



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON AUGUST 6, 1992

PRESENT:

Hon. Benjamin F. Tugonon,
Hon. Sotero M. Pepito,
Hon. Celso P. Adolfo,
Hon. Sixto T. Pongos,
Hon. Benjamin B. Lladoc,
Hon. Mariano Y. Corro,
Hon. Nestor C. Penserga,
Hon. Claudio P. Larrazabal,
Hon. Jose C. Alfaro, Jr.,
Hon. Alfredo F. Capahi,

Vice-Mayor & Presiding Officer
Kagawad, Majority Floor Leader

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ABSENT:

Hon. Jose B. Conejos, (On Leave) Kagawad, Asst. Majority Floor Leader

RESOLUTION NO. 28

A RESOLUTION DISAPPROVING RESOLUTION NO. 09 S. 1992 EMBODYING
ORDINANCE NO. 02 OF THE BARANGAY COUNCIL OF BRGY. CABULIHAN,
ORMOC CITY, ENTITLED, "AN ORDINANCE TO LET THE PEOPLE OF THE
BARANGAY KNOW THAT EVERY GAMBLING HOLD BY ANY PERSON LIVING IN
OUR BARANGAY SHOULD PAY CHARGES AS PRESCRIBED AND PROMULGATED
BY THE BARANGAY COUNCIL."

WHEREAS, this august Body is in receipt of Resolution No. 09 s.
1992 adopting Ordinance No. 02 of the Barangay Council of Brgy.
Cabulihan, this city, entitled, "An Ordinance to let the people of the
barangay know that every gambling hold by any person living in our
barangay should pay charges as prescribed and promulgated by the
Barangay Council";

WHEREAS, the Honorable Chairman, Committee on Laws & Ordinances, has
endorsed the aforesaid ordinance to the City Legal Officer for opinion
on the legality of said ordinance;

WHEREAS, the City Legal Officer, through 3rd Indorsement dated 3
August 1992, has made the following commentaries (in part):

"Ordinance No. 2 (of the Barangay Council of Cabulihan) is
NULL AND VOID because it is patently contrary to Art. 195 (a) 1 of
the Revised Penal Code which prohibits gambling X X X X

"What the law expressly prohibits, Ordinance No. 02 legalizes.
The very title of the ordinance itself clearly speaks of " EVERY
GAMBLING". Besides, Sec. 2 thereof states: " ALL operators on any
GAMBLING operation X X X X" Thus, Ordinance No. 02 legalizes and
allows all forms of gambling.

"It is axiomatic that in case of conflict between a law and an
ordinance the former prevails.

"X X X X While one may argue that gambling is done in certain parts of the Brgy or City, the same does not legalize gambling. On the contrary, this is a challenge to all concerned to exert vigorous effort for the strict enforcement of the law.

"Finally, it may not be amiss to state here the reason why gambling is prohibited and penalized.

"Gambling is an act beyond the pale of good morals, which for the welfare of the people should be exterminated. It has the effect of causing poverty, dishonesty, fraud and deceit. Many a man has neglected his business and mortgaged his integrity to follow the tickle Goddess of the cards. Many a woman has wasted her hours and squandered her substance at the gambling board while some children were forgotten." (U.S. vs. Salaveria, 39 Phil. 102).

NOW, THEREFORE, on motion of kagawad Mariano Y. Corro, Chairman, Committee on Laws & Ordinances, jointly seconded by mga Kagawad Benjamin B. Liadoc and Alfredo F. Capahi, be it

RESOLVED, to pass a resolution DISAPPROVING RESOLUTION NO. 09 S. 1992 EMBODYING ORDINANCE NO. 02 OF THE BARANGAY COUNCIL OF CABULIHAN, ORMOC CITY, ENTITLED, "AN ORDINANCE TO LET THE PEOPLE OF THE BARANGAY KNOW THAT EVERY GAMBLING HOLD BY ANY PERSON LIVING IN OUR BARANGAY SHOULD PAY CHARGES AS PRESCRIBED AND PROMULGATED BY THE BARANGAY COUNCIL";

ENACTED, August 6, 1992.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor, the City Administrator, the City Legal Officer, the DILG-ACGO Officer, the Community Affairs Officer and the Honorable Punong Barangay of Brgy. Cabulihan, - all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

BENJAMIN F. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:

OSCAR LASAM
City Secretary

APPROVED:

ALFREDO M. CODILLA, SR.
City Mayor

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