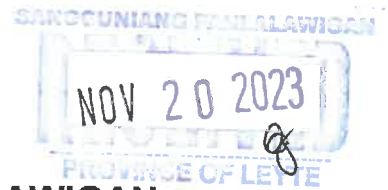


Item No.: 01

Date: 28 2023 NOV

Republic of the Philippines
Province of Leyte
Palo, Leyte
-o0o-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

IN RE: RESOLUTION NO. 2023-479- ORDERING VICE MAYOR HOMOBONO U. BARDILLON OF DAGAMI, LEYTE TO FILE HIS ANSWER ON THE ADMINISTRATIVE COMPLAINT FILED AGAINST HIM BY MR. ROLANDO ANZALE FOR VIOLATION OF SECTION 5 OF RA 6713

VERIFIED ANSWER

RESPONDENT HOMOBONO U. BARDILLON, unto this Honorable Office, most respectfully files his Verified Answer and in support thereof avers **THAT**:

1. On **07 November 2023**, herein Respondent was able to receive a copy of the Resolution No. 2023-479 dated October 10, 2023 requiring him to file his Verified Answer relative to administrative complaint filed by Mr. Rolando D. Anzale (*Mr. Anzale for brevity*) within **fifteen (15) days** from receipt thereof or up to **November 21, 2023**. In compliance thereto, he is filing the instant Verified Answer today, **November 20, 2023**; hence, filed within the reglementary period.

2. Based on the Complaint-Affidavit of Mr. Anzale dated June 15, 2023, herein Respondent is being charge for violation of Section 5 (a) of R.A. No. 6713¹, or the *Code of Conduct and Ethical Standards for Public Officials and Employees* when he allegedly failed to respond and/or made a reply to his letter dated May 10, 2023 within a period of fifteen (15) days.

3. Herein Respondent categorically, vehemently and in all candor deny the allegations that he committed the administrative offense being charged. Contrary to the self-serving allegation of Mr. Anzale, the Office of the Municipal Vice Mayor or the Sangguniang Bayan of Dagami, Leyte (*Sangguniang Bayan for brevity*) did not receive any Letter coming from him requesting for a Special Permit to conduct cockfighting activities. The evidence of Mr. Anzale as attached in his Complaint-Affidavit betrays his baseless and unfounded allusion as his Letter dated May 10, 2023 (**Annex A**)

¹ (a) Act promptly on letters and requests. - All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

wherein he was requesting for a Special Permit to conduct cockfighting activities starting May 24, 2023 to May 26, 2023 was addressed to the Honorable Municipal Mayor of Dagami, Leyte and **NOT** to the Office of the Municipal Vice Mayor or to the Sangguniang Bayan. He even admitted the same in paragraph 5 of his Complaint-Affidavit dated June 15, 2023, thus:

“4. Nevertheless, sometime on May 10, 2023, I wrote a letter to the Municipal Mayor of Dagami, Leyte, requesting for a Special Permit for Cockfighting in Commemoration of the Town Fiesta of Dagami, Leyte on May 27, 2023..xxxx”
(emphasis supplied)

4. As such, the Office of the Municipal Vice Mayor or the Sangguniang Bayan is not obligated to respond or file a reply to the said Letter dated May 10, 2023 of Mr. Anzale as required under Section 5 (a) of R.A. No. 6713 as his Letter is plainly **not** addressed to them but to a different office. From this alone, it is crystal clear that herein Respondent did not commit any acts which constitute a violation of Section 5 (a) of R.A. No. 6713. Thus, the instant administrative complaint should be dismissed outright.

5. In truth, what the Sangguniang Bayan was able to receive was a Letter dated May 17, 2023 from the Office of the Municipal Mayor of Dagami, Leyte (**Annex B in the Complaint**) wherein the Municipal Mayor was requesting the members of the Sangguniang Bayan to hold a regular/special session relative to the request of Mr. Anzale for a Special Permit to conduct cockfighting activities during the fiesta celebration which they promptly acted upon.

6. Moreover, on the face of the said Letter dated May 17, 2023 of the Office of the Municipal Mayor of Dagami, Leyte, it is clearly shown that Mr. Anzale was not furnished its copy nor it contains a *proviso* that the Sangguniang Bayan is requested to inform Mr. Anzale of its actions.

7. Upon receipt of the said Letter dated May 17, 2023, as the Sangguniang Bayan was well aware that Mr. Anzale has a pending application for *legislative franchise to establish, operate and maintain a license cockpit situated in Barangay Cansamada, Dagami, Leyte*, the Sangguniang Bayan decided to put on hold, in the interim, the regular/special session as requested by the Municipal Mayor relative to the issuance of Special Permit **considering that Mr. Anzale has yet to be granted or issued a legislative franchise to operate a licensed cockpit or gallera**. Hence, under the pertinent law, **he is not entitled to be granted or issued a license or permit for the conduct any kind cockfighting activities** whether in a regular basis or on special events, like town fiestas.

8. The said decision made by the Sangguniang Bayan was pursuant to the series of DILG Opinions relative to the issuance of permits and license of cockfighting activities, among others, **DILG Opinion No. 131 s. 2022 and DILG Opinion No. 60 series of 2019** wherein it explicitly state that:

“Thus, we opine that the **Sanggunian is authorized by law to issue a license or permit for the conduct of cockfight BUT ONLY when the same shall be conducted in a licensed cockpit or gallera.**” (*emphasis supplied*)

*Copies of the DILG Opinion No. 131 s. 2022 and DILG opinion No. 60 series of 2019 is hereto attached as **ANNEX 1 and 2** and made integral parts hereof.*

9. Nonetheless, in giving reverence to the request of the Honorable Municipal Mayor, what the Sangguniang Bayan did was to calendar the application of Mr. Anzale for its **second and third/final reading** on its 20th Regular Session on **May 23, 2023** through the Committee on Games and Amusement. *Copies of the Order and Calendar of Business of the Sangguniang Bayan’s 20th Regular Session on May 23, 2023 and its Minutes are hereto attached as **ANNEX 3 and Series** and made integral parts hereof.*

10. The purpose of including the said application of Mr. Anzale for legislative franchise to operate a licensed cockpit as one of its agenda in its regular session was that, if the said legislative franchise will be approved, the Sangguniang Bayan will then decide as to what action will it take relative to the request of Mr. Anzale to be granted a Special Permit to conduct cockfighting activities on May 24 to 26, 2023 as part of its “*other matters*” in the said regular session.

11. The Sangguniang Bayan must first decide whether to grant Mr. Anzale’s application to operate a licensed cockpit in order for him to be eligible and qualified to request and thereafter be given a Special Permit to conduct cockfighting activities and not the other way around. Otherwise, it will **put the proverbial cart ahead of the horse** by granting a special permit to do cockfight activities ahead of approval of its legislative franchise to operate a licensed cockpit.

12. However, the reading of the application for legislative franchise filed by Mr. Anzale was deferred due to several deficiencies and insufficiencies that was observed and noted by the Committee on Games and Amusement. As such, the Sangguniang Bayan decided to again calendared said application on its 21st Regular Session on **May 29, 2023** as one of its unfinished business. *Copy of the Order and Calendar of Business of the Sangguniang Bayan’s 21st Regular*

*Session on May 29, 2023 is hereto attached as **ANNEX 4** and made an integral part hereof.*

13. On May 29, 2023, a report was submitted by the Committee on Games and Amusement to defer indefinitely the third and final reading and dismissed the franchise application of Mr. Anzale because of the several deficiencies it was able to observed. Said Report was adopted by the members of the Sangguniang Bayan during the said session. *Copy of the Minutes of the Sangguniang Bayan's 21st Regular Session on May 29, 2023 is hereto attached as **ANNEX 5** and made an integral part hereof.*

14. Further, the Office of the Sangguniang Bayan, duly signed by its members, issued a Letter dated May 29, 2023 addressed to Mr. Anzale informing him of the dismissal of his application for franchise to operate a licensed cockpit. *Copy of the Letter dated May 29, 2023 is hereto attached as **ANNEX 6** and made an integral part hereof*

15. As much as the Sangguniang Bayan wanted to assist the Office of the Municipal Mayor of Dagami, Leyte relative to the request for the issuance of Special Permit by Mr. Anzale to conduct cockfighting activities even just limited to the duration of the fiesta celebration, regrettably, the members of the Sangguniang Bayan cannot just close their eyes as to the fact that Mr. Anzale is not qualified to be issued a special permit as he is not a grantee of a legislative franchise nor he is a license operator of a cockpit or *gallera*. As such, the request of the Office of the Municipal Mayor of Dagami, Leyte to conduct a special or regular hearing relative thereto was declined by the Sangguniang Bayan.

