



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. 0613
Series of 2024

RESOLUTION DECLARING CITY ORDINANCE NO. 2024-003 OF THE CITY OF SAGAY PROVIDING FOR MOTORCYCLE RIDERS SAFETY, PRESCRIBING PENALTIES FOR VIOLATION, AND FOR OTHER PURPOSES, AS A VALIDLY ENACTED ORDINANCE UPON NECESSARY REVISION/MODIFICATION OF SECTION 9 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, City Ordinance No. 2024-003 of the City of Sagay providing for motorcycle riders safety, prescribing penalties for violation, and for other purposes, 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, R.A. No. 7160 otherwise known as the Local Government Code of 1991 mandates the Sanggunians as the legislative body of local government units have the power to enact ordinances, and appropriate funds for the general welfare of the city and its inhabitants;

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(Page 2, Res. No. 0613, series of 2024)

WHEREAS, Ordinance No. 2024-003 of the City of Sagay reinforces and implements applicable and related laws such as Republic Act No. 10054 or "Motorcycle Helmet Act of 2009" as well as Republic Act No. 11235 or "Motorcycle Crime Prevention Act". As such, said enactment finds support under section 458(b)(5) of the above-mentioned Code which provides that the sangguniang panlungsod shall exercise such other powers and perform such other duties and functions as may be prescribed R.A. 7160 and other laws or ordinances;

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 9 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;

(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, resolved, as it hereby resolves, to pass and approve this resolution to wit:

RESOLUTION DECLARING CITY ORDINANCE NO. 2024-003 OF THE CITY OF SAGAY PROVIDING FOR MOTORCYCLE RIDERS SAFETY, PRESCRIBING PENALTIES FOR VIOLATION, AND FOR OTHER PURPOSES, AS A VALIDLY ENACTED ORDINANCE UPON NECESSARY REVISION/MODIFICATION OF SECTION 9 OF THE SUBJECT ORDINANCE IN CONFORMITY WITH SECTION 305 OF R.A. 7160

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