



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 * 433-4894 * 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 12TH DAY OF NOVEMBER, 2024

PRESENT:

Hon. Manuel Frederick O. Ko	Acting Vice Governor/Presiding Officer Pro Tempore
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. Samson C. Mirhan	Member - 2 nd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Jose Benito A. Alonso	Member - 4 th District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Valentino Miguel J. Alonso	Member - 6 th District
Hon. Richard Julius L. Sablan	Member - ABC Rep.
Hon. Mayvelyn L. Madrid	Member - SKF Rep.

ON OFFICIAL BUSINESS:

Hon. Andrew Martin Y. Torres	Member - 4 th District
Hon. Anthony Dennis J. Occeño	Member - 5 th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.

ON ACTING CAPACITY AS GOVERNOR

Hon. Jeffrey P. Ferrer	Vice Governor
------------------------	---------------

RESOLUTION NO. 1270
Series of 2024

RESOLUTION DECLARING ORDINANCE NO. 2024-153 OF THE CITY OF VICTORIAS, NEGROS OCCIDENTAL, ENTITLED: "THE REVISED VICTORIAS CITY INVESTMENT AND INCENTIVE CODE OF 2024" AS A VALID ENACTED ORDINANCE SUBJECT TO THE CONDITION THAT THE PENAL CLAUSE COMPLIES WITH SECTION 458(a)(1)(iii) OF REPUBLIC ACT NO. 7160, WHICH LIMITS FINES TO A MAXIMUM OF FIVE THOUSAND PESOS (P5,000.00)

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. 2024-153 of the City of Victorias, Negros Occidental, entitled: "THE REVISED VICTORIAS CITY INVESTMENT AND INCENTIVE CODE OF 2024" was submitted for review by the City of Victorias to the Sangguniang Panlalawigan of Negros Occidental;

WHEREAS, the subject ordinance is anchored on the power of the Sangguniang Panlungsod of the City of Victorias as the legislative body of the city to grant tax exemptions, incentives or reliefs under Section 458 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, upon the majority vote of all SP members:



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 * 433-4894 * 707-8075

Page 2 of SP Resolution No. 1270, Series of 2024

WHEREAS, it is elementary in local legislation that the power to enact ordinances carries with it the power to revise it considering that the aforesaid enactment is a revised Investment Incentive Code;

WHEREAS, the penal clause of the subject ordinance states that: "*Violation of the provisions of this code shall be penalized with a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than Twenty Thousand Pesos (P20,000.00)*", which runs counter to Section 458(a)(1)(iii) of the Local Government Code of 1991, to wit:

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 x x x

(iii) Approve ordinances imposing a fine not exceeding Five thousand pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court, for the violation of a city ordinance;

WHEREAS, the Penal Clause of Ordinance No. 2024-153 conflicts with Section 458(a)(1)(iii) of Republic Act No. 7160, which limits penalties for ordinance violations to a maximum fine of Five Thousand Pesos (P5,000.00) or imprisonment of up to one (1) year, or both, at the court's discretion. The ordinance's penalty clause, however, imposes a fine between Ten Thousand Pesos (P10,000.00) and Twenty Thousand Pesos (P20,000.00), which exceeds this statutory limit;

WHEREAS, in view of the foregoing, the SP Committee on Finance recommends to declare valid enacted ordinance subject to the condition that the Penal Clause complies with Section 458(a)(1)(iii) of Republic Act No. 7160, which limits fines to a maximum of Five Thousand Pesos (P5,000.00);

NOW, THEREFORE, on motion of Hon. Rommel T. Debulgado and unanimously seconded by all the members present,

THE SANGGUNIANG PANLALAWIGAN RESOLVED, as it hereby resolves, to declare Ordinance No. 2024-153 of the City of Victorias, Negros Occidental, as a valid enacted ordinance subject to the condition that the Penal Clause complies with Section 458(a)(1)(iii) of Republic Act No. 7160, which limits fines to a maximum of Five Thousand Pesos (P5,000.00).

ADOPTED UNANIMOUSLY.



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 * 433-4894 * 707-8075

Page 3 of SP Resolution No. 1270, Series of 2024

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. SAMSON C. MIRHAN
Temporary Presiding Officer

ATTESTED:


ATTY MAKI ANGEL O. ASCALON
Provincial Secretary

Note: Hon. Manuel Frederick O. Ko, Acting Vice Governor/Presiding Officer Pro Tempore relinquished the chair to the Temporary Presiding Officer, Hon. Samson C. Mirhan