ORDINANCE NO. 2020-101

AN APPROPRIATION ORDINANCE AUTHORIZING THE REALIGNMENT OF THE ANNUAL BUDGET FOR THE CALENDAR YEAR 2020 AND ITS ANNUAL INVESTMENT PLAN (AIP) IN THE TOTAL AMOUNT OF ONE BILLION TWO HUNDRED EIGHTY-THREE MILLION TWO HUNDRED SEVENTEEN THOUSAND FOUR HUNDRED PESOS AND 68/100 (PHP1,283,217,400.68) AND APPROVING SUPPLEMENTAL BUDGET NO. 1 FROM THE NEW REVENUE CALLED “BAYANIHAN GRANT TO CITIES AND MUNICIPALITIES” (BGCM)

Hon. Coun. Alexson V. Diaz- VIA ZOOM
Hon. Coun. Paty Katy C. Boncayao- VIA ZOOM
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadefa
Hon. Coun. Engr. Marissa C. Rongavilla
Hon. Coun. Francis Ian T. Bagatsing
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Cornelio M. Martinez
Hon. Coun. Walter A. Arcilla

WHEREAS, under Section 15, Article II of the Philippines Constitution, it is the State’s policy to protect and promote the right to health of the people;

WHEREAS, Section 16 of the Republic Act No. 7160 or the Local Government Code of 1991 (LGC) provides that “every local government unit (LGU) shall exercise powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;”

WHEREAS, President Rodrigo Roa Duterte issued Proclamation Nos. 922 and 929, s. 2020 declaring a State of Public Health Emergency and State of Calamity, respectively, throughout the Philippines to afford ample latitude to utilize appropriate funds in disaster preparedness and response efforts to contain the spread of Coronavirus Disease 2019 (COVID-19) in the Philippines;

WHEREAS, the Congress through the “Bayanihan to Heal as One Act” (R.A. No. 11469) declared a State of National Emergency over the entire country to respond efficiently to the crisis brought by the pandemic. Under Section 4(g) thereof, the President is empowered to ensure that all LGUs are acting within the letter and spirit of all the rules, regulations and directives issued by the National Government;
WHEREAS, the Department of Budget and Management (DBM) Local Budget Circular (LBC) No. 124, s. 2020 dated 26 March 2020 provides guidelines on the provision of funds by the LGUs to address the COVID-19 situation including the change in the annual budget in times of public calamity and through new revenue sources. Further, it provides basis for the use of appropriated funds and savings;

WHEREAS, consistent with the Bayanihan to Heal as One Act, DBM LBC No. 125, s. 2020 dated 07 April 2020 lays down the guidelines on the release and utilization of the “Bayanihan Grant to Cities and Municipalities (BGCIV)”;

WHEREAS, the BGCM amounting to One Hundred Million Seven Hundred Seventy-Six Thousand Five Hundred Sixty Pesos (Php100,776,560.00) is allocated to and has been received by the City Government of Muntinlupa as certified by the Local Treasurer and the Local Accountant on 22 April 2020;

WHEREAS, as of 22 April 2020, the Local Accountant and Local Treasurer certified an available fund coming from the unexpended balance amounting to One Billion One Hundred Eighty-Two Million Four Hundred Forty Thousand Eight Hundred Forty Pesos and 68/100 (Php1,182,440,840.68) and the Bayanihan Grant to Cities and Municipalities (BGCM) amounting to One Hundred Million Seven Hundred Seventy-Six Thousand Five Hundred Sixty Pesos (Php100,776,560.00) as downloaded by the national government to the City Government of Muntinlupa;

WHEREAS, the Statement of Funding Sources and Supplemental Budget for Fiscal Year 2020 of the City Government of Muntinlupa, as certified by the Local Budget and Local Treasurer, provides:

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Account Classification</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0 New Revenue Sources</td>
<td>Bayanihan Grant to Cities and Municipalities</td>
<td>Php100,776,560.00</td>
</tr>
<tr>
<td>Tax Revenue</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loan Proceeds (Borrowings)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.0 Actual collection in excess of the estimated income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.0 Savings</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.0 Realignment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.0 Reversion/Unappropriated Surplus of the General Fund</td>
<td>Unexpended Balance</td>
<td>1,182,440,840.68</td>
</tr>
<tr>
<td>Total Estimated Income</td>
<td></td>
<td>Php1,283,217,400.68</td>
</tr>
</tbody>
</table>

WHEREAS, Section 336 of the LGC and Article 454 (b) of the LGC-IRR also allow the use of appropriated funds and savings to augment any item in the approved annual budget, subject to the conditions and requirements as prescribed therein;
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Pamahalaang Lungsod ng Muntinlupa
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WHEREAS, the LGC-IRR defines savings as referring to portions or balances of any programmed appropriation free from any obligation or encumbrance, still available after the satisfactory completion or the unavoidable discontinuance or abandonment of the work, activity, or purpose for which the appropriation is authorized, or arising from unpaid compensation and related costs.

WHEREAS, Section 321 of the LGC and Article 417 of its Implementing Rules and Regulations (LGC-IRR), as amended by Administrative Order (A.O.) No. 47, s. 1993, allow changes in the Annual Budget of the LGU through supplemental budgets under specified circumstances;

NOW THEREFORE, BE IT ENACTED, by the 9th Sangguniang Panlungsod in session assembled that:

SECTION 1. Short Title. This Ordinance shall be known as the “Realignment of the Annual Budget for CY 2020, its Annual Investment Plan and Supplemental Budget No. 1.”

