duly approved by the Provincial Governor to the Sangguniang Panlalawigan, COA, and LDC and furnishing a copy to the LDCC.

As proposed by Hon. Marciano T. Inso, Sr., and on motion duly seconded,  
be it

RESOLVED, as it is hereby done, to adopt these guidelines for the allocation, utilization and disbursement of the Provincial Calamity Funds of Benguet Province in addition to the Rules, Regulations implementing RA 8185 entitled: "An act amending Section 324 (d) of RA 7160, otherwise known as the Local Government Code of 1991";

RESOLVED FURTHER AND FINALLY, to forward this ordinance to the Provincial Governor, Benguet, for information and/or appropriate action. Let copies hereof be furnished the 13 municipalities of Benguet through their respective Municipal Mayors, for information.

CARRIED.

  
**CRESCENCIO C. PACALSO**  
Board Member

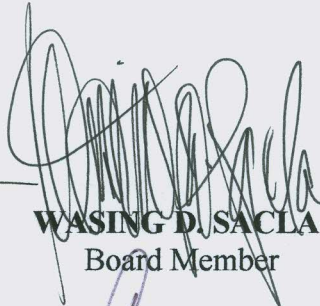
  
**MARVIN D. ATOS**  
Board Member

Provincial Ordinance No. 01-73 dated Dec. 19, 2001  
Of the Sangguniang Panlalawigan of Benguet

Page 4

  
**LISO L. AGPAS**  
Board Member

  
**JOSEPH A. COSENTE**  
Board Member

  
**WASING D. SACLA**  
Board Member

  
**BENJAMIN C. SAGUID**  
Board Member

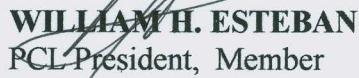
*Abstain*  
**JOHNNY S. UY**  
Board Member

  
**SARIO M. COPAS**  
Board Member

  
**DANILO L. BOLISLIS**  
Board Member

  
**REDENTOR P. EDOC**  
SKF President, Member


  
**PEDRO T. ESTEBAN**  
Liga ng mga Brgy. Pres., Member

  
**WILLIAM H. ESTEBAN**  
PCL President, Member

CERTIFIED CORRECT:

  
**NOEL S. SABOG**  
SP Secretary

ATTESTED:

  
**MARCIANO T. INSO, SR.**  
Board Member  
Temporary Presiding Officer

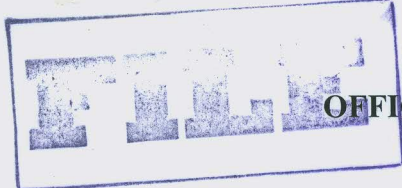
APPROVED:

**RAUL M. MOLINTAS**  
Provincial Governor

Date: \_\_\_\_\_

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A-173-A  
ORDINANCE  
(PROVINCE)



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

REGULAR MEETING –APRIL 03, 2002

- PRESENT: HON. EDNA C. TABANDA, Vice Governor, Presiding Officer  
 HON. CRESCENCIO C. PACALSO, Board Member  
 HON. MARVIN D. ATOS, Board Member  
 HON. MARCIANO T. INSO, SR., Board Member  
 HON. LISO L. AGPAS, Board Member  
 HON. JOSEPH A. COSENTE, Board Member  
 HON. WASING D. SACLA, Board Member  
 HON. BENJAMIN C. SAGUID, Board Member  
 HON. JOHNNY S. UY, Board Member  
 HON. SARIO M. COPAS, Board Member  
 HON. DANIO L. BOLISLIS, Board Member  
 HON. REDENTOR P. EDOC, SKF President, Member  
 HON. PEDRO T. ESTEBAN, Liga ng mga Barangay President, Member  
 HON. WILLIAM H. ESTEBAN, PCL President, Member

ABSENT: NONE

RESOLUTION NO. 02-100

**ACCEPTING THE PARTIAL VETO OF THE PROVINCIAL GOVERNOR  
 RELATIVE TO PROVINCIAL ORDINANCE NO. 01-73 ENTITLED,  
 "PROVIDING GUIDELINES FOR THE ALLOCATION, UTILIZATION AND  
 DISBURSEMENT OF THE PROVINCIAL CALAMITY FUND OF BENGUET  
 PROVINCE IN ADDITION TO THE RULES AND REGULATIONS  
 IMPLEMENTING RA 8185 ENTITLED: AN ACT AMENDING SECTION 324 (D)  
 OF RA 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE  
 OF 1991"**

