



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 34th REGULAR SESSION OF THE 9th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON July 25, 2017.

<u>OFFICERS/MEMBERS</u>	<u>POSITION</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>OB</u>	<u>OL</u>
Hon. Nacianceno M. Pacalioga, Jr.	Mun. Vice Mayor	___/___	___	___	___
Hon. Francis Joeray T. Gumban	SB Member	___/___	___	___	___
Hon. Lars Christian C. Tangalin	SB Member	___	___	___	___/___
Hon. Irish J. Mandao	SB Member	___/___	___	___	___
Hon. Nilo B. Ledesma	SB Member	___/___	___	___	___
Hon. Jenny T. Arbitrario	SB Member	___/___	___	___	___
Hon. Paquito P. Duerme, Jr.	SB Member	___/___	___	___	___
Hon. Tracy E. Morpos	SB Member	___/___	___	___	___
Hon. Bernaldo P. Degenion	SB Member	___	___	___	___/___
Hon. Jerson L. Cabahug	Ex- Officio Member	___/___	___	___	___

Municipal Ordinance No. 5, s. 2017

AN ORDINANCE CREATING THE MUNICIPAL LEGAL OFFICE, CREATING PLANTILLA POSITIONS AND PROVIDING FUNDS FOR ITS OPERATION THEREOF.

Section 1. TITLE.

This Ordinance shall be called, "Municipal Legal Office."

Section 2. RATIONALE.

The absence of the Municipal Legal Office is predicament to the municipality. The local officials felt helpless in addressing problems concerning legal matters. One has to go to Public Attorney's Office to seek legal advise which brings inconvenience and hassle due to the distance. With this unfavorable circumstances, the present administration deemed it practical and helpful to create a Municipal Legal Office.

The Municipal Legal Office is the Chief Local Counsel of the municipality of Dumingag and it envisions to protect the interest of the municipal government. A partner in local development, this office ensures the protection of rights of the individuals. It also resolves all cases regarding former and present employees and continues to give assistance in legal matters concerning the municipal constituents, elective officials and municipal employees and renders legal opinions brought before by any employee or officer of the municipality. This office, as much as possible, should avoid court litigation by making sure all actions by the municipal government are within the bounds of law and its legal framework.

Section 3. CREATION OF THE MUNICIPAL LEGAL OFFICE.

There is hereby created the Municipal Legal Office referred to as, "MLO" under the Office of the Municipal Mayor.

Section 4. FUNCTIONAL STATEMENT.

The Municipal Legal Office shall perform the following functions:

- Formulate measures for consideration of the Sanggunian and provide legal assistance and support to the Municipal Mayor in carrying out the delivery of basic services and provisions of adequate facilities as provided in Section 17 of the Local Government Code;

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- ii. Develop plans and strategies and upon approval thereof by the Municipal Mayor, implement the same, particularly those which have to do with programs and projects related to legal services which the Mayor is empowered to implement and which the Sanggunian is empowered to provide for under the Local Government Code;
- iii. Represent the Local Government Unit in all civil actions and special proceedings wherein the Local Government Unit or any official thereof, in his official capacity, is a party;
- iv. When required by the Mayor or Sanggunian, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the Local Government Unit and provide comments and recommendations on any instrument already drawn;
- v. Render opinions in writing on any questions of law, when requested to do so by the Mayor or Sanggunian or other stakeholders;
- vi. Investigate or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommend appropriate action to the Mayor or the Sanggunian, as the case may be;
- vii. Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege, and recommend appropriate action to the municipal mayor or Sanggunian, as the case may be;
- viii. When directed by the Municipal Mayor or the Sanggunian, initiate and prosecute in the interest of the Local Government Unit concerned any civil action or any bond, lease or other contract upon any breach or violation thereof;
- ix. Review and submit recommendations pursuant to approved ordinances and executive orders issued by component units;
- x. Recommend measures to the Sanggunian and advise the Municipal Mayor in all matters related to upholding the rule of law; and
- xi. Be in the frontline of protecting human rights and prosecuting any violators thereof, particularly those which occur during and in the aftermath of man-made or natural disasters or calamities.

Section 5. COMPOSITION OF MUNICIPAL LEGAL OFFICE.

