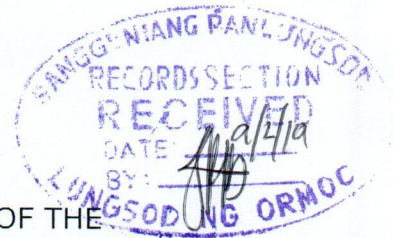


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL
ON SEPTEMBER 24, 2019

PRESENT:

Leo Carmelo L. Locsin, Jr.	City Vice Mayor & Presiding Officer
Benjamin S. Pongos, Jr.,	SP Member, Majority Floor Leader
Roiland H. Villasencio,	SP Member, Asst. Majority Floor Leader
Tomas R. Serafica,	SP Member, Presiding Officer "Pro-Tempore"
Nolito M. Quilang,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Jasper M. Lucero,	SP Member
Peter M. Rodriguez,	SP Member
Vincent L. Rama,	SP Member
Gregorio G. Yrastorza III,	SP Member
Lalaine A. Marcos,	SP Member
Esteban V. Laurente,	Ex-Officio SP Member, Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Jasper C. Yerro,	Ex-Officio SP Member, Chapter President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc
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EXPLANATORY 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provisions of Ordinance No. 36 were premised on the interpretation that Section 458 of the Local Government Code repealed Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, Section 5, paragraph (d) Holding of Cockfights.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"xxx while the Local Government Code expressly repealed several laws, the Cockfighting Law was not among them.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, Ordinance No. 48 was passed and enacted on October 12, 2017 repealing Section 9 of Ordinance No. 36;

WHEREAS, because of the repealed Section 9 in Ordinance No. 36, there is now no provision that provides the allowance of cockfights during barangay fiestas even inside the licensed cockpit as Section 8 of Ordinance No. 36 mentions City Fiesta only;

WHEREAS, the long celebrated tradition of holiday cockfights during barangay fiestas is put on hold while there is no clear ordinance to that effect, putting many employees of the licensed cockpits at risk;

WHEREAS, in view of the foregoing, there is a need to amend certain provisions of Ordinance No. 36 particularly Sections 3, 4 & 8 thereof and add Section 9 as it was already repealed in Ordinance No. 48;

FOREGOING, PREMISES CONSIDERED, on joint motion of SP Member Jasper M. Lucero, Chairman on Committee of Good Government & Oversight and SP Member Lalaine A. Marcos, Chairman, Committee on Trade, Commerce & Industry, jointly seconded by SP Members Esteban V. Laurente and Peter M. Rodriguez; be it

RESOLVED, to enact:

ORDINANCE NO. 003
(Series of 2019)

AN ORDINANCE AMENDING ORDINANCE NO. 36, OTHERWISE KNOWN AS THE COCKFIGHTING ORDINANCE OF ORMOC CITY, PARTICULARLY SECTION NOS. 3, 4 & 8 THEREOF AND ADDING THEREIN A NEW SECTION, DENOMINATED AS SECTION NO. 9.

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

SECTION 1. TITLE- This Ordinance shall be known and cited as AN ORDINANCE AMENDING ORDINANCE NO. 36, OTHERWISE KNOWN AS THE COCKFIGHTING ORDINANCE OF ORMOC CITY, PARTICULARLY SECTION NOS. 3, 4 & 8 THEREOF AND ADDING THEREIN A NEW SECTION, DENOMINATED AS SECTION NO. 9.

SECTION 2. AMENDMENTS- the following sections of Ordinance No. 36 are hereby amended to read as follows:

A. SECTION 3. Purposes-

x x x

"b) **To provide recreation and amusement to our people;**

c) To preserve cockfighting as a traditional and customary form of recreation and entertainment among **Filipinos;** and"

x x x

B. SECTION 4. Definition of Terms–

"a) COCKFIGHTING – **is a fight between two or more roosters or cocks with blade or gaff. It shall also mean the commonly known game or term "COCKFIGHTING DERBY, PINTAKASI, TUPADA, HACKFIGHTS or TARI".**"

XXX

C. SECTION 8. Holding of cockfights in licensed cockpits shall either be:

"a) REGULAR – Cockfighting allowed during SUNDAYS, LEGAL HOLIDAYS, **and CITY or BARANGAY FIESTAS for a period of not exceeding three (3) days. In City and Barangay fiestas, the three day period should commence two days prior to the fall of fiesta commonly known as "anti-veperas, vesperas and kahulugan".**"

b) SPECIAL– Cockfighting allowed, upon special permit secured from the City Mayor, and upon payment of special fees, during agricultural, commercial or industrial fairs, carnival or exposition, or for the entertainment of foreign dignitaries or for tourists, for returning Filipinos, commonly known as "balikbayan", or for support of fund raising campaigns for charitable purposes **of organizations duly accredited by the City of Ormoc for a period of not exceeding three (3) consecutive days.**

Provided, that no cockfighting **whether regular or special** shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day), November 30 (Bonifacio Day), Last Monday of August (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum day, and during Registration Days for such election or referendum, and on such other dates which may be prohibited by law."

SECTION 3. There shall be a new section added to Ordinance No. 36 and shall read as follows:

"SECTION 9. Conditions Applicable to Barangay Fiestas and Special Cockfights–

A. BARANGAY FIESTA:

- 1) Special Permit issued by the City Mayor and proof of payment of corresponding fees.
- 2) Applicant of the Special Permit shall be the Barangay Officials concerned with their appropriate Barangay Resolution asking for a Special Permit stating the dates and specific Licensed Cockpit. The Barangay can secure a Special Permit for one Licensed Cockpit only.
- 3) Certification from the Barangay Affairs Office that the applicant Barangay is indeed celebrating their fiesta on the date of application.

B. SPECIAL COCKFIGHTS:

- 1) Special Cockfights allowed during agricultural, commercial or industrial fairs, carnival or exposition, or for the entertainment of foreign dignitaries or for tourists, for returning Filipinos, commonly known as "balikbayan", or for support of fund raising campaigns for charitable purposes of organizations duly accredited by the City of Ormoc for a period of not exceeding three (3) consecutive days cannot be allowed within the month of a City Fiesta and cannot be done for more than two occasions in a year.

- 2) On occasion of entertainment of foreign dignitaries, tourists, balikbayan or for charitable purposes. This privilege shall be extended only for one time in a year for a period of not exceeding three days within a year. There has to be a Special Permit issued by the City Mayor."

SECTION 4. SEPARABILITY CLAUSE- If, for any reason, any part or provision of this Ordinance be declared unconstitutional or invalid, the other parts or provisions hereof not affected shall continue to be in full force and effect.

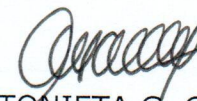
SECTION 5. EFFECTIVITY- This Ordinance shall take effect immediately upon its approval and after compliance of the requirements of the Local Government Code of 1991.

ENACTED, September 24, 2019.


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 and Licensing Office; the OIC-City Treasurer; the Liga ng mga Barangay ng Ormoc; Nadongholan Cockpit; Valencia Cockpit; the Chief Inspector, Philippine National Police and the City Local Government Operations Officer - DILG and others concerned;

CARRIED by Eight (8) Affirmative Votes with One (1) Abstention registered by SP Member Nolito M. Quilang. SP Member Vincent L. Rama was out of the Session Hall during the voting.

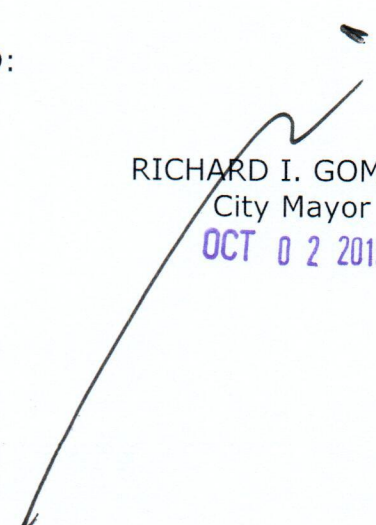
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


TOMAS R. SERAFICA
Presiding Officer "Pro Tempore"
SP Member

APPROVED:


RICHARD I. GOMEZ
City Mayor
OCT 02 2019