16. Otherwise, granting a Special Permit to Mr. Anzale to conduct cockfighting activities as requested by the Honorable Municipal Mayor of Dagami, Leyte despite the fact that he is clearly disqualified under the pertinent law will betray them of their sworn duty to follow the law of the land and will clearly subject the members of the Sangguniang Bayan to criminal and administrative prosecutions for violation of PD 449 as amended or the Cockfighting Law of 1974 and Sec 3(e) of Republic Act No. 3019 which provides:

SEC. 3. Corrupt practices of public officers. In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the

Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licences or permits or other concessions. (*emphasis supplied*)

17. On June 14, 2013, the Sangguniang Bayan received a Letter bearing the same date from the Office of the Municipal Mayor of Dagami, Leyte wherein it inquired as to the action/s taken by the Sangguniang Bayan relative to its Letter dated May 17, 2023. *Copy of the Letter dated June 14, 2013 is hereto attached as ANNEX 7 and made an integral part hereof.*

18. In response, a **Letter dated June 16, 2023** was issued by the Sangguniang Bayan informing the Municipal Mayor that it decided not to entertain the said request considering that Mr. Anzale's disqualification to be issued of such kind of permit as well as its basis for its action. *Copy of the Letter is hereto attached as ANNEX 8.*

19. From the foregoing, it is crystal clear that herein Respondent did not commit violation of any laws particularly Section 5 (a) of R.A. No. 6713.

20. It is a well-settled rule that administrative penalties must be supported by substantial evidence for the imposition thereof.² This is in keeping with the constitutional imperative that a person is entitled to due process of law. The Court will exercise its disciplinary authority over respondent only if the case against her is established by clear, convincing and satisfactory evidence.³

21. Further, in administrative proceedings, the complainant has the burden of proving the allegations in the complaint with substantial evidence, i.e., that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion⁴. In the instant case, Mr. Anzale failed to discharge said burden as records do not show that herein Respondent committed any acts meritorious of administrative sanction.

22. It must be remembered that while this Honorable Office has the duty to weed off abusive government officials and ensure they perform their duties with utmost efficiency, propriety and fidelity, **it is also its obligation to see to it that they are protected from unfounded suits that serve to disrupt rather than promote the orderly administration of justice. Evidently, administrative**

² Concerned Employee v. Mayor, A.M. No. P-02-1564, November 23, 2004, 443 SCRA SCRA 448, 456.

³ *Ui v. Bonifacio*, Adm. Case No. 3319, June 8, 2000, 333 SCRA 38, 52.

⁴ *Dulay v. Lelina, Jr.*, A.M. No. RTJ-99-1516, July 14, 2005, 463 SCRA 269, 274.

complaints, like in the instant case, that are clearly motivated by intentions other than the advocacy of improving public service and image of the institution should be promptly stricken off. Thus:


While the law and justice abhor all forms of abuse committed by public officers and employees whose sworn duty is to discharge their duties with utmost responsibility, integrity, competence, accountability, and loyalty, the Court must protect them against unsubstantiated charges that tend to adversely affect, rather than encourage, the effective performance of their duties and functions. While –

x x x We do not deny the citizen's right to denounce recalcitrant public officials if their incompetence or lack of integrity or qualification may adversely affect the public service, but We certainly frown upon the practice of some misguided citizens to subvert the noble ends for which administrative discipline is designed which is to purge the public service of undesirable officials. (emphasis supplied)⁵

23. In the light of the foregoing herein Respondent submissively entreats of this Honorable Office to exempt him from further humiliation and public persecution as clearly he did not commit the acts being complained of.

24. Finally, herein Respondent is executing this Verified Answer freely and voluntarily to attest to the truthfulness and veracity of the foregoing facts in answer to the barren and empty complaint filed against him, in regard to which, he humbly exhorts this Honorable Office, after due proceedings, to render its most appropriate judgment, that is, the **DISMISSAL** of the instant case filed against him, for utter lack of merit.

PRAYER



WHEREFORE, it is respectfully prayed unto this Honorable Office that the instant administrative complaint be **DISMISSED** for **utter lack of merit** based on the above discussions.

Other reliefs just and equitable are likewise prayed for.

SO PRAYED.

⁵ Maspil v. Romero, 158 Phil. 227, 228 (1974) as cited in the case of Balasbas v. Manoyao, G.R. No. 190524, February 17, 2014

VERIFIED ANSWER

Dagami, Leyte Palo, Leyte, Philippines, 20 November 2023.

HOMOBONO U. BARDILLON

Respondent

VERIFICATION

I, **HOMOBONO U. BARDILLON**, of legal age, married and resident of San Jose Street, Barangay San Antonion, District 5, Dagami, Leyte, Philippines, Philippines, after having been duly sworn to in accordance with law hereby depose and say:

1. That I am the Respondent in the instant case;

2. That I have caused the preparation of the foregoing Verified Answer, that I have read and understood all the statements therein, and that they are true and correct to the best of my personal knowledge and/or based on authentic documents; *and*

3. That the pleading is not filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation. The factual allegations therein have evidentiary support or, if specifically so identified, will likewise have evidentiary support after a reasonable opportunity for discovery.

IN WITNESS WHEREOF, I have hereunto affixed my signature this 20th day of November 2023 in Tacloban City, Philippines.

HOMOBONO U. BARDILLON

Respondent

SUBSCRIBED and SWORN, to before me this 20th day of November 2023 in Tacloban City, Philippines, Respondent showing to me his **Philippine National ID with No. 4809-6471-4975-1925** as competent proof of identity as required by the Revised Notarial Law. I hereby certify that I personally examined the respondent and I am satisfied that he voluntarily executed and understood his Verified Answer.

Doc. No. 432 ;
Page No. 88 ;
Book No. LXV ;
Series of 2023.



MARK GIL M. TADENA
NOTARY PUBLIC until DECEMBER 31, 2026
For the Province of Leyte
MC 2022-07-45 / Issued on July 21 2022
Bergant Reyes Bldg. / 69 Rizal Avenue, Tacloban City,
PTR No. 432 / R2 / 04-2022 / Tacloban City
IBP No. 191012/12-23-2022 / Leyte Chapter; Roll No. 53241
MCLE Compliance No. VII-000115 / TIN: 948-656-108



Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
 DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
<http://www.dilg.com.ph>

DILG OPINION No. 131 s.2022

October 17, 2022

THE SANGGUNIANG BAYAN OF CALATAGAN, BATANGAS
Thru: VICE-MAYOR ROGELIO H. ZARRAGA
 Presiding Officer – Sangguniang Bayan
Sbcalatagan2021@gmail.com

Dear Honorable Members of the Sangguniang Bayan:

This has reference to your e-mail dated 03 August 2022 seeking our legal opinion and/or clarification regarding the issuance of a cockfighting or "sabong" special permit. Specifically, the issue raised was quoted, viz:

"xxx nais po naming malinawan kung ang pagbibigay ng permiso (Special Permit), katulad ng sa ibang bayan, sa pangasiwaan ng sabungan upang makapagdaos ng sabong (Pintakasi, Derby o Concierto) sa araw na hindi hindi (sic) kasama sa regular na araw ng pagsasabong ay naayon sa ating batas at saklaw ng kapangyarihan ng Sanggunian".

Please be informed that the aforesaid issue has already been settled by the Department in DILG Legal Opinion No. 60, series of 2019, pertinent portion of which reads:

"xxx What is expressed in Republic Act No. 7160 (RA 7160), otherwise known as the Local Government Code of 1991, is that the Sangguniang Bayan may authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks. It is not expressed therein whether the Sangguniang Bayan may issue a special permit for the conduct of cockfight in a cockpit that has yet to secure a license or franchise to operate. Nonetheless, the answer can be gleaned from Presidential Decree No. 449 (PD 449), otherwise known as the Cockfighting Law of 1974.

