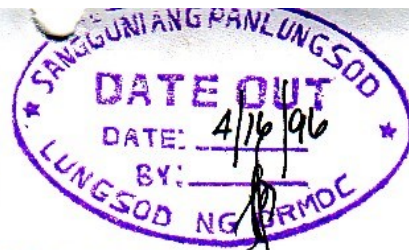
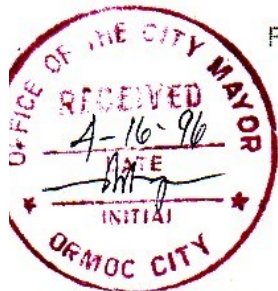


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
Lungsod ng Ormoc,



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 APRIL 3, 1996 IN LIEU OF APRIL 4, 1996

PRESENT:



Hon. Benjamin F. Tugonon, Vice Mayor & Presiding Officer
Hon. Claudio P. Larrazabal, Asst. Maj. Floor Leader, Kagawad
Hon. Benjamin B. Lladoc, 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. Fernando P. Parrilla, Chapter President, Liga ng mga
Barangay ng Ormoc, Ex-Officio, Kagawad
Hon. Angelyn R. Paca, SK Federation President, Ex-Officio, Kagawad



ABSENT:

Hon. Celso P. Adolfo, (On Leave), Majority Floor Leader, Kagawad

NOTE: One (1) seat vacant - By virtue of the resignation of Honorable Kagawad Jose B. Conejos

RESOLUTION NO. 96-55

EXPLANATORY NOTE

This Sanggunian, upon the initiative and recommendation of the Executive Department, enacted on August 31, 1995, Ordinance No. 50, entitled: "AN ORDINANCE REGULATING THE EXPORT OR OUTFLOW OF PALAY, RICE AND CORN OUTSIDE THE TERRITORIAL JURISDICTION OF ORMOC CITY". However, it was found out that said Ordinance needs further refinements in order to achieve the purpose for which it was enacted; hence, the City Legal Officer suggested and recommended the passage of appropriate amendments or revisions there-to.

As stated in one of the whereases of aforementioned Ordinance, the basis for its enactment is the provision of Section 16 of the Local Government Code of 1991, the so-called "General Welfare Clause" which empowers Local Government Units to enact and implement measures for the general well-being of their inhabitants.

WHEREFORE, on joint motion of Kagawad Claudio P. Larrazabal, Chairman, Committee on Agriculture, and Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, duly seconded by Kagawad Gregorio A. Yrastorza, Jr., resolved, as it is hereby resolved to pass and approve

ORDINANCE NO. 54

AN ORDINANCE REVISING ORDINANCE NO. 50, ENACTED ON AUGUST 31, 1995, ENTITLED: "AN ORDINANCE REGULATING THE EXPORT OR OUTFLOW OF PALAY, RICE AND CORN OUTSIDE THE TERRITORIAL JURISDICTION OF ORMOC CITY".

BE IT ENACTED BY THE SEVENTH SANGGUNIAN NG ORMOC IN SESSION ASSEMBLED, THAT:

SECTION 1. This Ordinance shall be known and cited as the "GRAINS REGULATORY ORDINANCE OF ORMOC CITY".

SECTION 2. It is the declared policy of the City Government of Ormoc to ensure adequate supply of grains to the consumers of Ormoc City, hence the outflow, export or shipment, or selling for shipment or export, of grains outside the territorial jurisdiction of Ormoc City shall be regulated or controlled especially during times of crises or shortage of grains therein.

SECTION 3. Definition of terms as used in this Ordinance -

- a) GRAINS refer to rice or corn in whatever state, milled or unmilled;
- b) CRISIS OR SHORTAGE OF GRAINS means inadequate supply of it for the consumption of the inhabitants of Ormoc City when declared by the City Mayor upon the recommendation by the Task Force on the Monitoring and Stabilizing of the Prices of Basic Necessities and Prime Commodities;
- c) City Mayor refers to the City Mayor of Ormoc;
- d) TASK FORCE ON THE MONITORING AND STABILIZING OF PRICES OF BASIC NECESSITIES AND PRIME COMMODITIES refers to the body created by the City Mayor for the purpose;
- e) GRAINS TRADER refers to person or persons engaged in the business of buying and/or selling grains;
- f) PERSON refers to natural or juridical persons;
- g) CAVAN means a unit of measurement consisting of 44.5 kilos of palay or 50 kilos of rice or corn grits, 58 kilos of corn kernel or its equivalent;
- h) DAY means calendar day consisting of twenty-four (24) hours counted from 12:00 o'clock midnight

SECTION 4. The existence of a crisis or shortage of grains, as well as the abatement thereof, shall be declared by the City Mayor through an Executive Order, copy of which shall be furnished the Sangguniang Panlungsod ng Ormoc.

SECTION 5. In times of crisis or shortage of grains, traders thereof operating within the territorial jurisdiction of Ormoc City shall submit a report of their available grains every fifteen (15) days to the Office of the City Mayor in a form to be devised for the purpose and provided by said Office.

Failure to submit the required report shall constitute a criminal offense punishable by a fine of not more than One Thousand (P1,000.00) Pesos, or imprisonment of not more than one (1) year, or both such fine and imprisonment at the discretion of the Court.

However, before any case is filed in Court for the violation of this particular section, the violator thereof may opt to pay an administrative fine of Five Hundred (P500.00) Pesos at the Office of the City Treasurer of Ormoc.

SECTION 6. It shall be unlawful for any person or persons to ship out and/or transport or export, or sell for shipment, transport or export, grains in excess of Five (5) cavans or its equivalent per person on the same day, outside the territorial jurisdiction of the City of Ormoc without securing first a written clearance from the Office of the City Mayor.

The seller referred to above, only incurs a criminal liability if he sells the grains knowing that it will be shipped out, transported or exported outside the territorial jurisdiction of the City of Ormoc. However, he shall be presumed prima facie to have such knowledge if he sold grains in excess of five (5) cavans or its equivalent to one person on the same day.

SECTION 7. Any person or persons who shall ship, transport or export or sell for shipment, transport or export grains in excess of five (5) cavans or its equivalent per person on the same day outside the territorial jurisdiction of the City of Ormoc without the required clearance from the Office of the City Mayor, shall be stopped from shipping, transporting, exporting or selling the same and shall have the said commodities impounded and deposited with the National Food Authority and the apprehending officer shall report immediately the impounded commodities to the City Legal Officer of Ormoc who shall take immediate steps in the filing of the appropriate charges in Court.

Considering the perishable nature of the commodity, steps should be taken immediately with the proper Court for the disposal of said commodity, and the proceeds thereof shall be deposited with said Court pending the final resolution of the case. In the event that the person charged thereby is found guilty, the proceeds referred herein shall be forfeited in favor of the City Government of Ormoc, which shall form part of its general fund, otherwise it shall be returned to its rightful owner.

SECTION 8. Any person who violates the provisions of Section 6 hereof, shall upon conviction suffer a fine of not more than Five Thousand (P5,000.00) Pesos, or imprisonment of not more than One (1) year, or both fine and imprisonment at the discretion of the Court and forfeiture of the proceeds of the disposal of the grains subject matter of the case.

However, before any case is filed in Court the violator may opt to suffer an administrative penalty by forfeiting the impounded grains in favor of the City Government of Ormoc which shall sell the same to the consumers of Ormoc City and the proceeds thereof shall form part of its General Fund.

SECTION 9. Whenever any violation of this Ordinance is committed by a juridical person, its officials or employees who are responsible for the violation thereof shall be held liable therefor.

SECTION 10. This Ordinance shall be effective only during the existence of a crisis or shortage of grains when declared by the City Mayor in an Executive Order, copy of which shall be furnished the Sangguniang Panlungsod ng Ormoc, upon recommendation of the Task Force on the Monitoring and Stabilizing of Prices of Basic Necessities and Prime Commodities.

SECTION 11. The City Mayor is hereby authorized to promulgate the necessary guidelines, rules and regulations for the proper implementation of this Ordinance, copy of which shall be furnished the Sangguniang Panlungsod ng Ormoc.

SECTION 12. If, for any reason, any provision of this Ordinance is declared invalid or unconstitutional, the remainder not affected by such declaration shall remain in full force and effect.

SECTION 13. Any provisions of existing ordinances inconsistent with or contrary to the provisions of this Ordinance are considered repealed or modified accordingly.

SECTION 14. For purposes of complying with the provisions of Section 59, par. (d), and Section 511, par. (a) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, copies of this Ordinance shall be posted at prominent places at the City Hall, the Executive, and Sangguniang Panlungsod Buildings for a period of three (3) consecutive weeks, and be published once in a local newspaper of general circulation within the City of Ormoc.

SECTION 15. This Ordinance shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later.

ENACTED April 3, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution-ordinance, one each, to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the City Prosecutors' Office, the MTCC Office, the Regional Trial Court, the Superintendent (City Director)- PNP Ormoc City Police Command, the City Social Welfare & Development Office, the Public Market Administrator's Office, the Ormoc NFA, Big and Small Rice Dealers, and Civic Clubs/Organizations, -all in Ormoc City;

CARRIED UNANIMOUSLY.

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

[Signature]
BENJAMIN F. TUGONON
Vice Mayor & Presiding Officer

ATTESTED:

[Signature]
HERMOGENA P. SUMALING
Secretary to the
Sangguniang Panlungsod

APPROVED:

[Signature]
EUFROCINO M. CODILLA, SR.
City Mayor

4/27/96

(Date)