



OFFICE OF THE GOVERNOR

25 June 2021

SANGGUNIANG PANLALAWIGAN MEMBERS

Batasang Panlalawigan, Brgy. Camilmil,
Calapan City, Oriental Mindoro

nb # 691
Province of Oriental Mindoro
SANGGUNIANG PANLALAWIGAN
RECEIVED

Date: 6-28-2021 Time: 4:02

By: _____

THRU: MS. DIWATA H. FETIZANAN
Secretary to the Sangguniang Panlalawigan

Dear Ladies and Gentlemen:

Greetings of Peace!

The Constitution has provided for the system of checks and balances to secure coordination in the works of various departments of the government. Section 55 (a) of the Republic Act No. 7160, or the *Local Government Code of 1991*, vested the Local Chief Executive of veto power which shall be used for bills and appropriations that are *ultra vires* or prejudicial to the public welfare. In addition, Section 54 (b) of the Republic Act No. 7160 provides for the period when such prerogative may be exercised, *to wit*:

"Section 54. Approval of Ordinances. –

X X X

(b) The veto shall be communicated by the local chief executive concerned to the sanggunian within fifteen (15) days in the case of a province, and ten (10) days in the case of a city or a municipality; otherwise, the ordinance shall be deemed approved as if he had signed it."

Considering that the Provincial Appropriation Ordinance No. 749-2021 was communicated to the Office of the Governor on 15 June 2021, the undersigned has until 30 June 2021 to exercise his veto prerogative.

Section 55 (b) of the Republic Act No. 7160 empowers the Local Chief Executive to exercise specific line-item veto in an appropriation ordinance, but the veto shall not affect the item or items which are not objected to. The undersigned identified some items in the Provincial Appropriation Ordinance No. 749-2021 which are *ultra vires* and prejudicial to public welfare.

The Office of the Vice Governor/Sangguniang Panlalawigan (OVG/SP) Other Professional Services amounting to Two Million Five Hundred Fifteen Pesos (PhP2,515,000.00) and Fuel, Oil, and Lubricants Expenses amounting to Five Million Six Hundred Thirty-Eight Pesos (PhP5,638,000.00) were insertions in the Appropriation Ordinance but were not included in the proposed Supplemental Budget No. 1 for FY 2021. In relation thereto, the identified items are found to be *ultra-vires* for it violates Article 415 (a) of the IRR of RA No. 7160, *to wit*:

"Article 415. Budget Authorization. – (a) Legislative Authorization of the Budget –

X X X

The local sanggunian may not increase the proposed amount in the executive budget nor include new items except to provide for statutory and contractual obligations but in no case shall it exceed the total appropriations in the executive budget.” (emphasis supplied)

The Php8,153,000.00 inserted appropriation for the OVG/SP does not provide for statutory or contractual obligations. Therefore, the act of inserting new items in the Appropriation Ordinance is beyond the scope of powers granted by Republic Act No. 7160 to local *sanggunian*.

Although the inserted appropriations for the OVG/SP do not affect the total budget, they reduced the appropriation for the Province-wide Investment Plan for Health (PIPH). The appropriation for PIPH is intended for salaries of doctors and nurses working in government hospitals. The diversion of intended salaries for medical personnel to OVG/SP's other professional services, and fuel, oil and lubricant expenses for the Fiscal Year of 2021 is a blatant act that is prejudicial to public welfare. The undersigned would like to emphasize that the Philippines is in a State of Public Health Emergency because of COVID-19. As public servants, it is our responsibility to act on the best interest of Oriental Mindoreños and to mobilize the necessary resources to curtail and eliminate COVID-19.

After a careful perusal of Provincial Appropriation Ordinance No. 749-2021, the undersigned is of strong position that the inserted appropriation for OVG/SP is not only *ultra-vires* but more importantly prejudicial to public welfare. Pursuant to Section 55 of the Republic Act No. 7160, the undersigned, with a heavy heart and with no other option available, hereby veto the specific items in the Provincial Appropriation Ordinance No. 749-2021, particularly:

Implementing Office	Particulars/ Purpose	AIP Code	Object of Expenditures	Account Code	Amount
Office of the Vice Governor/ Sangguniang Panlalawigan (OVG/SP)	Additional Appropriation		Other Professional Services	5-02-11-990	2,515,000.00
	Additional Appropriation		Fuel, Oil and Lubricant Expenses	5-02-03-090	5,638,000.00
			Total OVG-SP		8,153,000.00

Despite the veto of the above-cited appropriations, the undersigned recognizes the need for OVG/SP's funding. However, such needed allocation must undergo proper procedure embodied under the Republic Act No. 7160. To this end, the undersigned requests the OVG/SP to properly communicate its needed funds so that the Governor can include the same in the Supplemental Budget No. 2.

Very truly yours,


 GOVERNOR HUMERTO A. DOLOR, MPA, Ph.D.