

7/18/90
CANDID CITY

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

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LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE FIFTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON JULY 12, 1990

PRESENT:

Hon. Nepomuceno P. Aparis I,	Vice-Mayor & Presiding Officer
Hon. Gregorio A. Yrastorza, Jr.,	Kagawad, Floor Leader
Hon. Eufrocino C. Codilla, Jr.,	Kagawad
Hon. Celso P. Adolfo,	Kagawad
Hon. Sixto T. Pongos,	Kagawad
Hon. Arnulfo C. Salazar,	Kagawad
Hon. Jose B. Conejos,	Kagawad
Hon. Rodolfo L. Rivilla, Jr.,	Kagawad
Hon. Benjamin F. Tugonon,	Kagawad
Hon. Antero T. Fiel,	Kagawad
Hon. Edgar Z. Palugod,	ABC President, Kagawad

ABSENT:

Hon. Celso P. Porcadilla, (Sick Leave)	Kagawad
Hon. Nelson DL Geneston, (On Leave)	Industrial Labor Sector, Rep., Kagawad

EXPLANATORY NOTE

Despite the enactment of Ordinance No. 9, as amended a lot of establishments are still situated in areas which are in clear violation of said ordinance. Some of these establishments were given deadlines but these deadlines as correctly observed by the Honorable City Mayor were postponed time and again.

This august Body is currently revising Ordinance No. 9, as amended in keeping with the fast development of Ormoc City. To strictly enforce at this time the provisions of Ordinance No. 9, as amended thereby ordering the relocation of some establishments in areas where they should be, pursuant to Ordinance No. 9, as amended and only to relocate them with the passage of the "new zoning ordinance" would definitely be unfair to the affected establishments and perhaps absurd.

At present these establishments are operating without necessary City License and/or permit thereby denying unto the City the much needed revenues.

In the opinion of the City Legal Officer to which this matter has been referred to, the City Legal Officer made it clear that this august Body has two options available in order to temporarily remedy the situation which are as follows:

"1. Strict enforcement of the provisions of Ordinance No. 9, as amended which in effect will put the operation of the affected establishments to a stop and possibly discourage possible investors.

2. Suspend the applicability of some of the provisions of Ordinance No. 9, as amended in so far as the existing establishments are concerned pending the enactment of the new zoning ordinance."

Section 12 of Ordinance No. 9, as amended grants unto the Sangguniang Panlungsod the power to "amend, alter, supplement or repeal" any provision of the ordinance which power per opinion of the City Legal Officer necessarily includes the power to suspend the effectivity of any provision of the ordinance. Moreover, Section 177 of BP 337 otherwise known as the Local Government Code empowers, among others, grants unto the Sangguniang Panlungsod the power to enact such ordinances as may be necessary to promote the prosperity and general welfare of the community and the inhabitants of the City. We so hold that adopting option number 2 as suggested by the City Legal Officer will be more in accord with the general welfare of the community.

The foregoing explanations justify the passage of the following proposal:

RESOLUTION NO. 79

The Honorable Sangguniang Panlungsod ng Ormoc, on motion of Kagawad Benjamin F. Tugonon, seconded by Kagawad Arnulfo C. Salazar; be it

RESOLVED, to adopt:

ORDINANCE NO. 22

AN ORDINANCE SUSPENDING THE EFFECTIVITY OF ARTICLE IV OF ORDINANCE NO. 9, SERIES OF 1977, AS AMENDED BY ORDINANCE NO. 14, SERIES OF 1977, ENTITLED "AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ORMOC, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH".

BE IT ORDAINED, by the Fifth Sangguniang Panlungsod ng Ormoc, That:

SECTION 1. The applicability of Sections 1, 2, 3 and 4 of Article IV of Ordinance No. 9, as amended be SUSPENDED in so far as the establishments existing on or before June 27, 1990 are concerned and which establishments are not in conformity with Article IV of Ordinance No. 9, as amended.

SECTION 2. The City Mayor is hereby empowered to grant and/or issue TEMPORARY licenses/permits to the affected establishments after payment of the necessary fees, provided, however, that these establishments comply with other existing laws, ordinances, rules and regulations.

(RES. NO. 79, ORD. NO. 22)

SECTION 3. The privilege granted to the affected establishments under this ordinance shall however, be subject to the "new zoning ordinance" of the City which this august Body is currently revising.

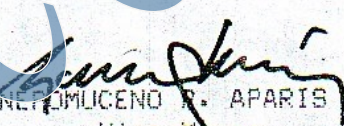
SECTION 4. This Ordinance shall take effect immediately.

ENACTED, July 12, 1990.

RESOLVED, FURTHER, to furnish copies of this resolution-ordinance one each to the Municipal Judge, Municipal Trial Court in Cities, the Police Station Commander, Ormoc City INP, the City Legal Officer, the City Treasurer, the City Prosecutor, and all concerned - all in Ormoc City.

CARRIED UNANIMOUSLY.

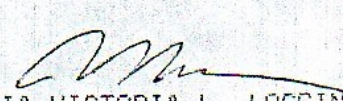
I HEREBY CERTIFY to the correctness of the foregoing resolution-ordinance.


NEPOMUCENO S. APARISI
Vice-Mayor
& Presiding Officer

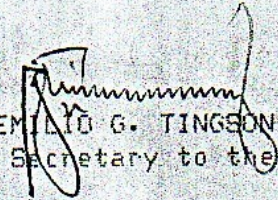
ATTESTED:


OSCAR A. LASAN
City Secretary

APPROVED:


MARIA VICTORIA L. LOCSIN
City Mayor

ATTESTED AS APPROVED:


EMILIO G. TINGSON
Acting Secretary to the Mayor

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