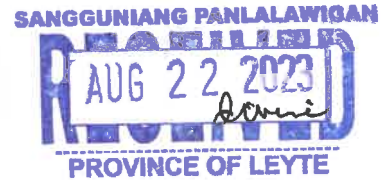




Republic of The Philippines
PROVINCE OF LEYTE
Municipality of Pastrana

Item No.: 06

Date: SEP 05 2023



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The Sangguniang Bayan

Excerpts from the Minutes of the 50th Regular Session of the Sangguniang Bayan of Pastrana, Province of Leyte, held last August 7, 2023 at the Municipal Sangguniang Bayan Session Hall, this Municipality.

RESOLUTION NO. 219

Series of 2023

A SANGGUNIANG BAYAN RESOLUTION ADOPTING THE FINDINGS/ CORRECTIONS OF THE SANGGUNIANG PANLALAWIGAN FOR THE MUNICIPAL ORDINANCE NUMBER 010 "AN ORDINANCE IMPOSING TRUCK BAN HOUR FROM 6:00 P.M. TO 6:00 A.M. IN THE HAULING AND TRANSPORTING OF SAND AND GRAVEL WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE AND PROVIDING PENALTIES THEREOF".

Author: Hon. Angelina C. Diola

SB Chairman Committee on Franchise

Co - Author: Hon. Nathan G. Letrodo

Co - Author: Hon. Loida B. Villablanca

Whereas, from the excerpts from the minutes of the 47th Regular Session of the Sangguniang Panlalawigan of Leyte conducted last June 20, 2023;

Whereas, the Provincial Legal Office through Atty. Jose Raymund A. Acol Assistant Provincial Legal officer, per attached Indorsement rendered the following comments/opinion on Ordinance No. 010 to wit;

1. That Ordinance No. 010, S. 2023 is an exercise of the power to REGULATE, a police power under Section 16 of the Code;
2. That insofar as penalty of FINE is concerned, Section 447 (I), (iii) of the Code, allows a maximum fine of P2,500.00, except when violation is committed on Tax Ordinance, in which Section 516 authorize a maximum penalty of fine of P5,000.00

CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer

RODEL M. JOBILA
Sangguniang Bayan Member

GERARDO S. CARIAN
Sangguniang Bayan Member

ANGELINA C. DIOLA
Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN N. OPIANAN
Sangguniang Bayan Member

EL NIRA A. BOHOL
Sangguniang Bayan Member

NATHAN G. LETRODO
Sangguniang Bayan Member

LOIDA B. VILLABLANCA
Sangguniang Bayan Member

AIZA G. SILVA
ABC President

IVAN K. SALENTE
SK Federation President

WHEREAS, the August Body, deemed it proper to adopt the indorsed comments/opinions on Ordinance No. 010.

WHEREAS, there is an URGENT need to enact a Municipal Ordinance Imposing TRUCK BAN FROM 6:00 P.M. to 6:00 A.M. IN THE HAULING AND TRANSPORTING OF SAND AND GRAVEL WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE AND PROVIDING PENALTIES THEREOF”.

WHEREFORE; all foregoing premises considered on motion of Hon. Angelina C. Diola, duly seconded by Hon. Loida B. Villablanca be it.

RESOLVED, AS IT IS HEREBY RESOLVED to ENACT



Republic of The Philippines
PROVINCE OF LEYTE
Municipality of Pastrana

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The Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 50th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PASTRANA HELD LAST AUGUST 7, 2023 AT THE SB SESSION HALL, PASTRANA, LEYTE.

MUNICIPAL ORDINANCE NO. 010
Series of 2023

AN ORDINANCE IMPOSING TRUCK BAN HOURS FROM 6:00 P.M. TO 6:00 A.M. IN THE HAULING AND TRANSPORTING OF SAND AND GRAVEL WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE AND PROVIDING PENALTIES THEREOF.

