



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 MARCH 21, 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. 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. Jose C. Alfaro, Jr., (O.B. - Manila), Kagawad

NOTE: One (1) seat vacant - By virtue of the resignation of
Honorable Kagawad Jose B. Conejos

RESOLUTION NO. 96-44

A RESOLUTION TO RETURN TO THE SANGGUNIANG BARANGAY OF
BARANGAY LAO, THIS CITY, ITS ORDINANCE NO. 002 S. 1995,
ENTITLED "AN ORDINANCE IMPOSING A TOLL FEE ON ALL
VEHICLES USING THE BARANGAY ROAD FROM THE JUNCTION OF
THE NATIONAL HIGHWAY GOING TOWARDS THE BARANGAY PROPER,
OR IN ANY PORTION THEREOF", WITH THE INFORMATION THAT
LOCAL GOVERNMENT UNITS CAN ONLY IMPOSE TOLL FEES OR
CHARGES FOR THE USE OF ANY PUBLIC ROAD, PIER, ETC. IF
THE ROAD, PIER, ETC. HAVE BEEN FUNDED AND CONSTRUCTED
BY THE LOCAL GOVERNMENT UNIT CONCERNED, PER OPINION OF
OUR CITY LEGAL OFFICER CONTAINED IN THE ATTACHED COPY
OF HIS 3RD INDORSEMENT DATED MARCH 14, 1996.

WHEREAS, this Sanggunian is in receipt of Ordinance No. 002 s. 1995
of the Barangay Council of Barangay Lao, this city entitled, "AN
ORDINANCE IMPOSING A TOLL FEE ON ALL VEHICLES USING THE BARANGAY ROAD
FROM THE JUNCTION OF THE NATIONAL HIGHWAY GOING TOWARDS THE BARANGAY
PROPER, OR IN ANY PORTION THEREOF";

WHEREAS, the 7th Sangguniang Panlungsod ng Ormoc, upon review of
said Ordinance, has opted to return the same to the Barangay of Origin
per opinion of the City Legal Officer contained in the attached copy of
his 3rd Indorsement dated March 14, 1996;

WHEREFORE, premises considered, on motion of Kagawad Mariano Y.
Corro, Chairman, Committee on Laws and Ordinances, jointly seconded by
mga Kagawad Claudio P. Larrazabal and Alfredo F. Capahi; be it

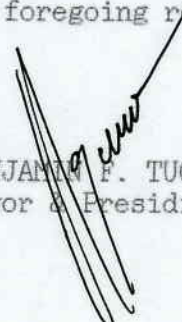
RESOLVED, to pass a resolution TO RETURN TO THE SANGGUNIANG BARANGAY OF BARANGAY LAO, THIS CITY; ITS ORDINANCE NO. 002 S. 1995, ENTITLED "AN ORDINANCE IMPOSING A TOLL FEE ON ALL VEHICLES USING THE BARANGAY ROAD FROM THE JUNCTION OF THE NATIONAL HIGHWAY GOING TOWARDS THE BARANGAY PROPER, OR IN ANY PORTION THEREOF", WITH THE INFORMATION THAT LOCAL GOVERNMENT UNITS CAN ONLY IMPOSE TOLL FEES OR CHARGES FOR THE USE OF ANY PUBLIC ROAD, PIER, ETC. IF THE ROAD, PIER, ETC. HAVE BEEN FUNDED AND CONSTRUCTED BY THE LOCAL GOVERNMENT UNIT CONCERNED, PER OPINION OF OUR CITY LEGAL OFFICER CONTAINED IN THE ATTACHED COPY OF HIS 3RD INDORSEMENT DATED MARCH 14, 1996;

ENACTED, March 21, 1996.


RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Administrator, the City Treasurer, the City Budget Officer, the City Accountant, the DILG-CGO Officer and the Barangay Chairman/Treasurer of Barangay Lao, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


BENJAMIN F. TUGONON
Vice-Mayor & Presiding Officer

ATTESTED:


HERMOGENA P. SUNALINOG
Secretary to the
Sangguniang Panlungsod

3/14/96

Republic of the Philippines
OFFICE OF THE CITY LEGAL OFFICER
Ormoc City

3rd Indorsement
March 14, 1996

Respectfully returned to Hon. Kan. Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, thru the Secretary to the S.P., Hermogena P. Sumalinoq, with the comment that the legal bases for the Ordinance No. 002 of Barangay Lao erroneously cited and the undersigned failed to locate the same.

However, the applicable provision in Cert. 155 of the Local Government Code quoted hereunder:

"SECTION 155. Toll Fees or Charges.- The sanggunian concerned may prescribe the terms and conditions and fix the rates for the imposition of toll fees or charges for the use of any public road, pier or wharf, waterway, bridge, ferry or telecommunication system funded and constructed by the local government unit concerned: Provided, That no such toll fees or charges shall be collected from officers and enlisted men of the Armed Forces of the Philippines and members of the Philippine National Police on mission, post office personnel delivering mail, physically-handicapped, and disabled citizens who are sixty five (65) years or older.

When public safety and welfare so requires, the sanggunian concerned may discontinue the collection of the tolls, and thereafter the said facility shall be free and open for public use."

From the foregoing, it is clear that before the Local Government Unit (LGU) can impose such toll fees or charges for the use of any public road, pier, etc. the same must be funded and constructed by the LGU concerned.

CLETO L. EVANGELISTA, JR.
City Legal Officer