



REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE  
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD  
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,  
ORMOC CITY HALL BUILDING  
ON OCTOBER 12, 2017

PRESENT:

Leo Carmelo L. Locsin, Jr.,	Vice Mayor & Presiding Officer
Rolando M. Villasencio,	SP Member, Majority Floor Leader
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar,	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS (CAGAYAN DE ORO CITY):

Gregorio G. Yrastorza III,	SP Member
Nolito M. Quilang,	SP Member

ON LEAVE:

Mario M. Rodriguez,	SP Member, Presiding Officer "Pro-Tempore"
Benjamin S. Pongos, Jr.,	SP Member

PREFATORY STATEMENT

WHEREAS, Ordinance No. 36, series of 1993, was enacted on April 15, 1993, and took effect on May 1, 1993;

WHEREAS, Section 9 of the aforementioned Ordinance No. 36 allows and regulates the conduct of cockfights outside of licensed cockpits ;

WHEREAS, the passage of Ordinance No.36 was predicated upon the power granted to the Sangguniang Panlungsod by Section 458 (a)(3)(v) of RA 7160, otherwise known as the Local Government Code of 1991, to authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks;

WHEREAS, the above-specified provisions of Ordinance No. 36 were premised on the interpretation that Section 458 of the Local Government Code repealed Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, Section 5, paragraph (d) Holding of Cockfights. Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days;

WHEREAS, the Supreme Court, in the case of Tan vs. Perea, (G.R. No. 149743, February 18, 2005) clarified:

"xxx while the Local Government Code expressly repealed several laws, the Cockfighting Law was not among them. xxx"

"xxx it becomes evident why the legislature found the need to use the phrase any law to the contrary notwithstanding in Section 447(a)(3)(v). However, does the phrase similarly allow the Sangguniang Bayan to authorize cockfights outside a licensed cockpit than stated under Section 5(d) of the Cockfighting Law? Certainly, applying the test of implied repeal, these two provisions can stand together. While the sanggunian retains the power to authorize and license the establishment, operation, and maintenance of cockpits, its discretion is limited in that it cannot authorize more than one cockpit per city or municipality, unless such cities or municipalities have a population of over one hundred thousand, in which case two cockpits may be established nor cannot authorize to allow cockfights outside the licensed cockpit."

WHEREAS, in line with the foregoing pronouncements of the Supreme Court upon the power of the Sanggunians as granted by Section 447(a)(3)(v) of the Local Government Code in respect to the requirements laid down in Section 5(d) of the Cockfighting Law, the Sangguniang Panlungsod finds it necessary and desirable to repeal Section 9 of Ordinance No. 36;

FOREGOING, PREMISES CONSIDERED, on motion of SP Member Vincent L. Rama, Chairman, Committee on Games & Amusement, severally seconded by SP Members Mariano Y. Corro, Lea Doris C. Villar, John Eulalio Nepomuceno O. Aparis II and Eusebio Gerardo S. Penserga; be it

RESOLVED TO ENACT:

**ORDINANCE NO. 048**

**AN ORDINANCE REPEALING SECTION 9 OF CITY ORDINANCE NO. 36, OTHERWISE KNOWN AS THE COCKFIGHTING ORDINANCE OF ORMOC CITY.**

BE IT ENACTED by the Fourteenth Sangguniang Panlungsod ng Ormoc, That:

**SECTION 1. TITLE** – This Ordinance shall be known as AN ORDINANCE REPEALING SECTION 9 OF CITY ORDINANCE NO. 36, OTHERWISE KNOWN AS THE COCKFIGHTING ORDINANCE OF ORMOC CITY.

**SECTION 2. REPEAL** – Section 9 of Ordinance No. 36 is hereby repealed.

**SECTION 3. EFFECTIVITY** – This Ordinance shall take effect immediately after posting in two (2) conspicuous public places and publication for three (3) consecutive days in a newspaper of local circulation.


ENACTED, October 12, 2017.

RESOLVED, FURTHER, to furnish copies of this Ordinance one each to the City Mayor Richard I. Gomez; the City Administrator; the City Legal Officer; the Business Permits & Licensing Office; the Chief Inspector, Philippine National Police and the OIC-City Director, DILG and other offices concerned;

CARRIED by Six (6) Affirmative Votes. SP Member Tomas R. Serafica was out of the Session Hall at time of the voting.



I HEREBY CERTIFY to the correctness of the above ordinance.

  
MARIA ANTONIETA G. CO HAT  
(OIC - SP Secretary)  
Supervising Administrative Officer

ATTESTED:

  
LEO CARMELO L. LOCSIN, JR.  
Vice Mayor & Presiding Officer

APPROVED:

  
RICHARD I. GOMEZ  
City Mayor

19 OCT 2017

(Date)