Author: Hon. Angelina C. Diola

SB, Chairman Committee on Environment and Natural Resources

Co- Author: Hon. Nathan G. Letrodo

SB, Vice-Chairman on Environment and Natural Resources

Co-Author: Hon. Loida B. Villablanca

SB, Committee Member on Environment and Natural Resources

BE IT ORDAINED, by the Sangguniang Bayan of PASTRANA, PROVINCE OF LEYTE to enact the following Ordinance;

CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer

RODEL M. JOBLA
Sangguniang Bayan Member

GERARDO S. CARIAN
Sangguniang Bayan Member

ANGELINA C. DIOLA
Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN N. GONZALEZ
Sangguniang Bayan Member

ELVIRA A. BOHOL
Sangguniang Bayan Member

NATHAN G. LETRODO
Sangguniang Bayan Member

LOIDA B. VILLABLANCA
Sangguniang Bayan Member

AIZA CESILVA
ABC President

IVAN K. SALIENTE
(ABSENT)
SK Federation President

SECTION 1. TITLE, this ordinance shall be known as AN ORDINANCE IMPOSING TRUCK BAN HOURS FROM 6:00 P.M. TO 6:00 A.M. IN THE HAULING AND TRANSPORTING OF SAND AND GRAVEL WITHIN THE MUNICIPALITY OF PASTRANA PROVINCE OF LEYTE AND PROVIDING PENALTIES THEREOF.

SECTION 2. all cargo vehicles, including trailer trucks with six (6) wheels and above, irrespective of its gross weight, are hereby restricted or prohibited to haul sand and gravel from 6:00 o'clock in the evening to 6:00 o'clock in the morning.

SECTION 3. DEFINITION OF TERMS, for the purpose of this ordinance, the following terms are defined as follows,

- a. **PENALTY** – the suffering in person, rights, or property that is annexed by law or judicial decision to the commission of a crime or public offense.
- b. **IMPOUND** – to seize and hold in the custody of the law.
- c. **IMPOUNDMENT** – the state of being impounded.
- d. **MUNICIPAL CASH TICKET** – shall refer to the official ticket issued to the designated personnel and staff of the municipal treasurer's office.
- e. **TRUCK BAN HOURS** – shall refer to the period 6:00 o'clock in the evening to 6:00 o'clock in the morning, wherein six (6) wheeler and up, cargo vehicles or trucks are prohibited to haul sand and gravel in the Truck Ban Hour.

SECTION 4. PENALTY CLAUSE.

1. That Ordinance No. 010, S. 2023 is an exercise of the power to REGULATE, a police power under Section 16 of the Code;
2. That all persons or drivers found violating any provision of this ordinance shall be penalized by:

First Offense – Ten (10) cubic meter up is one thousand pesos (1,000.00) below ten (10) cubic meter –five hundred pesos (500.00)

Second Offense – Ten (10) cubic meter up is two thousand pesos (2,000.00) below ten (10) cubic meter is one thousand five hundred pesos (1,500.00)

Third Offense – Ten (10) cubic meter up is two thousand five hundred pesos (2,500.00) and the vehicle/truck will be impounded. Below ten (10) cubic meter is two thousand pesos (2,000.00) and the vehicle/truck will be impounded.

SECTION 5. ENFORCEMENT: The LGU Monitoring Team, the Philippine National Police stationed at LGU Pastrana, Leyte, the Municipal Treasure's Office and other concerned government agencies shall ensure the strict implementation of this ordinance.

SECTION 6. NON-APPLICABILITY CLAUSE: This ordinance shall not apply to all trucks or vehicles hauling or transporting sand and gravel on correct and agreed time as stated in the ORDINANCE and must be of correct cubic meter of at least ten (10) cubic meter above;

CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer

RODEL M. JOBILA
Sangguniang Bayan Member

GERARDO S. CARIAN
Sangguniang Bayan Member

ANGELINA C. DIOLA
Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN N. OMINIANO JR.
Sangguniang Bayan Member

ELVIRA A. BOHOL
Sangguniang Bayan Member

NATHAN E. LETRADO
Sangguniang Bayan Member

LOIDA B. VILLABIANCA
Sangguniang Bayan Member

AIZA K. SILVA
ABC President

**(ABSENT)
IVAN K. SALENTE**
SK Federation President

SECTION 7. SEPARABILITY CLAUSE- If for any reason, any provision portion or part of this ORDINANCE is found to be inconsistent with any law, other provision or part of parts thereof not so affected shall remain in full force and effect

SECTION 8. REPEALING OR AMENDATORY CLAUSE: All Ordinance rules and regulation or part of parts thereof, which are inconsistent or in conflict with the provision, of this Ordinance are hereby repealed, amended and or modified accordingly.


SECTION 9. EFFECTIVITY, This Ordinance shall take effect upon its approval and publication in the Local Newspaper of general circulation, and posting conspicuous place in the municipality of Pastrana Province of Leyte as required under the Local Government code of 1991, Republic Act 7160.

