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Item No.: 01
Date: 07 FEB 2023

Republic of the Philippines
SP Records PROVINCE OF LEYTE
JAN 31 2023
1-30-23
PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *[Signature]*
Date: 1-24-23

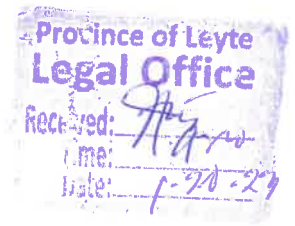
2nd INDORSEMENT
January 23, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 12, S. 2022 of the SB of Tolosa, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 447 (3), (v) of the Code. Provided, That, All the requisites mandate under P.D. 449 or the cockfighting Law of 1974 are duly complied with.

[Signature]
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *[Signature]*


Republic of the Philippines
PROVINCE OF LEYTE
-0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSENMENT
20 January 2023

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 12 series 2022** of the **MUNICIPALITY OF TOLOSA, LEYTE**, for review and recommendations.


FLORINDA JILL S. UYVICQ
Secretary to the Sanggunian

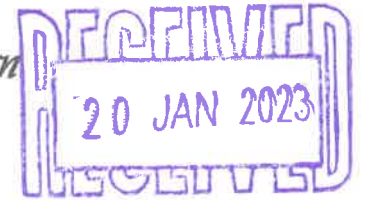
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Republic of the Philippines
Province of *Leyte*
Municipality of Tolosa

Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN



PROVINCE OF LEYTE

1st Endorsement


January 20, 2023

Respectfully forwarded to the Sangguniang Panlalawigan, Municipality of Palo, Province of Leyte, the herein attached Resolution No. 12-195-2022, **Re: ORDINANCE NO. 12, Series of 2022 "AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE"**, Minutes of Public Hearing, Attendance of Public Hearing and Certification of Posting.

For review and approval.

Issued this 20th day of **January 2023** at Tolosa, Leyte, Philippines.

Please acknowledge receipt hereof.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of *Leyte*
Municipality of Tolosa

Office of the Sangguniang Bayan

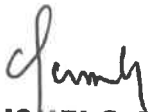
CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to **CERTIFY** that pursuant to paragraph (a) of Article 114 of RA 7160 Posting of Ordinance with Penal Sanctions, the undersigned has complied the said provision last January 19, 2023. Re: **Ordinance No. 12, Series of 2022** **"AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE"** was posted in three (3) conspicuous places.

This **Certification** is issued in compliance of Article 114 of RA 7160.

Given this **20th** day of **January 2023**.

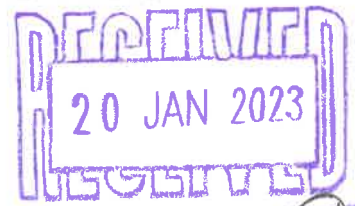

CONSUELO R. LUMBRE
Sangguniang Bayan Secretary



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

SANGGUNIANG PANLALAWIGAN



**EXCERPT FROM THE MINUTES OF THE 24TH REGULAR SESSION
OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE
SESSION HALL ON DECEMBER 27, 2022, AT 1:00 P.M.**

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN, MPRM.-	-	-	Sangguniang Bayan Member
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	Sangguniang Bayan Member
Hon. Virman Jessie O. Pundavela-	-	-	Sangguniang Bayan Member
Hon. Ireneo Rolando A. Lumbré -	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President
Hon. Angelo R. Lumbré	-	-	Ex-Officio Member/SK Fed. President

RESOLUTION NO. 12-195-2022

RESOLUTION ADOPTING AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE

WHEREAS, the Sangguniang Bayan in session assembled is hereby adopting **AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE;**

WHEREFORE, on motion of Hon. Rolly A. Cinco, and duly seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to adopt **AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE;**

ORDINANCE NO. 12
Series of 2022

AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE

Author: Hon. Rolly A. Cinco
Co-Author: the Committee on Games and Amusements

EXPLANATORY NOTE

Barangay Council of Barangay CANTARIWIS, TOLOSA, LEYTE on June 15, 2022 Adopted Sanggunian Barangay Resolution No. 55 favorably expressing NO OBJECTION, likewise, ENDORSING FRANCIS ANGELO A. ROA to operate a cockpit and amusement center located at Barangay CANTARIWIS, TOLOSA, LEYTE.

