



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 SEPTEMBER 14, 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. 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. Manuel T. Fiel,	(D.B. - Cebu)	Kagawad
Hon. Jose B. Conejos,		Kagawad

RESOLUTION NO. 95-65

A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF
BARANGAY DANAQ, THIS CITY, ITS ORDINANCES NOS. 3, 4 AND
7 SERIES OF 1994 AND ORDINANCES NOS. 8 AND 9 SERIES OF
1995 FOR THE REASONS HEREUNDER STATED, TO WIT:

1. ORDINANCE NO. 3 S. 1994, ENTITLED, "AN ORDINANCE
IMPOSING LEVY TAXES TO ALL SARISARI STORE OPERATED
IN BARANGAY DANAQ ORMOC CITY WHICH THE FIX THE
RATE OF NOT MORE THAN ONE PERCENT 1% OF GROSS
SALES UNDER ARTICLE FOUR SECTION 152 IN CODE AND
SUBJECT TO PAY BRBY. CLEARANCE AND COMMUNITY TAX
IN CONNECTION TO SECTION 158 TO 159 AS PROVIDED OF
THE LOCAL GOVERNMENT CODE", IS RETURNED AS THE
PROVISIONS THEREIN ARE NOT CLEAR, HENCE, THE
LANGUAGE MUST BE IMPROVED, AND THERE IS NO SHOWING
THAT THE REQUIRED PUBLIC HEARING PRIOR TO THE
ENACTMENT OF A TAX ORDINANCE HAD BEEN CONDUCTED;
2. ORDINANCE NO. 4 S. 1994, ENTITLED, "AN ORDINANCE
IMPOSING TOOL FEES AND CHARGES FEES FOR THE USE
CATAGES SHED AND LAKE WATER OF BARANGAY LAKE DANAQ
ORMOC CITY ALL PERSONS LANDING OR STAMBAY OR
BATHING SWIMMING CELEBRATING OR ANY OCATION
SCARSTION INDUCTION CELEBRATING BIRTHDAY TURISM
AND ANY SEMELAR PURPOSES IN INAWASAN LAKE DANAQ",
IS RETURNED AS THE ORDINANCE DOES NOT SPECIFY THE
FEES OR CHARGES TO BE COLLECTED OR IMPOSED, THE
LANGUAGE OF THE ORDINANCE IS NOT CLEAR, THERE IS
NO SHOWING THAT THE REQUIRED PUBLIC HEARING HAS
BEEN CONDUCTED PRIOR TO THE ENACTMENT OF THIS TAX
ORDINANCES;

3. ORDINANCE NO. 07 S. 1994, ENTITLED, "GUINA DELI ANG BISAN UNSA NGA SUGAL PARIHAS SA TARI SA MANOK HANTAK BARAHA NG PINOSTAHAN UG CUARTA MADYONG TACSI LAST TWO UG BISAN ANO NGA CLASI NGA SUGAL KON WALAY LESENCIA O PERMIT GUIKAN SA PUNONG BARANGAY DENHI SA BRANGAY LAKE DANA O RMOC CITY", IS RETURNED AS BARANGAY COUNCILS ARE NOT AUTHORIZE TO LEGALIZE GAMBLING, THE PENALTY PROVIDED THEREIN WHICH IS FROM P1,000 TO P5,000.00 IS MORE THAN WHAT THE LAW AUTHORIZES BARANGAY COUNCILS CAN IMPOSE, AND THE ORDINANCE IS NOT PREPARED IN THE OFFICIAL LANGUAGE WHICH IS PILIPINO OR ENGLISH;
4. ORDINANCE NO. 08 S. 1995, ENTITLED, "AN ORDINANCE IMPOSSING LEVY TAXES TO ANY CARABAW OWNERS SLAUGHTER IN THE BARANGAY FOR PURPOSES OF COMMERCIAL AND BUSINESS OR BUY AND SELLS OF THIS MENTIONED ANIMAL WITH THE FIXED OF ONE HUNDRED PISOS PER EACH. (P100.00) AND ALSO REQUESTED THE OWNER TO PRESENT DOCUMENT PAPERS CERTIFYING THAT THIS ANIMAL ARE REGESTERED OF THE BEURUE OF MINAL AND INDUSTRY TO THE OFFICE OF THE PUNONG BARANGAY", IS RETURNED AS THE LANGUAGE OF THE ORDINANCE IS NOT CLEAR, AND THE PENALTY OF IMPRISONMENT PROVIDED THEREIN IS BEYOND THE POWER OF BARANGAY COUNCILS CAN IMPOSE;
5. ORDINANCE NO. 09 S. 1995, ENTITLED, "AN ORDINANCE IMPOSSING FINALTIES TO ANY PEOPLES WHO VIOLATE OF ANY LAWS AND SHALL UPON CONVICTION BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED PISOS (200.00) AND NOT MORE THAN FIVE THOUSAND PISOS (5,000.00)", IS RETURNED AS THE WORDING OF THE ORDINANCE IS AMBIGUOUS (NOT CLEAR) AND THE PENALTY OF A FINE OF "NOT MORE THAN FIVE THOUSAND PISOS (5,000.00)" IS NOT WITHIN THE POWER OR AUTHORITY OF BARANGAY COUNCILS TO IMPOSE;

PRESENTED for consideration by this august Body are the aforecited Ordinances Nos. 3, 4, 7, 8 and 9 of the Sangguniang Barangay of Barangay Danao, this city.

