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REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
TACLOBAN CITY
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SANGGUNIANG PANLALAWIGAN

MINUTES OF THE 52nd REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF
LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING CAPITOL GROUNDS
TACLOBAN CITY ON 11 SEPTEMBER 2017.

PRESENT:

1. Atty. Carlo P. Loreto	Vice-Governor/Presiding Officer
2. Hon. Ranulfo S. Abellanosa	1 st District Board Member
3. Hon. Gina E. Merilo	1 st District Board Member
4. Hon. Trinidad G. Apostol	2 nd Dist. Board. Member/Temp. Presiding Officer
5. Hon. Alan P. Ang	3 rd District Board Member
6. Hon. Ma. Corazon E. Remandaban	3 rd District Board Member
7. Hon. Manuel Vicente M. Torres	4 th District Board Member
8. Hon. Mesias P. Arevalo	4 th District Board Member
9. Hon. Florante A. Cayunda, Jr.	5 th District Board Member/Floor Leader
10. Hon. Emmanuel L. Gacis	5 th District Board Member
11. Hon. Wilson S. Uy	Ex-Officio Member, PCL President
12. Hon. Nolie C. Caña	Ex-Officio Member, LnBP President

ABSENT:

13. Hon. Niccolo J. Villasin	2 nd District Board Member (O.B. in Manila)
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The 52ND Regular Session of the Sangguniang Panlalawigan of Leyte was called to order by the Honorable Trinidad G. Apostol, Representative from the 2nd District of Leyte, the Temporary Presiding Officer at 2:38 o'clock in the afternoon.

Invocation was given by the Honorable Ranulfo S. Abellanosa, Representative of the 1st District of Leyte, followed by the singing of the Pambansang Awit ng Pilipinas by the August Body.

After which, the Honorable Florante A. Cayunda, Jr., the Floor Leader presented a motion to dispense with the Panunumpa sa Watawat, the Leyte Hymn, the PBLMP Hymn and the PBLMP Creed which was duly seconded by the Honorable Ma. Corazon E. Remandaban, Representative of the 3rd District of Leyte and the Honorable Gina E. Merilo, Representative of the 1st District of Leyte. The motion was approved as there was no further discussion made on the floor.

48 The Honorable Trinidad G. Apostol, the Temporary Presiding Officer requested then Mr.
49 Andre S. Sanico, the Temporary Secretary, to call the roll to ensure presence of quorum for the
50 day's session.

51 The presence of twelve (12) Members was known.

52 With the twelve (12) Members present, quorum was announced.

53 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

54 There is quorum to do Business.

55 Mr. Floor Leader.

56 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

57 Yes, Madam Chair.

58 Madam Chair, we do not have Minutes of our previous session, as it is not finished yet as
59 informed to me by the Secretariat.

60 So, we now go to our Calendar of Business.

61 Mr. Secretary, Item No. 1, please.

62 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

63 **ITEM NO. 01**

64 Presented for consideration is **City Ordinance No. 10, s. 2017 of**
65 **the City of Baybay, entitled, "AN ORDINANCE AUTHORIZING THE**
66 **PROPOSED BORROWING OF THE CITY OF BAYBAY, LEYTE IN THE**
67 **AMOUNT OF TWO HUNDRED FIFTY MILLION PESOS (P250,000,000.00)**
68 **TO FINANCE THE CONSTRUCTION OF BAYBAY CITY HALL AND RATIFYING**
69 **THE TERMS AND CONDITIONS OF THE LOAN AGREEMENT AND OTHER**
70 **DOCUMENTS RELATED THERETO,"** recommended for the declaration of
71 its **VALIDITY** by the Provincial Legal Office in its 2nd Indorsement dated
72 August 17, 2017.

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74 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

75 Madam Chair, if I may.

76 During our regular session held at the City of Baybay last August 4, 2017, the City Mayor
77 of Baybay, Honorable Carmen L. Cari presented to us the plan of the City specifically the City Hall
78 of Baybay. So, they are now submitting to us an ordinance, Ordinance No. 10 s 2017 which is "an
79 Ordinance Authorizing the Proposed Borrowing of the City of Baybay, Leyte in the amount of Two
80 Hundred Fifty Million Pesos (P250,000,000.00) to finance the construction of Baybay City Hall and
81 ratifying the terms and conditions of the loan agreement and other documents related thereto", at
82 the Development Bank of the Philippines (DBP).

83 This has already been reviewed by the Provincial Legal Office and in view thereof, I move
84 that we declare valid Ordinance No. 10 s 2017 of Baybay City.

85 I so move.

86 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

87 Second.

88 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

89 Second.

90 HON. NOLIE C. CAÑA: LnBP PRESIDENT

91 Second.

92 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

93 It has been moved and duly seconded that this Ordinance No. 10 s 2017 of the City of
94 Baybay be approved.

95 Discussion?

96 Manifestation?

97 Hearing none, the same is approved.

98 Approved unanimously.

RES. NO. 2017-532

99

100 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

101 Mr. Secretary, Item No. 02, please.

102 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

103 **ITEM NO. 02**

104 Presented for consideration is **City Ordinance No. 11, s. 2017 of the**
105 **City of Baybay, entitled, "AN ORDINANCE GRANTING AMNESTY ON**
106 **SURCHARGES OF TAX DUE ON REAL PROPERTIES AND BUSINESS PERMITS IN**
107 **THE CITY OF BAYBAY,"** recommended for the declaration of its **VALIDITY** by
108 the Provincial Legal Office in its 2nd Indorsement dated August 17, 2017.

109

110 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

111

112 Madam Chair, again, if I may.

113 This is an ordinance, again coming from Baybay, which is granting amnesty on surcharges
114 of tax due on real properties and business permits in the City of Baybay.

115 According to the Local Government Code, a City is in fact authorized and mandated by
116 law to collect real property taxes and it also has the authority to condone any surcharges or

117 penalties arising out of said taxes as long as it is approved by the majority of all the Members of
118 the Sangguniang Panlungsod.

119 And upon review on this ordinance, in fact all the Members of the Sanggunian Panlungsod
120 affixed their signature in this ordinance condoning the surcharges.

121 So, again, it is my honor to move to declare valid Ordinance No, 11 s 2017 of Baybay City.

122 I so move.

123 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

124 Second.

125 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

126 It has been moved and duly seconded, any discussion that this Ordinance of Baybay, that
127 is “An Ordinance Granting Amnesty on Surcharges of Tax Due on Real Properties and Business
128 Permits in the City of Baybay.”

129 In other words, Mr. Floor Leader, they are giving amnesty to the delinquent taxpayers in
130 the City of Baybay, is that correct?

131 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

132 Yes, Madam Chair, up to 5years from the date of the said ordinance.

133 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

134 Okay.

135 It has been moved and duly seconded that Ordinance No. 11 of the City of Baybay, is
136 hereby approved.

137 Approved unanimously.

RES. NO. 2017-533

138 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

139 Mr. Secretary, Item No. 03, please.

140 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

141 **ITEM NO. 03**

142 Presented for consideration is **City Ordinance No. 12, s. 2017 of**
143 **the City of Baybay, entitled, “AN ORDINANCE CREATING NEW PLANTILLA**
144 **POSITIONS FOR THE CITY OF BAYBAY, BY AMENDING ORDINANCE NO.**
145 **13, S. 2015, AND TO APPROPRIATE THE FUNDS NEEDED**
146 **THEREOF,”**recommended for the declaration of its **VALIDITY** by the
147 Provincial Legal Office in its 2nd Indorsement dated August 17, 2017.

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152 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

153 Madam Chair, can you please recognize my partner, so that he can also sponsor an
154 ordinance from Baybay.

155 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

156 The Honorable Gacis is recognized.

157 HON. EMMANUEL L. GACIS: 5TH DISTRICT BOARD MEMBER

158 Thank you, Mr. Floor Leader.

159 Thank you, Madam Chair.

160 Presented for consideration is City Ordinance No. 12, s 2017 of the City of Baybay,
161 entitled, "An Ordinance Creating New Plantilla Positions for the City of Baybay, by amending
162 Ordinance No 13, s 2015 and to appropriate the funds needed thereof".

163 The new plantilla positions as provided under Section 2 of the said ordinance, are :

164 One (1) Administrative Assistant 1 (Bookbinder, SG-7)

165 Three (3) Administrative Aide II (Utility Worker II, SG-3)

166 Six (6) Revenue Collection Clerk, SG-6

167 Three (3) Social Worker Officer, SG-6

168 One (1) Youth Development Officer, SG-6

169 One (1) Utility Worker 1, SG-1

170 These new plantilla positions are very much needed in order to perform or to serve the
171 constituents of the City of Baybay in their respective offices.