MR. FRANCIS ANGELO A. ROA of Barangay Quilao, Tolosa, Leyte personally appeared to the Sangguniang Bayan of this Municipality and religiously submitted all the necessary documents relative to his quest, his application for a FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER in Barangay Cantariwis, Tolosa, Leyte.

Based on records maintained by the office of the SANGGUNIANG BAYAN of TOLOSA, LEYTE showed, that said office have not issued any FRANCHISE to anybody, until the herein applicant applied for the purpose.

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

The Local Chief Executive favorably endorsed Mr. Francis Angelo A. Roa based on the documents presented.

CONSIDERING the foregoing facts, this AUGUST BODY hereby expresses for the granting of FRANCHISE to MR. FRANCIS ANGELO A. ROA on the authority of section 447., parag., 3, sub parag., (v) of RA 7160, otherwise known as the Local Government Code of 1991, which provides that "ANY LAW TO THE CONTRARY NOTWITHSTANDING AUTHORIZE AND LICENSE THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPIT AND REGULATE COCKFIGHTING AND COMMERCIAL BREEDING OF GAMECOCKS, provided, "That existing rights should not be prejudiced." In relation to section 444., parag 3., sub para (iv) which provides that "THE MUNICIPAL MAYOR SHALL xxx issue license and permits and suspend or revoke the same for any violation of the conditions upon which the said license or permits had been issued, pursuant to law on ordinance".

FOREGOING premises considered, it is earnestly recommended that the hereby ordinance be enacted.

Be it Ordained by the SANGGUNIANG BAYAN, municipality of TOLOSA, LEYTE.

SECTION 1. A franchise is hereby granted to **MR. FRANCIS ANGELO A. ROA** to operate and maintain a cockpit and amusement center at BARANGAY CANTARIWIS, TOLOSA, LEYTE, under the following conditions:

1. This franchise shall be for a period of **TWENTY FIVE (25) years**, commencing from the effectivity of this ordinance, however, after twenty five years thereof, the Franchisee shall renew the franchise for a period of every five (5) years thereafter, and subject to the approval of the SANGGUNIANG BAYAN.
2. The Grantee shall adhere to the municipal business tax and/or such other taxes levied upon the local tax code and municipal ordinance.
3. The Franchisee shall pay the Franchise in the amount of **P15,000.00** as cockpit regulatory fee, payable within one (1) year, on equal quarterly payment upon the approval of this ordinance.
4. The Franchisee shall also pay all the regulatory fees to the Municipal Treasurer or his representative.
5. That the herein FRANCHISE is non-transferrable.
6. That the proper maintenance and sanitation shall strictly be observed by the Grantee.
7. That the Grantee shall strictly observed the provisions of Ordinance No. 05 series of 1996, otherwise known as "An Ordinance Regulating the establishment, Operation and Maintenance, of cockpits, cockfighting and commercial breeding of gamecock in the town of Tolosa, Leyte", and other related laws and ordinances;
8. The Grantee after the approval of the FRANCHISE shall comply with the following, to wit:
 - a.) The establishment shall provide a septic tank for the sewerage disposal and sanitary toilet and parking space.
 - b.) The setback requirements from the edge of the road right of way.
 - c.) Provision of the NATIONAL BUILDING CODE.
 - d.) Secure Certificate of Non-Coverage from the DENR and Locational Clearance/Zoning permit from the office of the municipal Planning and Development Coordinator.
 - e.) Strict compliance of the provision of the HOUSING AND LAND USE REGULATORY BOARD, specifically on the design Standard and Guidelines for COCKPIT.

SECTION 2. The Municipality of Tolosa is hereby empowered to issue a MAYOR'S PERMIT for the operation and maintenance of the cockpit upon issuance of the Franchise and compliance of all the requirements as provided in section 1 of this Ordinance.

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO B. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RIN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLAND M. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABU President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President


SECTION 3. The Franchisee whenever a special permit to hold a DERBY and PINTAKASI is secured and issued by the Municipal Mayor and concurred by the SANGGUNIANG BAYAN, the holding of the DERBY shall be held at their cockpit.

