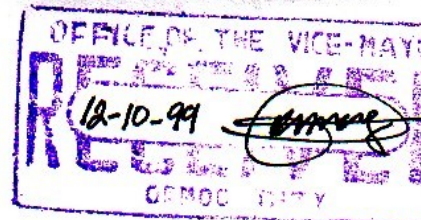
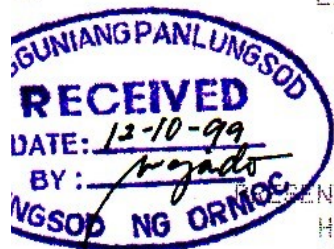


REPUBLIKA NG PILIPINAS  
SANGGUNIANG PANLUNGSOD  
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE EIGHTH  
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE  
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD  
BUILDING ON DECEMBER 09, 1999



PRESENT:

|                            |  |
|----------------------------|--|
| Hon. Celso P. Adolfo,      | City Vice Mayor & Presiding Officer              |
| Hon. Dennis Y. Capuyan,    | (Acting Floor Leader), City Councilor,           |
|                            | Assist. Maj. Floor Leader                        |
| Hon. Jose S. Serafica,     | City Councilor, Minority Floor Leader            |
| Hon. Mariano Y. Corro,     | City Councilor                                   |
| Hon. Eduardo P. Tan,       | City Councilor                                   |
| Hon. Fernando P. Parrilla, | Ex-Officio City Councilor,                       |
|                            | Chapter President, Liga ng mga Barangay ng Ormoc |
| Hon. Chiqui B. Labagala,   | Ex-Officio City Councilor,                       |
|                            | SK Federation President                          |

ABSENT:

|                              |                                     |
|------------------------------|-------------------------------------|
| Hon. Nepomuceno P. Aparis I, | (O.B. - Naga City), City Councilor, |
|                              | Majority Floor Leader               |
| Hon. Sotero M. Pepito,       | (O.B. - Naga City), City Councilor  |
| Hon. Alfredo F. Capahi,      | (O.B. - Palawan), City Councilor    |
| Hon. Jose G. Alfaro, Jr.,    | (O.B. - Palawan), City Councilor    |
| Hon. Claudio P. Larrazabal,  | (O.B. - Naga City), City Councilor  |

RESOLUTION NO. 99-210

A RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF DANAOG  
THEIR BARANGAY ORDINANCE NO. 17 SERIES OF 1999 FOR THE  
REASON THAT SAID ORDINANCE IS ULTRA VIRES PER OPINION  
OF CITY LEGAL OFFICER CLETO L. EVANGELISTA, JR.

WHEREAS, this Sanggunian is in receipt of Ordinance No. 17 s. 1999  
from the Barangay Council of Barangay Danao, this city, entitled: "AN  
ORDINANCE MANDATING THE IMPOSITION OF FEES ON CERTAIN (SIC) VEHICLES  
USING THE BARANGAY ROAD WITHIN THE METES AND BOUNDS OF BARANGAY DANAOG,  
ORMOC CITY, PHILIPPINES";

WHEREAS, the Sangguniang Panlungsod ng Ormoc is, by law granted the  
Power of Review as to whether said ordinance is consistent with law and  
city ordinance (Sec. 57, 1991, LGC);

WHEREAS, the City Legal Officer through 3rd Indorsement dated 29  
November 1999 has stated that "it is beyond the power of the Barangay  
Council of Barangay Danao to enact Brgy. Ordinance No. 17 which imposes  
fees on the vehicles using their brgy. roads as provided in Sec. 133 (e)  
and that Sec. 152 of the LGC enumerates and governs the taxing power of  
the barangay clearly shows that brgy. has no such power";

WHEREFORE, foregoing premises considered, on motion of City  
Councilor Mariano Y. Corro, Vice Chairman, Committee on Laws and  
Ordinances, jointly seconded by City Councilors Dennis Y. Capuyan and  
Eduardo P. Tan; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution RETURNING TO THE BARANGAY COUNCIL OF DANAOG THEIR BARANGAY ORDINANCE NO. 17 SERIES OF 1999 FOR THE REASON THAT SAID ORDINANCE IS ULTRA VIRES PER OPINION OF CITY LEGAL OFFICER CLETO L. EVANGELISTA, JR.;

ADOPTED, December 09, 1999

RESOLVED, FURTHER, to furnish copies of this resolution each to the Sangguniang Barangay of Danao, through its Punong Barangay; the Honorable City Mayor of Ormoc, Eufrocino M. Codilla, Sr.; the President, Association of Barangay Councils; Office of the Brgy. Affairs, DILG, Ormoc City, City Legal Officer Cleto L. Evangelista, Jr., and others Officers concerned;

I HEREBY CERTIFY to the correctness of the foregoing resolution.

OSCAR LASAM  
Secretary to the  
Sangguniang Panlungsod

ATTESTED:

CELSO P. ADOLFO  
City Vice Mayor & Presiding Officer