

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



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. 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. 96-46

A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF  
BRGY. IPIL, ORMOC CITY, ITS ORDINANCE NO. III S. 1995,  
ENTITLED, "AN ORDINANCE REGULATING FISHING AND/OR  
FISHERIES IN THE BARANGAY IPIL, ORMOC CITY AND OTHER  
PURPOSES", AND, ORDINANCE NO. IV S. 1995 ENTITLED, "AN  
ORDINANCE PROHIBITING FISHING ACTIVITIES IN ANY MANNER  
WITHIN THE ARTIFICIAL REEFS AREA", FOR REASONS BEING  
EMPHASIZED IN THIS RESOLUTION, AS RESOLVED.

WHEREAS, this Sanggunian is in receipt of Ordinance Nos. III and  
IV, both Series of 1995 of the Barangay Council of Brgy. Ipil, this  
city, respectively entitled, "An Ordinance regulating fishing and/or  
fisheries in the Barangay Ipil, Ormoc City and other purposes", and, "An  
Ordinance prohibiting fishing activities in any manner within the  
artificial reefs area";

WHEREAS, it is the observation of this august Body that the  
aforecited ordinances have material defects in their embodiment and  
propriety, hence, be returned to the Sangguniang Barangay of Origin with  
comments;

NOW, THEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman,  
Committee on Laws & Ordinances, severally seconded by mga Kagawad  
Claudio P. Larrazabal, Sotero M. Pepito and Benjamin B. Lladoc; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to return to the Sangguniang  
Barangay of Brgy. Ipil, this city, its Ordinance No. III s. 1995,  
entitled, "An Ordinance regulating fishing and/or fisheries in the  
Barangay Ipil, Ormoc City and other purposes", and, Ordinance No. IV s.

1995 entitled, "An Ordinance prohibiting fishing activities in any manner within the artificial reefs area" for the reasons stated hereunder, to wit:

1. Both Ordinances (Nos. III and IV) which regulate fishing activities within Barangay Ipil are ULTRA VIRES as the Local Government Code of 1991, particularly Section 391 thereof which is the repository of the Powers, Duties, and Functions of Sangguniang Barangay does not grant the power to regulate fishing activities within its territory.

The power to regulate fishing activities is lodged in the Sangguniang Panlungsod as provided for in Section 149 in relation to Section 151 of the Local Government Code of 1991, which grants cities the exclusive authority to grant fishery privileges in the municipal waters and impose rentals, fees or charges therefor. Moreover, the same Code, Section 458, par. (a) subpar. (1) (vi) provides: "Protect the environment and impose appropriate penalties for acts which endanger the environment, such as dynamite fishing and other forms of destructive fishing, X X X", and subpar. (2) (xi) provides: "X X X grant the exclusive privilege of constructing fish corrals or fish pens, or the taking or catching of bangus fry, prawn fry or kawag-kawag, or fry of any species or fish within the city waters;"

2. The Sangguniang Panlungsod ng Ormoc has already passed an Ordinance which regulate fishing activities within the municipal waters of Ormoc City, Ordinance No. 38 Series 1993, entitled "An Ordinance revising Ordinance No. 23 s. of 1990, regulating fishing and/or Fishery Privileges in the City of Ormoc, and for other purposes.

All officials of coastal barangays are urged to help implement the aforementioned Ordinance.

Should you feel that our Fishery Ordinance is inadequate or needs improvement, you may submit your suggestions or recommendations, as it is one of the duties of the sangguniang barangay to submit to the sangguniang panlungsod suggestions or recommendations as it may see fit for the improvement of the barangay or for the welfare of the inhabitants thereof. Section 391, par. (a) subpar. (5).

3. The proposed Ordinance does not contain an explanatory note as required by Article 107 of the Rules and Regulations Implementing the Local Government Code of 1991, par. (b) thereof, which in part provides: "X X X In addition, every proposed ordinances shall be accompanied by a brief explanatory note containing the justification for its approval. X X X"
4. Article 111 of the aforementioned Rules and Regulations Implementing the Local Government Code of 1991, par. (a) thereof, provides; "Within ten (10) days after its enactment, the sangguniang barangay shall furnish copies of all barangay ordinances to the sangguniang panlungsod or sangguniang bayan

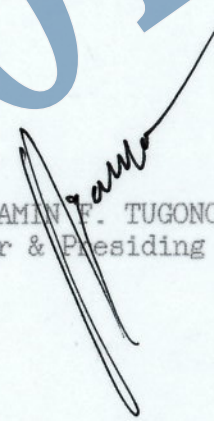
concerned for review as to whether the ordinance is consistent with law and city or municipal ordinances". Considering that both Ordinances were approved in 1995 yet, these are already "STALE" ordinances so to speak. Please observe the requirement of the law.

ENACTED, March 21, 1996.

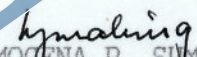
RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor; the City Administrator, the City Treasurer, the DILG-CGO Officer and the Barangay Chairman of Brgy. Ipil, -all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

  
BENJAMIN F. TUGONON  
Vice-Mayor & Presiding Officer

ATTESTED:

  
HERMOCEÑA P. SUMALINOG  
Secretary to the  
Sangguniang Panlungsod