



Republic of the Philippines  
PROVINCE OF LEYTE  
City of Baybay  
-0000000-

## Office of the Sangguniang Panlungsod

Telexfax No. (+63-53) 335-4808/563-9009 ☒ 2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City Leyte 6521 @sangguniangpanlungsod@gmail.com

### 5<sup>th</sup> SANGGUNIANG PANLUNGSOD

#### CITY ORDINANCE NO. 21, SERIES 2020

**"AN ORDINANCE REPEALING CITY ORDINANCE NO. 01, SERIES OF 2010, GRANTING AUTHORITY TO THE MAYOR TO APPROVE THE AUGMENTATION OF ANY ITEM FROM THE SAVINGS IN THE APPROVED CITY ANNUAL BUDGET."**

**Authored by:**

**Hon. Jose Rommel A. Peñaranda**

WHEREAS, Section 458 (a)(2)(i) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 (LGC), provides that the *Sanggunian Panlungsod* shall have the power to approve the annual and supplemental budgets of the city government and appropriate funds for specific programs, projects, services and activities of the city, or for other purposes not contrary to law, in order to promote the general welfare of the city and its inhabitants;

WHEREAS, Section 336 of the LGC provides that, *"Funds shall be available exclusively for the specific purpose for which they have been appropriated. No ordinance shall be passed authorizing any transfer of appropriations from one item to another. However, the local chief executive or the presiding officer of the sanggunian concerned may, by ordinance, be authorized to augment any item in the approved annual budget for their respective offices from savings in other items within the same expense class of their respective appropriations"*;

WHEREAS, Section 305(a) of the same RA 7160, provides that no money shall be paid out of the local treasury except in pursuance of an appropriations ordinance or law;

WHEREAS, it is fundamental that public office is a public trust, thus, the financial affairs, transactions and operations of the Local Government Unit must be done with transparency, taking into account that local government funds and monies comes from the public and shall be spent solely for public purposes;

NOW THEREFORE, on motion of Honorable Atty. Jose Rommel A. Peñaranda and duly seconded by Honorable Dominador K. Murillo;

BE IT ORDAINED, as it is hereby ordained by the *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its Regular Session duly assembled that:

**Section 1. TITLE.** This Ordinance shall be known as, "An Ordinance Repealing City Ordinance No. 01. S. 2010, granting authority to the City Mayor to approve augmentation of any item from the savings of the approved City Annual Budget."

#### **Section 2. LEGISLATIVE MEASURE REPEALED.**

**City Ordinance No. 01, Series of 2010**, which grants permanent and unilateral authority to the City Mayor to augment any item in the annual budget from savings in the

same expense class of their respective appropriations for all Departments and Offices in the Local Government Unit of Baybay City, except that of the *Sanggunian*, is hereby repealed.

### Section 3. REPEALING CLAUSE.

Pertinent provisions of all other laws, decrees, executive orders and rules and regulations contrary to or inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

### SECTION 4. SEPARABILITY CLAUSE.

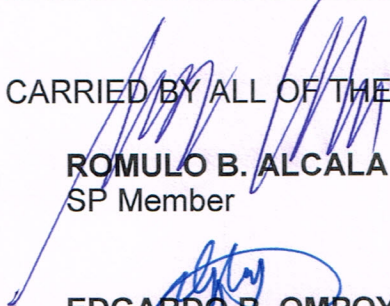
The provisions of this Ordinance are hereby declared separable and if any provision shall be held invalid, or unconstitutional, the remaining provisions hereof are not affected and shall remain valid and effective.

### SECTION 5. EFFECTIVITY.

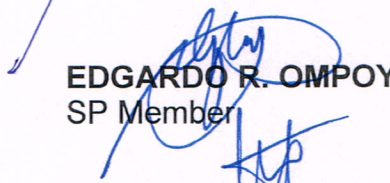
This Ordinance shall take effect 15 days upon its publication or after due compliance with all the requirements provided under R.A. 7160, otherwise known as the Local Government Code of 1991.

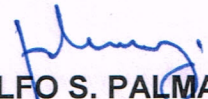
Enacted: April 23, 2020  
Baybay City, Leyte, Philippines.

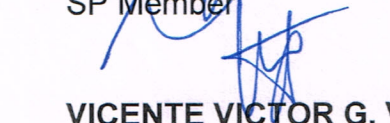
CARRIED BY ALL OF THE MEMBERS PRESENT:

  
**ROMULO B. ALCALA**  
SP Member

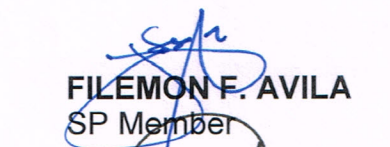
**DR. FULTON IKE C. ARRADAZA**  
SP Member – ON LEAVE

  
**EDGARDO R. OMPOY**  
SP Member

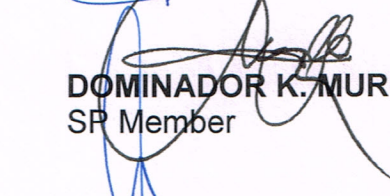
  
**RODULFO S. PALMA, JR.**  
SP Member

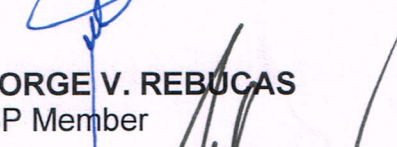
  
**VICENTE VICTOR G. VELOSO**  
SP Member

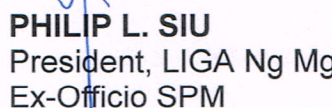
  
**ARTURO ELISA O. ASTORGA**  
SP Member

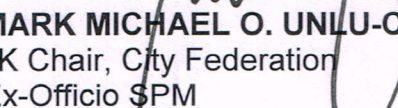
  
**FILEMON F. AVILA**  
SP Member

  
**ATTY. JOSE ROMMEL A. PEÑARANDA**  
SP Member

  
**DOMINADOR K. MURILLO, D.M.**  
SP Member

  
**JORGE V. REBUCAS**  
SP Member

  
**PHILIP L. SIU**  
President, LIGA Ng Mga Barangay  
Ex-Officio SPM

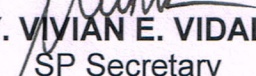
  
**MARK MICHAEL O. UNLU-CAY**  
SK Chair, City Federation  
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Deogracias E. Pernitez; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City

Accountant Evelinda A. Oppus; OIC - City Treasurer Gina Cabras, CLGOO Estela I. Creer, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

CARRIED UNANIMOUSLY.

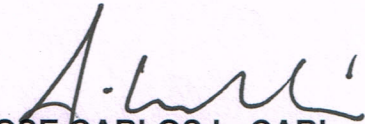
I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

  
**ATTY. VIVIAN E. VIDALLON**  
SP Secretary

*Attested & Certified True & Correct:*

  
**ATTY. ERNESTO M. BUTAWAN**  
City Vice Mayor, Presiding Office

*Approved by His Honor:*

  
**JOSE CARLOS L. CARI**  
City Mayor

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

4/30/20