



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 JANUARY 29, 2015

PRESENT:

Hon. Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Hon. Rolando M. Villasencio,	SP Member, Majority Floor Leader
Hon. Tomas R. Serafica,	SP Member, Asst. Majority Floor Leader
Hon. Ruben R. Capahi,	SP Member, Asst. Minority Floor Leader
Hon. Benjamin S. Pongos, Jr.,	SP Member
Hon. Antonio M. Codilla,	SP Member
Hon. Vincent L. Rama,	SP Member
Hon. Eusebio Gerardo S. Penserga,	SP Member
Hon. John Eulalio Nepomuceno O. Aparis II,	SP Member
Hon. Mariano Y. Corro,	Ex-Officio SP Member
	Chapter President, Liga ng mga Barangay ng Ormoc

ON OFFICIAL BUSINESS:

Hon. Pedro Godiardo P. Ebcas, (O.B. – Manila), SP Member

ON LEAVE:

Hon. Mario M. Rodriguez SP Member, Presiding Officer "Pro-Tempore"

RESOLUTION 2015-018

A RESOLUTION DECLARING THAT ORDINANCE NO. 002-2014 OF THE SANGGUNIANG BARANGAY OF BARANGAY COGON, THIS CITY, ENTITLED: "AN ORDINANCE AMENDING SOME PROVISION OF BARANGAY ORDINANCE NO. 001-2008, ENTITLED: " AN ORDINANCE PROHIBITING THE WASHING OF CLOTHES, TAKING A BATH AND WASHING ANY KIND OF MOTOR VEHICLES AT THE ARTESIAN WELL LOCATED IN FRONT OF THE COGON ELEMENTARY SCHOOL CAMPUS, PROVIDING PENALTIES IN VIOLATION THEREOF" UNDER REVIEW, TO BE NOT INCONSISTENT WITH EXISTING LAWS AND CITY ORDINANCES AND INTERPOSING NO OBJECTIONS TO ITS IMPLEMENTATION PROVIDED THAT THE RECOMMENDED AMENDMENTS ARE ADOPTED BY THE SANGGUNIAN CONCERNED.

WHEREAS, the Thirteenth Sangguniang Panlungsod ng Ormoc has received a copy of Barangay Ordinance No. 002-2014 of the Sangguniang Barangay of Barangay Cogon, Ormoc City, entitled: "AN ORDINANCE AMENDING SOME PROVISION OF BARANGAY ORDINANCE NO. 001-2008, ENTITLED: "AN ORDINANCE PROHIBITING THE WASHING OF CLOTHES, TAKING A BATH AND WASHING ANY KIND OF MOTOR VEHICLES AT THE ARTESIAN WELL LOCATED IN FRONT OF THE COGON ELEMENTARY SCHOOL CAMPUS, PROVIDING PENALTIES IN VIOLATION THEREOF", a copy of the Ordinance and its attachments are hereto attached and made an integral part hereof;

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WHEREAS, the Ordinance was submitted to this Sanggunian pursuant to its review powers over enacted ordinances of all barangays within its territory as provided for in Sections 458 and 57 of Republic Act No. 7160, otherwise known as the "Local Government Code of 1991" (LGC) in order to find out whether the subject Ordinance approved by the Sangguniang Barangay is within the scope of its prescribed powers and also whether the same is not inconsistent with law or city ordinances;

WHEREAS, the Ordinance was enacted by the concerned Barangay pursuant to its mandate of the promotion of health and safety in the barangay and the enhancement of the right of its people to a balanced ecology in accordance with Section 16 of the LGC;

WHEREAS, it can be recalled that the Eleventh Sangguniang Panlungsod ng Ormoc thru the passage of SP Resolution No. 2008-081 dated May 01, 2008 had approved Ordinance No. 001-2008 of the Sangguniang Barangay of Barangay Cogon which is subject for amendment, entitled: "A RESOLUTION APPROVING ORDINANCE NO. 2008-001 OF THE BARANGAY COUNCIL OF BARANGAY COGON, THIS CITY, ENTITLED: "AN ORDINANCE PROHIBITING THE WASHING OF CLOTHES, TAKING A BATH AND WASHING ANY KIND OF MOTOR VEHICLES AT THE ARTESIAN WELL LOCATED IN FRONT OF THE COGON ELEMENTARY SCHOOL CAMPUS, PROVIDING PENALTIES IN VIOLATION THEREOF";

