

Republic of the Philippines
 Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 SP Complex, Government Center, Dahican
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 84TH REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, FEBRUARY 7, 2024 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Nelson R. Dayanghirang, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Anna Cheryl N. Castro
 Hon. Art Benjie C. Bulaong
 Hon. Andy A. Monday

District II

Hon. Harold A. Montes
 Hon. Rotchie M. Ravelo
 Hon. Daud V. Linsag – Temporary
 Presiding Officer

Ex-Officio Member:

Hon. Joselito B. Villademoso	President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Hon. Jossone Michael G. Dayanghirang	President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay	Indigenous Peoples Mandatory Representative (IPMR)
Hon. Shanine C. Lintogonan	Sangguniang Kabataan Provincial Federation President (SKPFP)

ABSENT:

Hon. Shella Marie S. Go	SP Member, District II – Sick Leave
Hon. Stephen Paul L. Uy	SP Member, District II – Sick Leave
Hon. Marietta D. Palmera	SP Member, District I – Sick Leave

PROVINCIAL ORDINANCE NO. 17-33-02-2024

Author : Hon. Rotchie M. Ravelo
 Sponsor : Hon. Rotchie M. Ravelo

AN ORDINANCE GRANTING AUTHORITY TO THE VICE GOVERNOR TO NEGOTIATE AND ENTER INTO MEMORANDUM OF AGREEMENT / UNDERSTANDING OR A CONTRACT FOR CONSULTANCY AND SUPPORT SERVICES IN THE OFFICE OF THE VICE GOVERNOR, SANGGUNIANG PANLALAWIGAN MEMBERS, AND SANGGUNIAN SECRETARIAT TASKED TO FUNCTION IN THEIR RESPECTIVE AREAS OF CONCERN, FOR AND ON BEHALF OF THE LEGISLATIVE DEPARTMENT OF THE PROVINCE OF DAVAO ORIENTAL.

WHEREAS, Section 468 of the Local Government Code of 1991 (RA 7160) provides for the powers, duties and functions of the Sangguniang Panlalawigan, among other things, to enact ordinances and approve resolutions necessary for an efficient and effective provincial government;

WHEREAS, the Vice Governor, pursuant to Section 466(a)(2) of the same Code is vested with the power and authority to appoint all officials and employees of the Sangguniang Panlalawigan;

WHEREAS, citing the case of Ramon M. Atienza V. Jose T. Villarosa in GR No. 161081 "xxx while the Governor has the authority to approved officials and employees whose salaries are paid out of the Provincial Funds, this does not extend to the officials and employees of the Sangguniang Panlalawigan because such authority is lodged with Vice Governor. In the same manner, the authority to appoint casual and job order employees to the Sangguniang Panlalawigan belongs to the Vice Governor xxx";

WHEREAS, the Vice Governor, being the Head of the Legislative Department of the provincial government, shall be responsible for human resource management and development and shall take all personnel actions in accordance with applicable civil service laws, rules and regulations;

WHEREAS, this Sangguniang Panlalawigan recognizes the need for legislative functions to be supported by capable and competent human resources and manpower, which are vital in crafting beneficial legislation and improving constant services to a more responsive delivery, which are essential to the promotion of the general welfare of the constituents;

WHEREFORE, on motion of SP Member Rotchie M. Ravelo, duly and jointly seconded by SP Members Harold A. Montes, Anna Cheryl N. Castro, Joselito B. Villademosa, Jossone Michael G. Dayanghirang, Andy A. Monday, Art Benjie C. Bulaong, and Shanine C. Lintogonan, it was

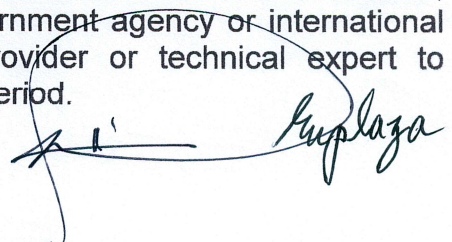
Be it ordained by the 17th Sangguniang Panlalawigan of Davao Oriental, in session duly assembled, that:

SECTION 1. TITLE. This Ordinance shall be known as "**AN ORDINANCE GRANTING AUTHORITY TO THE VICE GOVERNOR TO NEGOTIATE AND ENTER INTO MEMORANDUM OF AGREEMENT / UNDERSTANDING OR A CONTRACT FOR CONSULTANCY AND SUPPORT SERVICES IN THE OFFICE OF THE VICE GOVERNOR, SANGGUNIANG PANLALAWIGAN MEMBERS, AND SANGGUNIAN SECRETARIAT TASKED TO FUNCTION IN THEIR RESPECTIVE AREAS OF CONCERN, FOR AND ON BEHALF OF THE LEGISLATIVE DEPARTMENT OF THE PROVINCE OF DAVAO ORIENTAL.**"

SECTION 2. DECLARATION OF POLICY. It is hereby declared to be the policy of the Sangguniang Panlalawigan, as the legislative body of the Province of Davao Oriental, to enact ordinances, approve resolutions and appropriate funds for the general welfare of the Province and its inhabitants pursuant to Section 16 of RA 7160, and shall approve ordinances and pass resolutions necessary for an efficient and effective Provincial Government.

SECTION 3. DEFINITION OF TERMS. As used and referred to in this Ordinance, the following terms shall mean

- a) **Agency** – shall refer to any business or organization established to provide a particular service, typically one that involves organizing transaction between two parties.
- b) **Contract of Service** – refers to the engagement of the services of an individual, private firm, other government agency, non-government agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period.



