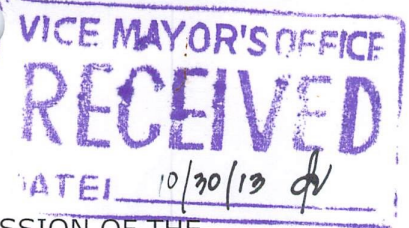




REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
THIRTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON OCTOBER 29, 2013 IN LIEU
OF OCTOBER 31, 2013

PRESENT:

Hon. Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Hon. Rolando M. Villasencio,	City Councilor, Majority Floor Leader
Hon. Tomas R. Serafica,	City Councilor, Asst. Majority Floor Leader
Hon. Mario M. Rodriguez,	City Councilor, Presiding Officer "Pro-Tempore"
Hon. Ruben R. Capahi,	City Councilor, Asst. Minority Floor Leader
Hon. Benjamin S. Pongos, Jr.,	City Councilor
Hon. Antonio M. Codilla,	City Councilor
Hon. Pedro Godiardo P. Ebcas,	City Councilor
Hon. Eusebio Gerardo S. Penserga,	City Councilor
Hon. Marina T. Placido,	Ex-Officio City Councilor
	Chapter President, Liga ng mga Barangay ng Ormoc
Hon. Corinne M. Corro,	Ex-Officio City Councilor,
	SK Federation President

ON OFFICIAL BUSINESS:

Hon. Vincent L. Rama, (Acting City Mayor), City Councilor

ABSENT:

Hon. Nepomuceno P. Aparis I, (Deceased), City Councilor
Minority Floor Leader

RESOLUTION NO. 2013-076

A RESOLUTION RECOMMENDING TO HIS EXCELLENCY,
BENIGNO C. AQUINO III, PRESIDENT OF THE REPUBLIC
OF THE PHILIPPINES, THROUGH THE EXECUTIVE
SECRETARY, EVANGELINE LAURENTE COTIANGCO AND
JOHN EULALIO NEPOMUCENO O. APARIS II AS NOMINEES
TO FILL UP A PERMANENT VACANCY IN THE THIRTEENTH
SANGGUNIANG PANLUNGSOD OF ORMOC CITY.

WHEREAS, on 30 September 2013, City Councilor Nepomuceno P. Aparis I of
the 13th SP passed away, resulting to a permanent vacancy of his position;

WHEREAS, there is a need to fill up said permanent vacancy;

WHEREAS, the late City Councilor Nepomuceno P. Aparis I was, for the
majority party in the Sangguniang Panlungsod, an independent candidate for city
councilor, not belonging to any political party, during the May 13, 2013 local and
national elections, and had been declared by the Commission on Elections, and
appearing in the official ballot as such;

WHEREAS, Section 45 of Republic Act No. 7160, otherwise known as the
Local Government Code of 1991, provides for the manner of filling up permanent
vacancies in the Sanggunian, thus:

SECTION 45. Permanent Vacancies in the Sanggunian.

- a) Permanent vacancies in the Sanggunian where automatic succession provided above do ☐ not apply shall be filled by appointment in the following manner:
- (1) The President, through the Executive Secretary, in the case of the Sangguniang Panlalawigan and the Sangguniang Panlungsod of highly urbanized cities and independent component cities;
 - (2) The governor, in the case of the Sangguniang Panlungsod of component cities and the Sangguniang Bayan.
 - (3) The city or municipal Mayor, in the case of Sangguniang Barangay, upon recommendation of the Sangguniang Barangay concerned
- b) Except for the Sangguniang Barangay, only the nominee of the political party under which the Sanggunian member concerned had been elected and whose elevation to the position next higher in rank created the last vacancy in the Sanggunian shall be appointed in the manner hereinabove provided. The appointee shall come from the same political party as ☐ that of the Sanggunian member who caused the vacancy and shall serve the unexpired term of the vacant office. In the appointment herein mentioned, a nomination and a certificate of membership of the appointee from the highest official of the political party concerned are conditions sine qua non, and any appointment without such nomination and certification shall be null and void ab initio and shall be ground for administrative action against the official responsible therefor. ☐
- c) In case the permanent vacancy is caused by a Sanggunian member who does not belong to any political party, the local chief executive shall, upon recommendation of the Sanggunian concerned, appoint a qualified person to fill the vacancy. ☐
- d) In case of vacancy in the representation of the youth and the Barangay in the Sanggunian, said vacancy shall be filled automatically by the official next in rank of the organization concerned. ☐

WHEREAS, the Supreme Court, in *Governor Rodolfo Fariñas, et al. vs Mayor Angelo Barba, et al.*, (G.R. No. 116763, April 19, 1996) has construed Section 45 (c) to mean –

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III. Where the Vacancy is Caused by a Sangguniang member Not belonging to a Political Party

- A. Sangguniang Panlalawigan and Sangguniang Panlungsod, of highly urbanized and independent component cities – The President, through the Executive Secretary, upon recommendation of the Sangguniang Panlalawigan or Sangguniang Panlungsod as the case may be
- B. Sangguniang Panlungsod of component cities and Sangguniang Bayan – The Governor upon recommendation of the Sangguniang Panlungsod or Sangguniang Bayan as the case may be

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Res. No. 2013-076

WHEREAS, the minority bloc in the Sangguniang Panlungsod and the family of the late Nepomuceno Aparis I agree to the passage of this resolution without, however, confirming or admitting that the late Nepomuceno P. Aparis I was an independent candidate;

WHEREAS, both nominees possess the qualifications and none of the disqualifications required of a city councilor of Ormoc City, and this august Body deems both of them fit to fill up said permanent vacancy;

WHEREFORE, upon motion of the Hon. Benjamin S. Pongos, Jr., Chairman of the Committee on Good Government, duly seconded by City Councilor Eusebio Gerardo S. Penserga; be it

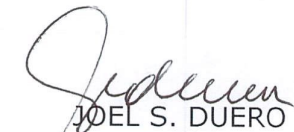
RESOLVE, AS IT IS HEREBY RESOLVED, to RECOMMEND TO HIS EXCELLENCY, BENIGNO C. AQUINO III. PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, THROUGH THE EXECUTIVE SECRETARY, *EVANGELINE LAURENTE COTIANGCO AND JOHN EULALIO NEPOMUCENO O. APARIS II AS NOMINEES* TO FILL UP THE PERMANENT VACANCY;

ADOPTED, October 29, 2013.

RESOLVED, further to furnish copies of this resolution each to the Office of the President through the Executive Secretary, Atty. Paquito N. Ochoa, Jr.; the Office of the City Mayor Edward C. Codilla; the Department of Interior and Local Government through DILG-Ormoc Office; Evangelina Laurente Cotiangco, John Eulalio Nepomuceno O. Aparis II, and others concerned;

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


JOEL S. DUERO
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
Vice Mayor & Presiding Officer