



Republic of the Philippines
PROVINCE OF NEGROS OCCIDENTAL
OFFICE OF THE SANGGUNIAN 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
SANGGUNIAN PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL
HELD IN THE CITY OF BACOLOD ON THE 14TH DAY OF MAY, 2024*

PRESENT:

Hon. Valentino Miguel J. Alonso	Temporary 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. Andrew Gerard L. Montelibano	Member - 3rd District
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Jeffrey T. Tubola	Member - 6th District
Hon. Mayvelyn L. Madrid	Member - SKF Rep.
Hon. Richard Julius L. Sablan	Member - ABC Rep.

ON OFFICIAL BUSINESS:

Hon. Jeffrey P. Ferrer	Vice-Governor/Presiding Officer
Hon. Manuel Frederick O. Ko	Member - 3rd District
Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Rita Angela S. Gatuslao	Member - 5th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

RESOLUTION NO. 0612

Series of 2024

RESOLUTION DECLARING CITY ORDINANCE NO. 2024-004 OF THE CITY OF SAGAY, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE REGULATING THE USE AND OPERATION OF VIDEOKE AND KARAOKE MACHINES AND OTHER SIMILAR AMPLIFIED AUDIO SOUND DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF SAGAY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES, AND REPEALING ALL ORDINANCES INCONSISTENT HERewith" AS A VALIDLY ENACTED ORDINANCE UPON NECESSARY REVISION/MODIFICATION OF SECTION 11 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 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. 2024-004 of the City of Sagay, Negros Occidental, Negros Occidental, entitled: "AN ORDINANCE REGULATING THE USE AND OPERATION OF VIDEOKE AND KARAOKE MACHINES AND OTHER SIMILAR AMPLIFIED AUDIO SOUND DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF SAGAY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES, AND REPEALING ALL ORDINANCES INCONSISTENT



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HEREWITH" was submitted for review by the City of Sagay 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 Sagay to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;

WHEREAS, the Sangguniang Panlungsod of Sagay has the power to enact the subject ordinance, which is in keeping with Local Government Code of 1991 (R.A. 7160), 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

- (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;*

WHEREAS, the ordinance in question aligns with the principles outlined in the Civil Code:

"Art. 19. Every person must, in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.

Art. 26. Every person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons. xxx. "



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WHEREAS, it is evident that the concerned sanggunian possesses the legislative authority to enact the subject ordinance, nonetheless, this reviewing body has noted that Section 11 of the ordinance includes a provision that appears to conflict 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:

(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, the reviewing authority of the Sangguniang Panlalawigan has identified irregularities following a thorough scrutiny conducted by the Provincial Legal Officer, wherein it is observed that any funds received by a government officer must be officially recorded as local funds and utilized exclusively for public purposes, however, with a portion (30%) of the fines collected from violations of the subject ordinance designated to be given as a cash incentive to the authorized apprehending officers, resulting in personal gain for them, thereby falling outside the scope of the aforementioned provisions and going against 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,

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

RESOLUTION DECLARING CITY ORDINANCE NO. 2024-004 OF THE CITY OF SAGAY, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE REGULATING THE USE AND OPERATION OF VIDEOKE AND KARAOKE MACHINES AND OTHER SIMILAR AMPLIFIED AUDIO SOUND DEVICES WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF SAGAY, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES, AND REPEALING ALL ORDINANCES INCONSISTENT HERewith" AS A VALIDLY ENACTED ORDINANCE UPON NECESSARY REVISION/MODIFICATION OF SECTION 11 OF THE SUBJECT ORDINANCE IN CONFORMITY WITH SECTION 305 OF R.A. 7160

ADOPTED UNANIMOUSLY.



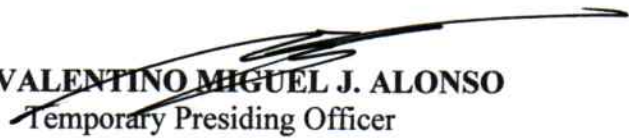



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This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. VALENTINO MIGUEL J. ALONSO
Temporary Presiding Officer

ATTESTED:


APTY. MAKI ANGEL O. ASCALON
Provincial Secretary