SECTION 4. In case of violation by the Franchisee of the terms and conditions and/or requirements provided herein and the pertinent laws, rules, and regulations, as well as the Laws, Ordinance that may hereinafter, be promulgated, the Municipality of Tolosa thru the SANGGUNIANG BAYAN, have the right to withdraw or suspend the FRANCHISE.

SECTION 5. This Ordinance shall take effect in accordance with the provision of the Local Government Code.

ENACTED: December 27, 2022

Certified Correct:


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor
Presiding Officer


HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member


HON. EDILBERTO R. ZABALA JR.
Sangguniang Bayan Member


HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member



HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President


HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member


HON. MANUEL B. BALLEDO
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member


HON. ROLLY A. CINCO
Sangguniang Bayan Member


HON. ANGELO R. LUMBRE
Ex-Officio Member/SK Fed. President

APPROVED:


HON. ERWIN C. OCAÑA
Municipal Mayor



Republic of the Philippines
Province of Leyte
Municipality of Tolosa

Office of the Sangguniang Bayan

MINUTES OF THE 24th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF TOLOSA, HELD AT THE SESSION HALL ON DECEMBER 27, 2022 AT 1:00 P.M.

PRESENT:

Hon. Menardo M. Mate	-	-	Municipal Vice-Mayor (Presiding Officer)
Hon. Felicito D. Beltran III	-	-	Sangguniang Bayan Member
Hon. Manny R. Martinez, RN, MPRM.	-	-	Sangguniang Bayan Member
Hon. Edilberto R. Zabala, Jr.	-	-	Sangguniang Bayan Member
Hon. Manuel B. Balledo	-	-	Sangguniang Bayan Member
Hon. Felipe V. Canonigo III	-	-	SB Member (Sick Leave)
Hon. Virman Jessie O. Pundavela	-	-	Sangguniang Bayan Member
Hon. Ireneo Rolando A. Lumbré	-	-	Sangguniang Bayan Member
Hon. Rolly A. Cinco	-	-	Sangguniang Bayan Member
Hon. Melanie Felisa M. Vivero	-	-	Ex-Officio Member/ABC President
Hon. Angelo R. Lumbré	-	-	Ex-Officio Member/SK Fed. President

CALL TO ORDER. The Session was called to order by the Presiding Officer at 1:00 P.M.

NATIONAL ANTHEM, INVOCATION, TOLOSA HYMN. – Computer Generated.

ROLL CALL. Roll call was done by SB Secretary, and all members were present.

APPROVAL OF THE MINUTES OF THE PREVIOUS SESSION. – Minutes of the previous session was deferred.

REFERENCE OF BUSINESS:

1. Letter request of the Local Chief Executive for the passage of a Sangguniang Bayan Resolution. Re:

- a. Enactment of a Municipal Ordinance for the Mandatory Promotion and Procurement of Locally-Produced Goods and Services.

The Presiding Officer referred the matter to the Committee on Rules.

- b. Resolution for the grant of Service Recognition Incentive (SRI) for FY 2022 for employees in the Local Government Unit of Tolosa Pursuant to Administrative Order No. 01, December 16, 2022 chargeable against the savings from Personal Services

The Presiding Officer referred the matter to the Committee on Appropriation.

Hon. Felicito D. Beltran III read the contents of the Administrative Order No. 1 for the grant of Service Recognition Incentive (SRI) for FY 2022.

Hon. Felicito D. Beltran III asked for any comments. There being none he move to pass a resolution and seconded unanimously.

RESOLUTION NO. 12-192-2022

RESOLUTION FOR THE GRANT OF SERVICE RECOGNITION INCENTIVE (SRI) FOR FY 2022 FOR EMPLOYEES IN THE LOCAL GOVERNMENT UNIT OF TOLOSA PURSUANT TO ADMINISTRATIVE ORDER NO. 01, DATED DECEMBER 16, 2022 CHARGEABLE AGAINST THE SAVINGS FROM PERSONAL SERVICES

