



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 INAUGURAL SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD, NEGROS OCCIDENTAL ON THE 8TH DAY OF JULY 2025.

Present:

Hon. Jose Benito A. Alonso	Vice Governor / Presiding Officer
Hon. Araceli T. Somosa	Member - 1 st District
Hon. Laurence Marxlen J. Dela Cruz	Member - 1 st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2 nd District
Hon. Arthur Christopher D. Marañon	Member - 2 nd District
Hon. Andrew Gerard L. Montelibano	Member - 3 rd District
Hon. Hope Marey B. Depasucat-Sazon	Member - 3 rd District
Hon. Patricia Paula M. Alonso-Valderrama	Member - 4 th District
Hon. Nicholas M. Yulo	Member - 4 th District
Hon. Rita Angela S. Gatuslao	Member - 5 th District
Hon. Hadji P. Trojillo	Member - 5 th District
Hon. Jeffrey T. Tubola	Member - 6 th District
Hon. Genaro G. Alvarez VI	Member - 6 th District
Hon. Julius Martin D. Asistio	Member-PCL
Hon. Mayvelyn L. Madrid	Member - SK
On Official Business:	
Hon. Richard Julius L. Sablan	Member - ABC

ORDINANCE NO. 008
Series of 2025

ORDINANCE INTRODUCING REVISIONS TO ORDINANCE NO. 2019-017, OTHERWISE KNOWN AS THE “2019 REVISED INTERNAL RULES OF PROCEDURE OF THE 35TH SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF NEGROS OCCIDENTAL”

Authored by:

Hon. Sixto Teofilo Roxas V. Guanzon, Jr., Hon. Hope Marey B. Depasucat-Sazon,
and Hon. Araceli T. Somosa

WHEREAS, under the principle of updating the Internal Rules of Procedure, the following amendments are hereby proposed:

NOW THEREFORE, be it enacted by the Sangguniang Panlalawigan of Negros Occidental in its Inaugural Session duly assembled that:

I. AMENDATORY CLAUSE

1) REDUCTION OF WHEREAS CLAUSES

The Whereas the ten (10) clauses from the previous Ordinance No. 2019-017 shall be reduced to only three (3) clauses to be carried forward into this new Ordinance, to wit:

WHEREAS, Ordinance No. 2019-017, which revised the Internal Rules of Procedure in 2019, was updated to include important subject matters aimed at making the ordinance more effective and useful as a tool for the legislative body in the passage of Resolutions and the enactment of Ordinances by the qualified members of the Sangguniang Panlalawigan of the Province of Negros Occidental;



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WHEREAS, due to the changing circumstances, it is deemed necessary to amend certain provisions for the purpose of correction, in order to update and renew the ordinance to better suit the present legislative conditions of the 37th Sangguniang Panlalawigan of Negros Occidental;

WHEREAS, it is imperatively necessary that Ordinance No. 2019-017 be amended or repealed to adapt to the evolving dynamics of jurisdiction;

2) AMENDMENT OF TITLE

The title "The 2019 Revised Internal Rules of Procedure of the 35th Sangguniang Panlalawigan" shall now read as:

"THE 2025 REVISED INTERNAL RULES OF PROCEDURE OF THE 37th SANGGUNIANG PANLALAWIGAN OF NEGROS OCCIDENTAL"

3) AMENDMENT OF SECTION 25

3a) Section 25, titled "Order of Business," is hereby amended to read as "Order of Session" instead of "Order of Business."

3b) Section 25 (1.3.b.1 - First Reading), (1.3.b.2 - Second Reading), and (1.3.b.3 - Third and Final Reading) are hereby amended and removed from Section 25 (1.3a - Resolution) and (1.3b - Ordinance). These sections will be relocated to Section 25 (1.2), which will now read as follows:

- 1) Calendar of Business
 - 1.1 Unfinished Business
 - 1.2 Business of the Day
 - 1.2.a Resolution
 - 1.2.b Ordinance
 - 1.2.b.1 - First Reading
 - 1.2. b.2 - Second Reading
 - 1.2.b.3 - Third and Final Reading
 - 1.3 Unassigned Business

4) AMENDMENT OF RULE IV – SESSIONS

In Rule IV – Sessions, Section 9, instead of the provision which reads:

"Section 9. Regular Sessions – The Regular Sessions of the Sangguniang Panlalawigan of the Province of Negros Occidental shall be once a week, to be held every Tuesday at 2:00 o'clock in the afternoon. Except as otherwise decided upon, all sessions of the Sanggunian shall be held at the Session Hall of the Sangguniang Panlalawigan at the Provincial Capitol, Bacolod City, Negros Occidental. The date, time, and/or place of the regular session may be changed only upon majority vote of all the members present in a preceding session.

In emergency cases, the Presiding Officer, at his discretion, may change the venue of the regular session subject to ratification by the majority of the members present."