SECTION 2. Funds Available for Appropriations. There is an unexpended balance amounting to One Billion One Hundred Eighty-Two Million Four Hundred Forty Thousand Eight Hundred Forty Pesos and 68/100 (Php1,182,440,840.68) and Bayanihan Grant to Cities and Municipalities (BGCM) amounting to One Hundred Million Seven Hundred Seventy-Six Thousand Five Hundred Sixty Pesos (Php100,776,560.00).

The unexpended balance and the Bayanihan Grant to Cities and Municipalities are hereby realigned and included in Supplemental Budget No. 1, respectively, in accordance with the letter and spirit of all rules, regulations, and directives issued by the National Government pursuant to the Bayanihan to Heal as One Act. The Local Chief Executive deemed it appropriate to consider some changes in the current annual budget to respond to the fiscal concerns of the City caused by COVID-19 pandemic.

SECTION 3. Definition of Terms.

a. Bayanihan Grant to Cities and Municipalities (BGCM) – one-time financial assistance to cities and municipalities equivalent to their one-month Fiscal Year 2020 Internal Revenue Allotment share, which funding shall be used for the duration of the State of Calamity and exclusively for COVID-19-related programs, projects, activities (PPAs), and expenses, subject to existing procurement, budgeting, accounting, and auditing rules and regulations.
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b. **New Revenue Source** – refers to the money measure not otherwise considered during the preparation and enactment of the annual budget. Such new revenue measures include ordinance passed by the Sanggunian during the fiscal year but after the annual budget had already been enacted into law which imposes new local taxes, charges, fees, fines, or penalties, or which raises existing local taxes, charges, fees, fines, or penalties. This also include new or higher remittances, contributions, subsidies, or grants in aid from the National Government or from government corporations and private entities which have not been included in the estimates of income which served as basis for the annual budget.

SECTION 4. Limitation in the Utilization of BGCM. The BGCM shall be exclusively used on the following COVID-19-related programs, projects, and activities (PPAs) and expenses:

1. Procurement of personal protective equipment;
2. Procurement of equipment, reagents, and kits for COVID-19 testing;
3. Procurement of medicines and vitamins;
4. Procurement of hospital equipment and supplies;
5. Procurement of disinfectants, sprayers, disinfection tents and other disinfecting supplies and misting equipment;
6. Food, transportation (including fuel), and accommodation expenses of medical personnel and other LGU personnel directly involved in the implementation of COVID-19-related PPAs and expenses;
7. Food assistance and other relief goods for affected households;
8. Expenses for the construction/repair/lease/rental of additional space/building to accommodate COVID-19 patients and persons under monitoring/investigation;
9. Expenses for the operation of stand-alone/mobile testing laboratory;
10. Expenses for the purchase/rental of tents/spaces for temporary shelters of the homeless;
11. Expenses for training of personnel in the conduct of COVID-19 testing and other related trainings; and
12. Other necessary COVID-19-related PPAs and expenses.

Except for the allowable COVID-19-related PPAs and expenses above-enumerated, BGCM shall not be allowed to be used for the following:

1. Any form of financial/cash assistance;
2. Personal Service expenditures, such as salaries, wages, overtime pay, and other personnel benefits;
3. Administrative expenses, such as supplies, meetings, communication, water and electricity, petroleum products, other general services, and the like;
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4. Traveling expenses, whether domestic or foreign;
5. Registration or participation fees in training, seminars, conferences, or conventions;
6. Purchase of administrative office furniture, fixtures, equipment, or appliances;
7. Purchase, maintenance, or repair of motor vehicles; and
8. Other PPAs and expenses not related to COVID-19.

SECTION 5. Creation of a Special Account in the General Fund for BGCM. Pursuant to Section 313 of the Local Government Code of 1991 and Paragraph 3.7 of the DBM LBC 125, s. 2020, a Special Account in the General Fund (SAGF) is hereby created authorizing a supplemental budget covering the Bayanihan Grant to Cities and Municipalities (BGCM).

SECTION 6. Period of Utilization of BGCM. The fund may be utilized only for the duration of the State of Calamity as declared by the President by virtue of Proclamation No. 929 dated 16 March 2020 for a period of six (6) months, unless earlier lifted or extended as circumstances may warrant. Funds which remain unutilized after the lifting of the State of Calamity, by Presidential Proclamation, shall be reverted to the National Treasury.

SECTION 7. Limitation on the Use of the Realigned Budget. The realigned budget amounting to One Billion Two Hundred Eighty-Three Million Two Hundred Seventeen Thousand Four Hundred Pesos and 68/100 (Php1,283,217,400.68) shall only be utilized in accordance with the amended Annual Investment Plan which are all related to the COVID-19 pandemic as specified in the realignment of budget submitted by the Budget and Management Office and approved by the Local Chief Executive.

SECTION 8. Separability Clause. If any provision of this Ordinance is declared invalid or unconstitutional, the other provisions not affected thereby shall remain valid and subsisting.

SECTION 9. Publication. This Ordinance shall be posted in the Official Website of the City Government of Muntinlupa and in all available social media platforms.

SECTION 10. Effectivity Clause. This Ordinance shall take effect immediately upon its approval.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 1st day of June on its 47th Regular Session.
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CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. PATY KATY C. BONCAYAO
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. STEPHANIE G. TEVES
Member

COUN. ALEXSON V. DIAZ
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. TING NIFES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

(ABSENT)

COUN. MA. DHESSIS RE G. AREVALO
Member

COUN. ENGR. MAMENTO T. SEVILLA, JR.
Member

COUN. ENGR. ARLENE D. HILAPO
Member

COUN. CORNELIO M. MARTINEZ
Member

COUN. KENJCHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman
I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary to the Sangguniang

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. PRESNEDI
City Mayor

Date: 09 JUN 2020

Norie/9th SP