Section 5(d) and (e) of PD 449 finds application. It states:

Section 5. Cockpits and Cockfighting: In General:

xxxx

(d) Holding of Cockfights. Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon resolution of the

province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary or his authorized representative: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: Provided, further, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day) November 30 (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum.

(e) Cockfighting for Entertainment of Tourists or for Charitable Purposes. Subject to the preceding subsection hereof, the Chief Constabulary or his authorized representative may also allow the holding of cockfighting for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayan", or for the support of national fund-raising campaigns for charitable purposes as may be authorized by the Office of the President, upon resolution of a provincial board, city or municipal council, in licensed cockpits or in playgrounds or parks: Provided, that this privilege shall be extended for only one time, for a period not exceeding three days, within a year to a province, city, or municipality.

With the passage of RA 7160, the authority to license the establishment and operation of cockfighting has been expressly granted to the Sanggunian. But even so, we are one with the pronouncement of the Supreme Court, in the case of Tan vs. Perea, that while RA 7160 now governs as to the authority of the Sangguniang Bayan to authorize or license establishment, operation, and maintenance of cockpits, it is still subject to the limitations laid down in PD 449. The Court even said that 'there is no dichotomy between affirming the power and subjecting it to limitations at the same time.'

Thus, we opine that the Sanggunian is authorized by law to issue a license or permit for the conduct of cockfight but only when the same shall be conducted in a licensed cockpit or gallera.

On the aspect of whether or not the Sangguniang bayan has the authority to approve the special permit granted by the Mayor for the conduct of cockfighting, we opine in the negative. RA 7160 places upon the Sangguniang Bayan, and not upon the Mayor, the authority to issue license for the operation of cockfight."

A copy of the aforesaid DILG Legal Opinion is hereto attached for ease of reference.

This opinion is being rendered without prejudice to any contrary opinion of competent authorities and the courts.

We hope to have provided sufficient guidance on the matter. Thank you.

Very truly yours,

BY AUTHORITY OF THE SECRETARY:



ATTY. JUAN VICTOR R. LLAMAS

Undersecretary for External, Legal and Legislative Affairs

OUSELLA/JVRL/LLLS-LRALLD/rjki/clp

Copy furnished:

DIRECTOR ARIEL O. IGLESIA

Regional Director, DILG – Region IV-A (CALABARZON)
3/F Andenson Bldg. 1, National Highway Brgy. Parian
Calamba City, Laguna



ANNEX " 2 "

Republic of the Philippines
DEPARTMENT OF THE INTERIOR AND LOCAL GOVERNMENT
DILG-NAPOLCOM Center, EDSA corner Quezon Avenue, West Triangle, Quezon City
http://www.dilg.gov.ph

16 SEP 2019

DILG OPINION NO. 60 S. 2019

P. KELVIN Q. LISACA
Secretary to the Sangguniang Bayan
Municipality of San Julian
Province of Eastern Samar

Dear Mr. Lisaca:

This has reference to your letter dated 22 February requesting for the Department's opinion relative to the authority of the Sangguniang Bayan to issue special permit for the conduct of cockfight in an unlicensed cockpit.

In your letter, the submitted queries are hereunder quoted in verbatim:

1. *Whether or not the Sangguniang Bayan is authorized by law to issue special permit to conduct cockfighting to a gallera that has no license or franchise to operate issued by the sangguniang bayan,*
2. *On whether or not the Sangguniang Bayan has the authority to approve special permit to conduct cockfighting granted by the mayor to a cockpit which has not been issued license or franchise by the sangguniang bayan.*

On query no. 1, we opine in the negative. What is expressed in Republic Act No. 7160 (RA 7160), otherwise known as the Local Government Code of 1991, is that the Sangguniang Bayan may authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks.¹ It is not expressed therein whether the Sangguniang Bayan may issue a special

¹ 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: xxx*

permit for the conduct of cockfight in a cockpit that has yet to secure a license or franchise to operate. Nonetheless, the answer can be gleaned from Presidential Decree No. 449 (PD 449), otherwise known as the Cockfighting Law of 1974.

Section 5 (d) and (e) of PD 449 finds application. It states:

Section 5. Cockpits and Cockfighting: In General:

xxx

(d) Holding of Cockfights. Except as provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or exposition for a similar period of three days upon resolution of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary or his authorized representative: Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: Provided, further, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence Day) November 30 (National Heroes Day), Holy Thursday, Good Friday, Election or Referendum Day and during Registration Days for such election or referendum.

(e) Cockfighting for Entertainment of Tourists or for Charitable Purposes. Subject to the preceding subsection hereof, the Chief Constabulary or his authorized representative may also allow the holding of cockfighting for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayan", or for the support of national fund-raising campaigns for charitable purposes as may be authorized by the Office of the President, upon resolution of a provincial board, city or municipal council, in licensed cockpits or in playgrounds or parks: Provided,

(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:

xxx

(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:

that this privilege shall be extended for only one time, for a period not exceeding three days, within a year to a province, city, or municipality. (Emphasis supplied).

With the passage of RA 7160, the authority to license the establishment and operation of cockfighting has been expressly granted to the Sanggunian. But even so, we are one with the pronouncement of the Supreme Court, in the case of *Tan vs. Perea*⁵, that while RA 7160 now governs as to the authority of the Sangguniang Bayan to authorize or license establishment, operation, and maintenance of cockpits, it is still subject to the limitations laid down in PD 449. The Court even said that *"there is no dichotomy between affirming the power and subjecting it to limitations at the same time."*⁶

Thus, we opine that the Sanggunian is authorized by law to issue a license or permit for the conduct of cockfight but only when the same shall be conducted in a licensed cockpit or gallera.


On the aspect of whether or not the Sangguniang Bayan has the authority to approve the special permit granted by the Mayor for the conduct of cockfighting, we opine in the negative. RA 7160 places upon the Sangguniang Bayan, and not upon the Mayor, the authority to issue license for the operation of cockfight.

This opinion is based solely on the facts narrated in the letter for our appreciation.

Very truly yours,
By the authority of the Secretary:


MARIVEL C. SACENDONCILLO, CESO III
Undersecretary

Cc: DILG Region VIII

LLLS/42


⁵ GR 149743, Feb 18, 2005

⁶ *ibid*



ORDER AND CALENDAR OF BUSINESS

MAY 23, 2023
 20th REGULAR SESSION

- I. INVOCATION
- II. CALL TO ORDER
- III. PLEDGE OF ALLEGIANCE
- IV. QUORUM
- V. REVIEW AND APPROVAL OF THE ORDER AND CALENDAR OF BUSINESS FOR THE DAY.
- VI. REVIEW AND APPROVAL OF THE MINUTES OF THE PREVIOUS SESSION DATED APRIL 11, 17, 24 AND MAY 08, 2023.

VII. UNFINISHED BUSINESS:

ITEM 1 - A RESOLUTION APPROVING THE PEACE AND ORDER AND PUBLIC SAFETY (POPS) PLAN FOR CY 2023-2025, AND ITS INCLUSIONS – LOCAL ANTI DRUG PLAN OF ACTION (LADPA), LOCAL ANTI-INSURGENCY PLAN AND LOCAL ANTI-CRIMINALITY ACTION PLAN.

a) Third/Final Reading

*Proponent: Hon. Andres Bryan M. Bayona
 Chairman Committee on Peace and Order and Public Safety*

ITEM 2 - A RESOLUTION APPROVING THE ACCREDITATION OF BARANGAY TUYA FARMERS ASSOCIATION (BTFA) OF BRGY. TUYA, DAGAMI, LEYTE.

a) Second Reading b) Third/Final Reading

*Proponent: Hon. Jose Jingle N. Sudario
 Chairman Committee on Cooperatives and Accreditation*

ITEM 3 - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER AND SIGN A USUFRUCT AGREEMENT WITH THE DEPARTMENT OF EDUCATION (DepEd), COVERING ALL LOTS DECLARED IN THE NAME OF THE MUNICIPAL GOVERNMENT OF DAGAMI, CURRENTLY USED AS SCHOOL SITE.

a) Second Reading b) Third/Final Reading

*Proponent: Hon. Jose Jingle N. Sudario
 Chairman Committee on Education and Culture*

ITEM 4 - AN ORDINANCE GRANTING A LOCAL LEGISLATIVE FRANCHISE TO MR. ROLANDO D. ANZALE TO ESTABLISH, OPERATE, AND MAINTAIN A LICENSED COCKPIT SITUATED AT BRGY. CANSAMADA, DAGAMI, LEYTE.