172 Madam Chair, the Provincial Legal Office has recommended for the declaration of validity
173 of the said ordinance and this representation would like to concur with the findings of the
174 Provincial Legal Office and would like to move for the approval of Ordinance No. 12 s 2017 of the
175 City of Baybay.

176 I so move.

177 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

178 Second.

179 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

180 Second.

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183 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

184 It has been moved and seconded that Ordinance No. 12 s 2017 of the City of Baybay be
185 approved.

186 Discussion,

187 Manifestation?

188 Hearing none, the same is approved.

189 Approved unanimously.

RES. NO. 2017-534

190 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

191 Mr. Secretary, Item No. 04, please.

192 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIANG

193 **ITEM NO. 04**

194 Presented for consideration is **City Ordinance No. 13, s. 2017 of the**
195 **City of Baybay, entitled, "AN ORDINANCE RECLASSIFYING A PORTION OF**
196 **THE BARANGAY MAGANHAN RIVERBED SITUATED AT BARANGAY**
197 **MAGANHAN, THIS CITY, FROM AGRICULTURAL ZONE (AGZ) TO SPECIAL**
198 **PURPOSE ZONE (SPZ),"** recommended for the declaration of its **VALIDITY** by
199 the Provincial Legal Office in its 2nd Indorsement dated August 17, 2017.

200
201 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

202 If I may, Madam Chair.

203 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

204 Yes.

205 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

206 This is an ordinance reclassifying an agricultural land to a special purpose zone. But since
207 this involves dry river bed, I would like to move that this be referred to the Committee on
208 Environment and Natural Resources.

209 I so move.

210 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

211 I beg your pardon, Committee on - ?

212 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

213 Committee on Environment and Natural Resources.

214 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

215 Thank you.

216

217 HON. EMMANUEL L. GACIS: 5TH DISTRICT BOARD MEMBER

218 Second.

219 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

220 It has been moved and seconded that Ordinance No. 13 of the City of Baybay be referred
221 to the Committee on Environment and Natural Resources.

222 Discussion?

223 Hearing none, the motion is carried and approved.

224 Approved unanimously.

RES. NO. 2017-535

225 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

226 Mr. Secretary, Item No. 05, please.

227 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIANG

228 **ITEM NO. 05**

229 Presented for consideration is **City Ordinance No. 14 of the City of**
230 **Baybay, entitled, "AN ORDINANCE PROMOTING CONSUMPTION AND**
231 **PRODUCTION OF ORGANICALLY PRODUCED FRUITS AND VEGETABLES FOR**
232 **GOOD HEALTH,"** recommended for the declaration of its **VALIDITY** by the
233 Provincial Legal Office in its 2nd Indorsement dated August 17, 2017.

234
235 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

236 Madam Chair, this is an ordinance, a City Ordinance No. 14 of Baybay city, which is "an
237 Ordinance promoting consumption and production of organically produced fruits and vegetables
238 for good health." Personally, this is a very laudable ordinance since it is also consistent with the
239 MIC Program of the Provincial Government of Leyte, which is to promote income in the
240 countryside and the Honorable Governor has conducted several trainings for high value
241 vegetables and fruit crops which are organically produced.

242 So, with that in mind, I move for the declaration of validity and approval of City Ordinance
243 No. 14 of the City of Baybay.

244 I so move.

245 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

246 Second.

247 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER

248 Second.

249 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

250 Second.

251 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

252 It has been moved and seconded that Ordinance No. 14 of Baybay City, “An Ordinance
253 promoting consumption and production of organically produced fruits and vegetables for good
254 health”, be approved.

255 Any discussion?

256 Manifestation?

257 Hearing none, the motion is carried and approved.

258 Approved unanimously.

RES. NO. 2017-536

259 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

260 Mr. Secretary, Item No. 06, please.

261 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

262 **ITEM NO. 06**

263 Presented for consideration is **City Ordinance No. 15, s. 2017 of the**
264 **City of Baybay, entitled, “AN ORDINANCE REGULATING SMOKING IN PUBLIC**
265 **PLACES AS HEALTH PROTECTION TO THE GENERAL PUBLIC IN THE CITY OF**
266 **BAYBAY AND PROVIDING PENALTIES FOR VIOLATION THEREOF,”**
267 recommended for the declaration of its **VALIDITY** by the Provincial Legal
268 Office in its 2nd Indorsement dated August 17, 2017.
269

270 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

271 Madam Chair.

272 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

273 Yes, Mr. Floor Leader.

274 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

275 Again, this is an ordinance coming from Baybay. We have plenty of ordinances from
276 Baybay in today’s session, Madam Chair.

277 This is an ordinance regulating smoking in public places as health protection to the
278 general public in the city of Baybay and providing penalties for violation thereof.

279 Again, it would be an honor for me to sponsor and move for the approval and validity of
280 this ordinance because it is also consistent with the policy of the national government to prohibit
281 smoking in private places and to designate only some areas where our smokers are allowed to
282 smoke. This is also good for the environment and is good for the health of our children.

283 So, I move that we declare valid Ordinance No. 15 s 2017 of Baybay City.

284 So moved.

285 HON. EMMANUEL L. GACIS: 5TH DISTRICT BOARD MEMBER

286 Second.

287 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

288 It has been moved and seconded that city Ordinance No. 15 s 2017 of the City of Baybay
289 be declared valid.

290 Any objection?

291 Manifestation?

292 Hearing none, the motion is carried and approved.

293 Approved unanimously.

RES. NO. 2017-537

294 HON. FLORANTE A. CAYUNDA, JR.: 5THDIST. BOARD MEMBER/FLOOR LEADER

295 Mr. Secretary, Item No. 07, please.

296 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

297 **ITEM NO. 07**

298 Presented for consideration is **Municipal Ordinance No. 001 s.**
299 **2017 of the Municipality of Tabontabon, Leyte, entitled, "AN**
300 **ORDINANCE PRESCRIBING THE RULES AND PROCEDURE ON THE**
301 **INVESTIGATION OF ADMINISTRATIVE DISCIPLINARY CASES AGAINST**
302 **ELECTIVE BARANGAY OFFICIALS IN THE MUNICIPALITY OF**
303 **TABONTABON, LEYTE,"** recommended for the declaration of its **VALIDITY**
304 by the Provincial Legal Office in its 2nd Indorsement dated August 22,
305 2017, **EXCEPT Section 4, Filing Fee** which to the opinion of the Provincial
306 Legal Office as ULTRA VIRES.

307
308 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

309 Can you recognize the Honorable Caña, Madam Chair?

310 HON. TRINIDAD G. APOSTOL: 2NDDIST.BOARD ME MBER/TEMP.PRESIDING OFFICER

311 The Honorable Caña is recognized.

312 HON. NOLIE C. CAÑA: LnBP PRESIDENT

313 Good afternoon Madam Chair.

314 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

315 Good afternoon.

316 HON. NOLIE C. CAÑA: LnBP PRESIDENT

317 Presented for consideration is a Municipal Ordinance No. 001, series of 2017 of the
318 Municipality of Tabontabon, Leyte, entitled, "An Ordinance Prescribing the Rules and Procedures
319 on the Investigation of Administrative Disciplinary Cases Against Elective Barangay Officials in the
320 Municipality of Tabontabon, Leyte."

321 It is recommended for the declaration of its validity by the Provincial Legal Office except
322 for Section 4, Filing Fee to the opinion of the Provincial Legal Office, that it is ultra vires on the
323 following grounds:

- 324 1) R.A. 7160 does not provide that power;
325 2) It is only the Regular Courts that is authorized by law to collect Filing Fee.

326 So Madam Chair, I move to return this Municipal Ordinance of the Municipality of
327 Tabontabon, Leyte, for their immediate action, per the recommendation of the Provincial Legal
328 Office. I so move Madam Chair.

329 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

330 Any second?

331 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER

332 Second.

333 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

334 Discussion? Manifestation?

335 From the Chair, I would like this ordinance to be returned to the SB of origin for further
336 study and correction of Section 4, regarding the collection of Filing Fee. So it was seconded that
337 this ordinance coming from the Municipality of Tabontabon, Municipal Ordinance No. 001, series
338 2017, be returned to the SB of origin.

339 Any objection? Hearing none, same is approved.

340 Approved unanimously.

RES. NO. 2017-538

341 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

342 Item No. 08, Mr. Secretary please.

343 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIANG

344 **ITEM NO. 08**

345 Presented for consideration is **Municipal Ordinance No. 002 s. 2017**
346 **of the Municipality of Tabontabon, Leyte, entitled, "AN ORDINANCE**
347 **ADOPTING THE PRESCRIBED FORM OF CITATION TICKET FOR THE**
348 **MUNICIPALITY OF TABONTABON, LEYTE, AND FOR OTHER PURPOSES,"**
349 recommended for the declaration of its **VALIDITY** by the Provincial Legal
350 Office in its 2nd Indorsement dated August 22, 2017.