WHEREAS, forwarded to this body is letter dated March 12, 2002 of the Provincial Governor containing his clarification as called for under SP Resolution No. 02-52 on the coverage of his veto message on Provincial Ordinance No. 01-73 entitled, Providing Guidelines for the Allocation, Utilization and Disbursement of the Provincial Calamity Fund of Benguet Province in Addition to the Rules and Regulations Implementing RA 8185 entitled: An Act Amending Section 324 (d) of RA 7160, Otherwise Known as the Local Government Code of 1991. The Provincial Governor states that the veto message is a disapproval in part of the draft ordinance such that those provisions not inconsistent with the guidelines which can stand by themselves are deemed approved, except those expressly vetoed. The Provincial Governor comments further with respect to the financial assistance of P5,000.00 that the province is not limited only to P5,000.00 but the assistance should depend upon the circumstances of each case:

*(Handwritten signatures and initials in various colors: black, blue, green, and red ink)*

On motion duly seconded, be it

RESOLVED. as it is hereby done, to accept the partial veto of the Provincial Governor on the aforesaid Provincial Ordinance No. 01-73 dated December 19, 2001 entitled, Providing guidelines for the allocation, utilization and disbursement of the provincial calamity fund of Benguet Province in addition to the rules, regulations, implementing RA 8185 entitled: An act amending Section 324 (d) of RA 7160, otherwise known as the Local Government Code of 1991; and

RESOLVED FURTHER AND FINALLY, to furnish copy of this resolution to the Provincial Governor for his information.

CARRIED.

  
**CRESCENCIO C. PACALSO**  
Board Member

  
**MARCIANO T. INSO, SR.**  
Board Member

  
**WASING D. SACLA**  
Board Member

  
**SARIO M. COPAS**  
Board Member

  
**PEDRO T. ESTEBAN**  
Liga ng mga Barangay President, Member

  
**LISO L. AGPAS**  
Board Member

  
**BENJAMIN C. SAGUID**  
Board Member

  
**DANILO L. BOLISLIS**  
Board Member

  
**WILLIAM H. ESTEBAN**  
PCL President, Member

  
**MARVIN D. ATOS**  
Board Member

  
**JOSEPH A. COSENTE**  
Board Member


  
**JOHNNY S. UY**  
Board Member

  
**REDENTOR P. EDOC**  
SKF President, Member

CERTIFIED CORRECT:

  
**NOEL S. SABOG**  
SP Secretary

ATTESTED AND CERTIFIED  
TO BE DULY ADOPTED:

  
**EDNA C. TABANDA**  
Vice Governor  
Presiding Officer

ECT/NSS/EASL:ines



# Republic of the Philippines

PROVINCE OF BENGUET  
LA TRINIDAD

## OFFICE OF THE GOVERNOR

January 11, 2002

### VETO MESSAGE

Subject : **Draft Provincial Ordinance No. 01-73 dated December 19, 2001**

To : **The Honorable Members, Sangguniang Panlalawigan  
Province of Benguet**

**Lady and Gentlemen:**

Pursuant to the authority vested in me by Section 54 of the Local Government Code of 1991, may I respectfully return with my disapproval Draft Provincial Ordinance No. 01-73 entitled,

**“PROVIDING GUIDELINES FOR THE ALLOCATION, UTILIZATION AND DISBURSEMENT OF THE PROVINCIAL CALAMITY FUND OF BENGUET PROVINCE IN ADDITION TO THE RULES, REGULATIONS IMPLEMENTING RA 8185 ENTITLED: ‘AN ACT AMENDING SECTION 324 (D) OF RA 7160, OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991’,**

for the following reasons:

