

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC

RECEIVED

OCT 26 2009



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 OCTOBER 22, 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. Ruben R. Capahi,	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. Jose C. Alfaro, Jr.,	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:

N O N E

RESOLUTION NO. 2009-201

A RESOLUTION STRONGLY OPPOSING THE PASSAGE OF HOUSE BILL
NO. 24 AND CALLING FOR ITS OUTRIGHT REJECTION.

WHEREAS, House Bill No. 24 was filed in Congress which seeks to exempt capital towns of provinces without cities from the requirements of cityhood specifically on the locally generated income of P100 million pesos;

WHEREAS, the House Committee on Local Government recently approved the passage of the Bill despite vehement objections from the League. Furthermore, the Bill was approved without proper consultation and notification with the League;

WHEREAS, the filing of the Bill is a desperate attempt to circumvent the criteria for creating cities in the country, a move that is patently illegal and in total disregard of the decision of the Supreme Court on cityhood conversion;

WHEREAS, in LCP vs. COMELEC, the Supreme Court had ruled that the creation of cities and other political units must follow the same uniform, non-discriminatory criteria found solely in the Local Government Code;

WHEREAS, the City of Ormoc submits its strong opposition to House Bill 24 on the following grounds;

1. With the implementation of the first tranche monthly salary schedule for local government personnel under the new Salary Standardization Law 3 (SSL3) next year, the passage of the Bill will mean massive lay-offs (especially for the casual employees). Furthermore, the decrease in the IRA share will put a strain on the resources of the existing cities and will significantly impact the increasing demands for the delivery of basic services to our consultants.

2. It is the intent of RA 9009 that the municipalities that want to be converted into cities must prove that they will be capable of internally generating the income that will be sufficient for its sustenance. Amending RA 9009 simply to accommodate capital towns of provinces without cities would be inconsistent with the principle of cityhood.
3. Based on the local income data obtained from BLGF, all the capital towns were not able to meet the P100 million pesos locally generated income. Worst, 20 out of the 30 capital towns have a locally generated income of P20 million pesos and below. Clearly, these capital towns are not qualified to be converted into cities even applying the old requirement of P20 million pesos.
4. The current IRA sharing scheme is no longer responsive to the needs of Philippine cities, which are at the forefront of bearing the great burden of urbanization in our country.
5. In LCP v. COMELEC, the Supreme Court held that the intention of Section 10, Article X of the Constitution is to "insure that the creation of cities and other political units must follow the same uniform, no-discriminatory criteria found solely in the Local Government Code. While HB 24 seeks to amend Section 450 of the LG Code, the proposed exemption violates the requirement that the criteria for conversion of municipalities into cities must be uniform and non-discriminatory.
6. HB 24 also violates the equal protection clause of the Constitution. The proposed classification does not rest on substantial distinctions. There are no substantial distinctions between capital municipalities of provinces without cities and other municipalities that justify exempting these capital municipalities from the income requirement. It may also be argued that there is no substantial distinction between capital municipalities of provinces without cities and capital municipalities of provinces with cities.

NOW, THEREFORE, on joint motion of City Councilor Ruben R. Capahi, Chairman, Committee on Finance, and City Councilor Mariano Y. Corro, Chairman, Committee on Ways & Means, duly seconded by City Councilor Sotero M. Pepito; be it


RESOLVED, AS IT IS HEREBY RESOLVED, to pass a resolution STRONGLY OPPOSING THE PASSAGE OF HOUSE BILL NO. 24 AND CALLING FOR ITS OUTRIGHT REJECTION AND FURTHER URGE THE HON. MEMBERS OF THE 14TH CONGRESS TO UPHOLD THE PRINCIPLE LAID DOWN BY THE SUPREME COURT IN LCP VS. COMELEC;

ADOPTED, October 22, 2009.


RESOLVED FINALLY, that copies of this Resolution be forwarded to Senate President Juan Ponce Enrile, House Speaker Prospero Nograles, the Chairman of the House Committee on Local Government, Hon. George P. Arnaiz, the Chairman of the Senate Committee on Local Government, Sen. Noynoy Aquino III, all the Senators and all the members of the House Committee on Local Government and for their favorable consideration and immediate action, and the authors of the House Bills and the League of Cities of the Philippines for their information.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


NEPOMUCENO P. APARIS I
Vice Mayor & Presiding Officer

DEMO COPY