351

352 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

353 Again, can you recognize the Honorable Caña, Madam Chair?

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355 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

356 The Honorable Caña is recognized, for Item No. 08.

357 HON. NOLIE C. CAÑA: LnBP PRESIDENT

358 Thank you, Mr. Floor Leader and Madam Chair.

359 Item No. 08 is Municipal Ordinance No. 002, series of 2017 of the Municipality of
360 Tabontabon, Leyte, entitled, "An Ordinance Adopting the Prescribed Form of Citation Ticket for
361 the Municipality of Tabontabon, Leyte, and for other Purposes."

362 It is recommended for the declaration of validity by the Provincial Legal Office in its 2nd
363 Indorsement dated August 22, 2017. I therefore move for the approval of this Municipal Ordinance
364 No. 002 of the Municipality of Tabontabon, Leyte. I so move Madam Chair.

365 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

366 Any second?

367 HON. WILSON S. UY: PCL PRESIDENT

368 Madam Chair, before I second the motion of the Honorable Caña, I wish to be recognized
369 as present in this regular session. I came in late, Madam Chair.

370 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

371 Did you sign already the attendance?

372 HON. WILSON S. UY: PCL PRESIDENT

373 Done, Madam Chair.

374 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

375 You are welcome to the session.

376 HON. WILSON S. UY: PCL PRESIDENT

377 I second to the motion of the Honorable Caña.

378 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

379 Okay, Mr. Floor Leader

380 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

381 May we have a ruling on the motion, Madam Chair? The motion is to declare valid. The
382 Presiding Chair has not yet ruled.

383 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER/TEMP. PRESIDING OFFICER

384 Can you repeat your motion, Honorable Caña?

385

386 HON. NOLIE C. CAÑA: LnBP PRESIDENT

387 I move for the approval and declaration of validity of Municipal Ordinance No. 002, series
388 of 2017 of the Municipality of Tabontabon, Leyte. I so move Madam Chair.

389 HON. TRINIDAD G. APOSTOL: 2ND DISTRICT BOARD MEMBER/PRESIDING OFFICER

390 Any second?

391 HON. WILSON S. UY: PCL PRESIDENT

392 Second, Madam Chair.

393 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

394 Okay, it has been moved and seconded, that Municipal Ordinance No. 002, series 2017 of
395 the Municipality of Tabontabon, Leyte is hereby approved.

396 Any objection? Manifestation? Hearing none, motion is carried and approved.

397 Approved unanimously.

RES. NO. 2017-539

398 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

399 Item No. 9, Mr. Secretary please.

400 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

401 **ITEM NO. 9**

402 Presented for consideration is **Municipal Ordinance No. 003 s. 2017**
403 **of the Municipality of Tabontabon, Leyte, entitled, "AN ORDINANCE TO**
404 **AMEND MUNICIPAL ORDINANCE NO. 004 SERIES OF 2008 ENTITLED, "AN**
405 **ORDINANCE REGULATING AND ENHANCING THE PROPER SEGREGATION OF**
406 **GARBAGE, OTHER WASTE MATERIAL AND SANITATION MEASURES WITHIN**
407 **THE MUNICIPALITY OF TABONTABON, LEYTE, PARTICULARLY SECTION 4 ON**
408 **THE PENAL PROVISION,"** recommended for the declaration of its **VALIDITY**
409 by the Provincial Legal Office in its 2nd Indorsement dated August 22, 2017.

410
411 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

412 Again, can you recognize the Honorable Caña, Madam Chair?

413 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

414 The Honorable Caña is recognized, for Item No. 9.

415 HON. NOLIE C. CAÑA: LnBP PRESIDENT

416 Thank you, Madam Chair.

417 Item No. 09 is Municipal Ordinance No. 003, series of 2017 of the Municipality of
418 Tabontabon, Leyte, entitled, "An Ordinance to Amend Municipal Ordinance No. 004, series of
419 2008, entitled, "An ordinance Regulating And Enhancing the Proper Segregation of Garbage,

420 Other Waste Material and Sanitation Measures Within the Municipality of Tabontabon, Leyte,
421 Particularly Section 4 on the Penal Provision.”

422 It has been recommended for the declaration of its validity by the Provincial Legal Office. I
423 therefore move for the declaration of validity and its approval of the said ordinance. I so move
424 Madam Chair.

425 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

426 Any second?

427 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

428 Second.

429 HON. WILSON S. UY: PCL PRESIDENT

430 Madam Chair, I second the motion of our Man of the Hour.

431 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

432 Okay, it has been moved and seconded, that Ordinance No. 003, series of 2017 of the
433 Municipality of Tabontabon, Leyte, be approved.

434 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

435 Madam Chair.

436 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

437 Yes, Mr. floor Leader

438 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

439 Just a manifestation or if the Honorable would yield to this suggestion that since this
440 ordinance amends a penalty of a prior ordinance, may we request for a condition or a collatilla to
441 the motion, Madam Chair. That we approve the said ordinance but subject to the publication
442 requirement of the Local Government Code, Madam Chair.

443 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

444 What does the Movant say?

445 HON. NOLIE C. CAÑA: LnBP PRESIDENT

446 I go with the recommendation of our Floor Leader, Madam Chair.

447 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

448 Okay, so this ordinance from the Municipality of Tabontabon, Ordinance No. 003, series of
449 2017, be subject to publication requirement, as per manifestation of our Floor Leader.

450 Any second?

451 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

452 Second.

453 HON. WILSON S. UY: PCL PRESIDENT

454 Second.

455 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

456 Okay, it has been moved and seconded, that this ordinance be subject to publication.

457 Discussion? Manifestation? Hearing none, same is approved.

458 Approved unanimously.

RES. NO. 2017-540

459 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

460 Item No. 10, Mr. Secretary please.

461 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

462 **ITEM NO. 10**

463 Presented for consideration is **Municipal Ordinance No. 05, Series of**
464 **2017, of the Municipality of Merida, Leyte, entitled, "AN ORDINANCE**
465 **ADOPTING THE REVISED LEYTE CHILDREN'S WELFARE CODE OF 2017,"**
466 recommended for the declaration of its VALIDITY by the Provincial Legal
467 Office in its 2nd Indorsement dated August 22, 2017.

468
469 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

470 Can you recognize the Honorable Arevalo, Madam Chair?

471 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

472 The Honorable Arevalo is recognized.

473 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

474 Thank you Madam Chair. Thank your Floor Leader.

475 Presented for consideration is Municipal Ordinance No. 05, series of 2017 of the
476 Municipality of Merida, Leyte, entitled, "An Ordinance Adopting the Revised Leyte Children's
477 Welfare Code of 2017."

478 It is the wisdom of the Sangguniang Bayan of Merida, Madam Chair, to ensure the efficient
479 and effective delivery of basic services and facilities, and further provide for the care of paupers,
480 the aged, the sick, persons of unsound mind, abandoned minors, abused children, disabled
481 persons, juvenile delinquents, drug dependents, and other needy and disadvantaged persons,
482 particularly children and youth below 18 years of age. With the recommendation, Madam Chair,
483 coming from the Provincial Legal Office, for the declaration of its validity, this representation would
484 like to move that this ordinance be declared valid. I therefore so move.

485 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

486 Any second?

487 HON. RANULFO S. ABELLANOSA: 1ST DIST. BOARD MEMBER

488 Second.

489 HON. WILSON S. UY: PCL PRESIDENT

490 Discussion, Madam Chair.

491 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

492 Yes, the Honorable Uy.

493 HON. WILSON S. UY: PCL PRESIDENT

494 Thank you, Madam Chair.

495 This representation has reservation on this particular ordinance. Because if I heard it right,
496 they just adopted the Provincial Ordinance without coming up with their own version of the
497 ordinance. If they adopt en toto, the ordinance of the Sangguniang Panlalawigan, Madam Chair, I
498 think there are some provisions which they cannot adopt. Like for example, when it comes to the
499 appropriation ordinance, I do not know if there is a penalty of this provision. If there is, I am sure
500 they cannot adopt the penalty, considering that in the Sangguniang Bayan level there's a cap on
501 the penalty. And also, I do not know if we are to adopt an ordinance coming from the
502 Sangguniang Bayan. We cannot adopt in a form of an ordinance, because usually, if we adopt
503 maybe it's a resolution. But the problem is, a resolution cannot override an ordinance. I think what
504 is proper here is that they should come up with their own version, with their own ordinance, but
505 within the parameters of the Sangguniang Panlalawigan's ordinance on this particular code. I do
506 not know from our Floor Leader, maybe we can ask our Committee on Rules to enlighten my
507 question with respect to the adoption of our Sangguniang Panlalawigan ordinances, Madam
508 Chair.

