



REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE ELEVENTH
SANGGUNIANG PANLUNGSOD NG ORMOC HELD AT THE HONORABLE
PLACIDO ENECIO HALL, SANGGUNIANG PANLUNGSOD
BUILDING ON APRIL 30, 2009

PRESENT:

Hon. Nepomuceno P. Aparis I,	Vice Mayor & Presiding Officer
Hon. Claudio P. Larrazabal,	City Councilor, Floor Leader
Hon. Sotero M. Pepito,	City Councilor, Assist. Floor Leader
Hon. Demosthenes F. Tugonon,	City Councilor
Hon. Mariano Y. Corro,	City Councilor
Hon. Fe S. Lladoc,	City Councilor
Hon. Filomeno P. Maglasang,	City Councilor
Hon. Rafael C. Omega, Jr.,	City Councilor
Hon. Fernando P. Parrilla,	City Councilor
Hon. Lea Doris C. Villar,	Ex-Officio City Councilor,
	Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Corinne M. Corro,	Ex-Officio City Councilor,
	SK Federation President

ABSENT:

Hon. Ruben R. Capahi,	(O.B.- Manila), City Councilor
Hon. Jose C. Alfaro, Jr.,	(O.B.- Manila), City Councilor

RESOLUTION NO. 2009-088

A RESOLUTION RESPECTFULLY URGING THE CONCERNED OFFICES OF THE GOVERNMENT (DEPARTMENTS OF BUDGET & MANAGEMENT, FINANCE, ENVIRONMENT & NATURAL RESOURCES, ENERGY) TO STRICTLY OBSERVE AND COMPLY THE PROVISIONS OF SECTIONS 293 AND 286 OF THE LGC, IN THE RELEASE OF THE SHARE OF HOST LGUs, IN THE UTILIZATION AND DEVELOPMENT OF NATIONAL WEALTH.

WHEREAS, LGU Ormoc City is the site of a producing geothermal reservoir, and as such has been receiving royalties on a quarterly basis from PNOC-EDC when it was still a government owned and controlled corporation;

WHEREAS, lately, PNOC-EDC has been privatized, and since then, LGU Ormoc City has not received its Royalty, the last of which was for the 2nd quarter of 2007;

WHEREAS, this Sanggunian on April 17, 2008, passed Resolution No. 2008-067, entitled: "A RESOLUTION RESPECTFULLY REQUESTING THE SECRETARY OF THE DEPARTMENT OF ENERGY (DOE), HON. ANGELO REYES, AND THE SECRETARY OF BUDGET AND MANAGEMENT (DBM), HON. ROLANDO ANDAYA, TO RELEASE ON A QUARTERLY BASIS THE SHARE OF LGU ORMOC CITY IN THE NATIONAL WEALTH";

WHEREAS, very unfortunately the aforementioned Resolution must have fallen on deaf ears, as no positive action was taken thereon;

WHEREAS, it is hoped and prayed that the concerned offices of the government realize that any delay in the release of the share of host LGUs in the utilization and development of national wealth will greatly prejudice the inhabitants thereof and can bring havoc to the financial condition of the concerned LGUs, and besides the delay in the remittance thereof is contrary to the existing provisions of the Local Government Code, as shall be pointed out hereunder;

WHEREAS, Section 293 of the LGC, re: Remittance of the Share of Local Government Units, states:

"The share of Local Government Units from the utilization and development of national wealth shall be remitted in accordance with Section 286 of this Code: Provided, however, that in the case of any government agency or a government-owned or controlled corporation engaged in the utilization and development of the national wealth, such share shall be directly remitted to the provincial, city, municipal or barangay treasurer concerned within five (5) days after the end of such quarter," (Underscoring supplied)

WHEREAS, Section 286 of the LGC, re: Automatic Release of Shares, provides:

"a) The share of each local government unit shall be released, without need of any further action, directly to the provincial, city, municipal or barangay treasurer, as the case may be, on a quarterly basis within five (5) days after the end of each quarter, and which shall not be subject to any lien or holdback that may be imposed by the National Government for whatever purpose.

b) Nothing in this Chapter shall be understood to diminish the share of Local Government Units under existing laws." (Underscoring Supplied)

WHEREAS, the aforequoted provisions (Sections 293 and 286) of the LGC, clearly and emphatically show that the remittance of the share of LGUs shall be made on a QUARTERLY basis; hence, any guidelines and procedures on the release of the share of LGUs in the proceeds from the utilization and development of national wealth which contravene the aforequoted provisions of the LGC, like the guidelines and procedures outlined in DBM-DOF-DENR-DOE JOINT CIRCULAR NO. 2006-1, dated February 13, 2006, cannot prevail over the clear provisions of the LGC. As ruled by our Supreme Court in the case of PABLICO vs. VILLAPANDO, G.R. No. 147870 dated July 31, 2002, "No rule or regulation may alter, amend, or contravene a provision of law, such as the Local Government Code. Implementing rules should conform, not clash, with the law that they implement, for a regulation which operates to create a rule out of harmony with the statute is a NULLITY";

FOREGOING PREMISES CONSIDERED, on MASS MOTION of the Body; be it


RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution RESPECTFULLY URGING THE CONCERNED OFFICES OF THE GOVERNMENT (DEPARTMENTS OF BUDGET & MANAGEMENT, FINANCE, ENVIRONMENT & NATURAL RESOURCES, ENERGY) TO STRICTLY OBSERVE AND COMPLY THE PROVISIONS OF SECTIONS 293 AND 286 OF THE LGC, IN THE RELEASE OF THE SHARE OF HOST LGUs, IN THE UTILIZATION AND DEVELOPMENT OF NATIONAL WEALTH;

ADOPTED, April 30, 2009.

RESOLVED, FURTHER, to furnish copies of this resolution to - the Secretary of the Department of Budget & Management, Hon. Rolando Andaya, the Secretary of the Department of Finance, Hon. Garry B. Teves, the Secretary of the Department of Environment and Natural Resources, Hon. Jose L. Atienza, Jr., the Secretary of the Department of Energy, Hon. Angelo T. Reyes, the Secretary of the Department of Interior and Local Government, Hon. Ronaldo Puno, the President of the Senate, Hon. Juan Ponce Enrile, the Speaker of the House, Hon. Prospero Nograles, the Congressman of the 4th District of Leyte, Hon. Eufrocino M. Codilla, Sr., the President of the Alliance of Energy Producing LGUs, Hon. Mayor of Valencia, Negros Oriental, Rodolfo V. Gonzales, Jr., Hon. City Mayor of Ormoc, Eric C. Codilla, the City Director of DILG, Mr. Jesus Horca, the City Administrator of Ormoc, Dr. Dennis Y. Capuyan, the City Treasurer of Ormoc, Mr. Angelo T. Roman and others concerned, all in Ormoc City;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


NEPOMUCENO P. APARIS
Vice Mayor & Presiding Officer