BE IT ORDAINED, BY THE SANGGUNIANG BAYAN IN SESSION ASSEMBLED, THAT


ENACTED AND APPROVED:

DATE: AUGUST 7, 2023

Certified True and Correct:


VERNADITH N. DIZON
Local Legislative Staff Officer II/
Sangguniang Bayan
Secretary + Designate



EL YRA A. BOHOL
Sangguniang Bayan Member



NATHAN Q. LETRODO
Sangguniang Bayan Member



LORD B. VILLABLANCA
Sangguniang Bayan Member



AIZA R. SILVA
ABC President

(ABSENT)
IVAN K. SALLENTE
SK Federation President


CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer


RODEL M. TOBILLA
Sangguniang Bayan Member


GERARDO S. CARLAN
Sangguniang Bayan Member


ANGELLINA C. DIOLA
Sangguniang Bayan Member



FEDERICO M. TAN
Sangguniang Bayan Member


ALVIN N. OPINTANO JR.
Sangguniang Bayan Member

Duly Concurred:

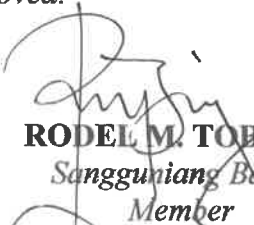
Approved by:


Attested and certified
to be duly adopted by:



CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer


MARITESS CAYACO-MARCOS, R.N.
Municipal Mayor


Approved:



RODEL M. TOBILLA
Sangguniang Bayan
Member


GERARDO S. CARIAN
Sangguniang Bayan
Member


ANGELINA C. DIOLA
Sangguniang Bayan
Member


FEDERICO M. TAN
Sangguniang Bayan
Member


ALVIN N. OPINIANO JR.
Sangguniang Bayan
Member


ELVIRA A. BOHOL
Sangguniang Bayan
Member


NATHAN G. LETRODO
Sangguniang Bayan
Member


LOIDA B. VILLABLANCA
Sangguniang Bayan
Member


AIZA C. SILVA
ABC President

(ABSENT)
IVAN K. SALIENTE
SK Federation President



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

EXCERPTS FROM THE MINUTES OF THE 47th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON JUNE 20, 2023.

RESOLUTION NO. 2023-275

A RESOLUTION RETURNING TO THE SANGGUNIANG BAYAN OF ORIGIN MUNICIPAL ORDINANCE NO. 010 SERIES OF 2023 OF PASTRANA, LEYTE.

WHEREAS, submitted to the Sangguniang Panlalawigan is **Municipal Ordinance No. 010 series of 2023 of Pastrana, Leyte** entitled: **"AN ORDINANCE IMPOSING TRUCK BAN HOUR FROM 6:00 P.M. TO 6:00 A.M. IN THE HAULING AND TRANSPORTING OF SAND AND GRAVEL WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE AND PROVIDING PENALTIES THEREOF";**

WHEREAS, the Provincial Legal Office was requested to review and submit recommendation on the subject Ordinance pursuant to Section 481 (3) (vii) of R.A. 7160;

WHEREAS, the Provincial Legal Office through Atty. Jose Raymund A. Acol, Assistant Provincial Legal Officer, per attached Indorsement rendered the following comments/opinion on Ordinance No. 010, to wit:

1. That Ordinance No. 010, S. 2023 is an exercise of the power to **REGULATE**, a police power under Section 16 of the Code;
2. That insofar as penalty of FINE is concerned, Section 447 (I), (iii) of the Code, allows a maximum fine of P2,500.00, except when violation is committed on Tax Ordinance, in which Section 516 authorize a maximum penalty of Fine of P5,000.00;

WHEREAS, the August Body, deemed it proper to return the subject Ordinance to the SB of origin for correction;


NOW, THEREFORE, on motion presented by Honorable Raissa J. Villasin, duly seconded by Atty. Carlo P. Loreto and Honorable Vincent L. Rama, be it

RESOLVED, as it is hereby resolved, to **RETURN TO THE SANGGUNIANG BAYAN OF ORIGIN MUNICIPAL ORDINANCE NO. 010 SERIES OF 2023 OF PASTRANA, LEYTE, FOR CORRECTION.**

-over-

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA JILI S. UYVICO
Secretary to the Sanggunian
X

ATTESTED:


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

Copy furnished:

LCE and the Sangguniang Bayan
of Pastrana, Leyte