

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 31, 1995

PRESENT:

Hon. Benjamin F. Tugonon, Vice-Mayor & Presiding Officer
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. Gregorio A. Yrastorza, Jr., 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. Celso P. Adolfo, (O.B. - Manila), Maj. Floor Leader, Kagawad
Hon. Jose C. Alfaro, Jr., (O.B. - Legaspi), Kagawad
Hon. Jose B. Conejos, Kagawad
Hon. Mariano Y. Corro, (O.B. - Mla.) Minority Floor Leader, Kagawad

RESOLUTION NO. 95-49

A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF BARANGAY IPIL, ORMOC CITY, ITS ORDINANCES NOS. 1 AND 2, BOTH SERIES OF 1995, ENTITLED, "AN ORDINANCE REGULATING FISHING AND/OR FISHERIES IN THE BARANGAY IPIL, ORMOC CITY AND OTHER PURPOSES", AND "AN ORDINANCE PROHIBITING FISHING ACTIVITIES IN ANY MANNER WITHIN THE ARTIFICIAL REEFS AREA". RESPECTIVELY, FOR THE FOLLOWING REASONS, TO WIT: (1) PER OPINION OF OUR CITY LEGAL OFFICER, BARANGAY ORDINANCES WHICH REGULATE FISHING ACTIVITIES WITHIN THE TERRITORIAL WATERS OF ORMOC CITY ARE "SUPERFLUITY" CONSIDERING THAT THE SANGGUNIANG PANLUNGSOD NG ORMOC HAS ALREADY PASSED ORDINANCE NO. 38 S. 1993 WHICH REGULATES FISHING ACTIVITIES WITHIN THE TERRITORIAL WATERS OF ORMOC CITY; AND, (2) THE PENALTY PROVIDED FOR IN ORDINANCE NO. 2 WHICH IS "A FINE OF NOT LESS THAN ONE THOUSAND PESOS (P1,000.00) OR MORE DEPENDING ON DAMAGED BEING MADE" IS ULTRA VIRES, AS THE PENALTY WHICH BARANGAY COUNCILS ARE AUTHORIZED TO IMPOSE UNDER ARTICLE 101, (A) (14) OF THE RRILGC IS "PRESCRIBE FINES IN AMOUNTS NOT EXCEEDING ONE THOUSAND PESOS (P1,000.00) FOR VIOLATION OF BARANGAY ORDINANCES." (UNDERSCORING SUPPLIED.).

WHEREAS, this sanggunian is in receipt of Ordinances Nos. 1 and 2, Series of 1995, of the Sangguniang Barangay of Barangay Ipil, Ormoc City, entitled, "AN ORDINANCE REGULATING FISHING AND/OR FISHERIES IN THE BARANGAY IPIL, ORMOC CITY AND OTHER PURPOSES" and "AN ORDINANCE PROHIBITING FISHING ACTIVITIES IN ANY MANNER WITHIN THE ARTIFICIAL REEFS AREA" which are submitted for review as mandated by the provision of Article III, paragraph (a) of the Rules and Regulations Implementing the Local Government Code of 1991 (RRILGC);

WHEREAS, this Sanggunian has already passed Ordinance No. 38 s. 1993, entitled: "AN ORDINANCE REVISING ORDINANCE NO. 23, SERIES OF 1990, REGULATING FISHING AND/OR FISHERY PRIVILEGES IN THE CITY OF ORMOC, AND FOR OTHER PURPOSES", which regulates all fishing activities within the territorial waters of Ormoc City;

WHEREAS, our City Legal Officer has opined that Ordinances passed by the Sangguniang Barangay regulating fishing activities within the territorial waters of Ormoc City are "SUPERFLUITY";

WHEREAS, Article 101, (a) (14) of the RRILGC, provides: "Prescribe fines in amounts not exceeding One Thousand Pesos (P1,000.00) for violation of barangay ordinances", hence, the penalty provided for in Ordinance No. 2 s.1995 of the Sangguniang Barangay of Barangay Ipil, Ormoc City, which is a "fine of not less than One Thousand Pesos (P1,000.00) or more depending on damaged being made" is UNLAWFUL;

WHEREAS, the provisions in aforementioned Ordinance No. 1, s. 1995 of the Sangguniang Barangay of Barangay Ipil, Ormoc City, pertaining to "GARBAGE AND WASTE DISPOSAL", Sections 3.7 and 3.8 thereof, are in order and may therefore be passed as a separate ordinance;

WHEREFORE, foregoing premises considered, on motion of Kagawad Gregorio A. Yrastorza, Jr., Member, Committee on Laws & Ordinances, severally seconded by mga Kagawad Sotero M. Pepito, Alfredo F. Capahi and Claudio P. Larrazabal: be it,

RESOLVED, to pass a resolution RETURNING TO THE SANGGUNIANG BARANGAY OF BARANGAY IPIL, ORMOC CITY, ITS ORDINANCES NOS. 1 AND 2, BOTH SERIES OF 1995, ENTITLED, "AN ORDINANCE REGULATING FISHING AND/OR FISHERIES IN THE BARANGAY IPIL, ORMOC CITY AND OTHER PURPOSES", AND "AN ORDINANCE PROHIBITING FISHING ACTIVITIES IN ANY MANNER WITHIN THE ARTIFICIAL REEFS AREA", RESPECTIVELY, FOR THE FOLLOWING REASONS, TO WIT: (1) PER OPINION OF OUR CITY LEGAL OFFICER, BARANGAY ORDINANCES WHICH REGULATE FISHING ACTIVITIES WITHIN THE TERRITORIAL WATERS OF ORMOC CITY ARE "SUPERFLUITY" CONSIDERING THAT THE SANGGUNIANG PANLUNGSOD NG ORMOC HAS ALREADY PASSED ORDINANCE NO. 38 S. 1993 WHICH REGULATES FISHING ACTIVITIES WITHIN THE TERRITORIAL WATERS OF ORMOC CITY; AND, (2) THE PENALTY PROVIDED FOR IN ORDINANCE NO. 2 WHICH IS "A FINE OF NOT LESS THAN ONE THOUSAND PESOS (P1,000.00) OR MORE DEPENDING ON DAMAGED BEING MADE" IS ULTRA VIRES, AS THE PENALTY WHICH BARANGAY COUNCILS ARE AUTHORIZED TO IMPOSE UNDER ARTICLE 101, (A) (14) OF THE RRILGC IS "PREScribe FINES IN AMOUNTS NOT EXCEEDING ONE THOUSAND PESOS (P1,000.00) FOR VIOLATION OF BARANGAY ORDINANCES." (UNDERSCORING SUPPLIED.).

ENACTED, August 31, 1995.



RESOLVED, FURTHER, to furnish copies of this Ordinance, one each, to Honorable Eufrocino M. Codilla, Sr., City Mayor; Honorable Fernando P. Parrilla, Chapter President, Liga ng mga Barangay ng Ormoc; the DILG-ACLGO Officer, the Office of the Barangay Affairs, and Honorable Victor C. Fuentes, Punong Barangay, Brgy. Ipil, -all in Ormoc City;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing resolution.



BENJAMIN M. TUGONON
Vice Mayor & Presiding Officer

ATTESTED:



HERMOGENA P. SUMALINOG
Board Secretary II
OIC-Secretary to the
Sangguniang Panlungsod

APPROVED:


EUFROCINO M. CODILLA, SR.
City Mayor


(Date)