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 2nd DAY OF APRIL, 2024

PRESENT:

Hon. Jeffrey P. Ferrer	Vice Governor/Presiding Officer
Hon. Rommel T. Debulgado	Member - 1st District
Hon. Araceli T. Somosa	Member - 1st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2nd District
Hon. Samson C. Mirhan	Member - 2nd District
Hon. Manuel Frederick O. Ko	Member - 3rd District
Hon. Andrew Gerard L. Montelibano	Member - 3rd District
Hon. Andrew Martin Y. Torres	Member - 4th District
Hon. Jose Benito A. Alonso	Member - 4th District
Hon. Anthony Dennis J. Occeño	Member - 5th District
Hon. Jeffrey T. Tubola	Member - 6th District
Hon. Valentino Miguel J. Alonso	Member - 6th District
Hon. Richard Julius L. Sablan	Member – ABC Rep.
Hon. Mayvelyn L. Madrid	Member – SKF Rep.

OFFICIAL BUSINESS:

Hon. Rita Angela S. Gatuslao	Member - 5th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

RESOLUTION NO. 0456
Series of 2024

RESOLUTION DECLARING CITY ORDINANCE NO. 2023-013 OF THE CITY OF KABANKALAN, NEGROS OCCIDENTAL ENTITLED: "AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE CITY OF KABANKALAN AND PRESCRIBING PENALTIES THEREOF"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, City Ordinance No. 2023-013 of the City of Kabankalan, Negros Occidental entitled: "An Ordinance Regulating the Use of Plastic Cellophane and Sando Bags as Packaging Materials and Utilization of Polystyrene, commonly known as Styrofoam, for Food and Beverages Containers in the City of Kabankalan and prescribing penalties thereof" was submitted for review by the City of Kabankalan to the Sangguniang Panlalawigan of Negros Occidental;

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 Kabankalan to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;

WHEREAS, "Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, 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 among other things, promote health and safety, and preserve the comfort and convenience of their inhabitants." (Section 16, Local Government Code of 1991, RA 7160)

WHEREAS, the subject ordinance finds legal basis under the Local Government Code, to wit:

> *Section 458 - 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:*
>
> *(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, similarly, Article II, Section 15 of our Constitution asserts that "the State is mandated to safeguard and enhance the populace's right to health and cultivate a culture of health awareness among them." Additionally, Section 16 of the same article emphasizes that "the State is obligated to safeguard and promote the people's right to a balanced and healthful environment in harmony with the natural order."

WHEREAS, Consequently, the endeavor to promote public health and safeguard the environment has led to initiatives aimed at discouraging/regulating the utilization of plastic cellophane, sando bags, polystyrene, and similar/solid waste materials. This effort is further reflected in the enactment of Republic Act No. 9003, wherein Section 2 thereof articulates:

> *"It is hereby declared the policy of the State to adopt a systematic, comprehensive and ecological solid waste management program which shall:*
>
> *(a) Ensure the protection of public health and environment;"*

WHEREAS, the ordinance in question, enacted in accordance with the aforementioned legislations, is considered valid. Nevertheless, it seems that the concerned sanggunian has not yet fulfilled the requirements outlined in Section 511 of R.A. 7160. For clarity and guidance, we hereby reiterate the provisions as follows:

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Section 511. Posting and Publication of Ordinances with Penal Sanctions. - (a) ordinances with penal sanctions shall be posted at prominent places in the provincial capitol, city, municipal or Barangay hall, as the case may be, for a minimum period of three (3) consecutive weeks. Such ordinances shall also be published in a newspaper of general circulation, where available, within the territorial jurisdiction of the local government unit concerned, except in the case of Barangay ordinances. Unless otherwise provided therein, said ordinances shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later.

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;

WHEREAS, in view of the foregoing, the SP Committee on Laws, recommends approval of the same;

NOW THEREFORE, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr., and duly seconded by all the members present,

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

RESOLUTION DECLARING CITY ORDINANCE NO. 2023-013 OF THE CITY OF KABANKALAN, NEGROS OCCIDENTAL ENTITLED: "AN ORDINANCE REGULATING THE USE OF PLASTIC CELLOPHANE AND SANDO BAGS AS PACKAGING MATERIALS AND UTILIZATION OF POLYSTYRENE, COMMONLY KNOWN AS STYROFOAM, FOR FOOD AND BEVERAGES CONTAINERS IN THE CITY OF KABANKALAN AND PRESCRIBING PENALTIES THEREOF"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

Note: The Presiding Officer, Hon. Jeffrey P. Ferrer, relinquished the chair to the Temporary Presiding Officer, Hon. Valentino Miguel J. Alonso.