DET

a) Second Reading b) Third/Final Reading

*Proponent: Hon. Jetromus Jose S. Bardillon
 Chairman Committee on Games and Amusement*

ITEM 5 - **COMMITTEE REPORT: PROPONENT: HON. REO O. GABRIENTE
 CHAIRMAN COMMITTEE ON BRGY. AFFAIRS**

A RESOLUTION DECLARING AS VALID AND OPERATIVE THE BARANGAY ANNUAL BUDGET & AIP OF CY 2023 OF TWO (2) DIFFERENT BARANGAYS TO WIT:

<u>BARANGAY</u>	<u>ANNUAL BUDGET</u>	<u>AIP</u>
1) BRGY KATTIDIANAN	1 838 777 00	367.755.40

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

VIII. NEW BUSINESS:

- ITEM 1** - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE HON. ANGELITA M. DELUSA TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) AND USUFRUCT AGREEMENT FOR THE IMPLEMENTATION OF KALAHI-CIDDS PROGRAMS TO DIFFERENT BARANGAYS OF THE MUNICIPALITY.

*Proponent: Hon. Reo O. Gabriele
Chairman Committee on Brgy. Affairs*

a) First Reading b) Second Reading c) Third/Final Reading

- ITEM 2** - A RESOLUTION INTERPOSING NO OBJECTION ON THE CONSTRUCTION OF MULTI-PURPOSE BUILDING IN THE LOT LOCATED AT BARANGAY BALILIT, DAGAMI, LEYTE WITH LOT NO. 7106 CAD 503 DECLARED IN THE NAME OF MUNICIPAL GOVERNMENT OF DAGAMI."

a) First Reading b) Second Reading c) Third/Final Reading

*Proponent: Hon. Caridad B. Cabidog
Chairman Committee on Infrastructure*

- ITEM 3** - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SOS CHILDREN'S VILLAGE TACLOBAN INC., REPRESENTED BY ITS VILLAGE DIRECTOR, MA. LEA A. BATEO TO PROVIDE ALTERNATIVE PARENTAL CARE AND OTHER BASIC SERVICES TO CHILDREN IN NEED WITHIN THE MUNICIPALITY.

*Proponent: Hon. Judy M. Dumduma
Chairman Committee on Health and Social Welfare*

a) First Reading b) Second Reading c) Third/Final Reading

- ITEM 4** - A RESOLUTION ENDORSING DORELCO'S APPLICATION FOR THE GRANT OF LEGISLATIVE FRANCHISE.

a) First Reading b) Second Reading c) Third/Final Reading

*Proponent: Hon. Susan O. Mendoza
Chairman Committee on Tourism, Trade, Commerce and Industry*

- ITEM 5** - AN ORDINANCE CREATING THE POSITION OF SANITATION INSPECTOR III WITH SALARY GRADE 11 UNDER THE MUNICIPAL HEALTH OFFICE OF DAGAMI, LEYTE, AND APPROPRIATING FUNDS THEREFOR

*Proponent: Hon. Judy M. Dumduma
Chairman Committee on Rules and Privileges*

a) First Reading b) Second Reading c) Third/Final Reading

- ITEM 6** - ANDRE SANICO VS. EDMUNDO ALMERINO, CASE NO. AMC-23-02

a) First Reading b) Second Reading c) Third/Final Reading

*Proponent: Hon. Judy M. Dumduma, Jr.
Chairman Committee on Rules and Privileges*

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)


VIII. NEW BUSINESS:

- ITEM 1** - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE HON. ANGELITA M. DELUSA TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) AND USUFRUCT AGREEMENT FOR THE IMPLEMENTATION OF KALAHI-CIDDS PROGRAMS TO DIFFERENT BARANGAYS OF THE MUNICIPALITY.
- Proponent: Hon. Reo O. Gabriente
Chairman Committee on Brgy. Affairs*
- First Reading* *Second Reading* *Third/Final Reading*
- ITEM 2** - A RESOLUTION REQUESTING THE SANGGUNIANG BAYAN FOR "NO OBJECTION ON THE CONSTRUCTION OF MULTI-PURPOSE BUILDING IN THE LOT LOCATED AT BARANGAY BALILIT, DAGAMI, LEYTE WITH LOT NO. 7106 CAD 503 DECLARED IN THE NAME OF MUNICIPAL GOVERNMENT OF DAGAMI."
- First Reading* *Second Reading* *Third/Final Reading*
- Proponent: Hon. Caridad B. Cabidog
Chairman Committee on Infrastructure*
- ITEM 3** - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SOS CHILDREN'S VILLAGE TACLOBAN INC., REPRESENTED BY ITS VILLAGE DIRECTOR, MA. LEA A. BATEO TO PROVIDE ALTERNATIVE PARENTAL CARE AND OTHER BASIC SERVICES TO CHILDREN IN NEED WITHIN THE MUNICIPALITY.
- Proponent: Hon. Judy M. Dumduma
Chairman Committee on Health and Social Welfare*
- First Reading* *Second Reading* *Third/Final Reading*
- ITEM 4** - A RESOLUTION ENDORSING DORELCO'S APPLICATION FOR THE GRANT OF LEGISLATIVE FRANCHISE.
- First Reading* *Second Reading* *Third/Final Reading*
- Proponent: Hon. Susan O. Mendoza
Chairman Committee on Tourism, Trade, Commerce and Industry*
- ITEM 5** - ENACTING AN ORDINANCE CREATING THE POSITION OF SANITATION INSPECTOR III WITH SALARY GRADE 11 UNDER THE MUNICIPAL HEALTH OFFICE OF DAGAMI, LEYTE, AND APPROPRIATING FUNDS THEREFOR
- Proponent: Hon. Judy M. Dumduma
Chairman Committee on Rules and Privileges*
- First Reading* *Second Reading* *Third/Final Reading*
- ITEM 6** - ANDRE SANICO VS. EDMUNDO ALMERINO, CASE NO. AMC-23-02
- First Reading* *Second Reading* *Third/Final Reading*
- Proponent: Hon. Judy M. Dumduma, Jr.*

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

- IX.** OTHER MATTERS
- X.** ANNOUNCEMENT
- XI.** ADJOURNMENT

PREPARED BY:


HON. JUDY M. DUMDUMA, JR.
*Majority Floor Leader/Chairman
Committee on Rules and Privileges*

APPROVED BY:


HON. HOMOBONO U. BARDILLON
Municipal Vice-Mayor/Presiding Officer

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF DAGAMI

Office of the Sangguniang

MINUTES OF THE 20th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
DAGAMI, LEYTE HELD AT THE MUNICIPAL SESSION HALL ON
23rdh OF MAY 2023 AT 900 O'CLOCK IN THE MORNING

Present:

Hon. Homobono U. Bardillon	Vice-Mayor/Presiding Officer
Hon. Judy M. Dumduma, Jr.	Sangguniang Bayan Member
Hon. Rolando A. Bud-oy	Sangguniang Bayan Member
Hon. Andres Brayan M. Bayona	Sangguniang Bayan Member
Hon. Jose Jingle N. Sudario	Sangguniang Bayan Member
Hon. Caridad B. Cabidog	Sangguniang Bayan Member
Hon. Jetromus Jose S. Bardillon	Sangguniang Bayan Member
Hon. Susan O. Mendoza	Sangguniang Bayan Member
Hon. Reynaldo O. Treceña	Sangguniang Bayan Member
Hon. Reo O. Gabriente	ABC Pres./Ex-Officio Member
Hon. Mary Ahlyssa Ashley A. Gerona	SK Fed. Pres./Ex-Officio Member

Absent : None

Call to Order. The session was called to order 9: 00 in the morning.