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
SK President

WHEREAS, Section (4)(h) of Congress Joint Resolution (JR) No. 4 (s. 2009) authorizes the grant of (i) incentives to reward an employee's loyalty to government services and contributions to the agency's continuing viable existence; (ii) incentives as rewards for exceeding agency financial and operational performance targets to motivate employees efforts towards higher productivity; and (iii) other existing benefits to be categorized by the DBM as incentives;

WHEREAS, the administration recognizes all government employees for their collective and invaluable contribution to the government's continuing efforts to ensure responsive delivery of services to the public, specifically in the midst of the continuing public health emergency due to the COVID-19 pandemic and other socio-economic challenges;

WHEREAS, the Sangguniang Bayan Session assembled is hereby granting the Service Recognition Incentive (SRI) for FY 2022 for employees in the Local Government Unit of Tolosa Pursuant to Administrative Order No. 01, dated December 16, 2022 chargeable against the savings from Personal Services;

WHEREFORE, on motion of Hon. Felicitto D. Beltran III and seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to grant Service Recognition Incentive (SRI) for FY 2022 for employees in the Local Government Unit of Tolosa Pursuant to Administrative Order No. 01, dated December 16, 2022 chargeable against the savings from Personal Services;

RESOLVED FINALLY, that copy of this resolution be forwarded to Hon. Erwin C. Ocaña, Municipal Mayor, Tolosa, Leyte, and other offices concerned for their information and appropriate action.

APPROVED.

COMMITTEE REPORTS:

1. Report of the Committee on Health. Re: A resolution and enactment of a Municipal Ordinance in connection to the Community Driven Development Institutionalization in the Municipality of Tolosa signed by the new set of officials of LGU Tolosa.

Deferred.

2. Accreditation of Tolosa Free Farmers Federation Association (TFFFA) of Barangay Imelda and SOTTMAC TODA of Barangay Telegrafo, Tolosa, Leyte.

Hon. Virman Jessie O. Pundavela reported that the Committee conducted a meeting and the committee found out that they complied all the requirements set forth by the Chairman of the Committee on Cooperatives, and asked for any questions. There being none he moved to pass a resolution for accreditation and seconded unanimously.

RESOLUTION NO. 12-193-2022

RESOLUTION FOR ACCREDITATION OF TOLOSA FREE FARMERS FEDERATION ASSOCIATION OF BARANGAY IMELDA, TOLOSA, LEYTE

WHEREAS, having met and complied all administrative requirements, the Sangguniang Bayan in Session assembled hereby accredits the, **TOLOSA FREE FARMERS FEDERATION ASSOCIATION OF BARANGAY IMELDA, TOLOSA, LEYTE**, for membership in Local Special Bodies in furtherance of law and policy relative to the participation of peoples non-governmental organization in the promotion and participatory Local Governance in the pursuit of local autonomy;

WHEREFORE, on motion of Hon. Virman Jessie O. Pundavela, and duly seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to accredit the **TOLOSA FREE FARMERS FEDERATION ASSOCIATION OF BARANGAY IMELDA, TOLOSA, LEYTE**;

RESOLVED FINALLY, that copy of this resolution be furnished to Hon. Erwin C. Ocaña, Municipal Mayor, Tolosa, Leyte, and furnish further copies to Ms. Imelda P. Caneja, MLGOO, Tolosa, Leyte, and Mr. Dionisio W. Camacho, Chairman -Tolosa Free Farmers Federation Association (TFFFA) of Barangay Imelda, Tolosa, Leyte, for their information;

APPROVED.

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, JR., MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PDSK President

RESOLUTION NO. 12-194-2022

RESOLUTION FOR ACCREDITATION OF SOTTMAC TODA OF BARANGAY TELEGRAFO, TOLOSA, LEYTE

WHEREAS, having met and complied all administrative requirements, the Sangguniang Bayan in session assembled hereby accredits the, **SOTTMAC TODA OF BARANGAY TELEGRAFO, TOLOSA, LEYTE**, for membership in Local Special Bodies in furtherance of law and policy relative to the participation of peoples non-governmental organization in the promotion and participatory Local Governance in the pursuit of local autonomy;

WHEREFORE, on motion of Hon. Virman Jessie O. Pundavela, and duly seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to accredit the **SOTTMAC TODA OF BARANGAY TELEGRAFO, TOLOSA, LEYTE**;

RESOLVED FINALLY, that copy of this resolution be furnished to Hon. Erwin C. Ocaña, Municipal Mayor, Tolosa, Leyte, and furnish further copies to Ms. Imelda P. Caneja, MLGOO, Tolosa, Leyte, and Mr. Roberto G. Lerios, President SOTTMAC TODA of Barangay Telegrafo, Tolosa, Leyte, for their information;

APPROVED.