509 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

510 Thank you. Now, from the Chair, I think they have to study the adoption of this ordinance.
511 Because if I remember it right, we already have this "Revised Leyte Children's Welfare Code of
512 2017". Am I correct Mr. Floor Leader?

513 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

514 Yes, you are correct Madam Chair.

515

516 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP.PRESIDING OFFICER

517 I think we have to base this in the approved and Revised Leyte Children's Welfare Code,
518 Mr. Floor Leader.

519 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

520 Yes, Madam Chair. Also, in order to answer the query of the Honorable Uy, in fact, he is
521 correct that the Sangguniang Bayan cannot adopt the penal provisions and even appropriations of
522 our Revised Leyte Children's Welfare Code, because the Local Government Code imposes limits
523 on the penalties. But basing on, this is just a personal opinion from a legal standpoint, Madam
524 Chair, I think the ordinance of Merida can be declared valid. Because in Section 3 of the said
525 ordinance, they mentioned that the implementation of their Children's Welfare Code, shall be
526 guided with the entire provisions of the Revised Leyte Children's Welfare Code. So meaning to
527 say, they did not really have their own Children's Welfare Code, but they just merely adopted and
528 followed what the Leyte Children's Welfare Code provides. Meaning to say, if they will impose
529 sanctions on the violations of the Code, they will apply the penalties of the Leyte Children's
530 Welfare Code. Meaning to say, Madam Chair, they wanted their municipality to impose or enforce
531 the Leyte Children's Welfare Code. They merely strengthened our Leyte Children's Welfare Code
532 by adopting it in their own municipality and implement it, but based on the provisions of the Leyte
533 Children's Welfare Code. That's what I understand from the provisions. I don't know what the
534 opinion of the Movant is, but that is just my personal opinion also, Madam Chair.

535 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

536 Thank you, Mr. Floor Leader. Now, in short, you are saying, from the Chair, that they
537 should adopt what was approved in the Sangguniang Panlalawigan, the Revised Leyte Children's
538 Welfare Code. Is that correct?

539 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

540 Yes, Madam Chair, that is my opinion, because they included in one of their sections that
541 when they implement the Code, they would follow our Revised Children's Welfare Code of the
542 Province of Leyte.

543 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

544 Okay, thank you. What does the Movant say?

545 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

546 Well, I am with the manifestation of the Floor Leader, Madam Chair.

547 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

548 So we are going to approve this ordinance based on the Revised Leyte Children's Welfare
549 Code.

550 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

551 Yes, Madam Chair.

552 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

553 Okay, any second?

554 HON. EMMANUEL L. GACIS: 5TH DISTRICT BOARD MEMBER

555 Second.

556 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

557 Okay, it has been moved and seconded, that this ordinance from the Municipality of
558 Merida, be adopted based on the Revised Leyte Children's Welfare Code of 2017.

559 Discussion? Manifestation? Hearing none, the motion is carried and approved.

560 Approved unanimously.

RES. NO. 2017-541

561 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

562 Item No. 11, Mr. Secretary please.

563 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

564 **ITEM NO. 11**

565 Presented for consideration is **Municipal Ordinance No. 06, Series of**
566 **2017, of the Municipality of Merida, Leyte, entitled, "AN ORDINANCE**
567 **IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN DISASTER OR**
568 **EMERGENCY HAS BEEN DECLARED IN THE MUNICIPALITY AND DANGER OF**
569 **LOSS OF LIVES BECOMES IMMINENT, PROVIDING PENALTIES THEREFORE**
570 **AND FOR OTHER PURPOSES,"**recommended for the declaration of its
571 **VALIDITY** by the Provincial Legal Office in its 2nd Indorsement dated August
572 22, 2017.
573

574 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

575 Can you recognize the Honorable Arevalo, Madam Secretary?

576 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

577 The Honorable Arevalo is recognized.

578 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

579 Thank you Mr. Floor Leader. Thank you Madam Chair.

580 Presented for consideration is Municipal Ordinance No. 06, series of 2017 of the
581 Municipality of Merida, Leyte, entitled, "An Ordinance Implementing Forced Evacuation as Resort

582 When Disaster or Emergency has Been Declared in the Municipality and Danger of Loss of Lives
583 Becomes Imminent, Providing Penalties Therefore and for Other Purposes.”

584 The intention of this ordinance Madam Chair, is to protect the lives in times of calamity and
585 other imminent danger of the municipality. With this, I therefore so move Madam Chair, for the
586 declaration of validity of Municipal Ordinance No. 06, series of 2017 of the Municipality of Merida,
587 Leyte.

588 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

589 Any second?

590 HON. WILSON S. UY: PCL PRESIDENT

591 Second.

592 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

593 It has been moved and seconded, that Municipal Ordinance No. 06, series of 2017 of the
594 Municipality of Merida, Leyte is hereby approved.

595 Discussion? Manifestation? Hearing none, motion is approved.

596 Approved unanimously. **RES. NO.2017-542**

597 HON. FLORANTE A. CAYUNDA, JR.:5TH DIST. BOARD MEMBER/ FLOOR LEADER

598 Item No. 12, Mr. Secretary please.

599 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIANG

600 **ITEM NO. 12**

601 Presented for consideration is **Municipal Ordinance No. 07, Series**
602 **2017, of the Municipality of Merida, Leyte, entitled, “AN ORDINANCE**
603 **IMPLEMENTING THE MERIDA MATERNAL CARE INCENTIVE PROGRAM**
604 **(MCIP),”** recommended for the declaration of its **VALIDITY** by the Provincial
605 Legal Office in its 2nd Indorsement dated August 22, 2017.
606

607 HON. FLORANTE A. CAYUNDA, JR.: 5TH DISTY. BOARD MEMBER/FLOOR LEADER

608 Madam Chair, before I recognize the Honorable Torres, may we also request the SP
609 Secretariat to include in the attendance the presence of the Honorable Torres.

610 Can you recognize the Honorable Torres, Madam Chair?

611 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. FLOOR LEADER

612 The Honorable Torres, you are welcome to the Session Hall and you sign the attendance.

613 Okay, you are now recognized, for Item No. 12

614

615 HON. MANUEL VICENTE M. TORRES: 4TH DISTRICT BOARD MEMBER

616 Thank you Madam Chair, Mr. Floor Leader.

617 Presented for consideration is Municipal Ordinance No. 07, series of 2017 of the
618 Municipality of Merida, Leyte, entitled, "An Ordinance Implementing the Merida Maternal Care
619 Incentive Program (MCIP)."

620 It is recommended for the declaration of validity by the Provincial Legal Office in its 2nd
621 Indorsement dated August 22, 2017. I concur with the opinion of the Provincial Legal Office. It is
622 within the power of the municipality. So therefore, I move to declare valid Municipal Ordinance No.
623 07, 2017 of the Municipality of Merida, Leyte. I so move.

624 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

625 Any second?

626 HON. WILSON S. UY: PCL PRESIDENT

627 Second, Madam Chair.

628 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

629 It has been moved and seconded, that the Municipal Ordinance No. 07, series of 2017 of
630 Merida, Leyte, an ordinance implementing the Merida Maternal Care Incentive Program (MCIP) is
631 hereby approved.

632 Any objection? Manifestation? Discussion? Hearing none, the motion is approved.

633 Approved unanimously.

RES. NO. 2017-543

634 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

635 Item No. 13, Mr. Secretary please.

636 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

637 **ITEM NO. 13**

638 Presented for consideration is **Municipal Ordinance No. 87, Series**
639 **2017 of the Municipality of San Isidro, Leyte, entitled, "AN ORDINANCE**
640 **CREATING THE SAN ISIDRO DANGEROUS DRUGS ADMINISTRATIVE BOARD**
641 **IN THE MUNICIPALITY OF SAN ISIDRO, LEYTE,"** recommended for the
642 declaration of its **VALIDITY** by the Provincial Legal Office in its 2nd
643 Indorsement dated August 17, 2017.

644 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

645 Can you recognize the Honorable Remandaban, Madam Chair?

647 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

648 The Honorable Remandaban is recognized.

649 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

650 Thank you Madam Chair, Mr. Floor Leader.

651 Item No. 13 is Municipal Ordinance No. 87, series of 2017 of the Municipality of San Isidro,
652 Leyte, entitled, "An Ordinance Creating the San Isidro Dangerous Drugs Administrative Board in
653 the Municipality of San Isidro, Leyte."