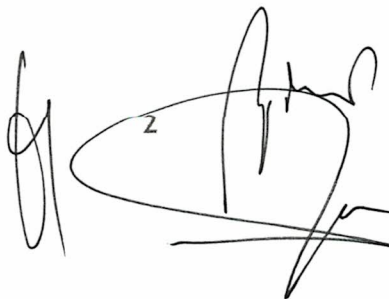
The Municipal Legal Office shall be composed and manned by the following:

• Legal Officer V
• Legal Officer IV
• Legal Officer III
• Legal Officer II
• Legal Officer I
• Legal Assistant II
• Legal Assistant I
• Legal Aide I
• Legal Aide I

Section 6. POSITION TITLES, QUALIFICATION STANDARDS, AND SALARY GRADES FOR THE TECHNICAL STAFF OF MUNICIPAL LEGAL OFFICE.

- 6.1. The ML Officer series of position titles with their corresponding minimum qualification standards and salary grades shall be used in the classification of the technical staff of the MLO, as follows:





Signature




- 6.2 Legal Officer V (SG 24) shall have a Bachelor's Degree of Law, BAR passer as provided under RA 1080, with 2 years in positions involving management and supervision and 8 hours of training in management and supervision.
- 6.3 Legal Officer IV (SG 22) shall have a Bachelor's Degree of Law, BAR passer as provided under RA 1080, with 1 year of relevant experience and 4 hours of relevant training.
- 6.4 Legal Officer III (SG 20) shall have a Bachelor's Degree of Law, BAR passer as provided under RA 1080, with 1 year of relevant experience and 4 hours of relevant training.
- 6.5 Legal Officer II (SG 17) shall have a Bachelor's Degree of Law, BAR passer as provided under RA 1080, no experience and training required.
- 6.6 Legal Officer I (SG 14) shall have a Bachelor's Degree of Law, BAR passer as provided under RA 1080, no experience and training required.
- 6.7 Legal Assistant II (SG 12) shall have a Bachelor's Degree, Career Service Professional/2nd Level Eligibility, with no experience and training required.
- 6.8 Legal Assistant I (SG 10) shall have a Bachelor's Degree, Career Service Professional/2nd Level Eligibility, with no experience and training required.
- 6.9 Legal Aide (SG 5) shall have a completion of 2 years in College, Career Service Sub-Professional/1st level Eligibility, with no experience and training required.

Section 7. BUDGETARY AND FINANCE REQUIREMENT.

All salaries and wages required for the personnel as well as its maintenance and operation cost shall be covered with an appropriation to be included in the Annual Regular Budget in the amount to be determined by the concerned personnel designated by the Local Chief Executive for the purpose.

Section 8. SEPARABILITY CLAUSE.

Any provision of this ordinance or part thereof declared unconstitutional or unlawful, the other parts not affected shall remain in full force and effect.

Section 9. REPEALING CLAUSE.

Any part or provisions of this ordinance in conflict with or contrary to the existing ordinance are hereby repealed, amended or modified accordingly.

Section 10. EFFECTIVITY CLAUSE.

This ordinance shall take effect after the approval of the Sangguniang Panlalawigan and after 15 days a copy hereof is posted in the bulletin board of the municipal hall and two other conspicuous places.

Date enacted: July 25, 2017


JESSYL B. PALON
Secretary to the Sanggunian

SANGGUNIANG BAYAN MEMBERS:

Hon. Francis Joeray T. Gumban

Hon. Irish J. Mandao



Hon. Lars Christian C. Tangalin on leave

Hon. Nilo B. Ledesma



Hon. Jenny T. Arbitrario

Hon. Tracy E. Morpos

Hon. Jerson L. Cabahug



Hon. Paquito P. Duerme, Jr.

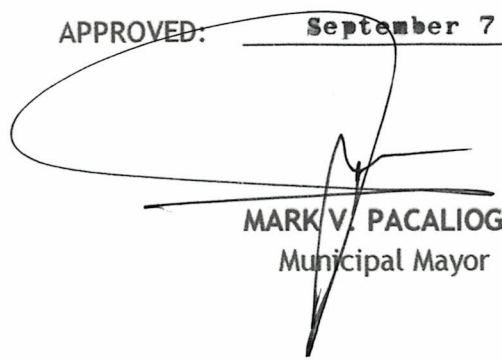
Hon. Bernaldo P. Degenion


on leave

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


NACIANCENO M. PACALIOGA, JR.
Municipal Vice Mayor/Presiding Officer

APPROVED: September 7, 2017


MARK V. PACALIOGA
Municipal Mayor

Not valid without Sanggunian seal


J. Pacalio

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