



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 OCTOBER 5, 1995



Hon. Benjamin F. Tugonon, Vice-Mayor & Presiding Officer  
Hon. Claudio P. Larrazabal, Asst. Majority Floor Leader, Kagawad  
Hon. Benjamin B. Lladoc, 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. Celso P. Adolfo, (O.B. - Cagayan de Oro City), Majority Floor  
Leader, Kagawad  
Hon. Sotero M. Pepito, (O.B. - Cebu), Kagawad  
Hon. Jose B. Conejos, Kagawad

RESOLUTION NO. 95-85

A RESOLUTION TO RESPECTFULLY INFORM THE HONORABLE CITY  
MAYOR EUDROCINO M. CODILLA, SR. THAT HIS VETO ON  
RESOLUTION NO. 95-66 OF THIS SANGGUNIANG ENTITLED, "A  
RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF  
BARANGAY DISTRICT XII, ORmoc CITY, ITS TAX ORDINANCE  
NO. 2, SERIES OF 1995, ENTITLED, "AN ORDINANCE IMPOSING  
TAX ON RETAIL STORES BUSINESSET (SIC) AND TO ANY PERSON  
ENGAGED IN ANY BUSINESS WITHIN THE TERRITORIAL  
JURISDICTION OF BARANGAY XII", WITH THE REQUEST FOR  
PROPER AMENDMENTS OF SECTIONS 2, 3 AND PAR. 1 TO 3 OF  
SEC. 4 THEREOF, NOTATIONS AND OTHER SUGGESTIONS BEING  
EMPHASIZED IN THIS RESOLUTION, AS RESOLVED, WAS NOT  
NECESSARY FOR THE REASONS STATED HEREUNDER.

WHEREAS, on September 14, 1995, this Sanggunian passed Resolution  
No. 95-66, entitled, "A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY  
OF BARANGAY DISTRICT XII, ORmoc CITY, ITS TAX ORDINANCE NO. 2, SERIES OF  
1995, ENTITLED, "AN ORDINANCE IMPOSING TAX ON RETAIL STORES BUSINESSET  
(SIC) AND TO ANY PERSON ENGAGED IN ANY BUSINESS WITHIN THE TERRITORIAL  
JURISDICTION OF BARANGAY XII, WITH THE REQUEST FOR PROPER AMENDMENTS OF  
SECTIONS 2, 3 AND PAR. 1 TO 3 OF SEC. 4 THEREOF, NOTATIONS AND OTHER  
SUGGESTIONS BEING EMPHASIZED IN THIS RESOLUTION, AS RESOLVED";

WHEREAS, on September 18, 1995, aforementioned Resolution was  
forwarded to the City Mayor for his approval;

WHEREAS, on September 22, 1995, the Honorable City Mayor returned  
subject Resolution 95-66, with his VETO stating as his reason therefor,  
to quote: "Considering that the City Government has been and will be  
collecting permits fees to these small business operators and the same  
is tantamount to double taxation and is therefore contrary to public  
welfare";



WHEREAS, it is the sense of this Sanggunian that the VETO of the Honorable City Mayor on their Resolution No. 95-66 was not necessary or appropriate;

WHEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, jointly seconded by mga Kagawad Gregorio A. Yrastorza, Jr. and Fernando P. Parrilla; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to respectfully inform the Honorable City Mayor Eufrocino M. Codilla, Sr., that his veto on Resolution No. 95-66 of this Sanggunian entitled, "A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF BARANGAY DISTRICT XII, ORMOG CITY, ITS TAX ORDINANCE NO. 2, SERIES OF 1995, ENTITLED, "AN ORDINANCE IMPOSING TAX ON RETAIL STORES BUSINESS (SIC) AND TO ANY PERSON ENGAGED IN ANY BUSINESS WITHIN THE TERRITORIAL JURISDICTION OF BARANGAY XII, WITH THE REQUEST FOR PROPER AMENDMENTS OF SECTIONS 2, 3 AND PAR. 1 TO 3 OF SEC. 4 THEREOF, NOTATIONS AND OTHER SUGGESTIONS BEING EMPHASIZED IN THIS RESOLUTION, AS RESOLVED", was not necessary for the reasons stated hereunder, to wit:

- 1) That Resolution No. 95-66 was passed by this Sanggunian as the embodiment of their action on Tax Ordinance No. 2, Series of 1995 of the Sangguniang Barangay of Barangay District XII, this city, as required by Section 57, Par. (c) of the Local Government Code of 1991;
- 2) That as clearly shown in Resolution No. 95-66, it was resolved to return Tax Ordinance No. 2, Series of 1995, to the Barangay of Origin;
- 3) That since the action taken by this Sanggunian on TAX ORDINANCE NO. 2, Series of 1995 of Barangay District XII was in effect a DISAPPROVAL thereto, then the VETO of the Honorable City Mayor on Resolution No. 95-66 which embodied the action taken on aforesaid TAX ORDINANCE No. 2, Series of 1995 of Barangay District XII, was unnecessary and/or inappropriate, especially if the reasons for the veto thereof will be considered;
- 4) That the justification given for the VETO on Resolution No. 95-66 is contrary to the taxing power entrusted to Barangays as provided for in Section 152 of the Local Government Code of 1991;
- 5) That the taxes/fees proposed to be levied in Tax Ordinance No. 2, Series of 1995 of Barangay District XII, are the taxes/fees authorized by Barangays to levy under the aforesaid Section 152 of the Local Government Code of 1991;
- 6) That this Sanggunian has been approving Tax Ordinances of Barangays which were of similar nature or tenor of Tax Ordinance No. 2, Series of 1995 of Barangay District XII;
- 7) That Resolution No. 95-66 is not one of those measures which can be VETOED by Local Chief Executives. Section 55 of the Local Government Code of 1991 which is the repository of the VETO POWER of Local Chief Executives, enumerates the measures which can be vetoed by them,

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namely: 1) Ordinances; 2) Appropriation Ordinances; 3) Ordinances or resolutions adopting a local development plan and public investment program; 4) Ordinances directing the payment of money or creating liability.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to the Honorable City Mayor Eufrocino M. Codilla, Sr.; the City Administrator Vicente Redoña; the City Legal Officer Atty. Cleto L. Evangelista, Jr.; the DILG-ACLG Officer Rodolfo A. Torcende; the Punong Barangay of Barangay District XII, -and all others concerned, for their information.

ENACTED, October 5, 1995.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

BENJAMIN F. TUGONON  
Vice Mayor & Presiding Officer

ATTESTED:

*Sumaling*  
HERMOGENE P. SUMALING  
Board Secretary II  
OIC-Secretary to the  
Sangguniang Panlungsod

APPROVED:

*Eufrocino M. Codilla, Sr.*  
EUFROCINO M. CODILLA, SR.  
City Mayor

*10/9/95*  
(Date)