



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 NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD, NEGROS OCCIDENTAL ON THE 14TH DAY OF MAY 2024.

Present:

Hon. Valentino Miguel J. Alonso
Hon. Rommel T. Debulgado
Hon. Araceli T. Somosa
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.
Hon. Samson C. Mirhan
Hon. Andrew Gerard L. Montelibano
Hon. Jose Benito A. Alonso
Hon. Jeffrey T. Tubola
Hon. Mayvelyn L. Madrid
Hon. Richard Julius L. Sablan

Temporary Presiding Officer
Member - 1st District
Member - 1st District
Member - 2nd District
Member - 2nd District
Member - 3rd District
Member - 4th District
Member - 6th District
Member - SK
Member - ABC

On Official Business:

Hon. Jeffrey P. Ferrer
Hon. Manuel Frederick O. Ko
Hon. Andrew Martin Y. Torres
Hon. Rita Angela S. Gatuslao
Hon. Anthony Dennis J. Occeño
Hon. Julius Martin D. Asistio

Vice Governor
Member - 3rd District
Member - 4th District
Member - 5th District
Member - 5th District
Member-PCL

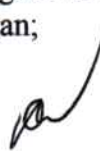
RESOLUTION NO. 0611
Series of 2024

RESOLUTION DECLARING ORDINANCE NO. 07-2024 OF THE CITY OF CADIZ, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE PROHIBITING BUSINESS ESTABLISHMENTS, PERSON OR PERSONS FROM SELLING, DISPENSING INTOXICATED LIQUOR OR ANY ALCOHOLIC BEVERAGES TO MINORS BELOW EIGHTEEN (18) YEARS OLD AND PROVIDING PENALTIES THEREOF." AS A VALIDLY ENACTED ORDINANCE UPON NECESSARY REVISION/ MODIFICATION OF ARTICLE VII OF THE SUBJECT ORDINANCE IN CONFORMITY WITH SECTION 305 OF R.A. 7160

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's 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. 07-2024 of the City of Cadiz prohibiting business establishments, person or persons selling, dispensing intoxicated liquor or any alcoholic beverages to minors below 18 years old and providing penalties thereof," was submitted for review by the City of Cadiz 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 Cadiz to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;





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WHEREAS, the subject ordinance finds legal basis under the 1991 Local Government Code, to wit:

"Section 458. (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 xxx, and shall:

"(4) Regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall:

(v) Regulate the sale, giving away or dispensing of any intoxicating malt, vino, mixed or fermented liquors at any retail outlet."

WHEREAS, liquors are designated as age-restricted products, thereby aiming to restrict minors or the youth from accessing them to safeguard their well-being, as highlighted in Article 11, Section 13 of our Constitution, which acknowledges the crucial role of the youth in nation-building and pledges to promote and protect their physical, moral, spiritual, intellectual, and social well-being, and further emphasized in Section 15, affirming the State's commitment to safeguard and promote the right to health of its citizens and foster health consciousness among them. This constitutional framework serves as the foundation for the enactment of the present ordinance, which is found to be consistent with these principles and aligned with other relevant laws dedicated to the welfare of the Filipino youth;

WHEREAS, it is clear that the relevant Sanggunian holds the legislative authority to enact the subject ordinance. However, upon review, this body has observed a potential conflict between Article VII of the ordinance and Section 305 (b & d) of R.A. 7160, which states:

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

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

(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, the reviewing authority of the Sangguniang Panlalawigan has identified irregularities following a thorough scrutiny conducted by the Provincial Legal Officer. The provision for the distribution of the collected fines appears to fall outside the purview of the aforementioned principles. Moreover, the granting of a portion of the collected fines to "enforcers" would undoubtedly result in personal benefit for them, thus contravening what is contemplated under the 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, resolved, as it hereby resolves, to pass and approve this resolution to wit:

RESOLUTION DECLARING ORDINANCE NO. 07-2024 OF THE CITY OF CADIZ, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE PROHIBITING BUSINESS ESTABLISHMENTS, PERSON OR PERSONS FROM SELLING, DISPENSING INTOXICATED LIQUOR OR ANY ALCOHOLIC BEVERAGES TO MINORS BELOW EIGHTEEN (18) YEARS OLD AND PROVIDING PENALTIES THEREOF." AS A VALIDLY ENACTED ORDINANCE UPON NECESSARY REVISION/MODIFICATION OF ARTICLE VII OF THE SUBJECT ORDINANCE IN CONFORMITY WITH SECTION 305 OF R.A. 7160



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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

Copy for: all concerned
Res2024@sermery