654 I move that this valid ordinance of San Isidro be approved as this will assist the Municipal
655 Anti-Drug Abuse Committee, to receive complaints and hear regarding drug-related nuisances, I
656 so move Madam Chair.

657 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

658 Any second?

659 HON. NOLIE C. CAÑA: LhBP PRESIDENT

660 Second.

661 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

662 It has been moved and seconded, that Municipal Ordinance No. 87 of the Municipality of
663 San Isidro, Leyte, an ordinance creating the San Isidro Dangerous Drugs Administrative Board of
664 the Municipality of San Isidro, is hereby approved.

665 Discussion?

666 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

667 Discussion, Madam Chair.

668 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

669 Yes, Mr. Floor Leader.

670 HON. FLORANTE A. CAYUNDA, JR.: 2ND DIST. BOARD MEMBER/FLOOR LEADER

671 Madam Chair, if you can remember during our previous regular session (September 08,
672 2017), there was an ordinance that is somewhat similar to this ordinance (Palompon's Municipal
673 Ordinance No. 417-240717). But the difference Madam Chair is that, in this ordinance they did not
674 mention that the Board will now have the sole power to receive complaints regarding dangerous
675 drugs. With that Madam Chair, that is why I did not make any objection for the approval, because
676 for me, in my personal opinion, I think this becomes a valid ordinance.

677 HON. WILSON S. UY: PCL PRESIDENT

678 Madam Chair.

679

680 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

681 Yes, the Honorable Uy.

682 HON. WILSON S. UY: PCL PRESIDENT

683 Yes, before you make a ruling Madam Chair, as manifested by our Floor Leader that we
684 have a similar ordinance, however, not all provisions are present in the said ordinance. But if the
685 Floor Leader and proponent will yield to my suggestion, Madam Chair, I suggest that we refer the
686 same considering that we are coming up with a Committee Hearing to tackle this particular
687 Administrative Dangerous Board. Then probably, that is the time that we make sure there is no
688 violation of this ordinance. Because I think, there might have some instructions coming from
689 PDEA or other government agencies to come up with this kind of Board. But the problem is, their
690 functions might have some conflict. So, to avoid conflict Madam Chair, I strongly suggest that we
691 refer this ordinance to the proper committee.

692 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

693 What committee please?

694 HON. WILSON S. UY: PCL PRESIDENT

695 I guess it was Committee of the Whole, Madam Chair.

696 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/ FLOOR LEADER

697 Madam Chair.

698 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

699 Yes, the Honorable Floor Leader.

700 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

701 I agree with the Honorable Uy, Madam Chair. Although I did not object for the declaration
702 of validity, but just to further study the regulations and the ordinance, so as also to invite all the
703 other municipalities, to have one ordinance for this kind of problem, Madam Chair. I concur with
704 the Honorable Uy that maybe we can refer this to the Committee of the Whole, so that we can
705 discuss everything with other municipalities also, Madam Chair.

706 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

707 Thank you Floor Leader.

708 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

709 Madam Chair.

710

711 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

712 Yes, the Honorable Arevalo.

713 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

714 When we discussed the Municipal Ordinance coming from the Municipality of Palompon
715 last regular session, I conferred with the proponent of that ordinance, Madam Chair. But he
716 answered me that this kind of ordinance was requested by every municipality, coming from the
717 Chief of Police. So, I am with the manifestation of our Floor Leader that we call all the
718 Sangguniang Bayans or their representatives of Sangguniang Bayans, so that we can make a
719 standard ordinance regarding this without violation of PDEA law or from other government
720 agency. Thank you Madam Chair.

721 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

722 Okay, thank you Honorable Arevalo. I agree with your manifestation. Now, what does the
723 Movant say, the Honorable Remandaban?

724 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

725 Yes, Madam Chair, I would like to thank my colleagues for the wisdom they shared to this
726 Honorable Body, I actually am thinking that this is the same as the nuisance that we talked about
727 last session. That they have to be cleared with what nuisances they are referring to. So Madam
728 Chair, I would like to modify my motion, to refer this to the Committee of the Whole for further
729 study. I so move Madam Chair.

730 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

731 Any second?

732 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

733 Second.

734 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

735 Okay, this particular ordinance coming from the Municipality of San Isidro, as amended by
736 the Movant, is to be referred to the Committee of the Whole. And we have to invite the Honorable
737 Arevalo, the Chief of Police, the members of the Sangguniang Bayan, the Chairman of the
738 Committee on Rules, Laws and Privileges of the Sangguniang Bayan. The Secretariat will please
739 take note.

740

741

742 HON. FLORANTE A. CAYUNDA: 5TH DIST. BOARD MEMBER/ FLOOR LEADER

743 And also Madam Chair, we can perhaps invite PDEA, Provincial Director of the PNP or
744 Regional Director of PNP.

745 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

746 Okay, any objection? Manifestation? Hearing none, the motion is carried and approved.

747 Approved unanimously. **RES. NO. 2017-544**

748 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

749 Item No. 14, Mr. Secretary please.

750 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

751 **ITEM NO. 14**

752 Presented for consideration is **Municipal Ordinance No. 2017-85 of**
753 **the Municipality of Mayorga, Leyte, entitled, "AN ORDINANCE REGULATING**
754 **TRUANCY FOR ELEMENTARY PUPILS AND SECONDARY SCHOOL STUDENTS**
755 **IN THE MUNICIPALITY OF MAYORGA, LEYTE AND PROVIDING PENALTY FOR**
756 **VIOLATION THEREOF,"** recommended for the declaration of its **VALIDITY** by
757 the Provincial Legal Office in its 2nd Indorsement dated August 22, 2017.

758
759 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

760 Can you recognize the Honorable Caña, Madam Chair.

761 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

762 The Honorable Caña is recognized, for Item No. 14.

763 HON. NOLIE C. CAÑA: LnBP PRESIDENT

764 Thank you, Madam Chair.

765 Item No. 14, presented for consideration is Municipal Ordinance No. 2017-85 of the
766 Municipality of Mayorga, Leyte, entitled, "An Ordinance Regulating Truancy for Elementary Pupils
767 and Secondary School Students in the Municipality of Mayorga, Leyte, and Providing Penalty for
768 Violation Thereof."

769 It is recommended for the declaration of its validity by the Provincial Legal Office, provided
770 that the penalty of the community service desired on Section 9(b) of subject ordinance does not
771 violate the constitutional prohibition against involuntary servitude. I therefore move for the
772 declaration of its validity and for approval of the Municipal Ordinance No. 2017-85 of the
773 Municipality of Mayorga. I so move Madam Chair.

774 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

775 Any second?

776 HON. WILSON S. UY: PCL PRESIDENT

777 Second, Madam Chair.

778 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

779 You seconded the motion?

780 HON. WILSON S. UY: PCL PRESIDENT

781 Yes, Madam Chair, because I pity Board Member Caña.

782 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

783 It has been moved and seconded that this ordinance coming from the Municipality of
784 Mayorga, Ordinance No. 2017-85, be approved.

785 From the Chair, I would like to ask the Movant, what does that mean, 'yung Truancy for
786 Elementary Pupils and High School? Will you please explain further?

787 HON. NOLIE C. CAÑA: LnBP PRESIDENT

788 Thank you Madam Chair. Per Ordinance of the Municipality of Mayorga, well, in their
789 Definition Terms, Section 3, "Truant" means "a student who is absent from school without valid
790 cause." Thank you Madam Chair.

791 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

792 So, this means that during school hours, students in the elementary and high school
793 should not be lingering around. Is it correct?

794 HON. NOLIE C. CAÑA: LnBP PRESIDENT

795 Yes, Madam Chair.

796 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

797 It has been moved and seconded, that this ordinance from the Municipality of Mayorga,
798 Leyte, be approved.

799 Any objection? Manifestation? Hearing none, motion is approved.

800 Approved unanimously.

RES. NO. 2017-545

801 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

802 Item No. 15, Mr. Secretary please.

803 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

804 **ITEM NO. 15**

805 Presented for consideration is **Municipal Ordinance No. 2017-01 of**
806 **the Municipality of Tabango, Leyte, entitled, "AN ORDINANCE PROVIDING**
807 **HOSPITALIZATION AND BURIAL ASSISTANCE TO BARANGAY OFFICIALS AND**

808 **BARANGAY PERSONNEL WITHIN THE 13 BARANGAYS OF TABANGO,**
809 **LEYTE,**”with comments that it is CONTRARY to the mandate of Section 335
810 per Provincial Legal Office 2nd Indorsement dated August 22, 2017.

