



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 22ND DAY OF OCTOBER, 2024

PRESENT:

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

ON OFFICIAL BUSINESS:

Hon. Samson C. Mirhan	Member - 2 nd District
Hon. Manuel Frederick O. Ko	Member - 3 rd District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.
Hon. Richard Julius L. Sablan	Member - ABC Rep.

RESOLUTION NO. 1212

Series of 2024

RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 007, SERIES OF 2024 OF THE MUNICIPALITY OF MANAPLA, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE APPROVING THE COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS-RELATED TRANSACTIONS" AS A VALID ENACTED ORDINANCE

WHEREAS, Section 56 of the Local Government Code of 1991 expresses the reviewing power of the Sangguniang Bayan 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, Municipal Ordinance No. 007, Series of 2024 of the Municipality of Manapla, Negros Occidental, entitled: "*AN ORDINANCE APPROVING THE COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS-RELATED TRANSACTIONS*" was submitted for review by the Municipality of Manapla 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 Manapla to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;



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Page 2 of SP Resolution No. 1212, Series of 2024

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

Section 16. 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 xxX, among other things, x xX, preserve the comfort and convenience of their inhabitants.

Section 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 and in the proper exercise of the corporate powers of the municipality as provided for under section 22 of this Code, and shall:

xxx xxx

(3) Subject to the provisions of Book II of this Code, xxx, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances xx x upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:

Xxx xxx

(ii) Regulate any business xxx within the municipality and the conditions under which the license for said business x xx may be issued or revoked;"

WHEREAS, the subject ordinance finds legal support in Republic Act No. 11032 (An Act Promoting Ease of Doing Business and Efficient Delivery of Government Services, Amending for the Purpose Republic Act No. 9485, Otherwise Known as the Anti-Red Tape Act of 2007) Section 11 (f), to wit:

"Sec. 11. Streamlined Procedures for the Issuance of Local Business Licenses, Clearances, Permits, Certifications or Authorizations. - The LGUs are mandated to implement the following revised guidelines in the issuance of business licenses, clearances, permits, certifications or authorizations;

Xxx xxx

"(f) Barangay clearances and permits related to doing business shall be applied, issued, and collected at the city/municipality in accordance with the prescribed processing time of this Act: Provided, That the share in the collections shall be remitted to the respective barangays."

WHEREAS, the ordinance complies with the six (6) generally accepted principles for a valid ordinance, as adopted by the Sangguniang Panlalawigan of Negros Occidental, which are:



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Page 3 of SP Resolution No. 1212, Series of 2024

*It must not contravene the Constitution or any statute.
It must not be unfair or oppressive.
It must not be partial or discriminatory.
It must not prohibit but may regulate trade.
It must be general and consistent with public policy.
It must not be unreasonable.*

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;

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 MUNICIPAL ORDINANCE NO. 007, SERIES OF 2024 OF THE MUNICIPALITY OF MANAPLA, NEGROS OCCIDENTAL, ENTITLED: "AN ORDINANCE APPROVING THE COLLECTION OF CORRESPONDING BARANGAY CLEARANCE FEE IN THE APPLICATION FOR ANY BUSINESS-RELATED TRANSACTIONS" AS A VALID ENACTED ORDINANCE

ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

HON. JOSE BENITO A. ALONSO
Temporary Presiding Officer

ATTESTED:

ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary

Note: Hon. Jeffrey P. Ferrer, Vice-Governor/Presiding Officer relinquished the chair to the Temporary Presiding Officer, Hon. Jose Benito A. Alonso