



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 16TH DAY OF JANUARY, 2024*

PRESENT:

Hon. Jeffrey P. Ferrer	Vice-Governor/Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 st District
Hon. Araceli T. Somosa	Member - 1 st District
Hon. Sixto Teofilo Roxas V. Guanzon	Member - 2 nd District
Hon. Manuel Frederick O. Ko	Member - 3 rd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Valentino Miguel J. Alonso	Member - 6 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Mayvelyn L. Madrid	Member - SKF Rep.

ON OFFICIAL BUSINESS:

Hon. Samson C. Mirhan	Member - 2 nd District
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

RESOLUTION NO. 0074
Series of 2024

RESOLUTION DECLARING CITY ORDINANCE NO. 2023-015 OF THE CITY OF SAGAY, NEGROS OCCIDENTAL, REGULATING THE USE OF PLASTIC BAGS AS PACKAGING MATERIALS, THE UTILIZATION OF STYROFOAM AND SINGLE-USE PLASTIC AS FOOD AND BEVERAGE CONTAINER AND USED IN SERVING FOOD AND BEVERAGES IN THE CITY OF SAGAY AND PRESCRIBING PENALTIES THEREOF AS A VALID ENACTED ORDINANCE EXCEPT SECTION 12 THEREOF

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, City Ordinance No. 2023-015 of the City of Sagay, Negros Occidental, entitled: "AN ORDINANCE REGULATING THE USE OF PLASTIC BAGS AS PACKAGING MATERIALS, THE UTILIZATION OF STYROFOAM AND SINGLE-USE PLASTIC AS FOOD AND BEVERAGE CONTAINER AND USED IN SERVING FOOD AND BEVERAGES IN THE CITY OF SAGAY AND PRESCRIBING PENALTIES THEREOF" was submitted for review by the City of Sagay to the Sangguniang Panlalawigan of Negros Occidental;

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WHEREAS, after prompt examination by the Provincial Legal Office, it is the recommendation of the said Office that the subject Ordinance is within the conferred power of the Sangguniang Panlungsod of Sagay to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;

WHEREAS, the Sangguniang Panglungsod has the power and authority to enact the subject ordinance under the Local Government Code, to wit:

Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

Section 458. Powers, Duties, Functions and Compensation.

(a) 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, and in the proper exercise of the corporate powers of the city as provided for under section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall:

x x x

(vi) Protect the environment and impose appropriate penalties for acts which endanger the environment, xxx, and such other activities which result in pollution, acceleration of eutrophication of rivers and lakes, or of ecological imbalance;

WHEREAS, the subject ordinance finds legal basis under the Constitution, to wit:
Article II, Section 15 of our Constitution declares that, "the State shall protect and promote the right to health of the people and instill health consciousness among them. Further, thereto, Section 16 likewise states that, "the State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."



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WHEREAS, the drive to safeguard public health and the environment has led to initiatives aimed at discouraging or regulating the utilization of plastic cellophane and similar solid waste materials. This effort is underscored by NSWMC Resolution No. 1363, Series of 2020, instructing the DENR to develop and enforce a ban on "unnecessary" single-use plastic products across national government agencies, local government units (LGUs), and other government-controlled offices;

WHEREAS, this reviewing office notes an inconsistency in Section 12, which is deemed incompatible with Section 305 (b & d) of R.A. 7160, to wit:

"Section 305. Fundamental Principles. - The financial affairs, transactions, and operations of local government units shall be governed by the following fundamental principles:

x x x

(b) Local government funds and monies shall be spent solely for public purposes;

X x x

(d) All monies officially received by a local government officer in any capacity or on any occasion shall be accounted for as local funds, unless otherwise provided by law;

WHEREAS, to reiterate, all monies officially received by a government officer shall be accounted as local funds and such shall be used solely for public purposes. Considering that a portion (30%) of the total fines collected from the violators actually apprehended by the apprehending officer shall be given to him as incentives, the same shall indubitably redound to his personal benefit, hence, not within the purview of the afore-cited provisions. Simply put, the giving of the aforesaid incentives sourced from the local funds is contrary to law;

NOW THEREFORE, premises considered, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr. unanimously seconded by all the members present during the regular session of the Sangguniang Panlalawigan of Negros Occidental,

THE SANGGUNIANG PANLALAWIGAN RESOLVED, as it hereby resolves, to pass and approve this resolution to wit:

RESOLUTION DECLARING CITY ORDINANCE NO. 2023-015 OF THE CITY OF SAGAY, NEGROS OCCIDENTAL, REGULATING THE USE OF PLASTIC BAGS AS PACKAGING MATERIALS, THE UTILIZATION OF STYROFOAM AND SINGLE-USE PLASTIC AS FOOD AND BEVERAGE CONTAINER AND USED IN SERVING FOOD AND BEVERAGES IN THE CITY OF SAGAY AND PRESCRIBING PENALTIES THEREOF AS A VALID ENACTED ORDINANCE EXCEPT SECTION 12 THEREOF



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ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. JEFFREY P. FERRER
Vice-Governor/Presiding Officer

ATTESTED:


ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary