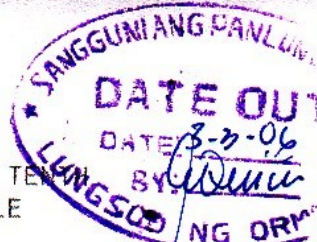


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON MARCH 02, 2006

PRESENT:

Hon. Sotero M. Pepito, City Councilor, (Temp. Presiding Officer)
Hon. Jose S. Serafica, City Councilor, Minority Floor Leader
Hon. Manuel T. Fiel, City Councilor, Assist. Minority Floor Leader
Hon. Eduardo P. Tan, City Councilor
Hon. Claudio P. Larrazabal, City Councilor, Majority Floor Leader
Hon. Mariano Y. Corro, City Councilor
Hon. Fe S. Lladoc, City Councilor
Hon. Gregorio A. Yrastorza, Jr., City Councilor
Hon. Ruben R. Capahi, City Councilor
Hon. Emeterio Y. Larrazabal, Jr., Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Cheryl A. Arcuino, Ex-Officio City Councilor,
SK Federation President

ABSENT:

Hon. Nepomuceno P. Aparis I, (Acting City Mayor), Vice Mayor &
Presiding Officer
Hon. Jose C. Alfaro, Jr., (Sick Leave), City Councilor

PREFATORY STATEMENT

The current Internal Rules and Procedures of this Sanggunian, particularly Rule II, section I, second par. of par (m) reads:

"The temporary presiding officer may vote on any motion or question as a regular member, but he may not take part in the floor deliberation while presiding."

The aforequoted provision is not in accord with the ruling of the Supreme Court in the case of ZAMORA v. CABALLERO ET AL., (G.R. NO. 147767, January 14, 2004), when it ruled that while acting as presiding officer, Board Member Osorio may not, at the same time, be allowed to exercise the rights of a regular board member including that of voting even when there is no tie to break. A temporary presiding officer who merely steps into the shoes of the presiding officer could not have greater power than that possessed by the latter who can vote only in case of tie."

In view of the aforequoted ruling of the Supreme Court, the provision of our Internal Rules and Procedures, specifically Rule II, section I, second par. of par. (m) should be amended to conform with the aforementioned ruling of our Supreme Court.

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Mariano Y. Corro, Chairman, Committee on Internal Rules, jointly seconded by City Councilors Eduardo P. Tan & Ruben R. Capahi; be it

RESOLVED, to pass and enact;

ORDINANCE NO. 127

AN ORDINANCE AMENDING THE SECOND PAR., OF PAR (M) OF SEC.
I OF RULE II OF THE RULES AND PROCEDURES OF THE
SANGGUNIANG PANLUNGSOD NG ORMOC.

BE IT ORDAINED BY THE TENTH SANGGUNIANG PANLUNGSOD NG ORMOC, That:

SECTION 1. The second paragraph of paragraph (m) of Section I, Rule II of the Rules and Procedures of the Sangguniang Panlungsod ng Ormoc, is hereby amended by changing the whole wordings thereof, and now to read as follows:

"The temporary presiding officer is vested with the same powers as that of the regular presiding officer, hence he can only vote to break a tie, and may not take part in the floor deliberations while presiding." RM72

SECTION 2. This amendatory ordinance shall take effect immediately upon its approval; ENACTED, March 2, 2006.

RESOLVED, FINALLY, to furnish copies of this Amendatory Ordinance each to His Honor, the City Mayor, the City Administrator, the City Legal Officer, and others concerned, all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

Joel S. Duero
JOEL S. DUERO

OIC - Secretary to the SP
(Loc. Leg. Staff Officer V)

ATTESTED:

Sotero M. Pepito
SOTERO M. PEPITO
Temporary Presiding Officer
(City Councilor)

APPROVED:

Nepomuceno P. Aparis
NEPOMUCENO P. APARIS
Acting City Mayor
(Vice Mayor & Presiding Officer)

(Date)