

9/7/92

SANGGUNIANG PANLUNG
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REPUBLIC OF THE PHILIPPINES
SANGGUNIANG PANLUNGSOD NG ORMOG

SANGGUNIANG PANLUNG SOD
DATE OUT
DATE: 9-11-92
BY: [Signature]
LUNGSOD NG ORMOG

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH
SANGGUNIANG PANLUNGSOD NG ORMOG HELD AT THE HONORABLE
PLACIDO ENECIO SESSION HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON SEPTEMBER 3, 1992

PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Sotero M. Pepito,	Kagawad, Majority Floor Leader
Hon. Jose B. Conejos,	Kagawad, Assistant Majority Floor Leader
Hon. Celso P. Adolfo,	Kagawad
Hon. Sixto T. Pongos,	Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Mariano Y. Corro,	Kagawad
Hon. Nestor C. Penserga,	Kagawad
Hon. Claudio P. Larrazabal,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad

ABSENT:

N o n e .

RESOLUTION NO. 58

A RESOLUTION DISAPPROVING ORDINANCE NO. 6 S. 1992 OF THE
BARANGAY COUNCIL OF CAGBUHANGIN, THIS CITY, ENTITLED
"PROHIBITING ILLEGAL GAMBLING, STRAY ANIMALS AND
IMPLEMENTATION OF ARTICLE 155 OF THE REVISED PENAL CODE,
PROVIDING PENALTY FOR VIOLATION THEREOF".

WHEREAS, this august Body is in receipt of Ordinance No. 6, s. 1992 of
the Barangay Council of Cagbuhangin, this city, entitled "PROHIBITING OF
ILLEGAL GAMBLING, STRAY ANIMALS AND IMPLEMENTATION OF ARTICLE 155";

WHEREAS, the Sixth Sangguniang Panlungsod ng Ormoc, in SESSION, has
disapproved said Ordinance on the basis of the 3rd Indorsement from the City
Legal Officer dated 31 August, 1992 with the following comments:

"It is superfluity to pass a Barangay Ordinance
prohibiting illegal gambling because the same is already
prohibited and penalized under Art. 195 of the Revised Penal
Code.

"The exceptions under Sec. 3 on illegal gambling and
charivarie are illegal because Article 195 and 155 which
prohibit illegal gambling and charivarie admit of no
exceptions.

"The phrase "At the discretion of law" found in Sec. 2 of
Ordinance No. 6 is erroneous because the law does not have
discretion and much less exercise the same. It should
properly read: "At the discretion of the court".

"Furthermore, the Honorable Chairman, Committee on Laws
and Ordinances stated that Art. 101 par. 14 of the 1991 Local
Government Code provides that penalty to be imposed by a
barangay for violation of an ordinance is a fine not exceeding
P1,000.00."

[Handwritten signature]

Res. No. 58

NOW, THEREFORE, on a motion presented by Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, jointly seconded by mga Kagawad Sotero M. Pepito and Nestor C. Penserga; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to disapprove Ordinance No. 6 s. 1992 of the Barangay Council of Cagbuhangin, this city, entitled, "PROHIBITING ILLEGAL GAMBLING, STRAY ANIMALS, AND IMPLEMENTATION OF ARTICLE 155 OF REVISED PENAL CODE, PROVIDING PENALTY FOR VIOLATORS THEREOF";

ENACTED, September 3, 1992.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor, the Barangay Chairman, Brgy. Cagbuhangin, and all others concerned, -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:

EUFROCINO M. CODILLA, SR.
City Mayor

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/dsk:R92-2(NEW)