



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 FEBRUARY 1, 1996

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. Angelyn R. Paca,	SK Federation President, Ex-Officio, Kagawad

ABSENT:

Hon. Fernando P. Parrilla, (Sick Leave), Chapter Pres., Liga ng
mga Barangay ng Ormoc, Ex-Officio, Kagawad

RESOLUTION NO. 96-18

A RESOLUTION TO RETURN TO THE SANGGUNIANG BARANGAY OF
BARANGAY CAN-UNTOG ITS ORDINANCE NO. 03, ENTITLED: "AN
ORDINANCE DEFINING THE RESPONSIBILITIES FOR THE REPAIR
AND MAINTENANCE OF THE BARANGAY ROAD OF BRGY. CAN-
UNTOG, ORMOC CITY" AS EMBODIED IN ITS RESOLUTION NO.
26-95, ENTITLED: "A RESOLUTION ENACTING AN ORDINANCE
OUTLINING THE PROCEDURE FOR THE MAINTENANCE AND REPAIR
OF THE BARANGAY ROADS WITHIN THE JURISDICTIONAL METES
AND BOUNDS OF BARANGAY CAN-UNTOG, ORMOC CITY" FOR THE
REASON THAT "SECTION 1 OF ORDINANCE NO. 03 OF BRGY.
CAN-UNTOG IS VAGUE BECAUSE THE WORD "CONTINUOUSLY" IS
NOT CLEARLY DEFINED AND CONSEQUENTLY THE PERSONS WHO
MAY BE HELD LIABLE UNDER THE SAID ORDINANCE ARE NOT
IDENTIFIABLE" AS OPINED BY CITY LEGAL OFFICER CLETO L.
EVANGELISTA, JR., THE SANGGUNIANG BARANGAY OF BARANGAY
CAN-UNTOG MAY REPASS THE SAID ORDINANCE WITH THE PROPER
AMENDMENTS.

WHEREAS, this august Body is in receipt of Ordinance No. 03 from
the Barangay Council of Brgy. Can-untog, this city, entitled, "An
Ordinance defining the responsibilities for the repair and maintenance
of the barangay road of Brgy. Can-untog, Ormoc City" as adopted in its
Resolution No. 26-95 Series 1995;

WHEREAS, through 2nd Indorsement dated 16 January 1996, Kagawad
Mariano Y. Corro, Chairman, Committee on Laws & Ordinances, has endorsed
said Ordinance No. 03 to the City Legal Officer Cleto L. Evangelista,
Jr. for legal opinions on the legality of the ordinance;

WHEREAS, the City Legal Officer, through 3rd Indorsement dated 23 January 1996, has made the following comments:

"Respectfully returned X X X with the comment that Section 1 of Ordinance No. 03 of Brgy. Can-untog is vague because the word "continuously" is not clearly defined and consequently the persons who may be held liable under the said ordinance are not identifiable."

WHEREFORE, foregoing premises considered, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws & Ordinances, duly seconded by Kagawad Benjamin B. Lladoc; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to return to the Sangguniang Barangay of Barangay Can-untog its Ordinance No. 03, entitled "An Ordinance defining the responsibilities for the repair and maintenance of the barangay road of Brgy. Can-untog, Ormoc City" as embodied in its Resolution No. 26-95, entitled: "A Resolution enacting an Ordinance outlining the procedure for the maintenance and repair of the barangay roads within the jurisdictional metes and bounds of Barangay Can-untog, Ormoc City" for the reason that "Section 1 of Ordinance No. 03 of Brgy. Can-untog is vague because the word "continuously" is not clearly defined and consequently the persons who may be held liable under the said Ordinance are not identifiable" as opined by the City Legal Officer Cleto L. Evangelista, Jr., the Sangguniang Barangay of Barangay Can-untog may re-pass the said Ordinance with the proper amendments;

ENACTED, February 1, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Administrator, the City Legal Officer, the City Treasurer, the DILG-CGO Officer, the Barangay Affairs Officer, and the Barangay Chairman of Brgy. Can-untog, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

BENJAMIN F. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:

hymahing
HERMOGENA P. SUMALINOG
Secretary to the
Sangguniang Panlungsod