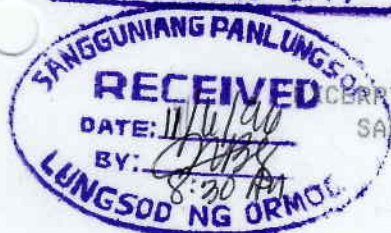


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



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 31, 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. 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

ABSENT:

Hon. Chiqui B. Labagala, (O.B. - Tacloban), SK Federation Pres.,  
Ex-Officio, Kagawad

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

RESOLUTION NO. 96-202

A RESOLUTION RETURNING TO THE SANGGUNIANG BARANGAY OF  
DISTRICT XXII, ITS ORDINANCE NO. 1 S. 1996, ENTITLED,  
"AN ORDINANCE PROHIBITING ASTRAY DOGS FROM ROAMING  
AROUND THE BARANGAY SITE, AND OTHER PUBLIC AND PRIVATE  
PLACES, PROVIDING PENALTIES IN VIOLATION THEREOF" FOR  
SAID ORDINANCE CONTAINS SOME LEGAL INFIRMITIES AS  
DISCUSSED HEREIN".

WHEREAS, Barangay District XXII has submitted to this august Body  
their Ordinance No. 01, entitled: "AN ORDINANCE PROHIBITING ASTRAY DOGS  
FROM ROAMING AROUND THE BARANGAY SITE, AND OTHER PUBLIC AND PRIVATE  
PLACES, PROVIDING PENALTIES IN VIOLATION THEREOF", for review as mandat-  
ed by Section 57 of the Local Government Code of 1991;

WHEREAS, the review made on the aforementioned Ordinance revealed  
the following legal infirmities, to wit:

- a) It does not contain an explanatory note as required by  
Article 107, par. (b) of the Rules and Regulations  
Implementing the Local Government Code of 1991;
- b) The Ordinance is unreasonable and/or oppressive as it  
punishes dog-owners even if their dogs roam around in  
their own private place;
- c) The Ordinance is ambiguous for whereas the title there-  
of speaks of "astray dogs", Section 1 thereof already  
mentions of "animals" which is no longer limited to  
dogs; and especially that in Section 2 of the same

Ordinance speaks of "to purposely graze them in such places mentioned above". (Underscoring supplied for emphasis.)

- d) Section 4 thereof states: "the owner of the dog shall have to determine such cost" is impractical, and as such would render the intent and purpose thereof nugatory;

NOW, THEREFORE, foregoing premises considered, on motion of Kagawad Mariano Y. Corro, Chairman, Committee on Laws and Ordinances, severally seconded by mga Kagawad Claudio P. Larrazabal, Alfredo F. Capahin, Fernando P. Parrilla and Gregorio A. Yrastorza, Jr.; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to return to the Sangguniang Barangay of District XXII, its Ordinance No. 1 s. 1996, entitled, "An Ordinance prohibiting astray dogs from roaming around the barangay site, and other public and private places, providing penalties in violation thereof", for said Ordinance contains some legal infirmities as discussed herein;

ENACTED, October 31, 1996.

RESOLVED, FURTHER, to furnish copies of this resolution, one each, to the Honorable City Mayor Eufrocino M. Codilla, Sr.; the Punong Barangay and Presiding Officer of the Sangguniang Barangay of District XXII; the President of the Association of the Barangay Councils of Ormoc City; the Office of the Barangay Affairs; the DILG-CGO Officer, and other Offices concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

BENJAMIN TUGONON  
Vice Mayor & Presiding Officer