WHEREAS, the Ordinance is an amendatory one which aims to achieve noble and lofty goals as it seeks to improve, ensure and support, among other things, the quality of life of the inhabitants of the concerned Barangay thru a balanced ecology and a clean and healthy environment, by imposing tougher penalties for individuals who wash clothes, take a bath, or wash any kind of motor vehicle at the artesian well located in front of the Cogon Central School campus;

WHEREAS, further, the imposition of increased penalties is a valid exercise of the Barangay's powers to ensure the promotion of health and safety, and preserve the comfort and convenience of the people, most especially the school teachers and other employees, students and other affected individuals;

WHEREAS, this Sanggunian, after thorough examination and review, although favoring the enactment of the Ordinance for its validity and legality as well as its noble ends and purposes, however, found that certain provisions of the same under review need to be further modified and amended in order to have them conform to and be compliant with applicable laws, ordinances and rules and regulations, and considering further that subject recommended modifications are not that substantial and of the Ordinance's urgency and necessity, the outright return of the Ordinance is no longer deemed appropriate or feasible, hence this resolution, approving the same subject to the compliance of the modifications and amendments found herein;

WHEREAS, the recommended modifications and amendments to be incorporated and effected on the Ordinance are the following:

1. Section 4 entitled 'Penalties' shall be modified so that the phrase 'and filing the appropriate charge in court' for the first, second and third offenses shall now read 'or filing the appropriate charge in court'; this is because the filing of court charges shall only become operative after the failure by the offender to pay the stated fines.
2. The Ordinance, being one with penal sanctions, shall comply with the posting requirement as provided for in Section 511 (a) of the LGC.

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WHEREFORE, on motion of Honorable SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by Honorable SP Members Mariano Y. Corro, Vincent L. Rama, Tomas R. Serafica, Ruben R. Capahi, Antonio M. Codilla and John Eulalio Nepomuceno O. Aparis II; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass a RESOLUTION DECLARING THAT ORDINANCE NO. 002-2014 OF THE SANGGUNIANG BARANGAY OF BARANGAY COGON, THIS CITY, ENTITLED: "AN ORDINANCE AMENDING SOME PROVISION OF BARANGAY ORDINANCE NO. 001-2008, ENTITLED: " AN ORDINANCE PROHIBITING THE WASHING OF CLOTHES, TAKING A BATH AND WASHING ANY KIND OF MOTOR VEHICLES AT THE ARTESIAN WELL LOCATED IN FRONT OF THE COGON ELEMENTARY SCHOOL CAMPUS, PROVIDING PENALTIES IN VIOLATION THEREOF" UNDER REVIEW, TO BE NOT INCONSISTENT WITH EXISTING LAWS AND CITY ORDINANCES AND INTERPOSING NO OBJECTIONS TO ITS IMPLEMENTATION PROVIDED THAT THE RECOMMENDED AMENDMENTS ARE ADOPTED BY THE SANGGUNIANG CONCERNED;


ADOPTED, January 29, 2015.

RESOLVED, FURTHER, to furnish copies of this resolution each to His Honor, the City Mayor of Ormoc Edward C. Codilla; the City Administrator; the City Legal Officer; the President, Liga ng mga Barangay, this City; the City Director-DILG, Ms. Lucia C. Ong; the Barangay Council of Barangay Cogon thru its Punong Barangay, Hon. Demosthenes F. Tugonon; and others concerned, - all in Ormoc City;

RESOLVED, FINALLY, that a copy of the final Ordinance incorporating the recommended modifications and amendments herein be furnished to this Sanggunian for its records.

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