Opening Prayer. The opening prayer was done by SB Secretary.

Panunumpa ng watawat- All the Sangguniang Bayan Members present..

Roll Call. - the roll call was made by the Sangguniang Bayan Members were present, Presiding Officer declared the existence of a quorum.

The Calendar of Business was presented to the Body for consideration. Since there was no correction nor any amendment that was registered, the same was declared approved, as presented, on motion of Hon. Judy Judy M. Dumduma Jr. and duly seconded by all Sangguniang Bayan Members present.

Minutes of the Previous Session. Copies of the minutes of the regular session held last April 11, 17, 28 and May 08, 2023 were furnished each Sangguniang Bayan Member for their perusal. the minutes are hereby approved by all Sangguniang Bayan Concerned as presented on motion by Hon. Judy M. Dumduma Jr. and duly seconded by all Sangguniang Bayan Members Present.

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

I. UNFINISHED BUSINESS:

ITEM 1 -

From Department of Interior and Local government (DILG) of the Municipality of Dagami, Leyte endorsing to Hon. Vice- Mayor thru the Sangguniang Bayan of Dagami, Leyte the herein RESOLUTION APPROVING THE PEACE AND ORDER AND PUBLIC SAFETY (POPS) PLAN FOR CY 2023-2025, AND ITS INCLUSIONS – LOCAL ANTI DRUG PLAN OF ACTION (LADPA), LOCAL ANTI-INSURGENCY PLAN AND LOCAL ANTI-CRIMINALITY ACTION PLAN. for review and approval for *Third/Final Reading*

Referred to *Hon. Andres Bryan M. Bayona*
Chairman Committee on Peace and Order and Public Safety

ITEM 2 -

From Brgy. Tuya , dagami Leyte address to the Hon. Vice Mayor thru the Sangguniang Bayan of this municipality the herein RESOLUTION APPROVING THE ACCREDITATION OF BARANGAY TUYA FARMERS ASSOCIATION (BTFA) OF BRGY. TUYA, DAGAMI, LEYTE. For review and approval for *Third and Final Reading*.

Referred to *Hon. Jose Jingle N. Sudario*
Chairman Committee on Cooperatives and Accreditation

ITEM 3 -

From the Local Chief Executive Hon. Angelita Delusa endorsing to Hon. Vice-Mayor thru the Sangguniang Bayan the herein RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER AND SIGN A USUFRUCT AGREEMENT WITH THE DEPARTMENT OF EDUCATION (DepEd), COVERING ALL LOTS DECLARED IN THE NAME OF THE MUNICIPAL GOVERNMENT OF DAGAMI, CURRENTLY USED AS SCHOOL SITE. For review and approval for *Third and Final Reading*

Referred to: *Hon. Jose Jingle N. Sudario*
Chairman Committee on Education and Culture

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

ITEM 4 -

From Rolando Anzale of Brgy. Cansamada , Dagami, Leyte addressed to Hon. Vice- Mayor thru the Sangguniang Bayan of this Municipality the herein ORDINANCE GRANTING A LOCAL LEGISLATIVE FRANCHISE TO MR. ROLANDO D. ANZALE TO ESTABLISH, OPERATE, AND MAINTAIN A LICENSED COCKPIT SITUATED AT BRGY. CANSAMADA, DAGAMI, LEYTE. For review and approval . the proponent move this item is differ indefinitely. On the second reading.

*Referred to Jetromus Jose S. Bardillon
Chairman Committee on Games and Amusement*

ITEM 5 -

From local Budget Office of this municipality addressed to Hon. Vice-Mayor thru the Honorable Sangguniang Bayan Members of this Municipality the herein RESOLUTION DECLARING AS VALID AND OPERATIVE THE BARANGAY ANNUAL BUDGET & AIP OF CY 2023 OF TWO (2) DIFFERENT BARANGAYS TO WIT:

<u>BARANGAY</u>	<u>ANNUAL BUDGET</u>	<u>AIP</u>
BRGY. KATIPUNAN	1,838,777.00	367,755.40
BRGY. SAMPALOC WEST, Dist 8	1,905,402.00	381,080.40

For review and approval for third and final Reading.

Referred to **HON. REO O. GABRIENTE**
CHAIRMAN COMMITTEE ON BRGY. AFFAIRS

NEW BUSINESS:

ITEM 1 -

From the local Chief Executive endorsing to Hon. Hon Vice – Mayor thru the Sangguniang Bayan of this Municipality the herein RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE HON. ANGELITA M. DELUSA TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) AND USUFRUCT AGREEMENT FOR THE IMPLEMENTATION OF KALAHI-CIDDS PROGRAMS TO

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

DIFFERENT BARANGAYS OF THE MUNICIPALITY. For review and approval for first reading.

Referred to *Hon. Reo O. Gabriente*
Chairman Committee on Brgy. Affairs

ITEM 2 -

From Barangay Official of Barangay Balilit , Dagami, Leyte addressed to the Hon. Vice- Mayor thru the Sangguniang Bayan of this municipality the herein RESOLUTION INTERPOSING NO OBJECTION ON THE CONSTRUCTION OF MULTI-PURPOSE BUILDING IN THE LOT LOCATED AT BARANGAY BALILIT, DAGAMI, LEYTE WITH LOT NO. 7106 CAD 503 DECLARED IN THE NAME OF MUNICIPAL GOVERNMENT OF DAGAMI. For review approval for Second, Third and final reading.

Referred to *Hon. Caridad B. Cabidog*
Chairman Committee on Infrastructure

ITEM 3 -

From Department of Social Welfare and Development addressed to the Hon. Vice – Mayor and the Sangguniang Bayan Member the herein RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SOS CHILDREN'S VILLAGE TACLOBAN INC., REPRESENTED BY ITS VILLAGE DIRECTOR, MA. LEA A. BATEO TO PROVIDE ALTERNATIVE PARENTAL CARE AND OTHER BASIC SERVICES TO CHILDREN IN NEED WITHIN THE MUNICIPALITY.

Referred to *Hon. Judy M. Dumduma*
Chairman Committee on Health and Social Welfare

ITEM 4 -

From Don Orestes Credit and Cooperative (DORELCO) of Tolosa ,Tolosa Leyte addressed to the hon. Vice- Mayor thru the Sangguniang Bayan of this Municipality the herein RESOLUTION ENDORSING DORELCO'S APPLICATION

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

FOR THE GRANT OF LEGISLATIVE FRANCHISE. For review and approval for first reading.

Referred to *Hon. Susan O. Mendoza*
Chairman Committee on Tourism, Trade, Commerce and Industry

ITEM 5-

From Office of Rural sanitary Inspector addressed to the Hon. Vice-Mayor thru the sangguniang Bayan of this Municipality the herein III WITH SALARY GRADE 11 UNDER THE MUNICIPAL HEALTH OFFICE OF DAGAMI, LEYTE, AND APPROPRIATING FUNDS THEREFOR , for review and approval for first reading.

Referred to *Hon. Judy M. Dumduma*
Chairman Committee on Rules and Privileges

ITEM 6 -

The Resolution of the Sangguniang Bayan of this municipality to the case of ANDRE SANICO VS. EDMUNDO ALMERINO, CASE NO. AMC-23-02 for review and approval for First reading.

Referred to *Hon. Judy M. Dumduma, Jr.*
Chairman Committee on Rules and Privileges

(Cont. of SB Agenda on its 20th Regular Session, dated May 23, 2023, etc.)

- IX.** OTHER MATTERS :
- X.** ANNOUNCEMENT:
- XI.** ADJOURNMENT:

I hereby certify the correctness of the foregoing minutes
dated 23 of may 2023



FLOR G. YAP
Secretary to the Sanggunian



ORDER AND CALENDAR OF BUSINESS
MAY 29, 2023
21st REGULAR SESSION

- I. INVOCATION
- II. CALL TO ORDER
- III. PLEDGE OF ALLEGIANCE
- IV. QUORUM
- V. REVIEW AND APPROVAL OF THE ORDER AND CALENDAR OF BUSINESS FOR THE DAY.
- VI. REVIEW AND APPROVAL OF THE MINUTES OF THE PREVIOUS SESSION DATED MAY 15, 2023.

