



Republic of the Philippines  
PROVINCE OF NEGROS OCCIDENTAL  
Old Capitol Building, Bacolod City  
Tel. No. 707-8075 (Admin) \* 435-7698 (Board Member) \* 709-0121 (Legislative Division)  
OFFICE OF THE SANGGUNIANG PANLALAWIGAN

**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 15<sup>TH</sup> DAY OF APRIL 2025.**

**Present:**

Hon. Jeffrey P. Ferrer	Vice Governor / Presiding Officer
Hon. Rommel T. Debulgado	Member - 1 <sup>st</sup> District
Hon. Araceli T. Somosa	Member - 1 <sup>st</sup> District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 <sup>nd</sup> District
Hon. Samson C. Mirhan	Member - 2 <sup>nd</sup> District
Hon. Manuel Frederick O. Ko	Member - 3 <sup>rd</sup> District
Hon. Andrew Gerard L. Montelibano	Member - 3 <sup>rd</sup> District
Hon. Jose Benito A. Alonso	Member - 4 <sup>th</sup> District
Hon. Jeffrey T. Tubola	Member - 6 <sup>th</sup> District
Hon. Richard Julius L. Sablan	Member - ABC

**On Official Business:**

Hon. Andrew Martin Y. Torres	Member - 4 <sup>th</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. Julius Martin D. Asistio	Member - PCL
Hon. Mayvelyn L. Madrid	Member - SK

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**RESOLUTION NO. 0435**

Series of 2025

**RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 002, SERIES OF 2025 OF  
THE MUNICIPALITY OF HINIGARAN, NEGROS OCCIDENTAL ENTITLED: "AN  
ORDINANCE REGULATING THE HARVEST OF ANGEL WINGS MOLLUSKS  
(DIWAL), NYLON SHELL AND CAPIZ SHELL (LAMPERONG) IN THE MUNICIPAL  
WATERS OF HINIGARAN, NEGROS OCCIDENTAL" AS A VALID ENACTED  
ORDINANCE**

**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**, Municipal Ordinance No. 002, Series of 2025 of the Municipality of Hinigaran, Negros Occidental entitled: "AN ORDINANCE REGULATING THE HARVEST OF ANGEL WINGS MOLLUSKS (DIWAL), NYLON SHELL AND CAPIZ SHELL (LAMPERONG) IN THE MUNICIPAL WATERS OF HINIGARAN, NEGROS OCCIDENTAL" was submitted for review by the Municipality of Hinigaran 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 Hinigaran to enact, thus, the same may be given due course by the Sangguniang Panlalawigan;





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*Page 2, Resolution No. 0435, Series of 2025*

**WHEREAS**, Republic Act No. 7160, otherwise known as The Local Government Code of 1991, states under section 16 (General Welfare Clause) thereof that:

*"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. xxx."*

**WHEREAS**, the subject ordinance falls within the powers and functions granted to the Sangguniang Bayan under Article 447 of the same Code. This provision authorizes municipal legislative bodies to enact ordinances for the general welfare of their constituents, including measures for environmental protection;

**WHEREAS**, the fees imposed under the ordinance are within the authority granted to municipalities under Article 149 (b) (1) which states:

*"Section 149. Fishery Rentals, Fees and Charges, -*

*(a) MUNICIPALITIES SHALL HAVE THE EXCLUSIVE AUTHORITY TO GRANT FISHERY PRIVILEGES IN THE MUNICIPAL WATERS AND IMPOSE RENTALS, FEES OR CHARGES THEREON in accordance with the provision of this Section.*

*(b) THE SANGGUNIANG BAYAN MAY:*

*(1) GRANT FISHERY PRIVILEGES TO ERECT FISH CORRALS, OYSTER, MUSSELS OR OTHER AQUATIC BEDS OR BANGUS FRY AREAS, WITH A DEFINITE ZONE OF THE MUNICIPAL WATERS.*

**WHEREAS**, the subject ordinance is consistent with the above provisions, which explicitly empowers municipalities to regulate activities related to the protection and conservation of marine and aquatic resources within their jurisdiction;

**WHEREAS**, given that the subject ordinance includes a penal provision, it must comply with the procedural requirements for posting and publication under Section 511 of the Local Government Code of 1991, as well as the public hearing requirement under Section thereof;

**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:

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

**WHEREAS**, in view of the foregoing, the SP Committee on Laws recommends approval of the same;

**NOW THEREFORE**, on motion of Hon. Sixto Teofilo Roxas V. Guanzon, Jr., unanimously seconded by all the members present;



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*Page 3, Resolution No. 0435, Series of 2025*

**THE SANGGUNIANG PANLALAWIGAN RESOLVED**, as it hereby resolves, to declare Municipal Ordinance No. 002, Series of 2025 of the Municipality of Hinigaran, Negros Occidental entitled: "AN ORDINANCE REGULATING THE HARVEST OF ANGEL WINGS MOLLUSKS (DIWAL), NYLON SHELL AND CAPIZ SHELL (LAMPERONG) IN THE MUNICIPAL WATERS OF HINIGARAN, NEGROS OCCIDENTAL" as a valid enacted Ordinance.

**UNANIMOUSLY ADOPTED.**

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:

**HON. RICHARD JULIUS L. SABLAN**  
Temporary Presiding Officer

ATTESTED:

**ATTY. MAKI ANGEL O. ASCALON**  
Provincial Secretary

*Note: The Presiding Officer, Hon. Jeffrey P. Ferrer, relinquished the chair to the Temporary Presiding Officer, Hon. Richard Julius L. Sablan.*