- c) **Entity** – refers to any person, partnership, organization, or business that has separately identifiable existence.
- d) **Job Order** – refers to a piece of work (*pakyaw*) or intermittent or emergency jobs such as clearing of debris on the roads, canals, waterways, etc., after natural/man-made disasters/occurrences, and other manual/trades and crafts services such as carpentry, plumbing, electrical, and the like. These jobs are of short duration and for a specific piece of work.
- e) **Memorandum of Understanding** – refers to a document that expresses mutual accord on an issue between two or more parties.
- f) **Memorandum of Agreement or Cooperative Agreement** – refers to a document written between the parties to cooperate on an agreed objective. It is generally more binding between the parties than the Memorandum of Understanding.
- g) **Support Services** – refers to the services that support the day to day operation of the agency which may include janitorial, security, driving, data encoding, equipment and grounds maintenance, and others.

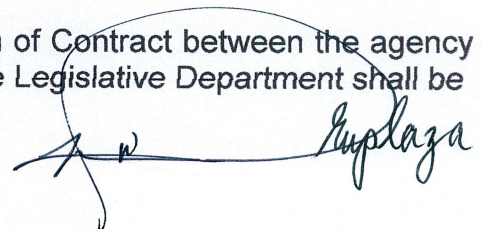
SECTION 4. AUTHORITY. Pursuant to Section 466(a)(5) of RA 7160, the Vice Governor is hereby granted an authority, for and on behalf of the Legislative Department of the Provincial Government of Davao Oriental, to enter into a memorandum of agreement or memorandum of understanding, contract with partner agencies/establishments/entities.

SECTION 5. LEGISLATIVE PROGRAMS, PROJECTS AND ACTIVITIES. The Vice Governor and the Members of the Sangguniang Panlalawigan, including their support staff, shall engage in legislative programs, projects and activities related to its duties and functions of local legislation, including the hiring of Job Order employees, Contract of Service and Support Service workers, and shall specify the project and/or description of the services to be rendered, compensation, benefits, and interest, for purposes of utilizing its allocated funds from the Maintenance and Other Operating Expenses, and avoiding duplication to that of the Executive mandated functions.

SECTION 6. RESTRICTIONS.

- 6.1. In case of service contract or contracts requiring the disbursement of funds subject to the usual accounting, budgeting and auditing rules and procedures, the said contract must be submitted to the Sangguniang Panlalawigan for concurrence and ratification.
- 6.2. The subject of the contract must only involve activities or functions that are innately attributable to the roles of the Office of the Vice Governor and the Sangguniang Panlalawigan, taking into consideration the provisions of the Local Government Code, other relevant laws, rules and regulations.
- 6.3. The appointing power of the Vice Governor is limited to those employees of the Sangguniang Panlalawigan, as well as those of the Office of the Vice Governor, whose salaries are paid out of the funds appropriated for the Sangguniang Panlalawigan and Office of the Vice Governor.

SECTION 7. TERM OF CONTRACT. The Term of Contract between the agency and the individual contractor or job order workers of the Legislative Department shall be



for a maximum period of six (6) months, renewable at the discretion of the Vice Governor.

SECTION 8. PAYMENT OF SERVICES. The payment of services and all agreements shall be charged to FY 2024 General Fund Annual Budget for the Office of the Vice Governor and Sangguniang Panlalawigan Members under their Maintenance and Other Operating Expenses (MOOE), and fiscal years thereafter unless repealed or rescinded.

- 8.1. Individuals hired through Contract of Service shall be paid in accordance with prevailing market rates, subject to the provisions of Republic Act No. 9184, otherwise known as Government Procurement Reform Act, and its Implementing Rules and Regulations (IRR).
- 8.2. Individuals hired through job order shall be paid wages equivalent to the daily wage/salary of comparable positions in government.
- 8.3. Subject to the availability of funds, the Contract of Service (COS) and Job Order workers may also be granted a premium of up to twenty percent (20%) of their respective wage/salary.

SECTION 9. REPEALING CLAUSE. All ordinances, orders, issuances, and regulations which are inconsistent with the provisions of this Ordinance are hereby repealed, amended, or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. Should any provision of this Ordinance be found to be invalid and declared unconstitutional, other parts hereof not declared as such shall remain effective and enforceable.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect after its approval and posting to three (3) conspicuous places in the Province.

ENACTED: February 7, 2024

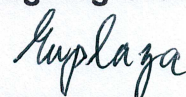
CARRIED, by nine (9) affirmative votes of SP Members Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Art Benjie C. Bulaong, Andy A. Monday, Joselito B. Villademoso, Jossone Michael G. Dayanghirang, Eleuterio C. Manaytay, and Shanine C. Lintogonan; negative votes – none; and abstention - none.

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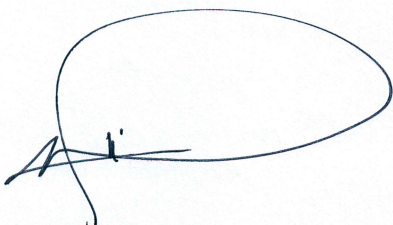
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**I hereby Certify to the Correctness
of the foregoing Ordinance.**

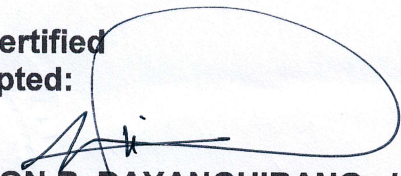


EVANGELINE UY-PLAZA

*Provincial Government Assistant Department Head
Assistant Secretary to the Sangguniang Panlalawigan
Acting Secretary*



**Attested and Certified
to be duly Adopted:**



NELSON R. DAYANGHIRANG, JR.
Vice Governor and Presiding Officer

APPROVED:

NIÑO SOTERO L. UY, JR.
Governor

Date approved _____
and signed _____