SECOND READING:

- A. Unfinished Business**
- B. Business for the Day**

1. Veto of the Local Chief Executive on the Resolution No. 12-185-2022 entitled: Resolution Adopting An Ordinance Granting Mr. Francis Angelo A. Roa, A Franchise to Operate and Maintain A Cockpit and Amusement Center in Barangay Cantariwis, Tolosa, Leyte, *specifically* **Section 1.1** states that the franchise shall be a period of Ten (10) years, and the revision should read as "This franchise shall be for a period of Twenty-Five (25) years, commencing from the effectivity of the ordinance"

Hon. Rolly A. Cinco recalled that he requested to calendar for 3rd reading for approval and asked for any comments. The Presiding Officer asked who are infavor of the motion.

Hon. Rolly A. Cinco moved to pass a resolution and seconded unanimously and moved to enact an ordinance and seconded unanimously.

RESOLUTION NO. 12-195-2022

RESOLUTION ADOPTING AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE

WHEREAS, the Sangguniang Bayan in session assembled is hereby adopting **AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE**;

WHEREFORE, on motion of Hon. Rolly A. Cinco, and duly seconded unanimously, be it;

RESOLVED, as it is hereby resolved, to adopt **AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE**;

ORDINANCE NO. 12
Series of 2022

AN ORDINANCE GRANTING MR. FRANCIS ANGELO A. ROA, A FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER IN BARANGAY CANTARIWIS, TOLOSA, LEYTE

Author: Hon. Rolly A. Cinco
Co-Author: the Committee on Games and Amusements

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. BELCITO D. BELTRAN III
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member

HON. EDILBERTO R. ZARALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGOS III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY A. CINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSK President

EXPLANATORY NOTE

Barangay Council of Barangay CANTARIWIS, TOLOSA, LEYTE on June 15, 2022 Adopted Sanggunian Barangay Resolution No. 55 favorably expressing NO OBJECTION, likewise, ENDORSING FRANCIS ANGELO A. ROA to operate a cockpit and amusement center located at Barangay CANTARIWIS, TOLOSA, LEYTE.

MR. FRANCIS ANGELO A. ROA of Barangay Quilau, Tolosa, Leyte personally appeared to the Sangguniang Bayan of this Municipality and religiously submitted all the necessary documents relative to his quest, his application for a FRANCHISE TO OPERATE AND MAINTAIN A COCKPIT AND AMUSEMENT CENTER in Barangay Cantariwis, Tolosa, Leyte.

Based on records maintained by the office of the SANGGUNIANG BAYAN of TOLOSA, LEYTE showed, that said office have not issued any FRANCHISE to anybody, until the herein applicant applied for the purpose.

The Local Chief Executive favorably endorsed Mr. Francis Angelo A. Roa based on the documents presented.

CONSIDERING the foregoing facts, this AUGUST BODY hereby expresses for the granting of FRANCHISE to MR. FRANCIS ANGELO A. ROA on the authority of section 447., parag., 3, sub parag., (v) of RA 7160, otherwise known as the Local Government Code of 1991, which provides that "ANY LAW TO THE CONTRARY NOTWITHSTANDING AUTHORIZE AND LICENSE THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPIT AND REGULATE COCKFIGHTING AND COMMERCIAL BREEDING OF GAMECOCKS, provided, "That existing rights should not be prejudiced." In relation to section 444., parag 3., sub para (iv) which provides that "THE MUNICIPAL MAYOR SHALL xxx issue license and permits and suspend or revoke the same for any violation of the conditions upon which the said license or permits had been issued, pursuant to law on ordinance".

FOREGOING premises considered, it is earnestly recommended that the hereby ordinance be enacted.

Be it Ordained by the SANGGUNIANG BAYAN, municipality of TOLOSA, LEYTE.

SECTION 1. A franchise is hereby granted to **MR. FRANCIS ANGELO A. ROA** to operate and maintain a cockpit and amusement center at BARANGAY CANTARIWIS, TOLOSA, LEYTE, under the following conditions:

1. This franchise shall be for a period of **TWENTY FIVE (25) years**, commencing from the effectivity of this ordinance, however, after twenty five years thereof, the Franchisee shall renew the franchise for a period of every five (5) years thereafter, and subject to the approval of the SANGGUNIANG BAYAN.
2. The Grantee shall adhere to the municipal business tax and/or such other taxes levied upon the local tax code and municipal ordinance.
3. The Franchisee shall pay the Franchise in the amount of **P15,000.00** as cockpit regulatory fee, payable within one (1) year, on equal quarterly payment upon the approval of this ordinance.
4. The Franchisee shall also pay all the regulatory fees to the Municipal Treasurer or his representative.
5. That the herein FRANCHISE is non-transferrable.
6. That the proper maintenance and sanitation shall strictly be observed by the Grantee.
7. That the Grantee shall strictly observed the provisions of Ordinance No. 05 series of 1996, otherwise known as "An Ordinance Regulating the establishment, Operation and Maintenance, of cockpits, cockfighting and commercial breeding of gamecock in the town of Tolosa, Leyte", and other related laws and ordinances;
8. The Grantee after the approval of the FRANCHISE shall comply with the following, to wit;

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELIX D. BELTRAN, JR.
Sangguniang Bayan Member

HON. MANNY R. MARTINEZ, RN, MPM
Sangguniang Bayan Member

HON. EDILBERTO R. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE CANONIGOS III
Sangguniang Bayan Member

HON. YIRMAN JESSIE G. PURDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLLY PINO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
IABC Resident

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPCQ President

- a.) The establishment shall provide a septic tank for the sewerage disposal and sanitary toilet and parking space.
- b.) The setback requirements from the edge of the road right of way.
- c.) Provision of the NATIONAL BUILDING CODE.
- d.) Secure Certificate of Non-Coverage from the DENR and Locational Clearance/Zoning permit from the office of the municipal Planning and Development Coordinator.
- e.) Strict compliance of the provision of the HOUSING AND LAND USE REGULATORY BOARD, specifically on the design Standard and Guidelines for COCKPIT.

SECTION 2. The Municipality of Tolosa is hereby empowered to issue a MAYOR'S PERMIT for the operation and maintenance of the cockpit upon issuance of the Franchise and compliance of all the requirements as provided in section 1 of this Ordinance.

SECTION 3. The Franchisee whenever a special permit to hold a DERBY and PINTAKASI is secured and issued by the Municipal Mayor and concurred by the SANGGUNIANG BAYAN, the holding of the DERBY shall be held at their cockpit.

SECTION 4. In case of violation by the Franchisee of the terms and conditions and/or requirements provided herein and the pertinent laws, rules, and regulations, as well as the Laws, Ordinance that may hereinafter, be promulgated, the Municipality of Tolosa thru the SANGGUNIANG BAYAN, have the right to withdraw or suspend the FRANCHISE.

SECTION 5. This Ordinance shall take effect in accordance with the provision of the Local Government Code.

ENACTED: December 27, 2022

OTHER MATTERS:

1. Request of the Local Chief Executive for a Resolution for the Adoption of the Supplemental Annual Investment Program (AIP) 2022 of the Local Government Unit of Tolosa, Leyte.

The Presiding Officer requested the presence of the MPDC Desiree Vivero-Ibañez, Enp.

Recess. – The Presiding Officer moved for a 5 minutes recess.

Enp. Desiree Vivero-Ibañez explained the Supplemental Annual Investment Program (AIP) 2022 of the Local Government Unit of Tolosa, Leyte, in the amount of Five Million Three Hundred Eighty-Eight Thousand Eight Hundred Eighty Pesos Only (Php5,388,880.00), and the Sangguniang Bayan are satisfied with the explanation of the MPDC.

The Presiding Officer asked for any comments, there being none, the Presiding Officer requested Hon. Ireneo Rolando A. Lumbré for the passage of the resolution and enact an Appropriation Ordinance.

Hon. Ireneo Rolando A. Lumbré moved to pass a resolution and seconded unanimously and enact an Appropriation Ordinance and seconded unanimously.

RESOLUTION NO. 12-196-2022

RESOLUTION ENACTING AN APPROPRIATION ORDINANCE NO. 02, SERIES 2022, ADOPTING THE SUPPLEMENTAL ANNUAL INVESTMENT PROGRAM (AIP) 2022 OF THE LOCAL GOVERNMENT UNIT OF TOLOSA, LEYTE, IN THE AMOUNT OF FIVE MILLION THREE HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY PESOS ONLY (PHP 5,388,880.00)

WHEREAS, the Supplemental Annual Investment Program 2022 of the Municipality of Tolosa, Leyte, for Calendar Year 2022, was presented to the Sangguniang Bayan for review and approval;

WHEREAS, the Sangguniang Bayan in session assembled hereby approve the Supplemental Annual Investment Program of the Municipality of Tolosa, Leyte, for CY 2022;

HON. MENARDO M. MATE
Municipal Vice-Mayor

CONSUELO R. LUMBRE
SB Secretary

HON. FELICITO B. ESTRADA III
Sangguniang Bayan Member

HON. MANNY MARTINEZ, RN, RBBM
Sangguniang Bayan Member

HON. EDILBERTO B. ZABALA, JR.
Sangguniang Bayan Member

HON. MANUEL B. BALLEDO
Sangguniang Bayan Member

HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member

HON. VIRMAN JESSIE O. PUNDAVELA
Sangguniang Bayan Member

HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member

HON. ROLANDO PINCO
Sangguniang Bayan Member

HON. MELANIE FELISA M. VIVERO
Sangguniang Bayan Member
ABC President

HON. ANGELO R. LUMBRE
Sangguniang Bayan Member
PPSX President

WHEREFORE, on motion of Hon. Ireneo Rolando A. Lumbré and seconded unanimously, be it;

RESOLVED, as it is hereby resolved to enact Supplemental Annual Investment Program (AIP) 2022 of the Municipality of Tolosa, in the amount of **FIVE MILLION THREE HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY PESOS ONLY (PHP 5,388,880.00)**;

APPROPRIATION ORDINANCE NO. 02
SERIES OF 2022

Be it enacted, by the Sangguniang Bayan of Tolosa, Leyte, that;

Section I. The Sum of **FIVE MILLION THREE HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED EIGHTY PESOS ONLY (PHP 5,388,880.00)** is hereby appropriated in the Supplemental Annual Investment Program (AIP) 2022 of the Municipality of Tolosa, Leyte;

Section II. All amounts herein appropriated shall be expensed for which it is being appropriated;

Section III. Any Ordinance, part of which inconsistent with this Ordinance, the present is hereby repealed and or modified accordingly.

Section IV. This Ordinance shall take effect upon approval.


UNANIMOUSLY APPROVED.

Adjournment. - There being no further business, the Presiding Officer moved for the adjournment of the session. The session was adjourned at 12:00 noon.


CONSUELO R. LUMBRE
Sangguniang Bayan Secretary

ATTESTED:


