

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON AUGUST 17, 1995

PRESENT:

Hon. Benjamin F. Tugonon,	Vice-Mayor & Presiding Officer
Hon. Celso P. Adolfo,	Majority Floor Leader, Kagawad
Hon. Claudio P. Larrazabal,	Asst. Majority Floor Leader, Kagawad
Hon. Benjamin B. Lladoc,	Kagawad
Hon. Sotero M. Pepito,	Kagawad
Hon. Alfredo F. Capahi,	Kagawad
Hon. Manuel T. Fiel,	Kagawad
Hon. Jose C. Alfaro, Jr.,	Kagawad
Hon. Gregorio A. Yrastorza, Jr.,	Kagawad
Hon. Mariano Y. Corro,	Minority Floor Leader, Kagawad
Hon. Fernando P. Parrilla,	Chapter Pres., Liga ng mga Barangay ng Ormoc, Ex-Officio, Kagawad
Hon. Angelyn R. Paca,	SK Federation President, Ex-Officio, Kagawad

ABSENT:

Hon. Jose B. Conejos, Kagawad

RESOLUTION NO. 95-37

A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF BARANGAY NASUNOGAN THEIR ORDINANCE NO. 95-002 ENTITLED, "AN ORDINANCE IMPOSING CURFEW TO ALL PERSONS, WITHIN THE JURISDICTION OF THIS BARANGAY FROM 11:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING OF THE FOLLOWING DAY, PROVIDING PENALTIES AND EXCEPTIONS THEREOF", WITH THE INFORMATION THAT PER OPINION OF OUR CITY LEGAL OFFICER, ATTY. CLETO L. EVANGELISTA, JR., PARAGRAPHS (B) AND (C) OF SECTION 5 THEREOF ARE VIOLATIVE OF THE DUE PROCESS AND EQUAL PROTECTION CLAUSE OF OUR CONSTITUTION.

WHEREAS, this august Body is in receipt of Ordinance No. 95-002 of Barangay Nasunogan, this city, entitled, "AN ORDINANCE IMPOSING CURFEW TO ALL PERSONS WITHIN THE JURISDICTION OF THIS BARANGAY FROM 11:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING OF THE FOLLOWING DAY, PROVIDING PENALTIES AND EXCEPTIONS THEREOF";

WHEREAS, this sanggunian, in relation to the aforementioned ordinance at issue (and all other ordinances of the Sangguniang Barangay in Ormoc City) is, by law granted with the power to review on whether the said ordinance is consistent with law and city X X X ordinances. (Sec. 57 LGC 1991);

WHEREAS, the City Legal Officer through 3rd Indorsement dated 9 August 1995 has opined that paragraphs (b) and (c) of Section 5 of said Ordinance are violative of the due process and equal protection clause of our constitution;

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

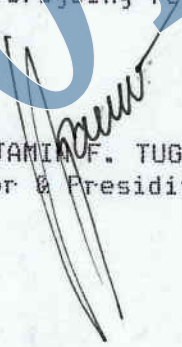
RESOLVED, AS IT IS HEREBY RESOLVED, to return to the Sangguniang Barangay of Barangay Nasunogan their Ordinance No. 95-002 entitled, "AN ORDINANCE IMPOSING CURFEW TO ALL PERSONS, WITHIN THE JURISDICTION OF THE BARANGAY FROM 11:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING OF THE FOLLOWING DAY, PROVIDING PENALTIES AND EXCEPTIONS THEREOF", with the information that per opinion of our City Legal Officer, Atty. Cleto L. Evangelista, Jr., paragraphs (b) and (c) of Section 5 thereof are violative of the due process and equal protection clause of our constitution;

ENACTED, August 17, 1995.


RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Treasurer, the City Budget Officer, the City Accountant, the DILG-ACLG0 Officer and the Barangay Chairman/Treasurer concerned, -all in Ormoc City;

CARRIED UNANIMOUSLY.

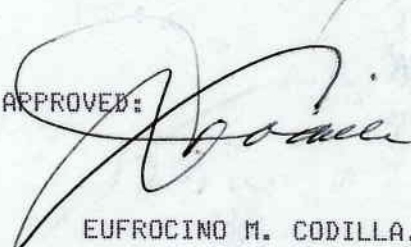
I HEREBY CERTIFY to the correctness of the foregoing resolution.


BENJAMIN F. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:


HERMOGENIA P. SUNALINOG
Board Secretary II
(For and in the Absence of a
City Secretary - Retired)

APPROVED:


EUFROCINO M. CODILLA, SR.
City Mayor

8/22/95
(Date)