WHEREFORE, the Sangguniang Panlungsod ng Ormoc, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws & Ordinance, duly seconded by Kagawad Fernando P. Parrilla; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to return to the Sangguniang Barangay of Barangay Danao, this city, its Ordinances Nos. 3, 4 and 7 Series of 1994 and Ordinances Nos. 8 and 9 Series of 1995 for the reasons hereunder stated, to wit:

1. Ordinance No. 3, entitled, "AN ORDINANCE IMPOSING LEVY TAXES TO ALL SARISARI STORE OPERATED IN BARANGAY DANA O RMOC CITY WHICH THE FIX THE RATE OF NOT MORE THAN ONE PERCENT 1% OF GROSS SALES UNDER ARTICLE FOUR SECTION 152 IN CODE AND SUBJECT TO PAY BRGY. CLEARANCE AND COMMUNITY TAX IN CONNECTION TO SECTION 158 TO 159 AS PROVIDED OF THE LOCAL GOVERNMENT CODE", is returned as the provisions

therein are not clear, hence, the language must be improved, and there is no showing that the required public hearing prior to the enactment of a tax ordinance had been conducted;

2. Ordinance No. 4, entitled, "AN ORDINANCE IMPOSING TOOL FEES AND CHARGES FEES FOR THE USE CATAGES SHED AND LAKE WATER OF BARANGAY LAKE DANA O RMOC CITY ALL PERSONS LANDING OR STANDBAY OR BATHING SWIMMING CELEBRATING OF ANY OCATION SCARSTION INDUCTION CELEBRATING BIRTHDAY TURISM AND ANY SEMELAR PURPOSES IN INAWASAN LAKE DANA O", is returned as the ordinance does not specify the fees or charges to be collected or imposed, the language of the ordinance is not clear, there is no showing that the required public hearing has been conducted prior to the enactment of this tax ordinance;
3. Ordinance No. 07. entitled, "GUINA DELI ANG BISAN UNSA NGA SUGAL PARIHAS SA TARI SA MANDI HANTAK BARAH NG PINOSTAHAM UG CUARTA MADYONG TACSI LAST TWO UG BISAN AND NGA CLASI NGA SUGAL KON WALAY LESENCIA O PERMIT GUINAN SA PUNONG BARANGAY DENHI SA BRANGAY LAKE DANA O RMOC CITY", is returned as Barangay Councils are not authorized to legalize gambling, the penalty provided therein which is from P1,000 to P5,000.00 is more than what the law authorizes barangay councils can impose, and the ordinance is not prepared in the official language which is Pilipino or English;
4. Ordinance No. 08, entitled, "AN ORDINANCE IMPOSING LEVY TAXES TO ANY CARABAW OWNERS SLAUGHTER IN THE BARANGAY FOR PURPOSES OF COMMERCIAL AND BUSINESS OR BUY AND SELLS OF THIS MENTIONED ANIMAL WITH THE FIXED OF ONE HUNDRED PISOS PER EACH. (P100.00) AND ALSO REQUESTED THE OWNER TO PRESENT DOCUMENT PAPERS CERTIFYING THAT THIS ANIMAL ARE REGISTERED OF THE BEURUE OF NIMAL AND INDUSTRY TO THE OFFICE OF THE PUNONG BARANGAY", is returned as the language of the ordinance is not clear, and the penalty of imprisonment provided therein is beyond the power of barangay councils can impose;
5. Ordinance No. 09, entitled, "AN ORDINANCE IMPOSING PINALTIES TO ANY PEOPLES WHO VIOLATE OF ANY LAWS AND SHALL UPON CONVICTION BE PUNISHED BY A FINE OF NOT LESS THAN TWO HUNDRED PISOS (200.00) AND NOT MORE THAN FIVE THOUSAND PISOS (5,000.00)", is returned as the wording of the ordinance is ambiguous (not clear) and the penalty of a fine of "not more than five thousand pisos (5,000.00)", is not within the power or authority of barangay councils to impose.

ENACTED, September 14, 1995.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the DILG-ACLG O Officer, and the Barangay Chairman and Barangay Secretary of Brgy. Danao (with a suggestion that the Barangay Council, through the Punong Barangay, would seek assistance from the Kagawad


Incharge in the preparation of Barangay Ordinances, especially as to form, language and substance), -all in Ormoc City;

CARRIED UNANIMOUSLY.


I HEREBY CERTIFY to the correctness of the foregoing resolution.


BENJAMIN TUGONON
Vice Mayor & Presiding Officer

ATTESTED:


HERMOGENIA P. SUNALINO
Board Secretary II
OIC-Secretary to the
Sangguniang Panlungsod

APPROVED:


EUFROCINO M. CODILLA, SR.
City Mayor

9/20/95
(Date)