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It shall now read as follows:

Section 9. Sessions – In accordance with Section 52 of the Local Government Code of 1991, the following rules shall apply:

- (a) On the first day of the session immediately following the election of its members, the sanggunian shall, by resolution, fix the day, time, and place of its regular sessions. The minimum numbers of regular sessions shall be once a week for the sangguniang panlalawigan, sangguniang panlungsod, and sangguniang bayan, and twice a month for the sangguniang barangay.*
- (b) When public interest so demands, special sessions may be called by the local chief executive or by a majority of the members of the sanggunian.*
- (c) All sanggunian sessions shall be open to the public unless a closed-door session is ordered by an affirmative vote of a majority of the members present, there being a quorum, in the public interest or for reasons of security, decency, or morality. No two (2) sessions, regular or special, may be held in a single day.*
- (d) In the case of special sessions of the sanggunian, a written notice to the members shall be served personally at the member's usual place of residence at least twenty-four (24) hours before the special session is held.*

Unless otherwise concurred in by two-thirds (2/3) vote of the sanggunian members present, there being a quorum, no other matters may be considered at a special session except those stated in the notice.

- (e) Each sanggunian shall keep a journal and record of its proceedings which may be published upon resolution of the sanggunian concerned.*

In emergency cases, the Presiding Officer, at his discretion may change the venue of the regular session subject to ratification by the majority of the members present. “

5) AMENDMENT AND RENUMBERING OF RULE VIII – ORDINANCES AND RESOLUTIONS

Rule VIII – Ordinances and Resolutions, is hereby amended and renumbered as Rule X. Specifically, Section 32 is amended to include the standard format of ordinances. It shall now read as follows:

RULE X – ORDINANCES AND RESOLUTIONS

Section 32. Essential Parts of Ordinances and Resolutions – Proposed ordinances and resolutions shall be in writing and shall contain an assigned number, a title or caption, an enacting or ordaining clause, and the date or caption, rule of interpretations, separability and repealing clauses, and the date of its proposed effectivity. In addition, every proposed ordinance shall be accompanied by a brief explanatory note containing the justification for its approval. It shall be signed by the author or authors and submitted to the Secretary who shall report the same for the Sanggunian at its next session.



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- a) **FORMAT** - As a general rule ordinances must have to be in consonance with the Standard Format adopted by Legislative Body which essentially carry important component of the ordinance such as:

Section I. Ordaining Clause
Section II. Title
Section III. Declaration of Policy
Section IV. Definition of Terms
Section V. Rule of Interpretation
Section VI. Prefatory Statement
Section VII. Body of an Ordinance
Section VIII. Rule of Interpretation
Section IX. Budgetary Requirements
Section X. Repealing Clause
Section XI. Implementing Clause
Section XII. Effectivity Clause

6) ADDITION OF A NEW RULE: RULE VIII – REVIEW POWER

A new rule, Rule VIII, titled “Review Power,” is hereby added. All succeeding rules shall be renumbered accordingly. It shall read as follows:

RULE VIII – REVIEW POWER

In accordance with Section 56 of the Local Government Code of 1991, the following rules shall apply:

Section 56. Review of Component City and Municipal Ordinances or Resolutions by the Sangguniang Panlalawigan

(a) Within three (3) days after approval, the secretary to the sanggunian panlungsod or sangguniang bayan shall forward to the sangguniang panlalawigan for review, copies of approved ordinances and the resolutions approving the local development plans and public investment programs formulated by the local development councils.

(b) Within thirty (30) days after the receipt of copies of such ordinances and resolutions, the sangguniang panlalawigan shall examine the documents or transmit them to the provincial attorney, or if there be none, to the provincial prosecutor for prompt examination. The provincial attorney or provincial prosecutor shall, within a period of ten (10) days from receipt of the documents, inform the sangguniang panlalawigan in writing of his comments or recommendations, which may be considered by the sangguniang panlalawigan in making its decision.

(c) If the sangguniang panlalawigan finds that such an ordinance or resolution is beyond the power conferred upon the sangguniang panlungsod or sangguniang bayan concerned, it shall declare such ordinance or resolution invalid in whole or in part. The sangguniang panlalawigan shall enter its action in the minutes and shall advise the corresponding city or municipal authorities of the action it has taken.



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(d) If no action has been taken by the sangguniang panlalawigan within thirty (30) days after submission of such an ordinance or resolution, the same shall be presumed consistent with law and therefore valid.

7) ADDITION OF A NEW RULE: RULE IX – REQUISITES OF A VALID ORDINANCE

A new rule is hereby added as Rule IX – Requisites of a Valid Ordinance. All subsequent rules shall be renumbered accordingly. It shall read as follows:

RULE IX

THE REQUISITES OF A VALID ORDINANCE, AS EXPRESSED IN THE HANDBOOK ON LOCAL LEGISLATION (REVISED EDITION) BY REVERENDO M. DIHAN, MGM, CESO, TO REINFORCE THE REVIEW POWER OF THE SANGGUNIAN PANLALAWIGAN IN DETERMINING THE VALIDITY OF ORDINANCES AND RESOLUTIONS SUBMITTED FOR REVIEW IN THE PROVINCE OF NEGROS OCCIDENTAL

