



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 30th DAY OF JULY 2024**

**PRESENT:**

Hon. Manuel Frederick O. Ko	Presiding Officer Pro Tempore
Hon. Rommel T. Debulgado	Member - 1 <sup>st</sup> District
Hon. Araceli T. Somosa	Member - 1 <sup>st</sup> District
Hon. Samson C. Mirhan	Member - 2 <sup>nd</sup> District
Hon. Andrew Gerard I. Montelibano	Member - 3 <sup>rd</sup> District
Hon. Rita Angela S. Gatuslao	Member - 5 <sup>th</sup> District
Hon. Anthony Dennis J. Occeño	Member - 5 <sup>th</sup> District
Hon. Valentino Miguel J. Alonso	Member - 6 <sup>th</sup> District
Hon. Jeffrey T. Tubola	Member - 6 <sup>th</sup> District
Hon. Richard Julius L. Sablan	Member - ABC Rep.
Hon. Mayvelyn L. Madrid	Member - SK Rep.

**OFFICIAL BUSINESS:**

Hon. Jeffrey P. Ferrer	Vice Governor
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 <sup>nd</sup> District
Hon. Andrew Martin Y. Torres	Member - 4 <sup>th</sup> District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

**ABSENT: (ON-LEAVE)**

Hon. Jose Benito A. Alonso	Member - 4 <sup>th</sup> District
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**RESOLUTION NO. 0892**  
**Series of 2024**

**RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 25, SERIES OF 2024 OF THE MUNICIPALITY OF LA CASTELLANA, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE REGULATING THE USE OF MUFFLERS BY MOTORCYCLES AND MOTORIZED TRICYCLES AND FOR OTHER PURPOSES" AS A VALIDLY ENACTED ORDINANCE UPON COMPLIANCE WITH SECTION 59 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**, Ordinance No. 25, series of 2024 of the Municipality of La Castellana, Negros Occidental, entitled: "An Ordinance regulating the use of mufflers by motorcycles and motorized tricycles and for other purposes" was submitted for review by the Municipality of La Castellana 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 Bayan of La Castellana to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;

*[Handwritten signatures]*



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**WHEREAS**, Pursuant to Section 16 of the Local Government Code of 1991 (R.A. 7160), "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

**WHEREAS**, Evident from the foregoing provision is the power infused to a local government unit to find feasible means to promote and ensure that the welfare of its inhabitants are attended to. In that essence, Section 447 (a) (6) of the said Code explicitly provides:

*"Sec. 447. (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code xxx. and shall:*

*XXX*

*(6) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance."*

**WHEREAS**, perfectly clear from the afore-cited provisions is the power of the sangguniang bayan to enact per se the subject ordinance, which is also in keeping with R.A. 4136', specifically, Article IV, Section 34 (j) thereof, to quote:

*"() Mufflers. - Every motor vehicle propelled by an internal combustion engine shall be equipped with a muffler, and whenever said motor vehicle passes through a street of any city, municipality, or thickly populated district or barrio, the muffler shall not be cut out or disconnected. No motor vehicle shall be operated in such a manner as to cause it to emit or make any unnecessary or disagreeable odor, smoke or noise."*

**WHEREAS**, Notably, the requirements under Section 186 & 187 of R.A. 7160 re public hearing prior to the enactment of the subject ordinance was duly complied with, as per documents submitted. Accordingly, the conduct of the said public hearing, however, will not render the instant ordinance effective, contrary to what is stated under Section 16 of the same. Rather, its effectivity shall be in accord with Section 59.

*SECTION 59. Effectivity of Ordinances or Resolutions. (a) Unless otherwise stated in the ordinance or the resolution approving the local development plan and public investment program, the same shall take effect after ten (10) days from the date a copy thereof is posted in a bulletin board at the entrance of the provincial capitol or city, municipal, or Barangay hall, as the case may be, and in at least two (2) other conspicuous places in the local government unit concerned.*

**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;

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**NOW THEREFORE**, on motion of Hon. Valentino Miguel J. Alonso, and duly seconded by all the members present,

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

**RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 25, SERIES OF 2024 OF THE MUNICIPALITY OF LA CASTELLANA, NEGROS OCCIDENTAL ENTITLED: "AN ORDINANCE REGULATING THE USE OF MUFFLERS BY MOTORCYCLES AND MOTORIZED TRICYCLES AND FOR OTHER PURPOSES" AS A VALIDLY ENACTED ORDINANCE UPON COMPLIANCE WITH SECTION 59 OF R.A. 7160.**

**ADOPTED UNANIMOUSLY.**

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

HON. MANUEL FREDERICK O. KO  
Presiding Officer Pro Tempore

ATTESTED:

ATTY. MAKI ANGEL O. ASCALON  
Provincial Secretary

