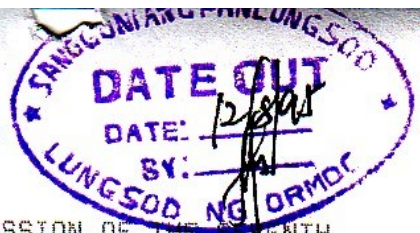


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON DECEMBER 7, 1995



PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal,	Asst. Majority Floor Leader, Kagawad
Hon. Sotero M. Pepito,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Manuel T. Fiel,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Gregorio A. Yrastorza, Jr.,	Kagawad
Hon. Mariano Y. Corro,	Minority Floor Leader, Kagawad
Hon. Angelyn R. Paca,	SK Federation President, Ex-Officio, Kagawad



Hon. Benjamin B. Lladoc,	(Sick Leave),	Kagawad
Hon. Jose B. Conejos,		Kagawad
Hon. Fernando P. Parrilla,	(D.B. - Davao),	Chapter Pres., Liga ng mga Barangay ng Ormoc, Ex-Officio, Kagawad

RESOLUTION NO. 95-146

EXPLANATORY NOTE

The Local Government Code of 1991 (RA No. 7160) requires prior consultations, among others, with the Local Government Units concerned before any project or program can be implemented in their respective jurisdiction. In addition, the Code requires the prior approval of the Sanggunian concerned before any project or programs shall be implemented by government authorities.

As observed by the Distinguished Jose N. Nollado in his book, The Local Government Code of 1991, "The consultations required are manifestation of people's power and rights and as part of the widened concept of social justice. Correlating Sections 2(c) and 26 hereof, it seems that the project or program referred to is undertaken by the National Government authorities although LGUs by themselves can also conduct consultations."

Likewise, Former Senator Aquilino Q. Pimentel, Jr. in his book, The Local Government Code of 1991, has this to say: "The prior consultation rule is salutary not only in terms of forging smoother and more harmonious relationship between the central government and the LGUs concerned but also between the government central or local and the people in general."

Unfortunately, these requirements of prior consultation and approval by the sanggunian concerned as envisage in the Local Government Code of 1991 have not been taken seriously and strictly complied with by some national agencies of our government in the implementation of nationally funded projects, notwithstanding the issuance on June 2, 1993 of Presidential Circular No. 52, CALLING ATTENTION TO AND ENJOINING STRICT COMPLIANCE WITH THE PROVISIONS OF THE LOCAL GOVERNMENT CODE OF 1991 (RA NO. 7160) REQUIRING MANDATORY COORDINATION AND CONSULTATION



WITH LOCAL GOVERNMENT UNITS, NON-GOVERNMENTAL, AND PEOPLE'S ORGANIZATION AND OTHER CONCERNED SECTORS, hence the necessity and propriety of passing this proposed Ordinance.

FOREGOING PREMISES CONSIDERED, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinance, severally seconded by mga Kagawad Celso P. Adolfo, Sotero M. Pepito and Alfredo F. Capahi; be it

RESOLVED, to adopt:

ORDINANCE NO. 53

AN ORDINANCE IMPLEMENTING THE PROVISIONS OF THE LOCAL GOVERNMENT CODE OF 1991 (RA NO. 7160) REQUIRING MANDATORY COORDINATION AND CONSULTATION WITH THE APPROPRIATE LOCAL GOVERNMENT UNITS, NON-GOVERNMENTAL AND PEOPLE'S ORGANIZATIONS AND OTHER CONCERNED SECTORS, AND APPROVAL OF THE SANGGUNIANG PANLUNGSOD NG ORMOG PRIOR TO THE IMPLEMENTATION OF NATIONALLY FUNDED PROJECTS/PROGRAMS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

BE IT ORDAINED, by the 7th SANGGUNIANG PANLUNGSOD ng ORMOG, THAT:

SECTION 1. This Ordinance shall be known and cited as the PRIOR COORDINATION, CONSULTATION AND APPROVAL OF THE SANGGUNIANG PANLUNGSOD NG ORMOG IN THE IMPLEMENTATION OF NATIONALLY FUNDED PROJECT/PROGRAM WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF ORMOG.

SECTION 2. The City Government of Ormoc hereby invokes, adheres to, and adopts the policy of the State, as enunciated in Section 2(c) of the Local Government Code of 1991, requiring all national agencies and offices to conduct periodic consultations with appropriate local government units, non-governmental and people's organizations, and other concerned sectors of the community before any project or program is implemented in their respective jurisdictions.

SECTION 3. In consonance with the foregoing policy, it shall be the duty and obligation of every national agency or government-owned or controlled corporations authorizing or involved in the planning and implementation of any project or program within the territorial jurisdiction of the City of Ormoc that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland, or forest cover, and extinction of animal or plant species, to CONSULT with the City Mayor of Ormoc, non-governmental organizations, and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and the community in terms of environmental or ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof.

National Government Agencies with project implementation functions shall likewise COORDINATE with the City Mayor of Ormoc in the discharge of these functions. They shall ensure the participation of the City Government of Ormoc both in the planning and implementation of said national projects.

SECTION 4. It is hereby declared UNLAWFUL/ILLEGAL to commence the implementation by government authorities of any nationally-funded project or program within the territorial jurisdiction of Ormoc City



UNLESS the consultations and coordinations mentioned in the next preceding section have been strictly complied with, and PRIOR APPROVAL of this SANGGUNIAN is obtained; PROVIDED, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the provisions of the Constitution of the Republic of the Philippines.

SECTION 5. Any person, government official or employee who fails to comply with the requirements of the next preceding section shall upon conviction suffer the penalty of a FINE not exceeding FIVE THOUSAND (P5,000.00) PESOS, or IMPRISONMENT of not exceeding One (1) year, or both such fine and imprisonment at the discretion of the court.

SECTION 6. If any provision of this Ordinance is declared invalid, the other provisions not affected thereby shall remain in full force and effect.

SECTION 7. Effectivity. This Ordinance shall take effect fifteen days (15) following its publication in a newspaper of general circulation in Ormoc City, and after it shall have been posted at conspicuous places in the City of Ormoc for three (3) consecutive weeks. The fifteen (15) day period shall be counted either after its publication or at the end of the period of its posting whichever occurs later.

ENACTED, December 7, 1995.

RESOLVED, FURTHER, to furnish copies of this Ordinance, one each to: The Honorable City Mayor of Ormoc, The Honorable Judges of the Regional Trial Court and Municipal Trial Court, both of Ormoc City, The Honorable City Prosecutor of Ormoc, The City Planning and Development Officer of Ormoc, the City Legal Officer of Ormoc, the City Administrator of Ormoc, District Engineer, and all other offices concerned.

CARRIED UNANIMOUSLY.

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

ATTESTED:

*Sumalinog*  
HERMOGENA P. SUMALINOG  
Secretary to the  
Sangguniang Panlungsod

*Benjamin A. Tugonon*  
BENJAMIN A. TUGONON  
Vice Mayor & Presiding Officer

APPROVED:

*Eufrocino M. Codilla, Sr.*  
EUFROCINO M. CODILLA, SR.  
City Mayor

*12/14/95*  
(Date)

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