1. The statement in Item II © (1) of the Draft Ordinance quoted thus:

**“The allotment from the 5% Provincial Calamity Fund shall be released by the Provincial Budget Office within 24 hours from the occurrence of the calamity upon presentation of the disbursement vouchers duly approved by the concerned authorities and supported by the resolutions from the Sangguniang Panlalawigan (underscoring ours) and the Provincial Disaster Coordinating Council (PDCC) estimates based on the surveys of the extent of damages”.**

tends to amend as it misquotes Section 6 ©, Procedural Guidelines, Rules and Regulations Implementing RA 8185 entitled “An Act Amending Section 324 (d) RA 7160, otherwise known as the Local Government Code of 1991” which properly reads:

**“The allotment from the 5% Calamity Fund shall be released by the Local Budget Officer within 24 hours from the occurrence of the calamity upon presentation of the disbursement vouchers and approved by the authorities concerned and supported by Sanggunian Resolution (underscoring ours) and LDCC estimates based on surveys of the extent of damages”.**

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# Republic of the Philippines

PROVINCE OF BENGUET  
LA TRINIDAD

## OFFICE OF THE GOVERNOR

The statement **“upon presentation of the disbursement vouchers duly approved by the concerned authorities and supported by the resolutions from the Sangguniang Panlalawigan”** in the earlier quoted draft ordinance is taken to mean that the disbursement voucher must be supported by a resolution of the Sangguniang Panlalawigan. This is an incursion into the domain of executive functions as it violates pertinent provisions of the Local Government Code of 1991 on fiscal administration.

Section 344, Certification on, and Approval of, Vouchers, LGC quoted thus: **“No money shall be disbursed unless the local budget officer certifies to the existence of appropriation that has been legally made for the purpose, the local accountant has obligated said appropriation, and the local treasurer certifies to the availability of funds for the purpose. Vouchers and payrolls shall be certified to and approved by the head of the department or office who has administrative control of the fund concerned xxx”**

in relation to Section 346, Disbursements of Local Funds and Statement of Accounts, LGC, quoted thus: **“Disbursements shall be made in accordance with the ordinance authorizing the annual or supplemental appropriations without the prior approval of the sanggunian concerned. xxx”**

negate the requirement that the disbursement voucher must be supported by the resolution of the Sanggunian.

At most, the resolution of the Sanggunian referred to in Section 6 © of the IRR as aforequoted and underscored is the Sanggunian resolution declaring the province in a state of calamity properly construing the same and as particularized in Memorandum Circular No. 03, series 1998 of the National Disaster Coordinating Council.

2. Item II © (2) quoted thus: **“The Provincial Calamity Fund shall not be expended at one time for only one calamity but shall be budgeted for the entire budget year”** tends to amend by addition the general procedural guidelines stated under Section 6 of the IRR since the same is not provided therein nor does it serve as a specific guideline of any of those therein provided. Consistent with our past position on the matter, we maintain that the power to adopt general guidelines on calamity funds is reposed only upon the Oversight Committee.

Moreover, calamity is a contingency caused by natural forces. We can not anticipate the frequency of its occurrence as to be given the luxury to budget funds due therefor for a budget year. That is precisely the reason why the Oversight Committee has not provided this delimitation in any of the provisions of the IRR. At most, the IRR provides that allocation and utilization of the 5% calamity fund shall be based on Local Disaster Coordinating Council (LDCC) “surveys of the extent of damages” (Section 6, [c]), “only in the area of the LGU affected by the

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PROVINCE OF BENGUET  
LA TRINIDAD  
**OFFICE OF THE GOVERNOR**

disaster or calamity as determined and declared under a state of calamity by the sanggunian concerned" (Section 5 [a.1]), and others.

Suppose a calamity occurs in October with massive damages that we have to use up all of the provincial calamity funds for this calamity? Should our response be delimited by the need to budget calamity funds? Or by the contingency at hand?

I believe that this matter borders on executive prerogative on a need basis.

On the whole, we maintain that these contentious procedural guidelines are violative of the Rules and Regulations Implementing RA 8185 and are incursions into executive prerogative.

**RAUL M. MOLINTAS**  
Provincial Governor

SANGGUNIANG PANLALAWIGAN OFFICE  
La Trinidad, Province of Benguet

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