811
812 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

813 Can you recognize the Honorable Remandaban Madam Chair?

814 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

815 The Honorable Remandaban is recognized for Item No. 15.

816 HON. MA. CORAZON E. REMANDABAN: 3rd DISTRICT BOARD MEMBER

817 Thank you Madam Chair, Mr. Floor Leader.

818 Item No. 15 is Municipal Ordinance No. 2017-01 of the Municipality of Tabango, Leyte,
819 entitled, “An Ordinance providing Hospitalization and Burial Assistance to Barangay Officials and
820 Barangay Personnel within the 13 Barangays of Tabango, Leyte.”

821 Madam Chair, due to the comment of the Provincial Legal office that this particular
822 ordinance is contrary to the mandate of Section 335 of the Local Government Code, I move that
823 this ordinance be returned to the SB of origin for review and to provide proof that this is a valid
824 ordinance.

825 I so move Madam Chair.

826 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

827 Referred to? Return it back?

828 HON. MA. CORAZON E. REMANDABAN: 3RD DISTRICT BOARD MEMBER

829 Yes, Madam Chair.

830 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

831 Okay, thank you.

832 HON. WILSON S. UY: PCL PRESIDENT

833 Second, Madam Chair.

834 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

835 Okay, it has been moved and seconded that the Municipal Ordinance No. 2017-01 of the
836 Municipality of Tabango, Leyte, be approved.

837 Any objection?

838 Manifestations?

839 Hearing none, the same is approved.

840 Mr. Floor Leader?

841 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

842 Madam Chair, just for clarification.

843 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

844 Yes.

845 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

846 The motion was not to approve the ordinance but to return it back to the SB of origin,
847 Madam Chair.

848 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

849 Okay, I stand corrected, that this Municipal Ordinance of the Municipality of Tabango,
850 Leyte be returned to the SB of origin.

851 Carried unanimously.

RES. NO. 2017-546

852 HON. WILSON S. UY: PCL PRESIDENT

853 To her husband Madam Chair, to be clear.

854 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

855 Mr. Floor Leader.

856 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

857 ITEM No. 16, Mr. Secretary please.

858 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

859 **ITEM NO. 16**

860 Presented for consideration is the **General Fund Supplemental**
861 **Budget No. 04 CY 2017 of the Municipality of Javier, Leyte, duly**
862 **supported by the SB Appropriation Ordinance No. 2017-11 in the**
863 **amount of P1,852,000.00**, recommended for **APPROVAL** by the Local
864 Finance Committee subject to the conditions stated in its review letter
865 dated August 23, 2017.

866

867 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

868 Can you recognize the Honorable Gacis Madam Chair?

869 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

870 Honorable Gacis is recognized.

871 HON. EMMANUEL L. GACIS: 5th DISTRICT BOARD MEMBER

872 Thank you Madam Chair, Mr. Floor Leader.

873 Presented for consideration is the General Fund Supplemental Budget No. 04 CY 2017 of
874 the Municipality of Javier. This Supplemental Budget No. 04 is supported by SB Ordinance No. 11

875 series 2017 in the amount of P1,852,000.00. The Local Finance Committee recommended that
876 this Supplemental Budget No. 04 of Javier, Leyte be approved. For approval.

877 So this representation, Madam Chair, moves for the approval of Supplemental Budget No.
878 04 of the Municipality of Javier, Leyte amounting to P1,852,000.00, but subject to the conditions
879 as stated in its review by the Local Finance Committee. I so move Madam Chair.

880 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

881 Any second?

882 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

883 Second Madam Chair.

884 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

885 Okay, it has been moved and duly seconded, that the General Fund Supplemental Budget
886 No. 04 of the year 2017of the Municipality of Javier, Leyte fully supported by the SB Appropriation
887 Ordinance No. 2017-11 in the amount of P1,852,000.00, be approved.

888 Discussion?

889 Hearing none, the same is approved.

RES. NO. 2017-547

890 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

891 Item No. 17, Mr. Secretary please.

892 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

893 **ITEM NO. 17**

894 Presented for consideration is a **REQUEST FOR ACCREDITATION of**
895 **Camono-an Agrarian Reform Community Farmers Association of Brgy.**
896 **Camono-an, Dagami, Leyte** as a Non-Government Organization in the
897 Province of Leyte.

898
899

900 **ITEM NO. 21**

901

902 Presented for consideration is a **REQUEUST FOR ACCREDITATION of**
903 **Paghudlan Farmers' Association (Rising Sun) of Brgy. Paghudlan, Burauen,**
904 **Leyte** as a Non-Government Organization of the Province of Leyte.

905

906 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

907 Can you recognize the Honorable Arevalo, Mr. Chair?

908 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

909 Honorable Arevalo is recognized.

910

911 HON. MESIAS P. AREVALO: 4th DISTRICT BOARD MEMBER

912 Thank you again Mr. Floor Leader, Madam Chair.

913 This representation Madam Chair would like to make an omnibus motion relative to
914 accreditation of 2 Barangays, Madam Chair. Item No. 17 and Item No. 21, Madam Chair.

915 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

916 Okay.

917 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

918 RA 7160 Madam Chair, mandated the Sanggunian concerned to accredit...

919 HON. TRINIDAD G. APOSTOL: 2ND DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

920 Excuse me, only two? From Dagami and Burauen?

921 HON. MESIAS P. AREVALO: 4th DISTRICT BOARD MEMBER

922 One from Dagami and one from Burauen, Madam Chair.

923 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

924 Yes, go ahead.

925 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

926 To accredit non-government organizations within the Province of Leyte Madam Chair. With
927 the verification being made by this representation Madam Chair, the application of Camono-an
928 Agrarian Reform Community Farmers Association of Barangay Camonoa-an, Dagami, Leyte and
929 the Paghudlan Farmers Association (Rising Sun) of Barangay Paghudlan, Burauen, Leyte, both
930 have satisfactorily complied with all the requirements as mandated in Section 108 of RA 7160,
931 Madam Chair.

932 I therefore so move Madam Chair for the accreditation of Camono-an Agrarian Reform
933 Community Farmers Association of Barangay Camono-an, Dagami, Leyte and Paghudlan
934 Farmers Association (Rising Sun) of Barangay Paghudlan, Burauen, Leyte. I therefore so move,
935 Madam Chair.

936 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP.PRESIDING OFFICER

937 Any second?

938 HON. GINA E. MERILO: 1st DISTRICT BOARD MEMBER

939 Second.

940

941

975 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

976 Item No. 19, Mr. Secretary please.

977 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

978 **ITEM NO. 19**

979 Presented for consideration is a **letter dated August 29, 2017 of**
980 **Mr. Eleuterio T. Leros SB Secretary of the Tanauan, Leyte**, forwarding a copy
981 of an Affidavit of Publication and local newspaper relative to approved
982 Ordinance No. 2016-04, entitled, "AN ORDINANCE AMENDING IN PART
983 SECTIONS 3, 4 AND 5 OF ORDINANCE NO. 99-03 OTHERWISE KNOWN AS "AN
984 ORDINANCE IMPOSING THE NEW CURFEW HOURS FOR MINORS AND
985 IMPOSING PENALTIES AND FINES FOR VIOLATIONS THEREOF," as embodied
986 under SB Resolution No. 2016-110 dated November 28, 2017.

987
988 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

989 Can you recognize the Honorable Merilo Madam Chair?

990 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

991 Okay, the Honorable Merilo is recognized for Item No. 19.

992 HON. GINA E. MERILO: 1st DISTRICT BOARD MEMBER

993 Thank you Madam Chair. Item No. 19, presented for consideration is the letter dated
994 August 29, 2017 of Mr. Eleuterio T. Leros, SB Secretary of Tanauan, Leyte forwarding a copy of
995 the Affidavit of Publication on Ordinance No, 2016-04.

996 Madam Chair, let us correct first item No. 19 because it is November 28, 2017. It is not
997 "November 28, 2017" but "November 28, 2016." And they have already passed the Affidavit of
998 Publication. Therefore I move to declare valid the Ordinance No. 2016-04 of Tanauan, Leyte. And
999 I so move Madam Chair.

1000 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

1001 Any second?

1002 HON. MESIAS P. AREVALO: 4th DISTRICT BOARD MEMBER

1003 Second.

1004 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

1005 Second.

1006 HON. WILSON S. UY: PCL PRESIDENT

1007 Discussion Madam Chair.

1008 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

1009 Yes, discussion? Manifestation?

1010 HON. WILSON S. UY: PCL PRESIDENT

1011 Yes, Madam Chair. Thank you.

1012 For this particular ordinance Madam Chair, I found out under the penal provision it says -

1013 **First Offense** – Minor is to subjected to Values Formation Program. Parents/Guardians of
1014 said child is to pay a fine of P300.00 and subject to 8 hours community service.