VII. UNFINISHED BUSINESS:

- ITEM 1 - AN ORDINANCE GRANTING A LOCAL LEGISLATIVE FRANCHISE TO MR. ROLANDO D. ANZALE TO ESTABLISH, OPERATE, AND MAINTAIN A LICENSED COCKPIT SITUATED AT BRGY. CANSAMADA, DAGAMI, LEYTE.

a) Third/Final Reading

*Proponent: Hon. Jetermus Jose S. Bardillon
Chairman Committee on Games and Amusement*

- ITEM 2 - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE HON. ANGELITA M. DELUSA TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) AND USERUCT AGREEMENT FOR THE IMPLEMENTATION OF KALAHI-CIDDS PROGRAMS TO DIFFERENT BARANGAYS OF THE MUNICIPALITY.

*Proponent: Hon. Reo D. Gabriente
Chairman Committee on Brgy. Affairs*

a) Second Reading b) Third/Final Reading

- ITEM 3 - A RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SOS CHILDREN'S VILLAGE TACLOBAN INC., REPRESENTED BY ITS VILLAGE DIRECTOR, MA. LEA A. BATEO TO PROVIDE ALTERNATIVE PARENTAL CARE AND OTHER BASIC SERVICES TO CHILDREN IN NEED WITHIN THE MUNICIPALITY.

*Proponent: Hon. Judy M. Dumduma
Chairman Committee on Health and Social Welfare*

a) Second Reading b) Third/Final Reading

- ITEM 4 - RESOLUTION ENDORSING TO THE HOUSE OF CONGRESS THE RENEWAL APPLICATION FOR GRANT OF ELECTRIC COOPERATIVE FRANCHISE OF THE DON ORESTES ROMUALDEZ ELECTRIC COOPERATIVE (DORELCO).

a) Second Reading b) Third/Final Reading

*Proponent: Hon. Susan O. Mendoza
Chairman Committee on Tourism, Trade, Commerce and Industry*

- ITEM 5 - ANDRE SANICO VS. EDMUNDO ALMERINO, CASE NO. AMC-23-02

*Proponent: Hon. Judy M. Dumduma, Jr.
Chairman Committee on Rules and Privileges*

a) Second Reading b) Third/Final Reading

(Cont. of SB Agenda items 21 Regular Session, dated May 29, 2023, etc.)

ITEM 6 - AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR 100 OTHER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPALITY OF DAIGAMI, LEYTE.

Proponent: Hon. Judy M. Dumduma, Jr.
Chairman, Committee on Rules and Privileges
of The Municipal Council

- VIII. NEW BUSINESS:
- XII. OTHER MATTERS
- XIII. ANNOUNCEMENT
- XIV. ADJOURNMENT

PREPARED BY

HON. JUDY M. DUMDUMA, JR.
Mayor's Floor Leader/Chairman
Committee on Rules and Privileges

APPROVED BY



HON. HOMOBONO U. BARDILLON
Municipal Vice-Mayor/Presiding Officer



ANNEX "5"



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF DAGAMI

*

Office of the Sangguniang

MINUTES OF THE 21th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF
DAGAMI, LEYTE HELD AT THE MUNICIPAL SESSION HALL ON 29th OF MAY 2023 AT
900 O'CLOCK IN THE MORNING

Present:

Hon. Homobono U. Bardillon	Vice-Mayor/Presiding Officer
Hon. Judy M. Dumduma, Jr.	Sangguniang Bayan Member
Hon. Rolando A. Bud-oy	Sangguniang Bayan Member
Hon. Andres Brayan M. Bayona	Sangguniang Bayan Member
Hon. Jose Jingle N. Sudario	Sangguniang Bayan Member
Hon. Caridad B. Cabidog	Sangguniang Bayan Member
Hon. Jetromus Jose S. Bardillon	Sangguniang Bayan Member
Hon. Susan O. Mendoza	Sangguniang Bayan Member
Hon. Reynaldo O. Treceña	Sangguniang Bayan Member
Hon. Reo O. Gabriente	ABC Pres./Ex-Officio Member
Hon. Mary Ahlyssa Ashley A. Gerona	SK Fed. Pres./Ex-Officio Member

Absent : None

Call to Order. The session was called to order 9: 00 in the morning.

Opening Prayer. The opening prayer was done by SB Secretary.

Panunumpa ng watawat- All the Sangguniang Bayan Members were present..

Roll Call. -The roll call was made by the Sangguniang Bayan Members that were present, Presiding Officer declared the existence of a quorum.

The Calendar of Business was presented to the Body for consideration. Since there was no correction nor any amendment that was registered, the same was declared approved, as presented. On motion of Hon. Judy M. Dumduma Jr. and duly seconded by all Sangguniang Bayan Members present.

Minutes of the Previous Session. Copies of the minutes of the regular session held last May 15, 2023 were furnished each Sangguniang Bayan Member for their perusal. to All Sangguniang Bayan Concerned as presented. On motion by Hon. Judy M. Dumduma Jr. and duly seconded by all Sangguniang Bayan Members Present.

(Cont. Minutes of the 21st Regular Session dated May 29, 2023 etc.)

I. UNFINISHED BUSINESS:

ITEM 1 -

From Rolando Anzale of Brgy. Cansamada , Dagami, Leyte addressed to Hon. Vice- Mayor thru the Sangguniang Bayan of this Municipality the herein ORDINANCE GRANTING A LOCAL LEGISLATIVE FRANCHISE TO MR. ROLANDO D. ANZALE TO ESTABLISH, OPERATE, AND MAINTAIN A LICENSED COCKPIT SITUATED AT BRGY. CANSAMADA, DAGAMI, LEYTE. For review and approval . the proponent move this item to differ indefinitely. on the third and final reading.

*Referred to Jetromus Jose S. Bardillon
Chairman Committee on Games and Amusement*



Republic of the Philippines
Office of the Sangguniang Bayan
Dagami, Leyte

Office of the Sangguniang Bayan

May 29, 2023

ROLANDO D. ANZALE
Brgy. Cansamada East
Dagami, Leyte

Subject: Dismissal of Franchise Application

Dear Mr. Anzale:,

We regret to inform you that your application for a franchise has been dismissed by the Sangguniang Bayan due to several reasons that require immediate attention. The dismissal is based on a thorough evaluation of your application, and we would like to provide you with a comprehensive explanation of the grounds for dismissal. We believe it is essential to maintain a fair and transparent application process.

1. Special Power of Attorney (no witness, no attached valid ID):

One of the reasons for the dismissal is the lack of witnesses and valid ID attached to the Special Power of Attorney submitted with your application (specifying the Identification of **MR. ROMEO ROA PUERTOLLANO**). To ensure the authenticity and validity of this document, we kindly request you to execute a new Special Power of Attorney with the necessary witnesses and attached valid ID. This step is crucial in removing any doubts regarding the legitimacy of the issued document.

2. Proof of Financial Capacity:

To support the operational expenses of the cockpit, it is required that applicant possesses sufficient financial capacity with a considerable average daily balance for the past six months. We kindly urge you to provide evidence of your financial capacity to ensure the viability and sustainability of the proposed franchise.

(Cont. Minutes of the 21st Regular Session dated May 29, 2023 etc.)

2. Fire Safety Evaluation Clearance:

For the safety of all individuals involved, it is mandatory to obtain an updated or new Fire Safety Evaluation Clearance in your name. Additionally, the Building Permit must be attached to the clearance document. Compliance with fire safety regulations is of utmost importance, and we request your prompt action in obtaining these documents.

3. DAR Clearance:

The certification issued by the Department of Agrarian Reform (DAR) provided in your application pertains to an application for free patent, which contradicts the contract of lease document also included in your application. The contract of lease document also included in your application. The contract of lease implies that the land is owned by **Felicidad R. Puertollano**, while an application for free patent signifies that the land is without an owner. Hence, a land reclassification/conversion is required, as the existing land classification and actual use of the lot is Agricultural. The certification issued by DAR is not considered a Certificate of Eligibility for conversion and holds no bearing on the application.

