



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 5, 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. 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. Chiqui B. Labagala,	SK Federation President, Ex-Officio, Kagawad
ABSENT:	
Hon. Alfredo F. Capahi,	(Sick Leave), Kagawad

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

RESOLUTION NO. 96-148

A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF BRGY. SAN JUAN, THIS CITY, ITS ORDINANCE NO. 14 S. 1996, ENTITLED, "AN ORDINANCE IMPOSING A CURFEW WITHIN THE JURIDICAL METES AND BOUNDS OF BARANGAY SAN JUAN AND DEFINING FINES AND PENALTIES ON VIOLATORS THE CURFEW" AND ORDINANCE NO. 15 S. 1996, ENTITLED, "AN ORDINANCE PROHIBITING THE IMPROPER DISPOSAL OF GARBAGE, TRASH AND WASTE INCLUDING HUMAN WASTE, LITTERING WITHIN THE JURIDICAL METES AND BOUNDS OF BARANGAY SAN JUAN AND DEFINING PENALTIES ON VIOLATION THERETO" FOR THE REASON THAT AFOREMENTIONED ORDINANCES ARE DEFECTIVE AS SHOWN HEREUNDER.

WHEREAS, this august Body is in receipt of the aforecited Ordinances of the Sangguniang Barangay of Brgy. San Juan, this City, submitted for review as mandated by Section 57 of the Local Government Code of 1991;

WHEREAS, a review of these Ordinances disclosed that these contain some infirmities as will be shown later;

WHEREFORE, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, jointly seconded by mga Kagawad Sotero M. Pepito and Jose C. Alfaro, Jr.; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass an Ordinance RETURNING TO THE SANGGUNIANG BARANGAY OF BRGY. SAN JUAN, THIS CITY, ITS ORDINANCE NO. 14 S. 1996, ENTITLED, "AN ORDINANCE IMPOSING A CURFEW WITHIN THE JURIDICAL METES AND BOUNDS OF BARANGAY SAN JUAN AND DEFINING FINES AND

PENALTIES ON VIOLATORS THE CURFEW" AND ORDINANCE NO. 15 S. 1996, ENTITLED, "AN ORDINANCE PROHIBITING THE IMPROPER DISPOSAL OF GARBAGE, TRASH AND WASTE INCLUDING HUMAN WASTE, LITTERING WITHIN THE JURIDICAL METES AND BOUNDS OF BARANGAY SAN JUAN AND DEFINING PENALTIES ON VIOLATION THERETO" FOR THE REASON THAT AFOREMENTIONED ORDINANCES ARE DEFECTIVE AS SHOWN HEREUNDER, TO WIT:

RE: ORDINANCE NO. 14

1. Section 1 thereof is ambiguous as it does not clearly specify the persons covered by the Ordinance;
2. Section 2 is not valid as it merely specify the minimum fines but does not set the maximum fines. Section 321, Local Government Code of 1991 par. (a), subpar. (14) set the maximum penalty of fine at P1,000.00;
3. Section 3 which provides the exemptions is not clear, and is limited. It is provided therein that "Person whose livelihood incurs the need to commute within the barangay on hours specified for the Barangay Tanod and Approved by the Punong Barangay". This should be clarified what is meant by this provision as it is confusing. It is likewise provided in this Section that "In case of emergencies, the person/s involved shall carry a lighted lantern or torch to signify their presence and to prevent intoward incidents with the law enforcement personel of the barangay." As worded it is only the person/s involved who shall be exempted from the provisions of this Ordinance. How about the person/s accompanying the person/s involved? Are they exempted or answerable to this Ordinance? And how about vehicles, private and public, which pass on the national highway within the territorial jurisdiction of Brgy. San Juan during the curfew hours, are they covered by this Ordinance? If so, then the Ordinance becomes unreasonable and oppressive.

The Punong Barangay may exempt persons from the coverage of the Ordinance but not suspend it .

ORDINANCE NO. 15

1. Section 1 is ambiguous or uncertain. Is it only the throwing of garbage, etc. in the river, rivulet or ponds that is punishable, or does it include any place or area within the barangay, other than river, rivulet or ponds? What is meant by "designated" and "proper places"?
2. Section 2 mentions of "existence of a functional toilet of a design approved and recommended areas X X X". Who is the person tasked in "approving" and "recommending"? This must be clarified.

"The Kagawad Incharge of the Barangay..." or should this phrase be worded as "The Barangay Kagawad Incharge of the particular Sitio or Purok..."

Should not the term "Juridical" be replaced with "Jurisdictional".

3. Section 3 as worded encourages pollution and the clogging of water ways, etc. This must be reworded.


Ordinances which are ambiguous or uncertain offend the constitutional provision of due process clause.

ENACTED, September 5, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to the Sangguniang Barangay of Brgy. San Juan, this city, through the Honorable Punong Barangay; the Honorable City Mayor of Ormoc; the Office of Barangay Affairs, and other Offices concerned.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


OSCAR P. LASAM
Secretary to the
Sangguniang Panlungsod

ATTESTED:


BENJAMIN E. TUGONON
Vice Mayor & Presiding Officer