



SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE JOURNAL OF THE 93rd REGULAR SESSION OF THE 10TH SANGGUNIANG PANLALAWIGAN OF ORIENTAL MINDORO HELD AT THE COMMITTEE BOARD ROOM, BATASANG PANLALAWIGAN (BENIGNO S. AQUINO, JR. LEGISLATIVE BUILDING), GOV. IGNACIO ST., BRGY. CAMILMIL, CITY OF CALAPAN, ORIENTAL MINDORO ON JULY 07, 2021

PRESENT:

Hon. Antonio S. Perez, Jr.	Vice Governor, Presiding Officer
Hon. Carlito F. Camo	Member
Hon. C. Voltaire S. Brucal	Member
Hon. Judy Ann D. Servando	Member
Hon. Emmanuel S. Buenaventura	Floor Leader, Member
Hon. Ramil O. Dimapilis	Member
Hon. Mae Arlene M. Talens	Member
Hon. Alexandra C. Casubuan	Member
Hon. Edilberto C. Ilano, Jr.	Member
Hon. Rafael L. Infantado	Member
Hon. Michael Anthony Philippe L. Leachon	Member
Hon. Dennis V. Brondial	ABC President, Ex-Officio Member
Hon. Marion Francis D. Marcos	PCL President, Ex-Officio Member
Hon. Joeniña R. Aguilon	SKPF President, Ex-Officio Member

x-----x

PROVINCIAL RESOLUTION NO. 5545-2021

PROVINCIAL RESOLUTION OVERRIDING THE VETO BY GOVERNOR HUMERLITO A. DOLOR AGAINST THE PROVINCIAL APPROPRIATIONS ORDINANCE NO. 749-2021 AUTHORIZING THE FY 2021 SUPPLEMENTAL BUDGET NO. 01 OF THE PROVINCIAL GOVERNMENT OF ORIENTAL MINDORO (PGOM)

WHEREAS, on May 26, 2021, after careful and thorough review and committee hearing, the Sangguniang Panlalawigan of Oriental Mindoro (SP-OM) approved on Third Reading the Provincial Appropriation Ordinance No. 749-2021, entitled "An ordinance authorizing the FY 2021 Supplemental Budget No. 01 of the Provincial Government of Oriental Mindoro (PGOM), subject to full compliance with all applicable laws, rules and regulations and ordinances";

WHEREAS, on June 09, 2021, the SP-OM adopted the Journal of the Regular Session on May 26, 2021, including the incorporated Provincial Appropriation Ordinance No. 749-2021, under SP Resolution No. 5496-2021;

WHEREAS, on June 15, 2021, after it was signed by the Presiding Officer of the SP-OM, the enacted Provincial Appropriation Ordinance No. 749-2021 was forwarded to Governor Humeralito A. Dolor for signature and approval;

WHEREAS, on June 28, 2021, the Provincial Appropriation Ordinance No. 749-2021 was returned signed by the Governor to the Sangguniang Panlalawigan together with a Letter dated June 25, 2021 stating and containing his veto of Objects of Expenditures under the Office of the Vice Governor and SP-OM;

WHEREAS, Section 55 of the LGC of 1991 provides, among others, that the vetoed item or items shall not take effect unless the sanggunian overrides the veto:

Section 55. Veto Power of the Local Chief Executive. –

(a) The local chief executive may veto any ordinance of the sanggunian panlalawigan, sangguniang panlungsod, or sanggunian bayan on the ground that it is ultra vires or prejudicial to the public welfare, stating his reasons therefor in writing.

(b) The local chief executive, except the punong barangay, shall have the power to veto any particular item or items of an appropriations ordinance, an ordinance or resolution adopting a local development plan and public investment program, or an ordinance directing the payment of money or creating liability. In such a case, the veto shall not affect the item or items which

are not objected to. *The vetoed item or items shall not take effect unless the sanggunian overrides the veto in the manner herein provided; otherwise, the item or items in the appropriations ordinance of the previous year corresponding to those vetoed, if any, shall be deemed reenacted.*

(c) The local chief executive may veto an ordinance or resolution only once. *The sanggunian may override the veto of the local chief executive concerned by two-thirds (2/3) vote of all its members, thereby making the ordinance effective even without the approval of the local chief executive concerned.*

WHEREAS, the SP-OM firmly stands that the grounds cited by the Provincial Governor in his veto message are unfounded, and that the objected provisions are (a) within the province of the SP-OM's power to legislate and enact, (b) within the scope of the LGC of 1991 and not violative of any existing laws, rules and regulations, (c) necessary for proper government administration, (d) supported by available funds; and (e) are not ultra vires or prejudicial to public welfare in contemplation of law and jurisprudence;

WHEREAS, the SP-OM believes that overriding the subject veto in accordance with the LGC of 1991 is required by public interest to operationalize Provincial Appropriation Ordinance No. 749-2021;

WHEREAS, based on law and jurisprudence, the Provincial Appropriation Ordinance No. 749-2021 and the official actions of the SP-OM enjoy the presumption of validity and regularity;

WHEREAS, Provincial Appropriation Ordinance No. 749-2021 is subject to further review by the Department of Budget and Management (DBM);

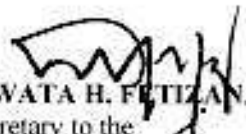
NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, BY THE SANGGUNIANG PANLALAWIGAN OF ORIENTAL MINDORO, to override, as it hereby overrides, the veto of Governor Humerlito A. Dolor against Provincial Appropriation Ordinance No. 749-2021 authorizing the FY 2021 Supplemental Budget No. 01 of the Provincial Government of Oriental Mindoro, as stated in his Letter dated June 25, 2021, thereby making said Provincial Appropriation Ordinance effective for all legal intents and purposes as provided under Section 54 of the LGC of 1991, subject to applicable laws, rules and regulations

RESOLVED FURTHER, that this Resolution is without prejudice to any subsequent action/s by the SP-OM and the DBM on Provincial Appropriation Ordinance No. 749-2021 in accordance with the LGC of 1991 and related budgeting, accounting and auditing laws, rules and regulations


Let copies of this Resolution be forwarded to the Department of Budget and Management, Commission on Audit (COA), Provincial Governor Humerlito A. Dolor, Provincial Finance Committee and all concerned PGOM offices, for their information and guidance

Upon motion of Board Member Ramil O. Dimapilis, jointly seconded by Board Members Carlito F. Camo, C. Voltaire S. Brucal, Judy Ann D. Servando, Mae Arlene M. Talens, Alexandra C. Casubuan, Edilberto C. Ilano, Jr., Michael Anthony Philippe L. Leachon, Dennis V. Brondial and Joeniña R. Aguilon, with the abstention of Board Member Marion Francis D. Marcos, this Resolution was . . . APPROVED.

Certified correct:


DIWATA H. FRITIZANAN
Secretary to the
Sangguniang Panlalawigan

Attested by:


ANTONIO S. PEREZ, JR.
Vice Governor / Presiding Officer