4. Location Clearance:

Based on the evaluation of facts, it has been determined that the existing cockpit is situated in the Agricultural Zone. Consequently, a land conversion other than agricultural use is necessary for the proposed franchise.

5. MPDC Certification:

The Municipal Development Officer has classified the parcel of land registered to *Felicidad Puertollano* as an *Agricultural Zone*. Therefore, a *land conversion* is required to proceed with the franchise application.

6. Building Plan Design:

To ensure compliance with building regulations, it is essential to provide a building permit signed by the Municipal Engineer. This will help verify that the proposed building plan meets the necessary safety and structural requirements aligned with the *National Building Code of the Philippines*.

7. List of Documents

The documents submitted must be a certified true copy or an original copy only intended for the application of franchise.

If you wish to proceed with your application, we kindly request your full cooperation in addressing the concerns within the designated time frame. If you submit the required supplemental requirements, the Sangguniang Bayan will reconsider the deliberation of your franchise application. Upon receipt and evaluation of the additional documents, your application will be reevaluated to determine its eligibility and compliance with the necessary criteria and regulations. We encourage you to promptly provide the requested materials to expedite the reconsideration process. Thank you for your understanding and cooperation.

(Cont. Minutes of the 21st Regular Session dated May 29, 2023 etc.)

ITEM 2

From the local Chief Executive endorsing to Hon. Hon Vice – Mayor thru the Sangguniang Bayan of this Municipality the herein RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE HON. ANGELITA M. DELUSA TO ENTER INTO A MEMORANDUM OF AGREEMENT (MOA) AND USUFRUCT AGREEMENT FOR THE IMPLEMENTATION OF KALAHI-CIDDS PROGRAMS TO DIFFERENT BARANGAYS OF THE MUNICIPALITY. For review and approval for second reading.

Referred to Hon. Reo O. Gabriente
Chairman Committee on Brgy. Affairs

ITEM 3 -

From Department of Social Welfare and Development addressed to the Hon. Vice – Mayor and the Sangguniang Bayan Member the herein RESOLUTION AUTHORIZING THE LOCAL CHIEF EXECUTIVE, HON. ANGELITA M. DELUSA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE SOS CHILDREN'S VILLAGE TACLOBAN INC., REPRESENTED BY ITS VILLAGE DIRECTOR, MA. LEA A. BATEO TO PROVIDE ALTERNATIVE PARENTAL CARE AND OTHER BASIC SERVICES TO CHILDREN IN NEED WITHIN THE MUNICIPALITY. For review and approval for second reading.

Referred to Hon. Judy M. Dumduma
Chairman Committee on Health and Social Welfare

Item 4 -

From Don Orestes Romualdez Electric Credit and Cooperative (DORELCO) of Tolosa, Leyte addressed to the hon. Vice- Mayor thru the Sangguniang Bayan of this Municipality the herein RESOLUTION ENDORSING DORELCO'S APPLICATION FOR THE GRANT OF LEGISLATIVE FRANCHISE. For review and approval , for second and final reading.

Referred to Hon. Susan O Mendoza
Chairman Committee on Tourism, Trade, Commerce and Industry.

RESOLUTION NO. 2023 –158

RESOLUTION ENDORSING TO THE HOUSE OF CONGRESS THE RENEWAL APPLICATION FOR GRANT OF ELECTRIC COOPERATIVE FRANCHISE OF THE DON ORESTES ROMUALDEZ ELECTRIC COOPERATIVE (DORELCO).

WHEREAS, pursuant to issued Memorandum 2023-10 dated february 14, 2023 of the National Electric Administration (NEA), DORELCO was a front –runner for those Electric Cooperatives that needs to immediately file their application for grant of franchise before it expires on the year 2027;

(Cont. Minutes of the 21st Regular Session dated May 29, 2023 etc.)

WHEREAS, for more than fifty (50) years, the DORELCO has been in the service in providing safe electricity to its consumers that includes the Municipality of Dagami, Leyte;

WHEREAS, the Local Government Unit of Dagami, Leyte is optimistic to the renewal of Electric Cooperative Distribution Franchise of the Don Orestes Romualdez Electric Cooperative (DORELCO)

WHEREFORE, on motion of Honorable Susan O. Mendoza duly seconded by majority of the Sangguniang Bayan Members, be it

RESOLVED, as it is hereby RESOLVED, A resolution endorsing to the house of congress the renewal application for grant of electric cooperative franchise of the Don Orestes Romualdez Electric Cooperative (DORELCO).

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

Approved unanimously

Item 5-

The Resolution of the Sangguniang Bayan of this municipality to the case of ANDRE SANICO VS. EDMUNDO ALMERINO, CASE NO. AMC-23-02 for review and approval for First reading.

*Referred to Hon. Judy M. Dumduma, Jr.
Chairman Committee on Rules and Privileges*

Item 6

AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR JOB ORDER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPALITY OF DAGAMI, LEYTE for review and approval for second, third and final.

*Referred to Hon. Judy M. Dumduma, Jr.
Chairman Committee on Rules and Privileges*

ORDINANCE NO. 2023-03

AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR JOB ORDER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPAL GOVERNMENT OF DAGAMI, LEYTE.

Author: Hon. Judy M. Dumduma, Jr.
Chairman: Committee on Rules and Privileges

WHEREAS, Section 445 (a)(2) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the Vice-Mayor shall appoint all officials and employees of the Sangguniang Bayan, and Section 445 (a)(5) mandates that, he may also exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance;

(Cont. Minutes of the 21st Regular Session dated May 29, 2023 etc.)

WHEREAS, it is but fitting that the Municipal Vice-Mayor, Hon. Homobono U. Bardillon, be given authority to enter into contracts of service for job order employees in the Legislative Department of the Municipal Government of Dagami, Leyte.

WHEREFORE, on motion of Hon. Judy M. Dumduma, Jr., unanimously seconded by the members present, it was

RESOLVED, as it is hereby resolved by the Sangguniang Bayan of Dagami, assembled in session to enact the following ordinance:

MUNICIPAL ORDINANCE NO. 03-A
Series of 2023

AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR JOB ORDER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPAL GOVERNMENT OF DAGAMI, LEYTE.

Be it ordained by the Sangguniang Bayan of Dagami, Leyte to enact the following Ordinance:

SECTION 1. TITLE. This ordinance shall be known as "AN ORDINANCE AUTHORIZING THE MUNICIPAL VICE-MAYOR, HON. HOMOBONO U. BARDILLON, TO ENTER INTO CONTRACTS OF SERVICE FOR JOB ORDER EMPLOYEES IN THE LEGISLATIVE DEPARTMENT OF THE MUNICIPAL GOVERNMENT OF DAGAMI, LEYTE."

SECTION 2. AUTHORIZATION. Pursuant to Section 445 (a)(2) and Section 445 (a)(5) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, Vice-Mayor Homobono U. Bardillon shall be empowered and is authorized by the Sangguniang Bayan of Dagami, Leyte to enter into contracts of service for job order employees in the Legislative Department of the Municipal Government of Dagami, Leyte. Such power and authority shall apply to all contracts of service entered into by Vice-Mayor Bardillon after the enactment of this ordinance.

SECTION 3. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval by the Sanggunian Bayan and publication in a newspaper of local circulation.

IX. OTHER MATTERS : None

X. ANNOUNCEMENT : None

XI. ADJOURNMENT Hon. Rolando A. Bud-oy Since there is no other matters to discussed I move to adjourn the session

Session Adjourn at 11:47 AM

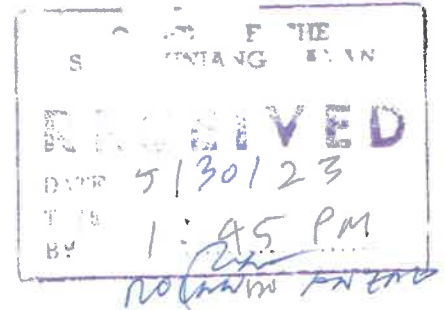
I hereby certify the correctness of the foregoing minutes dated 29 of may 2023

FLOR G. YAP
Secretary to the Sanggunian

File copy



Republic of the Philippines
Office of the Sangguniang Bayan
Dagami, Leyte



OFFICE OF THE SANGGUNIANG BAYAN

May 29, 2023

ANNEX " 6 "

Rolando D. Anzale
Brgy. Cansamada East
Dagami, Leyte

Subject: Dismissal of Franchise Application

Dear Mr. Anzale,

We regret to inform you that your application for a franchise has been dismissed by the Sangguniang Bayan due to several reasons that require immediate attention. The dismissal is based on a thorough evaluation of your application, and we would like to provide you with a comprehensive explanation of the grounds for dismissal. We believe it is essential to maintain a fair and transparent application process.

