



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
South Wing, Provincial Capitol Building
South Capitol Road, Bacolod City, Negros Occidental 6100
Tel. Nos. 435-7698 * 447-5657 * 707-8075

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 23RD DAY OF JANUARY 2024

PRESENT:

Hon. Valentino Miguel J. Alonso	Temporary Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 st District
Hon. Araceli T. Somosa	Member - 1 st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 nd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Manuel Frederick O. Ko	Member - 3 rd District
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Mayvelyn L. Madrid	Member – SK Rep.

ON OFFICIAL BUSINESS:

Hon. Jeffrey P. Ferrer	Vice Governor/ Presiding Officer
Hon. Samson C. Mirhan	Member - 2 nd District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Julius Martin D. Asistio	Member – PCL Rep.

RESOLUTION NO. 133
Series of 2024

RESOLUTION DECLARING ORDINANCE NO. 703, SERIES OF 2023 OF THE CITY OF TALISAY, NEGROS OCCIDENTAL ENTITLED: “AN ORDINANCE ADOPTING THE GUIDELINES TO FACILITATE THE IMPLEMENTATION OF ENERGY PROJECTS IN THE CITY OF TALISAY, NEGROS OCCIDENTAL” AS A VALID ENACTED ORDINANCE

WHEREAS, Section 56 of the Local Government Code of 1991 expresses the reviewing power of the Sangguniang Panlalawigan on Component City and Municipal Ordinances and Resolutions declaring the Ordinance or Resolution valid if it is consistent with the law or invalid in whole or in part if the Sangguniang Panlalawigan finds the Ordinance or Resolution to be beyond the power conferred upon the Sangguniang Panlungsod or Sangguniang Bayan concerned;

WHEREAS, Ordinance No. 703, Series of 2023 of the City of Talisay, Negros Occidental entitled: “AN ORDINANCE ADOPTING THE GUIDELINES TO FACILITATE THE IMPLEMENTATION OF ENERGY PROJECTS IN THE CITY OF TALISAY, NEGROS OCCIDENTAL” was submitted for review by the City of Talisay to the Sangguniang Panlalawigan of Negros Occidental;

WHEREAS, an ordinance is an act passed by the local legislative body in the exercise of its law-making authority. For the city, the said law-making authority is conferred upon the sangguniang panlungsod under Section 458(a) of the Local Government Code of 1991 (RA 7160), which provides:

 



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“The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code x x x.”

WHEREAS, while it may be true that the sangguniang bayan is entrenched with the power to enact ordinances, the Provincial Legal Office however, is of the considered view that the passage of the subject ordinance submitted for review is no longer necessary, hence, a surplussage. Considering that the DILG-DOE Joint Memorandum Circular No. 2020-01 dated April 30, 2020 is already in place, the local government unit of Talisay, as well as its constituents, are constrained to abide by the provisions of the same, with or without the passage of the subject ordinance;

WHEREAS, should the concerned LGU deems it necessary to enact the subject ordinance for purposes of showing its compliance with the said Joint Memorandum Circular, the same must be written in the form/language it should be formulated and not in the way the subject ordinance under review was crafted. It was noted that certain provisions were copied "in toto" from the said Joint Circular, hence, the need to delete/modify the same.

WHEREAS, it must be borne in mind that an Ordinance is only for the municipality or city that passes it in order to enforce and clarify local laws in a more granular level.

WHEREAS, while the wisdom behind the enactment of the instant ordinance is not being questioned, the need/necessity to re-craft the same, however, cannot be disregarded, for it is apparent upon perusal of the provisions therein that some were not structured for the City of Talisay. Also, the litany of regulatory laws and issuances are deemed unnecessary, thus, may not be stated in the said ordinance;

WHEREAS, to ensure a valid passage of the ordinance, the same must be in the form/language it should be formulated, stipulating provisions that would be applicable/responsive to the needs and circumstances of the City of Talisay and its constituents;

WHEREAS, taking into account the apparent intent of the sangguniang concerned to enact such, in keeping with the aforementioned DILG-DOE Joint Memorandum Circular No. 2020-01 and other pertinent laws, the said Ordinance may be given due course;

WHEREAS, the reviewing authority of the Sangguniang Panlalawigan finds no irregularity that follow thereto as a result of the thorough scrutiny of the Provincial Legal Officer;

WHEREFORE, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr., unanimously seconded by all the members present;



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THE SANGGUNIANG PANLALAWIGAN RESOLVED, as it hereby resolves, to declare Ordinance No. 703, Series of 2023 of the City of Talisay, Negros Occidental entitled: "AN ORDINANCE ADOPTING THE GUIDELINES TO FACILITATE THE IMPLEMENTATION OF ENERGY PROJECTS IN THE CITY OF TALISAY, NEGROS OCCIDENTAL" as a valid enacted ordinance.

ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. VALENTINO MIGUEL J. ALONSO
Temporary Presiding Officer

ATTESTED:


ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary