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Item No.: 21
Date: JUN 06 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN
26 May 2023
Leyte
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 5-26-23

2nd INDORSEMENT
May 25, 2023

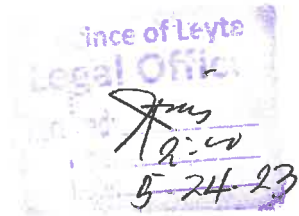
Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 161 S. 2023 of the SB of Matag-ob, Leyte, recommending for the declaration of validity pursuant to its power under Section 56 (c) of R.A 7160, for it is within the powers of the local council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution (Constantino v. Desierto, 288 SCRA 654).

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

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
24 May 2023



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO.161**, series of 2023 of the **MUNICIPALITY** of **MATAG-OB, LEYTE**, entitled: **AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 136 SERIES OF 2023 ENTITLED: THE MATAG-OB, LEYTE COCKFIGHTING ORDINANCE OF 2022.**



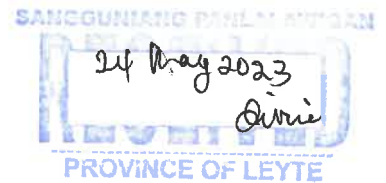
FLORINDA JILL S. UYVICO
Secretary to the Sangguniang



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
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INDORSEMENT

May 22, 2023



HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte


Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 161 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 136 series 2023 ENTITLED "THE MATAG-OB, LEYTE COCKFIGHTING ORDINANCE OF 2022 AS AMENDED.", subject to review by the Sangguniang Panlalawigan in compliance to Sangguniang Panlalawigan Resolution No. 2023-111 dated March 3, 2023.

Please find attached herewith the foregoing documents in compliance with requirements:

1. Municipal Ordinance No. 97 series 2019;
2. Minutes of Public Hearing conducted for Municipal Ordinance No. 136 series 2022;
3. Certification of Posting of the compliance ordinance;
4. Attendance Sheet of public hearing.

Respectfully yours,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
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CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copy of Municipal Ordinance No. 161 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 136 series 2023 ENTITLED "THE MATAG-OB, LEYTE COCKFIGHTING ORDINANCE OF 2022 AS AMENDED.", have been posted in three (3) conspicuous places within the municipality of Matag-ob, Leyte starting from May 15, 2023. It shall continue to be posted therein until the required three consecutive weeks shall have been complied with.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 22nd. Day of May, 2023.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB

SANGGUNIANG PANLALAWIGAN
24 May 2023
Owri
PROVINCE OF LEYTE

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MATAG-OB, LEYTE HELD AT THE
LEGISLATIVE SESSION HALL ON MAY 15, 2023.

HONORABLE ROMEO N. ALBARIDA
SB Member

HONORABLE ARTEMIO T. ALMOROTO
SB Member

HONORABLE JOEL N. DENOY
SB Member

HONORABLE EVANGELINE C. CARNO
SB Member

MUNICIPAL ORDINANCE NO. 161 series 2023
(Proposed Municipal Ordinance No. 176)

Author : Honorable Joel N. Denoy
Co-authors : Honorable Rodolfo N. Suñir
Honorable Eduardo E. Toledo
Honorable Orlando G. Viacrusis
Honorable Artemio T. Almoroto

HONORABLE RODOLFO N. SUÑIR
LNB President

HONORABLE RICARDO L. GIVA
SB Member

HONORABLE EDUARDO E. TOLEDO
SB Member

HONORABLE ORLANDO G. VIACRUSIS
SB Member

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE #136
SERIES 2023 ENTITLED "THE MATAG-OB, LEYTE
COCKFIGHTING ORDINANCE OF 2022".

Be it ordained by the Sangguniang Bayan of the Municipality of
Matag-ob, Leyte, in its regular session assembled, that:

Section 1: Title. This Ordinance shall be known as "An
Ordinance Amending Municipal Ordinance No. 136 series 2022
otherwise known as the Matag-ob, Leyte Cockfighting Ordinance of
2022.

Section 2: Section 4. Administrative Provisions of Municipal
Ordinance No. 136 series 2022 shall be amended as follows:

Administrative Provisions.

8. FILING OR REQUEST. – Any request to hold cockfighting
activities shall be filed with the Office of the Sangguniang
Bayan at least five (5) days before the intended date of
cockfighting activities. The number of days shall be reckoned
from the time such request is stamped received by the Office
of the Sangguniang Bayan through the Secretary to the
Sanggunian. Failure to comply with this provision shall result
in the disapproval of such request.

Section 3. RIÑAS FEE SHARING/DISTRIBUTION shall be
added to Section 4, Administrative provisions which shall be
assigned as paragraph 13, to read as follows:

HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor

1
Municipal Ordinance No. 161
May 15, 2023



13. RIÑAS FEE SHARING/DISTRIBUTION – the Riñas Fee as reflected in Section 5, II, (c) of Municipal Ordinance No. 136 shall be shared and distributed between the Local Government of Matag-ob and Barangay Bonoy of this municipality where the cockpit arena is located. The sharing shall be as follows:

- 1) LGU – 90%
- 2) Barangay Bonoy – 10%

The share of Barangay Bonoy shall be turned over to the Barangay Treasurer at the end of every quarter or every three (3) months to commence on the date of the approval of this ordinance.

Section 4: Repealing Clause. This Ordinance specifically amends:

(a) Municipal Ordinance No. 136 s. 2022 most particularly *Section 4. Administrative Provisions* in compliance with the Province of Leyte Sangguniang Panlalawigan Resolution No. 2023-111 dated March 3, 2023;

(b) *Section 4. Administrative Provisions* addendum of paragraph 13.

Section 5. Separability Clause. If for any reason any provision, section or part of this ordinance shall be held to be unconstitutional or invalid other parts or provisions thereof which are not affected shall continue to be in full force and effect.

Section 6. Effectivity Clause. This ordinance shall take effect after fifteen (15) days upon approval.

PASSED AND ENACTED on May 15, 2023 by the Sangguniang Bayan assembled.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor

HONORABLE ROSOLFO M. SUNIR
LMB/President

HONORABLE RICARDO L. GIVA
SB Member

HONORABLE EDUARDO E. TOLEDO
SB Member

HONORABLE DELFINO G. VIACRUSIS
SB Member

HONORABLE ROMEO N. ALBARIDA
SB Member

HONORABLE ARTEMIO T. ALMOROTO
SB Member

HONORABLE JOEL N. DENOY
SB Member

HONORABLE EYANGELINE C. CARNO
SB Member

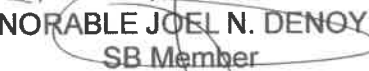



ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HONORABLE ROMEO N. ALBARIDA
Senior SB Member


HONORABLE ARTEMIO T. ALMOROTO
SB Member


HONORABLE JOEL N. DENOY
SB Member


HONORABLE EVANGELINE C. CARNO
SB Member



HONORABLE ORLANDO G. VIACRUSIS
SB Member


HONORABLE EDUARDO E. TOLEDO
SB Member

ABSENT

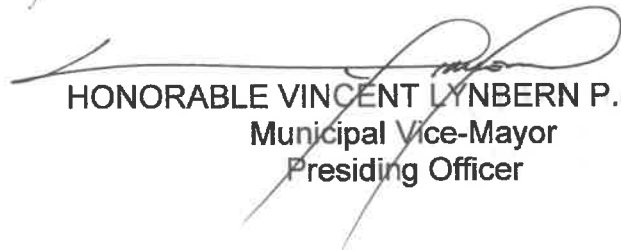
HONORABLE PAOLO ANTONIO C. LAURENTE
SB Member

HONORABLE RICARDO L. GIVA
SB Member


HONORABLE RODOLFO N. SUÑIR
Ex-Officio Member, LnB President

ABSENT

HONORABLE MARTIN LUTHER P. VELARDE
Ex-Officio Member, SK Federation President


HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

APPROVED:


HONORABLE BERNANDINO G. TACOY
Municipal Mayor

Date Signed: 18 MAY 2023



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB

MUNICIPAL ORDINANCE NO. 97
Series of 2019
Author: Honorable Carmelino D. Parac



Be it ordained by the Sangguniang Bayan of the Municipality of Matag-ob, Leyte, in its regular session assembled, that:

Section 1 : Title. This Ordinance shall be known as:

AN ORDINANCE PRESCRIBING GUIDELINES FOR THE GRANT OF AUTHORITY OR LICENSE TO OPERATE COCKPIT ARENA INCLUDING OTHER REGULATIONS RELATIVE THERETO.

Section 2: Definition of Terms

a. Cockfighting – is the sport of fitting or evenly matching gamecocks to engage in an actual fight where bets on either side are laid. Cockfighting many also be formed as “Cockfighting derby or pintakasi” or its equivalent in different localities.

b. Cockpit Arena – A commercial building at the center of which is an enclosed cockfighting arena and surrounded by seats provided for betterers and other aficionado.

c. Fighting Cock/Game Cock – Also called as rooster, whether locally bred or imported for cockfighting.

d. Local Derby – is an invitational cockfight participated by game cockers or cockfighting aficionado of the Philippines with “pot money” awarding to the proclaimed winning entry.

e. International Derby – refers to any invitational cockfight participated in by local and foreign game Cockers or cockfighting aficionado write pot money awarded to the proclaimed winning entry.

f. Regular Games/ Cockfighting – held at designated cockpit arena usually beat win two (2 fighting game cocks).

g. Derby – Special Cockfighting event of an even bigger scale and participated in by big time breeders.

Pot.

Ray

Parac *Antonio* *[Signature]* *[Signature]* *[Signature]* *[Signature]*

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h. Bet taker/ Promoter – refers to a person who alone or with another initiates a cockfighting and /or Calls and take care of bets from owners of both gamecocks and those of other betters before he orders commencement of the cockfight thereafter distributor who bets to the winners after deducting a certain commission, or both.

Section 3: Regulatory Acts.

3.1 Pursuant to Section 447 (3) (V) of the local Government Code of 1991 otherwise known as Republic Act 7160, “Any law to the Contrary Notwithstanding, authorize and license the establishment, operation and maintenance of cockpits and regulate cockfighting and commercial breeding of gamecocks”

3.2 One cockpit for every 50,000 population or fraction thereof shall be allowed to operate in the Municipality of Matag-ob, Leyte.

3.3 Imposition of fees

3.3.1 Application/filing fee	500
3.3.2 Annual cockpit permit fee	10,000
3.3.3 Aside from the license fee, derbies fees are:	
2- Cock Derby	3,000
3- Cock Derby	4,000
4- Cock Derby	6,000
5- Cock Derby and above	10,000
Special Cockfights (Pintakasi)	1,400

3.4. Fee for Cockpit Personnel

Promoters/Host	1,000
Pit Manager	500
Referee (Sentinsyador)	500
Bet taker (Kristo/Llamador)	200
Gaffer (Mananari)	200
Bet Manager (Maciador/kasador)	200
Cashier	300
Derby (Match maker)	200
Dressing Crew (Magkukulis)	200
Gate Cashier	200
Gate-in charge (Mamiminto)	200
Ring Bet taker	200
Janitor	200

Post.

Guerra

Ang Foster

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[Signature]

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3.3. The annual cockpit permit fee is payable upon application of a permit before a cockpit shall be allowed to operate and within the first twenty (20) days of January of each year is case of renewal thereof.

On derbies and special cockfights, the fees herein charged shall be payable to the Municipal Treasurer before the same can be lawfully held.

3.4. Regular Cockfights i. e. those held during Sundays, legal holidays, local fiesta and international derbies shall be excluded in the payment of fees herein imposed.

3.5. The permit fee for cockpit personnel shall be paid before they participate in a cockfight and pay annually upon renewal of the permit on the birth month of the Permittee. Only duly registered and licensed personnel shall take part in all kinds of cockfights held in this Municipality. No operator or owner of a cockpit shall employ or allow to participate in a cockfight, any of the above-mentioned personnel unless he has registered and paid the fee herein required.

3.6. The franchise to operate a cockpit shall be granted by the Sangguniang Bayan of Matag-ob, Leyte and shall be in effect for a period of three (3) years unless terminated by the Sangguniang Bayan for violation of the provision of this ordinance and related regulations present franchise holder will have the options to other applications. This is a requisite in the issuance of a Permit to operate from the Mayor's Office.

3.7. Requirements for Application for franchise

3.7.1. New Applicants

- a. Proof of Ownership of the land or lease Contract if being used
- b. Proof of Financial Capacity Company profile Development Program and Project Impact Assessment
- c. Clearance (Barangay, Mayor's Clearance, DAR Clearance, HLURB and DENR)
- d. Land Reclassification if required (for Agricultural land)
- e. Zoning Clearance and Building Permit
- f. Game fowl commission endorsement
- g. Certification from the Municipal Engineer on the worthiness of structure

3.7.2. For Renewal

- a. Clearances from the Treasurer's office on payment of Dues (Tax, RPT, etc.)
- b. New Lease Contract

Paul
Francisco
Ang
Factor
Santiago
Antonio
Alfonso

WBM

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c. Audited Financial Statement

3.7.3 Certificate from the Municipal Engineer on the worthiness of the structure

3.7.4. Sanitary, Health and Fire Clearances

3.8. No cockpit shall be operated within the 200 meter radius from school and other public buildings and churches.

3.9. Aside from the operations of a cockpit all other business activities inside the premises of the cockpit will have to secure a Mayor's Permit relating to its operation and pay corresponding business taxes and Mayor's Permit Fees.

Section 4: HOLDING OF COCKFIGHTING ACTIVITY- Cockfighting shall only be allowed in a licensed cockpit during the following days, except as otherwise provided in this ordinance:

1. Sundays
2. Legal Holidays
3. During local fiestas for not more than three (3) days;
4. During Municipal Agriculture, Commercial or Industrial fairs, carnivals or exposition for a similar period of three (3) days upon resolution of the Sanggunian Bayan. No cockfighting on the occasion of such affair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two (2) occasions a year.
5. Cockfighting for entertainment of tourists or for charitable purposes. Subject to the preceding subjection hereof, the holding of cockfights may be allowed for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayans" or for the support of the national fund raising campaigns for charitable purposes as may be authorized upon resolution of the Sangguniang Bayan, in a licensed cockpit or in a playground or park. This privilege shall be extended for only one (1) time, for a period not exceeding three (3) days, within a year.

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4.2. Derby – Derbies and (special cockfights) will only be allowed as pre – applied with the Sangguniang Bayan and will be approved through a resolution.

4.3. There shall be a beneficiary for each derby and pintakasi of which shall be given on the recipient of not less than 5% of the gross receipts.

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Section 5. SPECIAL PROHIBITION- No cockfighting shall be held on the following days:

- 5.1 (a) December 30 (Rizal Day)
- (b) June 12 (Independence Day)

Justapac
Arg. Pastor
San Juan
[Signature]
[Signature]

- (c) November 30 (National Heroes Day)
- (d) Holy Thursday and Good Friday
- (d) Election or Referendum Day
- (e) During Registration Days for such Election or referendum

- 5.2. Illegal gambling
- 5.3. Carrying of deadly weapons, except for security personnel and military authorities
- 5.4. Minors.

Section 6. PENAL PROVISIONS. - Violation of any provision of this ordinance shall name the following penalties:

- First offense – two (2) weeks suspension
- Second offense – one (1) month suspension
- Third offense – Revocation of Permit to Operate

Section 7. APPLICABILITY CLAUSE

The provision of PD 449, otherwise known as the Cockfighting law of 1974, PD 1802 (Creating the Philippine Game Fowl Commissions) and such other pertinent laws shall apply to all matters regarding the operation of cockpits in this Municipality.

Section 8. SEPARABILITY CLAUSE

If for any reason any provision, section or part of this ordinance shall be held to be unconstitutional or invalid other parts or provisions thereof which are not affected shall continue to be in full force and effect.

Section 9: REPEALING CLAUSE

All ordinance, rules and regulation, or part thereof, whose provisions are in conflict, or with or in contrary to any provisions of this ordinance are hereby repealed, amended or modified accordingly.

Section 10 : EFFECTIVITY CLAUSE

This ordinance shall take effect upon approve of the Sangguniang Panlalawigan, paling of copy to conspicuous places in the Municipality and publication in a newspaper of local circulation.

RESOLVED FINALLY, to furnish copy of this resolution to all concerned for their information and guidance.

Carried Unanimously.

Pol.

Ang.

Quity
[Signature]

~~*[Signature]*~~

[Signature]

[Signature]

[Signature]

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I HEREBY CERTIFY to the correctness of the foregoing resolution.

Carried Unanimously.

Enacted this 10th. day of June, 2019.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.



HONORABLE JOSE WILSON B. MADJUS
Senior SB Member

HONORABLE JOSE ARVIN S. TORDILLO
SB Member

~~HONORABLE CARMELINO D. PARAC
SB Member~~


HONORABLE EDGARDO V. TAMPOS
SB Member-ABSENT

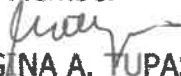
~~HONORABLE ROBERTO N. SUÑIR
ABC President, Ex-Officio Member~~


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian


HONORABLE DOMINGO V. PANDAC, JR.
SB Member


HONORABLE SERGIO E. SANORIA
SB Member


HONORABLE CARMELITA L. PASTOR
SB Member



HONORABLE GINA A. TUPAS
SB Member

~~HONORABLE MARTIN LUTHER VELARDE
Mun. SK Federation President-Ex-Officio Member-
ABSENT~~

ATTESTED:


HONORABLE BUSHI D. TORREVILLAS
Municipal Vice-Mayor
Presiding Officer

APPROVED:


HONORABLE MICHAEL L. TORREVILLAS
Municipal Mayor

PUBLIC HEARING (SEPTEMBER 02, 2022)

NO.	NAMES	DESIGNATION	SIGNATURE
1	JOSE BYKP	BRGY CAPTAIN	
2	Rodrigo U. Cogay	TANOD	Rodrigo Cogay
3	FE V. SOSMENA	PUNONG BARANGAY	FE V. SOSMENA
4	ISAAC P. DATON	TANOD	ISAAC P. DATON
5	Clara M. Denoy	kaganud san Buellimo	Clara M. Denoy
6	MARTIN E. LUTAR	Punong Barangay	MARTIN E. LUTAR
7	Roderic Lowaton	Tanod	Roderic Lowaton
8	JUANITO L. OLORVIDA	BRGY CAPTAIN	JUANITO L. OLORVIDA
9	KARIL S. MARIANO	TANOD	KARIL S. MARIANO
10	PANG BONG A. LARAYO	BRGY TANOD	PANG BONG A. LARAYO
11	RUFINO M. GECAIN SR	CHIEF TANOD	RUFINO M. GECAIN SR
12	Sabeneria L. Ruen	Punong Barangay	Sabeneria L. Ruen
13	RODOLFO M. SANIN	PUNONG BARANGAY	RODOLFO M. SANIN
14	Federico Villotes	BRGY DOTY	Federico Villotes
15	MARCIAL MADRUGA	BRGY TANOD	MARCIAL MADRUGA
16	Eddie Casida	MANSAHAN-ON TANOD	Eddie Casida
17	Eliciano Buvallo	ENKUDA TANOD	Eliciano Buvallo
18	LUSESO OMEGA	BRGY. CAPTAIN	LUSESO OMEGA
19	JERRY ARNADO	C. TANOD	JERRY ARNADO
20	FLORELIO CASAS	BRGY. BONGAY	FLORELIO CASAS
21	Danielo Madrug	BRGY. Talisay	Danielo Madrug
22	Junito Impa Sr.	BRGY. ST. ROSE	Junito Impa Sr.
23	DIONISIO MEDOS	BRGY. (RIVERSIDE TANOD)	DIONISIO MEDOS
24	ROMEO M. ALABRABE	TANOD	ROMEO M. ALABRABE
25	RENATO L. DENOY	P. BARANGAY	RENATO L. DENOY
26	ALDINA M. ECO	P. BRGY	ALDINA M. ECO
27	ANTHONY VAN LAURENTE	PLGM. CAPTAIN	ANTHONY VAN LAURENTE
28	MARCIAL P. ENRIQUE	BRGY CAPTAIN	MARCIAL P. ENRIQUE
29	DIONESIO A. OLORVIDA	Punong Barangay	DIONESIO A. OLORVIDA
30	LORNA A. ALONSO	Punong Barangay	LORNA A. ALONSO
31	JUNREL P. AQUINO	CHIEF TANOD	JUNREL P. AQUINO
32	Arcelina A. Parac	Punong Brgy.	Arcelina A. Parac
33	NISSIE D. CABATANA	P. BARANGAY	NISSIE D. CABATANA
34	Conupim A. Tampas	Brgy. Captain	Conupim A. Tampas
35	Royelio Corbin	Tanod	Royelio Corbin
36	EDUARDO E. TOLEDO	SB MEMBER	EDUARDO E. TOLEDO
37	JOEL N. DENOY	SB MEMBER	JOEL N. DENOY
38	Claudia C. Ibarra	MA	Claudia C. Ibarra
39	EVANGELINO C. CANO	SB MEMBER	EVANGELINO C. CANO
40	ARTEMIO T. ALONSO	SB MEMBER	ARTEMIO T. ALONSO
41	One Maria A. Buja	SB Member	One Maria A. Buja
42	Legenda C. Dohayno	Punong Brgy	Legenda C. Dohayno
43	POD ROSE	BRGY TANOD	POD ROSE
44	JASPER EDULANTES	BRGY AFFAIRS OFFICER	JASPER EDULANTES
45	MARK ANTHONY S. BENVENIDO	BRGY. CAP. MARGARITE	MARK ANTHONY S. BENVENIDO
46	Randolf B. Manatad	Tanod	Randolf B. Manatad
47	RICH A. SOCO	P. B	RICH A. SOCO
48	DIONESIO RUIZO	CHIEF TANOD	DIONESIO RUIZO
49	Praxedes P. Abot	Punong Brgy	Praxedes P. Abot
50	Charmaine T. Parac	Memor Designat	Charmaine T. Parac
51	RICARDO L. GIVA	SB member	RICARDO L. GIVA
52	VINCENT LINSEAN P. TAOY	MUN. VICE MAYOR	VINCENT LINSEAN P. TAOY
53	Orlando G. Viacumis	SB Member	Orlando G. Viacumis
54	ALBERTO M. BITANZOL	MLAOD	ALBERTO M. BITANZOL
55	POPT ALEXANDER ALFONSO	COP	POPT ALEXANDER ALFONSO
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ANA MARIA S. EGUN
SECRETARY



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB

MINUTES OF THE PUBLIC HEARING OF THE SANGGUNIANG BAYAN OF MATAG-OB, LEYTE, COMMITTEE ON RULES, LAWS AND PRIVILEGES HELD AT THE LEGISLATIVE SESSION HALL ON SEPTEMBER 2, 2022.

- PRESENT:**
1. Hon. Vincent Lynbern P. Tacoy- Mun. Vice-Mayor
Presiding Officer
 2. Hon. Artemio T. Almoroto - SB Member
 3. Hon. Romeo N. Albarida - Senior SB Member
 4. Hon. Joel N. Denoy - SB Member
 5. Hon. Evangeline C. Carno - SB Member
 6. Hon. Orlando G. Viacrusis - SB Member
 7. Hon. Eduardo E. Toledo - SB Member
 8. Hon. Paolo Antonio C. Laurente - SB Member
 9. Hon. Ricardo L. Giva - SB Member
 10. Hon. Rodolfo N. Suñir - Ex-Officio, LNB President
 11. Hon. Martin Luther P. Velarde- Ex-Officio, SK Fed. Pres.

ABSENT: NONE

CALL TO ORDER

The Chair then called the Public Hearing to order at exactly 8:00 A.M.

INVOCATION/LUPANG HINIRANG/ROLL CALL

The Body proceeded to conduct the preliminaries – Invocation, singing of the Lupang Hinirang, Recitation of the Councillors Creed, after which, the Chair then directed the Secretary to call the roll.

The Secretary then called the roll, after which, she reported that ALL of the members are present, and therefore there is QUORUM.

The Chair declared to proceed with the session after quorum was determined.

BUSINESS FOR THE DAY

Item No. 01. PROPOSED MUNICIPAL ORDINANCE NO. 144 s. 2022
Author: Honorable Joel N. Denoy

[Handwritten signatures and notes on the bottom of the page, including a large signature on the left and a vertical signature on the right.]

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AN ORDINANCE ENACTING THE NEW FARE RATES FOR TRICYCLES-FOR-HIRE WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE.

The Chair recognized the Chairman of the Sangguniang Bayan Committee on *INFRASTRUCTURE AND PUBLIC UTILITIES, HOUSING, LAND USE AND INFORMAL SETTLERS*, and subsequently the proponent of the above-mentioned proposed Municipal Ordinance No. 144, Honorable Joel N. Denoy, who proceeded to present the said proposed measure to the general public who attended the public hearing.

After a short discussion on the matter, the Body agreed that the proposed changes in the rates of fare in certain areas are just and fare both to the riding public and the operators/drivers of tricycles-for-hire operating within the territorial jurisdiction of the municipality of Matag-ob, Leyte.

Item No. 02. PROPOSED MUNICIPAL ORDINANCE NO. 145 s. 2022
Author: Honorable Joel N. Denoy

THE MATAG-OB, LEYTE COCKFIGHTING ORDINANCE OF 2022 AS AMENDED.

The Chair recognized the Chairman of the Sangguniang Bayan Committee on *GAMES AND AMUSEMENT*, and subsequently the proponent of the above-mentioned proposed Municipal Ordinance No. 145, Honorable Joel N. Denoy, who proceeded to present the said proposed measure to the general public who attended the public hearing.

After a short discussion on the matter, the Body agreed that there are no corrections nor any adverse reactions to the provisions of the above-mentioned proposed ordinance.

ADJOURNMENT

As there were no other businesses to be taken, the Honorable Eduardo E. Toledo, duly seconded by the ere were no objections, the Public Hearing held on September 02, 2022 was adjourned at exactly 10:31 A.M.

Carried Unanimously.

I HEREBY CERTIFY to the correctness of the foregoing motion for adjournment.

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ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:


HONORABLE ROMEO N. ALBARIDA
SB Member



HONORABLE ARTEMIO T. ALMOROTO
SB Member


HONORABLE JOEL N. DENOY
SB Member


HONORABLE EVANGELINE C. CARNO
SB Member


HONORABLE ORLANDO G. VIACRUSIS
SB Member

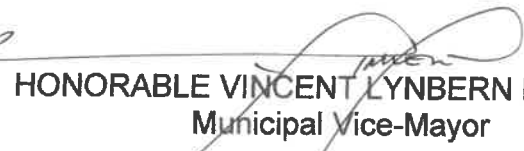

HONORABLE EDUARDO E. TOLEDO
SB Member


HONORABLE PAOLO ANTONIO C. LAURENTE
SB Member


HONORABLE RICARDO L. GIVA
SB Member


HONORABLE RODOLFO N. SUÑIR
Ex-Officio Member, LnB President


HONORABLE MARTIN LUTHER P. VELARDE
Ex-Officio Member, SK Federation President


HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor



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RECORDS SECTION



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 32nd REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON MARCH 3, 2023

RESOLUTION NO. 2023-111

A RESOLUTION ADOPTING AND APPROVING THE COMMITTEE REPORT OF THE SP COMMITTEE ON GAMES AND AMUSEMENT RELATIVE TO ORDINANCE NO. 136 SERIES OF 2022 OF MATAG-OB, LEYTE.

WHEREAS, submitted to the Sangguniang Panlalawigan is a Committee Report of the Sangguniang Panlalawigan Committee on Games and Amusement in relation to **Municipal Ordinance No. 136 series of 2022 of Matag-ob, Leyte** entitled: **"THE MATAG-OB, LEYTE COCKFIGHTING ORDINANCE OF 2022 AS AMENDED"**;

WHEREAS, on November 22, 2022, the said Ordinance was referred to the SP Committee on Games and Amusement per SP Res. No. 2022-554;

WHEREAS, on March 3, 2023, the SP Committee on Games and Amusement rendered its Committee Report, to wit:

"COMMITTEE ON GAMES AND AMUSEMENT

COMMITTEE REPORT

Referred to this committee per SP Resolution No. 2022- 554 is Ordinance No. 136 series of 2022 of the Sangguniang Bayan of Matag-ob, Leyte otherwise known as "The Matag-ob, Leyte Cockfighting Ordinance of 2022 as Amended".

