



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 THE PROVINCE OF NEGROS OCCIDENTAL HELD IN THE CITY OF BACOLOD ON THE 15TH DAY OF JULY, 2025

PRESENT:

Hon. Jose Benito A. Alonso	Vice-Governor/Presiding Officer
Hon. Laurence Marxlen J. Dela Cruz	Member - 1st District
Hon. Araceli T. Somosa	Member - 1st District
Hon. Sixto Teofilo Roxas V. Guanzon, Jr.	Member - 2nd District
Hon. Arthur Christopher D. Marañon	Member - 2nd District
Hon. Hope Marey B. Depasucat	Member - 3rd District
Hon. Andrew Gerard L. Montelibano	Member - 3rd 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. Genaro G. Alvarez, IV	Member - 6th District
Hon. Jeffrey T. Tubola	Member - 6th District
Hon. Julius Martin D. Asistio	Member - PCL Rep.
Hon. Richard Julius L. Sablan	Member - ABC Rep.
Hon. Mayvelyn L. Madrid	Member - SKF Rep.


RESOLUTION NO. 0710
Series of 2025


RESOLUTION DECLARING ORDINANCE NO. 042, SERIES OF 2025 OF THE MUNICIPALITY OF LA CASTELLANA, NEGROS OCCIDENTAL, ENTITLED: "LA CASTELLANA JAILGUARD-THE-GATE ORDINANCE OF 2025," AS A VALID ENACTED ORDINANCE SUBJECT TO COMPLIANCE WITH THE PUBLIC HEARING AND POSTING REQUIREMENTS

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. 042, Series of 2025 of the Municipality of La Castellana, Negros Occidental, entitled: "LA CASTELLANA JAILGUARD-THE-GATE ORDINANCE OF 2025" 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;







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WHEREAS, the subject ordinance seeks to penalize and strengthen measures against the bringing of illegal contraband into local jail facilities, finds legal anchorage under the general welfare clause and the police power granted to local government units under the Local Government Code of 1991;

WHEREAS, Section 16 of the Local Government Code of 1991 expressly provides:

“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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order,...”

WHEREAS, Section 447(a) of the same Code empowers the Sangguniang Bayan to enact ordinances, approve resolutions, and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to the general welfare clause. Through the subject ordinance, the Municipality of La Castellana seeks to deter and penalize the smuggling of illegal substances or items into its detention facilities—a clear exercise of its police power to preserve public safety and maintain order within its jurisdiction;

WHEREAS, Section 7 of the ordinance states that violations of any of its provisions shall result in the imposition of a corresponding fine, confiscation of the contraband and/or prohibited items, and community service. Given that the ordinance contains penal provisions, it must comply with the public hearing requirement and the posting and publication requirements under Section 511 of the Local Government Code, to wit:

Section 511. Posting and Publication of Ordinances with Penal Sanctions.

(a) Ordinances with penal sanctions shall be posted at prominent places in the provincial capitol, city, municipal or barangay hall, as the case may be, for a minimum period of three (3) consecutive weeks. Such ordinances shall also be published in a newspaper of general circulation, where available, within the territorial jurisdiction of the local government unit concerned, except in the case of barangay ordinances. Unless otherwise provided therein, said ordinances shall take effect on the day following its publication, or at the end of the period of posting, whichever occurs later.

WHEREAS, the said ordinance has complied with the publication requirement, however, no proof was submitted showing compliance with the public hearing and posting requirements;

WHEREAS, the ordinance complies with the six (6) generally accepted principles for a valid ordinance, as adopted by the Sangguniang Panlalawigan of Negros Occidental under Resolution No. 1206, Series of 2024, which are:



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*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 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 ORDINANCE NO. 042, SERIES OF 2025 OF THE MUNICIPALITY OF LA CASTELLANA, NEGROS OCCIDENTAL, ENTITLED: "LA CASTELLANA JAILGUARD-THE-GATE ORDINANCE OF 2025," AS A VALID ENACTED ORDINANCE SUBJECT TO COMPLIANCE WITH THE PUBLIC HEARING AND POSTING REQUIREMENTS

ADOPTED UNANIMOUSLY.

This resolution shall take effect immediately upon approval.

CERTIFIED CORRECT:


HON. JOSE BENITO A. ALONSO
Vice-Governor/Presiding Officer

ATTESTED:


ATTY. MAKI ANGEL O. ASCALON
Provincial Secretary