- A. Section 56 of the Local Government Code of 1991 has stipulated that the Sangguniang Panlalawigan exercise authority to review all ordinances submitted by the local government unit, including municipalities and component cities for review within the power conferred by law to the Sangguniang Panlalawigan before declared valid or invalid in part, or in whole
- B. While there are other pertinent rules, regulations, and special or general laws relevant to the reviewing power and authority exercised by the Sangguniang Panlalawigan, there is a need for a more practical, applicable, and helpful tool to reinforce the enforcement of these rules when reviewing ordinances.
- C. The renowned author of local legislation, Reverendo M. Dihan, MGM, CESO, has made a historical contribution to the adoption of internal laws, procedures, and other relevant provisions of the Local Government Code, particularly in the second book, which has been widely adopted in local legislation seminars conducted by the concerned agency for legislators across the Republic of the Philippines.
- D. The aforementioned handbook on local legislation is considered to be a helpful, valuable, and imperative resource in strengthening the Sangguniang Panlalawigan's capability to evaluate ordinances and determine their validity.
- E. The six essential requisites of a valid ordinance, as found on pages 156 to 159 of the handbook, will be presented for adoption by the Sangguniang Panlalawigan as an additional tool for its 30 committees in exercising their review powers, which are listed as follows:

E1) It must not contravene the Constitution or any statute. In challenging the constitutionality of an ordinance the general rule is: "that the question of constitutionality must be raised at the earliest possible opportunity, so that it not raised by the pleadings, ordinarily it may not be raised at the trial, and if not raised at the trial, it will not be considered on appeal..." (San Miguel Brewery, Inc. Vs. Magno, G.R. No.



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E2) It must not be unfair or oppressive. Generally, an ordinance is unfair or oppressive if it violates the rights of a person, natural or juridical.

An ordinance granting the Mayor absolute discretion to issue or deny a permit to construct a building "if it will destroy the view or beauty of the public plaza" but fails to state any policy or set up any standard to guide or limit the Mayor's action is invalid. It is a settled rule that such an undefined and unlimited delegation of power to allow or prevent an activity per se lawful, is invalid. It is unreasonable and oppressive in that it operates to permanently deprive the owners of the right to use their own property. While property may be regulated in the interest of general welfare and its pursuit the State may prohibit structures offensive to sight, the State may not, in the guise of police power permanently divest owners of the beneficial use of their property and practically confiscate them solely to preserve the aesthetic appearance of the community. (People Vs. Fajardo, et. al, 104 Phil. 443, Aug. 29, 1958).

E3) It must not be partial or discriminatory. An ordinance which is favorable only to a certain person or group of persons but excluding others is partial and discriminatory. (See Sarmiento Vs. Belderol, L-15719, May 31, 1951).

E4) It must not prohibit but may regulate trade. An ordinance prohibiting the sale or dispensing of liquor is repugnant to law. The prohibition is contrary to the exercise of the police power "to regulate selling, giving away, and dispensing of liquor at retail, because the word regulate means and includes the power to control, to govern, and to restrain and cannot be construed as synonymous with suppress or prohibit. (Kwong Sing Vs. City of Manila, 41 Phil. 103). Since the municipality is empowered only to regulate, it cannot prohibit, for what is prohibited or does not exist cannot be regulated. (People Vs. Esguerra, et. al., 81 Phil. 33).

A local legislative body cannot prohibit the establishment and operation of nightclubs, cabarets, dance halls and similar places of entertainment. It may only regulate its operations. (De la Cruz Vs. Paras, 123 SCRA 569)

E5) It must be general and consistent with public policy. An ordinance is against public policy if it is injurious to the interests of the public; contravenes some established interest of society; violates some public statute; is against good morals or tends to interfere with the public welfare or safety." (see Ongsiako Vs. Gamboa, 85 Phil. 56).

E6) It must not be unreasonable. Sections 147; 151 and 153 of RA 7160 provide that local government units may impose and collect such reasonable fees and charges. However, the rate of imposition shall only be in the amount "commensurate with the cost of regulation, inspection and licensing". If the amount being imposed in the corresponding ordinance is in excess of the cost of regulation, inspection and licensing, the said amount is, therefore, unreasonable.

Albeit an ordinance is deemed valid and legal unless otherwise declared null and void by a competent court and that the "presumption is always in favor of the validity or reasonableness of the ordinance, such presumption must nevertheless be set aside when the invalidity or unreasonableness is on the face of the ordinance itself, or is established by proper evidence." (Marconi Co., Vs. City of Manila, 1 SCRA 310)

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- F. The aforementioned requisites for a valid ordinance represent a noble exercise of the Sangguniang Panlalawigan's review authority and aim to enhance, strengthen, and improve the quality of local legislation.

II. SEPARABILITY CLAUSE

Nothing mentioned in this amendatory ordinance shall be construed to amend any portion of Ordinance 2019-017.

III. EFFECTIVITY CLAUSE

This Ordinance shall take effect in accordance with the provision of Local Government Code of 1991.

ADOPTED UNANIMOUSLY, (July 8, 2025)

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. JOSE BENITO A. ALONSO
Vice Governor

ATTESTED:


ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary


APPROVED:


HON. EUGENIO JOSE V. LACSON
Governor

Date: JUL 22 2025