1015 **Second Offense** – Minor is to be subjected to Values Formation Program.
1016 Parents/Guardians of said child is to pay a fine of P500.00 and subject to 16 hours
1017 community service.

1018 **Third and succeeding Offense** – Minor is to be subjected to Values Formation Program.
1019 Parents/Guardians of said child is to pay a fine of P800.00 and subject to 24 hours
1020 community service.

1021 Madam Chair, this ordinance is very clear that they have violated the Constitutional
1022 Prohibition against involuntary servitude. Because usually, when we give a penalty of
1023 community service, it should be “or”. A penalty, “or.” But in the case of Tanauan, it says “a
1024 fine of P300 and subject to.” Meaning, they are forcing the child or the parents or
1025 guardians to pay and to have 8 hours community service, up to 24 hours community
1026 service. So I think Madam Chair, they are in violation of the constitution under the
1027 involuntary servitude. I don’t know from our Floor Leader our legal luminaries here Madam
1028 Chair, how do they interpret the “or” and “and.” Because I understand you can go
1029 community service, you must go to the court. But for this case, it does not mention of any
1030 court, Madam Chair. Thank you.

1031 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

1032 Thank you. What does the Floor Leader say?

1033 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

1034 Yes, Madam Chair, in fact, this has been repeatedly pointed out by the Provincial Legal
1035 Office that said ordinance should not violate the provisions on involuntary servitude. So Madam
1036 Chair, I am in agreement with the Honorable Uy that for the penalty of involuntary servitude to be
1037 applied for the violators of the said ordinance, these must first be again, No. 1, the proper
1038 complaint filed before a court of competent jurisdiction. And secondly, there must be a decision
1039 coming from the courts that in fact, the suspect or violator was in violation of the said ordinance.
1040 So maybe just a suggestion to the Honorable movant, that his Ordinance be referred back to the

1041 SB of origin so that they can provide clearly that the penalty of community service must be applied
1042 only if there is a complaint properly filed in the courts and there must be a decision by the court of
1043 competent jurisdiction.

1044 HON. TRINIDAD G. ASPOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

1045 Thank you Mr. Floor Leader.

1046 Yes, the Honorable Abellanosa is recognized.

1047 HON. RANULFO S. ABELLANOSA: 1st DISTRICT BOARD MEMBER

1048 Well, I agree with the observation of the Honorable Floor Leader and my colleagues here
1049 the Honorable Uy. That is correct. This seems to be unconstitutional. But I am just wondering why
1050 this particular ordinance has been earlier approved by the Sangguniang Panlalawigan, and we
1051 could see here on Resolution No. 2017-343 of the Sangguniang Panlalawigan. Here is a
1052 resolution approving Ordinance No. 2016-04, series of 2016 of the SB of Tanauan, Leyte. Our
1053 earlier approval could have been wrong for this matter. So probably I don't know the reason why,
1054 probably this has been overlooked. But just an observation. I do not contradict the observation of
1055 the Honorable Cayunda and Uy. But I am just wondering why this has been approved, and the
1056 publication is the only requirements sana, needed to be complied. Kaya lang ngayon may ada iba
1057 nga ginsakban na diri amo. Just an observation Madam Chair.

1058 HON. TRINIDAD G. APOSTOL: 2nd DIST. BOARD MEMBER/TEMP. PRESIDING OFFICER

1059 Okay, thank you Honorable Abellanosa for your observation.

1060 We recognize the arrival of our Vice-Governor, the Presiding Officer, can you please take
1061 over? Okay, shall I go on? This is the last item.

1062 Okay, Honorable Arevalo then Honorable Merilo.

1063 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER

1064 Thank you Madam Chair. As I observed Madam Chair, that this ordinance was passed by
1065 this August Body and was returned for lack of the date. There was an affidavit being submitted for
1066 the correction. And this representation, Madam Chair, would like to suggest if the Floor Leader will
1067 yield, that this matter be referred to the Provincial Legal, because this has been passed through
1068 the Provincial Legal for review so that the Provincial Legal can give us the guidance whether this
1069 ordinance is valid in terms of penalties stated thereto.

1070 Mr. Chair.

1071

1072 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1073 Yes please.

1074 HON. MESIAS P. ARFEVALO: 4th DISTRICT BOARD MEMBER

1075 Mr. Chair, I would like to repeat if the Floor Leader will yield to my suggestion, that this
1076 ordinance be referred to the Provincial Legal Office for review.

1077 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1078 Okay, parliamentary query. May we hear from the Secretary what is the pending motion
1079 on the floor?

1080 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

1081 The pending motion, Mr. Chair, is for the approval of Item No. 19.

1082 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1083 Okay, so there is a pending request from the distinguished legislator from Palompon that
1084 the Floor Leader may reconsider his proposed amendment to the motion that it be referred
1085 instead to the Provincial Legal Office, considering that the penalty is fine and community service.
1086 What is the pleasure of the Floor Leader? So the distinguished movant is recognized.

1087 HON. WILSON S. UY: PCL PRESIDENT

1088 No, I am not the movant, the movant is Honorable Merilo. But before Honorable Merilo, I
1089 would like to say something Mr. Chair.

1090 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1091 Yes, please.

1092 HON. WILSON S. UY: PCL PRESIDENT

1093 Mr. Chair, there is an observation from the Honorable Abellanosa that this ordinance was
1094 already approved by this August Body. We only required the Municipality of Tanauan to submit
1095 the Publication since there is a penal provision. Now, when they submitted the requirements, we
1096 found out that their ordinance is in violation of involuntary servitude. And according to the
1097 Gentleman from Palompon, he wants this ordinance to be referred to the Provincial Legal office. I
1098 strongly suggest, Mr. Chair, kay og iadto ni sa Legal, I am sure this will be declared invalid, for it is
1099 unconstitutional. Actually, Mr. Chair, if you look at the penal provision, there is only a slight defect.
1100 The fine of P300.00 pesos” if it will be changed to instead of “and,” “or”, then probably the
1101 Constitutional Prohibition or the involuntary servitude will be cured Mr. Chair. Because my stand
1102 in this ordinance is that, they should not use “and” subject to 8 hours. Because if you make

1103 mention about “and,” you are mandating the offender to have community service. Pero kong “or”
1104 la, they can go to the court and let the court decide. Then most of our ordinance Madam Chair,
1105 kong may ada or okay la. We treat it as like that unconstitutional. But for this nga waray “or,” we
1106 treat it as unconstitutional. So probably, we just send it back just for correction, if my colleagues
1107 will yield to my suggestion Mr. Chair. Thank you.

1108 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1109 May we hear from the Honorable Merilo.

1110 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER

1111 Thank you Mr. Chair. So I will amend my motion, instead of approving the ordinance, I
1112 move that this ordinance be returned back, but to change the word “and” to “or” not “and.” But
1113 “or,” as stated in the first offense, second offense, and third offense. Instead of we will use the
1114 word “and,” we will use the word “or.” Maybe this is just a clerical error, Mr. Chair.

1115 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1116 Since there is no second yet, there is no motion on the floor yet. But let’s proceed.

1117 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

1118 I second.

1119 HON. WILSON S. UY: PCL PRESIDENT

1120 Second.

1121 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1122 There is a motion, duly seconded by the Honorable Uy and Abellanosa.

1123 Discussion?

1124 The Honorable Abellanosa.

1125 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

1126 Actually, that was what being – this representation that made the manifestation of
1127 seconding his motion. I had a feeling to suggest it to the movant that this be referred back to the
1128 SB of origin so this can be corrected by them. Changing the word “and” into “or.” That is it Mr.
1129 Chair.

