

REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FOURTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON AUGUST 25, 2016

PRESENT:

Leo Carmelo L. Locsin, Jr.	Vice Mayor & Presiding Officer
Vincent L. Rama,	SP Member, Asst. Majority Floor Leader
Mario M. Rodriguez	SP Member, Presiding Officer "Pro-Tempore"
Tomas R. Serafica,	SP Member
Benjamin S. Pongos, Jr.,	SP Member
Eusebio Gerardo S. Penserga,	SP Member
Gregorio G. Yrastorza III	SP Member
Nolito M. Quilang	SP Member
John Eulalio Nepomuceno O. Aparis II,	SP Member
	Minority Floor Leader
Lea Doris C. Villar	SP Member, Asst. Minority Floor Leader
Mariano Y. Corro,	Ex-Officio SP Member

Chapter President, Liga ng mga Barangay ng Ormoc

ON LEAVE:

Rolando M. Villasencio,	SP Member, Majority Floor Leader
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RESOLUTION NO. 2016-043

A RESOLUTION DECLARING THAT BARANGAY ORDINANCE NO. 03, Series of 2016 OF THE SANGGUNIANG BARANGAY OF TONGONAN, ORMOC CITY, ENTITLED: "AN ORDINANCE PROHIBITING EXCESSIVE, UNNECESSARY AND UNUSUALLY LOUD SOUNDS GENERATED FROM VIDEOKE/KARAOKE SYSTEMS AND OTHER AMPLIFIED AUDIO DEVICES WITHIN THE RESIDENTIAL AREAS AND ALONG PUBLIC STREETS IN BARANGAY TONGONAN, AND FURTHER PROVIDING PENALTY FOR VIOLATION THEREOF, SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS" 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 Fourteenth Sangguniang Panlungsod ng Ormoc received a copy of Barangay Ordinance No. 03, Series of 2016 from the Sangguniang Barangay of Tongonan, this City, entitled: "AN ORDINANCE PROHIBITING EXCESSIVE, UNNECESSARY AND UNUSUALLY LOUD SOUNDS GENERATED FROM VIDEOKE/KARAOKE SYSTEMS AND OTHER AMPLIFIED AUDIO DEVICES WITHIN THE RESIDENTIAL AREAS AND ALONG PUBLIC STREETS IN BARANGAY TONGONAN, AND FURTHER PROVIDING PENALTY FOR VIOLATION THEREOF, SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS", a copy of said Ordinance is hereto attached and made an integral part hereof;

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, this Sanggunian, in the exercise of its review powers, and after thorough examination of the aforesaid Barangay Ordinance, finds that the same has a two-fold purpose which are to promote the general welfare and convenience of the barangay constituents and to regulate certain business activities conducted in the barangay;

WHEREAS, this Sanggunian, after thorough examination finally finds that while the Ordinance is valid and lawful and is abound with noble ends and purposes for the Barangay, however, certain provisions of the same need to be modified and amended in a manner that will render it conformant and compliant with applicable laws, ordinances and rules and regulations, and considering further that the recommended modifications are not of substantial nature, not to mention of the Ordinance's urgency and necessity, the outright return of the Ordinance to the Barangay is no longer deemed proper and practical, hence this resolution basically approves 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. A provision shall be added which will state that the payment of fines shall only be made to the Barangay Treasurer who in turn shall issue the corresponding official receipt evidencing said payment.
2. The effectivity clause should specify that the Ordinance, being of the penal type, shall only become effective after the compliance of the posting requirement as provided for by the LGC.

WHEREFORE, FOREGOING PREMISES CONSIDERED, on motion of SP Member Benjamin S. Pongos, Jr., Chairman, Committee on Laws and Ordinances, severally seconded by SP Members Tomas R. Serafica, Gregorio G. Yrastorza III, John Eulalio Nepomuceno O. Aparis II, Lea Doris C. Villar and Mariano Y. Corro; be it

RESOLVED, AS IT IS HEREBY RESOLVED, to pass A RESOLUTION DECLARING THAT BARANGAY ORDINANCE NO. 03, Series Of 2016 OF THE SANGGUNIANG BARANGAY OF TONGONAN, ORMOC CITY, ENTITLED: "AN ORDINANCE PROHIBITING EXCESSIVE, UNNECESSARY AND UNUSUALLY LOUD SOUNDS GENERATED FROM VIDEOKE/KARAOKE SYSTEMS AND OTHER AMPLIFIED AUDIO DEVICES WITHIN THE RESIDENTIAL AREAS AND ALONG PUBLIC STREETS IN BARANGAY TONGONAN, AND FURTHER PROVIDING PENALTY FOR VIOLATION THEREOF, SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS" 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;


ADOPTED, August 25, 2016.

RESOLVED, FURTHER, that copies of this resolution be furnished each to the Honorable City Mayor Richard I. Gomez; the OIC- City Administrator, Mr. Vincent L. Emnas; the Acting City Legal Officer, Atty. Marcelo C. Onate; the Office of the Liga ng mga Barangay ng Ormoc; the Sangguniang Barangay of Tongonan; the OIC-City Director, DILG, Engr. Jesus Jeremy D. Bagares; and other offices concerned;

RESOLVED, FURTHERMORE, that a copy of the Barangay Tongonan Ordinance as amended, shall be furnished to this Sanggunian immediately after its enactment.

CARRIED UNANIMOUSLY.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


MARIA ANTONIETA G. CO HAT
(Acting SP Secretary)
Supervising Administrative Officer

ATTESTED:


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