The subject Ordinance was referred for initial review to the Provincial Legal Office which rendered its opinion in its 2nd Indorsement dated November 2, 2022 with the condition that ALL the requirements under PD 449 or the Cockfighting Law of 1974 are complied, as the same has not been repealed with the passage of RA 7160.

This Committee in its deliberations observed that Section 4 Number 8 on Administrative Provisions of the subject ordinance, which states and we quote:

"Section 4. Administrative Provisions

8. FILING OR REQUEST. – Any request to hold cockfighting activities shall be filed with the Mayor's Office Secretary at least five (5) days before the intended date of cockfighting activities. The number of days shall be reckoned from the time such request is stamped received by the Mayor's Office Secretary. Failure to comply with this provision shall result in the disapproval of such request."

runs counter to Section 447 (a), (3), (v) of Republic Act No. 7160 otherwise known as the Local Government Code of 1991. It states, to wit:

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SECTION

2023-111 dated March 3, 2023
Adopting and approving the Com. Report of the SP
Com. on Games and Amusement on Ordinance No.
136 S. 2022 of Matag-ob, Leyte

**Section 447. Powers, Duties, Functions and Compensation -*

“(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

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“(3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:

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“(v) Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced.” (Underscoring added for emphasis.)

The view is therefore submitted that Section 4 number 8 of the subject ordinance is Ultra Vires as it delegates unto the mayor, powers which the Local Government Code (RA 7160) has expressly lodged in the Sangguniang Bayan. This cannot be countenanced under the time-honored doctrine, thusly: *“POTESTAS DELEGATA NON POTEST DELIGARI.”* “What has been delegated cannot be delegated further.”

Further, the Committee notes that the SB of Matag-ob failed to attached to their amendatory ordinance, a copy of their original Cockfighting Ordinance. It is therefore recommended that the SP require the Sangguniang Bayan of Matag-ob to submit the original or mother Ordinance subject of amendment, for ready reference.

Furthermore, the Committee notes that the transmittal of the subject ordinance was addressed to former Vice Governor Carlo P. Loreto, instead of now Vice Governor Leonardo M. Javier, Jr..

In view of all the foregoing, the Committee therefore recommends that the same be returned to SB of Origin for appropriate action and submission of documentary requirements.

Submitted this 28th day of February 2023, Palo, Leyte.

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RE-ORDINANCE

Page 3/3 - Res. No. 2023-111 dated March 3, 2023
Adopting and approving the Com. Report of the SP
Com. on Games and Amusement on Ordinance No.
136 S. 2022 of Matag-ob, Leyte

(Original Signed)
HON. MICHAEL L. CARI
Chairperson

(Original Signed)
HON. VINCENT L. RAMA
Vice Chairman

(Original Signed)
ATTY. CARLO P. LORETO
Member

(Original Signed)
HON. FLAVIANO C. CENTINO, JR.
Member

(Original Signed)
HON. WILSON S. UY
Member

WHEREAS, the August Body, upon review, deemed it proper to adopt and approve the said Committee Report;


NOW, THEREFORE, on motion presented by the Honorable Michael L. Cari, duly seconded by Atty. Carlo P. Loreto and Honorable Wilson S. Uy, be it

RESOLVED, as it is hereby resolved, to **ADOPT AND APPROVE THE COMMITTEE REPORT OF THE SP COMMITTEE ON GAMES AND AMUSEMENT RELATIVE TO ORDINANCE NO. 136 SERIES OF 2022 OF MATAG-OB, LEYTE.**

RESOLVED FURTHER, TO RETURN TO THE **SANGGUNIANG BAYAN MATAG-OB, LEYTE, ORDINANCE NO. 136 SERIES OF 2022 FOR APPROPRIATE ACTION AND SUBMISSION OF DOCUMENTARY REQUIREMENTS.**

Approved unanimously.

I **HEREBY CERTIFY** to the correctness of the foregoing resolution.


FLORINDA J. UYVICO
Secretary to the Sanggunian

ATTESTED: 
HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer

Copy furnished:

- 1. Hon. Michael L. Cari
Chairperson
SP Committee on Games and Amusement
Province of Leyte
- 2. LCE and Sangguniang Bayan
Matag-ob, Leyte

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