1130 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1131 From the Chair, I wish to raise a possible point of order, no. We approved this ordinance,
1132 subject to publication requirement. Compliance with the publication requirement of RA 7160. Now,

1133 we are again proposing, they are complying that is why they submitted an Affidavit of Publication.
1134 Perhaps the prudent step would be to reconsider our approval before returning.
1135 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER
1136 Tama, tama.
1137 HON. CALRO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1138 So I think that would be more appropriate action before returning. May we hear from...
1139 yes, the Honorable Abellanos.
1140 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER
1141 So for that reason Mr. Chair, I move that we reconsider our earlier approval of this subject
1142 ordinance of Tanauan, Leyte, and after which, I also move, there will be two motions now that
1143 we refer this back to the SB of origin for their correction of the penal provisions.
1144 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1145 Okay, but there was a motion on the floor by the Honorable Merilo.
1146 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER
1147 Mr. Chair, I will amend again my motion. To approve the ordinance and to correct only the
1148 "and" to "or."
1149 I will withdraw my motion Mr. Chair.
1150 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1151 Okay, so the Honorable Merilo graciously withdraw her motion, and yielded the floor in
1152 favor of the Honorable Abellanos. The Honorable Abellanos made a motion to reconsider our
1153 earlier approval of the subject ordinance.
1154 Any second?
1155 HON. MESIAS P. AREVALO: 4TH DISTRICT BOARD MEMBER
1156 Second.
1157 HON. WILSON S. UY: PCL PRESIDENT
1158 Second.
1159 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1160 Duly seconded. Discussion?
1161 Hearing none, the motion is approved.
1162 The approval is reconsidered.
1163 Approved unanimously. **RES. NO. 2017-550**

1164 HON. RANULFO S. ABELLANOSA: 1st DISTRICT BOARD MEMBER

1165 And as a corollary motion.

1166 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1167 Yes, please.

1168 HON. RANULFO S. ABELLANOSA: 1st DISTRICT BOARD MEMBER

1169 I would like to move that this be referred back to the SB of origin for them to correct this
1170 penal provision.

1171 HON. WILSON S. UY: PCL PRESIDENT

1172 Second.

1173 HON. GINA E. MERILO: 1st DISTRICT BOARD MEMBER

1174 Second.

1175 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1176 It has been moved and duly seconded, to return to the SB of origin for correction of the
1177 seemingly typographical error in the penalty provision.

1178 Discussion?

1179 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

1180 Discussion, Mr. Chair.

1181 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1182 Yes, the Honorable Floor Leader.

1183 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

1184 Mr. Chair, basing from our resolution, I don't know, I did not have a copy of the prior
1185 communication with Tanauan. But basing from our resolution, we already referred this back to
1186 them for correction and compliance. My query is, what is that correction? Because they submitted
1187 a letter on June 6, 2017 asking for consideration of our earlier resolution. Meaning to say, this was
1188 referred back to them and they reconsidered, and then after they submitted the letter, that's the
1189 time that we approved. So I don't know if they were able to properly correct the said ordinance.
1190 Maybe they have already corrected. Because in this item, the secretariat did not include the letter
1191 dated June 6, 2017. Do we have a copy of that? May we ask the secretariat if we have a copy of
1192 that letter dated June 6, 2017 from Tanauan.

1193 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIANG

1194 We have that on file, but not under this item.

1195 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER
1196 May we know what is contained in that letter? Maybe they were able to comply already.
1197 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1198 Mr. Chair.
1199 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1200 Yes, please.
1201 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1202 It was an explanation why there was that time gap from the time it was submitted to the
1203 executive up to the time it was signed.
1204 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER
1205 So the correction was not really the provision, but the date. Okay. That is what I wanted to
1206 know.
1207 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1208 Yes.
1209 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1210 Segurado ka?
1211 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1212 I talked this over with the Secretary.
1213 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1214 But the letter, have you read it?
1215 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1216 Yes, Mr. Chair.
1217 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1218 So asya gud ang content?
1219 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1220 Yes.
1221 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER
1222 And based on the minutes, asya iton gin correctionan.
1223 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN
1224 Actually it was calendared that it was the basis of our approval.
1225

1226 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1227 Ah okay. Okay. So any other discussion?

1228 Hearing none, the motion is carried.

RES. NO. 2017-551

1229 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

1230 Item No. 20, Mr. Secretary please.

1231 MR. ANDRE S. SANICO: TEMP. SECRETARY TO THE SANGGUNIAN

1232 **ITEM NO. 20**

1233 Presented for consideration is a **letter dated August 18, 2017 of Engr.**
1234 **Ariodear C. Rico of Professional Regulatory Board of Agricultural and**
1235 **Biosystems Engineering** relative to Implementation of Section 29 of R.A. No.
1236 106011 (Agricultural and Fisheries Mechanization and Biosystems
1237 Engineering Act of 2016), the creation of Agricultural Engineering Division and
1238 Engineer (Agricultural and Biosystems) Positions in the Provincial Agricultural
1239 Office.
1240

1241 HON. FLORANTE A. CAYUNDA, JR.: 5th DIST. BOARD MEMBER/FLOOR LEADER

1242 Can you recognize the Honorable Abellanos, Mr. Chair?

1243 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1244 E-refer tana la. This is a request from the Professional Regulatory Board of Agricultural
1245 and Biosystems Engineering, relative to the implementation of the Agricultural and Fisheries
1246 Mechanization and Biosystems Engineering Act of 2016. They have a proposed ordinance
1247 attached to their letter they are requesting that an office be created under the Provincial
1248 Agriculture Office for Agricultural and Fisheries Mechanization.

1249 The Honorable Abellanos.

1250 HON. RANULFO S. ABELLANOSA: 1st DISTRICT BOARD MEMBER

1251 Thank you Mr. Chair. Well, for this item No. 20, with respect to the letter of Engineer
1252 Ariodear C. Rico of the Professional Regulatory Board of Agricultural and Biosystems
1253 Engineering, I would refer this to the Chairman of the Committee on Agriculture, the Honorable
1254 Gacis. I so move, Mr. Chair.

1255 HON. WILSON S. UY: PCL PRESIDENT

1256 Second.

1257 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1258 It has been moved and duly seconded.

1259 Discussion?

1260 The Honorable Gacis.

1261 HON. EMMANUEL L. GACIS: 5TH DISTRICT BOARD MEMBER

1262 Mr. Chair, the letter-request is for us to create this item. So I believe that it is beyond the
1263 power of the committee to directly make a resolution/ordinance to make an item. So this
1264 representation would like, if this August Body will agree, that this letter be favorably endorsed to
1265 the Office of the Provincial Governor for him to look into with regards to this proposal for the
1266 creation of certain items because it is within the power of the Governor with regards to the
1267 creation of any item and for appropriation purposes, Mr. Chair.

1268 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1269 Okay, there is a request of the Chairman of the Committee on Agriculture that instead of
1270 referring it to the Committee on Agriculture only, to refer it to the Office of the Governor for
1271 comments and study.

1272 What is the pleasure of the Honorable Abellanosa.

1273 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

1274 Well, I agree with the suggestion of the Honorable Gacis, especially that our Governor is
1275 focused on Agriculture with his program. That is it Mr. Chair.

1276 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1277 So are you amenable?

1278 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

1279 To the Committee on Agriculture and to the Office of the Governor for study, comments,
1280 evaluation.

1281 HON. WILSON S. UY: PCL PRESIDENT

1282 Second.

1283 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1284 Any objection?

1285 Hearing none, the motion is carried.

RES. NO. 2017-552

1286 HON. FLORANTE A. CAYUNDA, JR.: 5TH DIST. BOARD MEMBER/FLOOR LEADER

1287 I move to adjourn Mr. Chair.

1288 HON. GINA E. MERILO: 1ST DISTRICT BOARD MEMBER

1289 Second.

1290 HON. RANULFO S. ABELLANOSA: 1ST DISTRICT BOARD MEMBER

1291 Second.

1292 HON. CARLO P. LORETO: VICE-GOVERNOR/PRESIDING OFFICER

1293 Okay, session adjourned. (Adjourned at 3:55 pm).

1294 Closing prayer led by the Honorable Nolie C. Caña.

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**52nd Regular Session
September 11, 2017**

I HEREBY CERTIFY to the correctness of the foregoing minutes.

**ANDRE S. SANICO
Temporary Secretary to the
Sang. Panlalawigan**

APPROVED:

**ATTY. CARLO P. LORETO
Vice Governor
Presiding Officer**

**TRINIDAD G. APOSTOL
2ND District Board Member
Temporary Presiding Officer**

**FLORANTE A. CAYUNDA, JR
Floor Leader**

**NICCOLO J. VILLASIN
1st Deputy Floor Leader
(OB, Metro Manila)**

**MESIAS P. AREVALO
2nd Deputy Floor Leader**

**GINA E. MERILO
1st District Board Member**

**RANULFO S. ABELLANOSA
1st District Board Member**

**ALAN PEREÑA ANG
3rd District Board Member**

**MA. CORAZON E. REMANDABAN
3rd District Board Member**

**MANUEL VICENTE M. TORRES
4th District Board Member**

**EMMANUEL L. GACIS
5th District Board Member**

**WILSON S. UY
PCL President
Ex-Officio Member**

**NOLIE C. CAÑA
Provincial Liga ng mga Barangay President
Ex-Officio Member**

Date Approved _____

**/naomi
/divine
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