HON. MENARDO M. MATE
Municipal Vice-Mayor
Presiding Officer


HON. FELICITO D. BELTRAN III
Sangguniang Bayan Member


HON. EDILBERTO R. ZABALA JR.
Sangguniang Bayan Member


HON. FELIPE V. CANONIGO III
Sangguniang Bayan Member


HON. IRENEO ROLANDO A. LUMBRE
Sangguniang Bayan Member



HON. MELANIE FELISA M. VIVERO
Ex-Officio Member/ABC President


HON. MANNY R. MARTINEZ, RN, MPRM
Sangguniang Bayan Member


HON. MANUEL B. BALLEDO
Sangguniang Bayan Member


HON. VIRMAN JESSIE O. FUNDAVELA
Sangguniang Bayan Member


HON. ROLLY A. CINCO
Sangguniang Bayan Member


HON. ANGELO R. LUMBRE
Ex-Officio Member/SK Fed. President



Republic of the Philippines
Province of *Leyte*
Municipality of Tolosa

Office of the Sangguniang Bayan

ATTENDANCE SHEET

24TH Regular Session
of the Sangguniang Bayan


SB Session Hall
Venue

December 27, 2022
Date

No.	Name	Designation	Signature
1	Hon. Menardo M. Mate	Municipal Vice-Mayor	
2	Hon. Felicito D. Beltran III	Municipal Councilor	
3	Hon. Manny R. Martinez, RN., MPRM	Municipal Councilor	
4	Hon. Edilberto R. Zabala, Jr.	Municipal Councilor	
5	Hon. Manuel B. Balledo	Municipal Councilor	
6	Hon. Felipe V. Canonigo III	Municipal Councilor	
7	Hon. Virman Jessie O. Pundavela	Municipal Councilor	
8	Hon. Ireneo Rolando A. Lumbre	Municipal Councilor	
9	Hon. Rolly A. Cinco	Municipal Councilor	
10	Hon. Melanie Felisa M. Vivero	ABC President, Ex-Officio	
11	Hon. Angelo R. Lumbre	SK Fed. President, Ex-Officio	

CERTIFICATION

I hereby **CERTIFY** that those who have signatures above, have actually attended the **24TH Regular Session** of the Sangguniang Bayan of Tolosa, Leyte, held at the SB Session Hall on December 27, 2022.


CONSUELO R. LUMBRE
Secretary to the Sanggunian

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF TOLOSA



OFFICE OF THE SANGGUNIANG BARANGAY

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BARANGAY OF BRGY. CANTARIWIS, TOLOSA, LEYTE HELD AT BRGY. HALL ON JUNE 15, 2022 AT 9:00 O'CLOCK IN THE MORNING.

PRESENT:

CORAZON F. ADVINCULA
GIOVANNI G. BELTRAN
ALMA N. AMASCUAL
CONCEPCION F. CACEREZ
ALVIN G. NIRZA
JUNAR C. PALANA
CFREN G. CAIDIC
JOSEPHINE M. VALERIO
DONNAVEL V. ZIALCITA

PUNONG BARANGAY
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
SR. CHAIRWOMAN

ABSENT: 100% ATTENDANCE

RESOLUTION NO: 55
SERIES OF 2022

RESOLUTION INTERPOSING NO OBJECTION TO THE ESTABLISHMENT AND OPERATION OF AMUSEMENT CENTER OWNED BY MR. FRANCIS ANGELO A. ROA

WHEREAS, it must be noted that the amusement center is a PAGCOR licensed establishment and thus shall be wholly responsible for its operation.

WHEREAS, it is belief of the Sangguniang Barangay that the establishment and operation of an off-cockpit betting station in this barangay will boost the influx in tourist and the same time provide the much needed additional revenue of the barangay and that will ultimately redound to the benefit of the people;

WHEREFORE, on motion of Kagawad Josephine M. Valerio, duly seconded by Kagawad Junar C. Palana, the foregoing resolution was unanimously approved;

RESOLVED, ~~as it is~~ INTERPOSING NO OBJECTION IN PUTTING UP AMUSEMENT CENTER AND OPERATION WITHIN BARANGAY CANTARIWIS, TOLOSA, LEYTE;

RESOLVED FURTHER, that copies of this resolution be furnished to all concerned party for their information and guidance.

Unanimously Approved: June 15, 2022.

CERTIFIED TRUE AND CORRECT.

KAREN JOY M. REMANDABAN
Brgy. Secretary

ATTESTED BY:

HON. CORAZON F. ADVINCULA
Punong Barangay

HON. CONCEPCION F. CACEREZ
BARANGAY KAGAWAD

HON. ALVIN G. NIRZA
BARANGAY KAGAWAD

HON. ALMA N. AMASCUAL
BARANGAY KAGAWAD

HON. GIOVANNI G. BELTRAN
BARANGAY KAGAWAD

HON. JOSEPHINE M. VALERIO
SR. CHAIRWOMAN

HON. JOSEPHINE M. VALERIO
BARANGAY KAGAWAD

HON. CFREN G. CAIDIC
BARANGAY KAGAWAD

HON. JUNAR C. PALANA
BARANGAY KAGAWAD