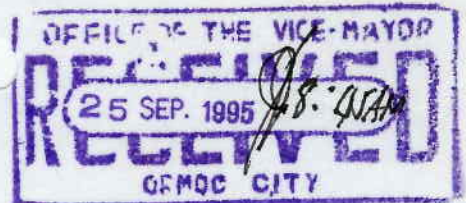




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



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 21, 1995



PRESENT:

Hon. Celso P. Adolfo,

Acting President

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. Benjamin F. Tugonon,

(O.B. - Tacloban),

City Vice-Mayor

and Presiding Officer

Hon. Jose B. Conejos,

Kagawad

RESOLUTION NO. 95-71

A RESOLUTION TO RETURN TO THE SANGGUNIANG BARANGAY OF
BARANGAY KADAHAN THEIR BARANGAY ORDINANCE NO. 02 S.
1995 ENTITLED "PROHIBITING THE WRITINGS OR PRINTING OF
ANY KIND ON THE BARANGAY PROPERTIES AND PROVIDING
PENALTY FOR VIOLATION THEREOF" WITH THE FOLLOWING
REASONS:

1. TO CHANGE THE WORD "APPREHENSION" TO "CONVICTION"
AS USED IN SECTION 2 THEREOF, AS TO IMPOSE A FINE
UPON APPREHENSION IS VIOLATIVE OF THE
CONSTITUTIONAL RIGHT OF A PERSON TO DUE PROCESS.
2. TO PROVIDE IN SAID ORDINANCE WITH "BRIEF
EXPLANATORY NOTE CONTAINING JUSTIFICATION FOR ITS
APPROVAL" AS REQUIRED BY ARTICLE 107 PARAGRAPH "B"
OF THE RULES AND REGULATIONS IMPLEMENTING THE
LOCAL GOVERNMENT CODE OF 1991.

WHEREAS, this august Body is in receipt of Ordinance No. 02 of the
Barangay Council of Kadahan, this city, entitled "AN ORDINANCE
PROHIBITING THE WRITINGS OR PRINTING OF ANY KIND ON THE BARANGAY
PROPERTIES AND PROVIDING PENALTY FOR VIOLATION THEREOF";

WHEREAS, this sanggunian, in relation to the aforecited 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 Seventh Sangguniang Panlungsod ng Ormoc through the representation of the Honorable Chairman, Committee on Laws and Ordinances, opted to return said Ordinance to the Barangay of Origin for the following reasons:

1. to change the word "apprehension" to "conviction" used in Section 2 thereof, as to impose a fine upon apprehension is violative of the constitutional right of a person to due process.
2. to provide in said Ordinance with "brief explanatory note containing justification for its approval" as required by Article 107 paragraph "b" of the Rules and Regulations Implementing the Local Government Code of 1991.

NOW, THEREFORE, on motion of Kagawad Mariano Y. Curro, Chairman, Committee on Laws and Ordinances, jointly seconded by mga Kagawad Alfredo F. Capahi and Sotero M. Pepito; be it

RESOLVED, to pass a resolution TO RETURN TO THE SANGGUNIANG BARANGAY OF BARANGAY KADAOHAN THEIR BARANGAY ORDINANCE NO. 02 S. 1995 ENTITLED "PROHIBITING THE WRITINGS OR PRINTING OF ANY KIND ON THE BARANGAY PROPERTIES AND PROVIDING PENALTY FOR VIOLATION THEREOF" WITH THE FOLLOWING REASONS:

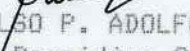
1. TO CHANGE THE WORD "APPREHENSION" TO "CONVICTION" AS USED IN SECTION 2 THEREOF, AS TO IMPOSE A FINE UPON APPREHENSION IS VIOLATIVE OF THE CONSTITUTIONAL RIGHT OF A PERSON TO DUE PROCESS.
2. TO PROVIDE IN SAID ORDINANCE WITH "BRIEF EXPLANATORY NOTE CONTAINING JUSTIFICATION FOR ITS APPROVAL" AS REQUIRED BY ARTICLE 107 PARAGRAPH "B" OF THE RULES AND REGULATIONS IMPLEMENTING THE LOCAL GOVERNMENT CODE OF 1991.

ENACTED, September 21, 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 of Barangay Kadaohan, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


CELSO P. ADOLFO
Acting Presiding Officer
Majority Floor Leader
Kagawad

ATTESTED:

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

APPROVED

[Signature]
EUFROCINO M. CORILLA, SR.
City Mayor

9/25/85
(Date)