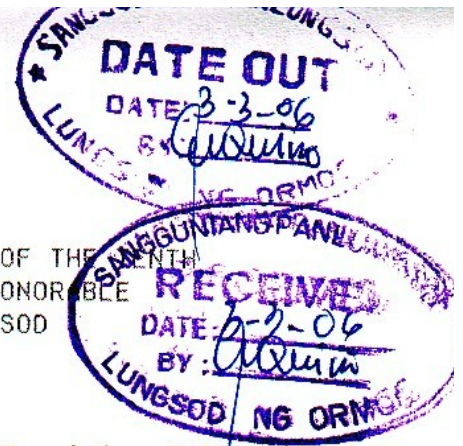


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON MARCH 02, 2006



PRESENT:

Hon. Sotero M. Pepito, City Councilor, (Temp. Presiding Officer)
Hon. Jose S. Serafica, City Councilor, Minority Floor Leader
Hon. Manuel T. Fiel, City Councilor, Assist. Minority Floor Leader
Hon. Eduardo P. Tan, City Councilor
Hon. Claudio P. Larrazabal, City Councilor, Majority Floor Leader
Hon. Mariano Y. Corro, City Councilor
Hon. Fe S. Lladoc, City Councilor
Hon. Gregorio A. Yrastorza, Jr., City Councilor
Hon. Ruben R. Capahi, City Councilor
Hon. Emeterio Y. Larrazabal, Jr., Ex-Officio City Councilor,
Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Cheryl A. Arcuino, Ex-Officio City Councilor,
SK Federation President

ABSENT:

Hon. Nepomuceno P. Aparis I, (Acting City Mayor), Vice Mayor &
Presiding Officer
Hon. Jose C. Alfaro, Jr., (Sick Leave), City Councilor

RESOLUTION NO. 2006-046

A RESOLUTION RETURNING TO THE SANGGUNIANG PAMBARANGAY OF
DISTRICT XII, THIS CITY, THEIR ORDINANCE NO. 01, SERIES
OF 2006, ENTITLED: "AN ORDINANCE DESIGNATING LOPEZ
JAENA STREET AS NO PARKING ZONE AND PROVIDING PENALTIES
FOR THE VIOLATION THEREOF" FOR THE REASON THAT IT IS
ULTRA VIRES.

WHEREAS, this Sanggunian is in receipt of Barangay Ordinance No.
01, Series of 2006 of the Sangguniang Pambarangay of District XII, this
city, entitled: "AN ORDINANCE DESIGNATING LOPEZ JAENA AS NO PARKING ZONE
AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, submitted for review
as required by Section 57 of the LGC, which in relation to Article III
of the IRRLGC, which in part states:

"(a) with ten (10) days after its enactment, the sangguniang
barangay shall furnish copies of all barangay ordinance to the
sangguniang panlungsod or sangguniang bayan concerned for review
as to whether the ordinance is consistent with law and city or
municipal ordinances", (Note aforementioned Barangay Ordinance
was enacted on January 21, 2006, however, copy thereof was
received by the SP on February 23, 2006, only)

WHEREAS, the purpose of subject ordinance is meritorious and
commendable, however, unfortunately, Sangguniang Pambarangays are not
empowered to enact such kind of ordinance, as the subject matter
thereof, is reserved to the Sangguniang Panlungsod as provided for in
Section 458, par. (a), subpar. (5), (v) and (vi) of the LGC, in relation
to Art. 99, par (a), subpar. (5), (v) and (vi) of the IRRLGC, the
pertinent portion of which reads;

- "(v) Regulate the use of streets x x x.
- (vi) Regulate traffic on all streets x x x "

and, moreover, Lopez Jaena Street which is proposed to be a "NO PARKING ZONE" is not entirely located within the territorial jurisdiction of Brgy. Dist. XII as it is also shared by Dist. XI, and therefore could not be proper subject of the Ordinance of Brgy. Dist. XII, and finally, as the subject Ordinance contains a penal sanctions for the violation thereof, the more that it should be emphasized that its enactment is ultra vires;

WHEREAS, considering the merits and the commendable objectives of subject Ordinance, this Sanggunian shall give it a serious study for its subsequent enactment;

FOREGOING PREMISES CONSIDERED, on motion of City Councilor Mariano Y. Corro, Chairman Committee on Laws & Ordinances, severally seconded by City Councilors Eduardo P. Tan, Ruben R. Capahi & Manuel T. Fiel; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to adopt a RETURNING TO THE SANGGUNIANG PAMBARANGAY OF DISTRICT XII, THIS CITY, THEIR ORDINANCE NO. 01, SERIES OF 2006, ENTITLED: "AN ORDINANCE DESIGNATING LOPEZ JAENA STREETS AS NO PARKING ZONE AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF" FOR THE REASON THAT IT IS ULTRA VIRES;

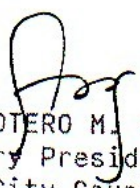
ADOPTED, March 02, 2006.


RESOLVED, FURTHER, to furnish copies of this Resolution, one each to the Honorable City Mayor, Eric C. Codilla, DILG City Coordinator, Jesus Horca, Sangguniang Pambarangay of District XII, through it Punong Barangay, Hon. Maria Samuel P. Aviles, and others concerned, all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

ATTESTED:


SOTERO M. PEPITO
Temporary Presiding Officer
(City Councilor)


JOEL S. DUERO
OIC - Secretary to the SP
(Loc. Leg. Staff Officer V)