1. Special Power of Attorney (no witnesses, no attached valid ID):

One of the reasons for the dismissal is the lack of witnesses and a valid ID attached to the Special Power of Attorney submitted with your application (*specifying the Identification of Mr. Romeo Roa Puertollano*). To ensure the authenticity and validity of this document, we kindly request you to execute a new Special Power of Attorney with the necessary witnesses and an attached valid ID. This step is crucial in removing any doubts regarding the legitimacy of the issued document.

2. Proof of Financial Capacity:

To support the operational expenses of the cockpit, it is required that the applicant possesses sufficient financial capacity with a considerable average daily balance for the past six months. We kindly urge you to provide evidence of your financial capacity to ensure the viability and sustainability of the proposed franchise.

3. Fire Safety Evaluation Clearance:

For the safety of all individuals involved, it is mandatory to obtain an updated or new Fire Safety Evaluation Clearance in your name. Additionally, the Building Permit must be attached to the clearance document. Compliance with fire safety regulations is of utmost importance, and we request your prompt action in obtaining these documents.

4. DAR Clearance:

The certification issued by the Department of Agrarian Reform (DAR) provided in your application pertains to an application for free patent, which contradicts the contract of lease document also included in your application. The contract of lease implies that the land is owned by Felicidad R. Puertollano, while an application for free patent signifies that the land is without an owner. Hence, a land reclassification/conversion is required, as the existing land classification and actual use of the lot is Agricultural. The certification issued by DAR is not considered a Certificate of Eligibility for conversion and holds no bearing on the application.

5. Locational Clearance:

Based on the evaluation of facts, it has been determined that the existing cockpit is situated in the Agricultural Zone. Consequently, a land conversion other than agricultural use is necessary for the proposed franchise.

6. MPDC Certification:

The Municipal Development Officer has classified the parcel of land registered to Felicidad Puertollano as an Agricultural Zone. Therefore, a land conversion is required to proceed with the franchise application.

7. Building Plan Design:

To ensure compliance with building regulations, it is essential to provide a building permit signed by the Municipal Engineer. This will help verify that the proposed building plan meets the necessary safety and structural requirements aligned with the National Building Code of the Philippines.

8. List of Documents

The documents submitted must be a certified true copy or an original copy only intended for the application of franchise.

If you wish to proceed with your application, we kindly request your full cooperation in addressing the concerns within the designated timeframe. If you submit the required supplemental requirements, the Sangguniang Bayan will reconsider the deliberation of your franchise application. Upon receipt and evaluation of the additional documents, your application will be reevaluated to determine its eligibility and compliance with the necessary criteria and regulations. We encourage you to promptly provide the requested materials to expedite the reconsideration process. Thank you for your understanding and cooperation.

Sincerely,



HON. HOMOONO U. BARDILLON
Municipal Vice-Mayor/Presiding Officer



HON. JUDY M. DUMDUMA, JR.
SB Member



HON. ANDRES BRYAN M. BAYONA
SB Member

HON. CARIDAD B. CABIDOG
SB Member



HON. SUSAN O. MENDOZA
SB Member



HON. REO O. GABRIENTE
ABC Pres./Ex-Officio Member



HON. ROLANDO A. BUD-OY
SB Member



HON. JOSE JINGLE N. SUDARIO
SB Member



HON. JETROMUS JOSE S. BARDILLON
SB Member



HON. REYNALDO O. TRECEÑE
SB Member



HON. MARY AHLYSSA ASHLEY A. GERONA
SK Fed. Pres./Ex-Officio Member



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF DAGAMI
-oOo-

6/14/23

ANNEX " 7 "

OFFICE OF THE MAYOR

June 14, 2023

THE HONORABLE MEMBERS OF THE SANGGUNIANG BAYAN

This Municipality

Thru: **HON. HOMOBONO U. BARDILLON**
Municipal Vice Mayor / Presiding Officer

Dear Vice-Mayor Bardillon:

This is in reference to the letter of Mr. Rolando D. Anzale dated May 17, 2023 — in connection with his application for a Special Permit on Cockfighting for the Town Fiesta Celebration of Dagami last May 26- 27, 2023 which was endorsed to your good office on the same date for your appropriate action.

In connection to this, we are respectfully requesting for an update of any action taken on this matter, together with a regulation or certification if there is any, to support to the action taken by the Sangguniang Bayan.

We are looking forward for any update on this regard.

Thank You.


ANGELITA M. DELUSA
Mayor

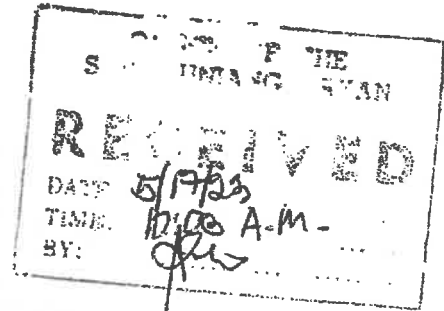
Encl:
Indorsement Letter



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF DAGAMI

-oOo-

OFFICE OF THE MAYOR



May 17, 2023

THE HONORABLE MEMBERS OF THE SANGGUNIANG BAYAN
This Municipality

Thru: **HON. HOMOBONO U. BARDILLON**
Municipal Vice-Mayor / Presiding Officer

Sirs / Madams:

Respectfully submitted Letter Request of Mr. Rolando D. Anzale to grant Special Permit for Cockfighting.

In view of this, it is requested of the honorable members of the Sangguniang Bayan to hold a regular / special session for the purpose.


ANGELITA M. DELUSA
Mayor

End:

Letter Request of Mr. Rolando D. Anzale

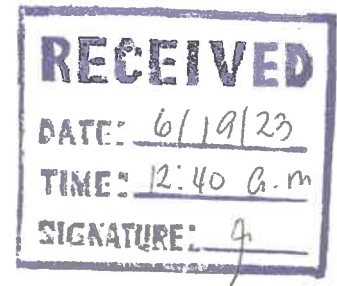


Republic of the Philippines
Province of Leyte
Office of the Sangguniang Bayan
Municipality of Dagami

ANNEX " 8 "

June 16, 2023

Hon. Angelita M. Delusa
Municipal Mayor
Dagami, Leyte



Dear Hon. Delusa,

Greetings!

This letter is written in reply to your query dated June 14, 2023, regarding the actions taken by the Sangguniang Bayan in relation to Mr. Rolando Anzale's request for a special permit to conduct cockfighting activities as part of the celebration of our town fiesta.

The Sangguniang Bayan decided not to entertain and grant the aforementioned request as Mr. Rolando Anzale is not a grantee of a legislative franchise nor is he a licensed cockpit operator. In deciding so, the Sangguniang Bayan relied upon DILG Opinion No. 131 s. 2022 and DILG Opinion No. 60 s. 2019 which states that the Sangguniang Bayan is authorized by law to issue a license or permit for the conduct of cockfighting BUT ONLY when the same shall be CONDUCTED IN A LICENSED COCKPIT OR GALLERA.

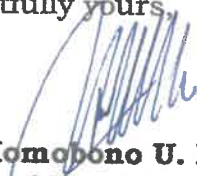
It appears that Mr. Anzale is relying upon Resolution No. 83 series of 2017 as the basis for his request. The current Sangguniang Bayan cannot grant his request as the aforementioned resolution is in contravention of Section 5(d) of P.D. 449 which states that cockfighting shall be allowed only in licensed cockpits. Furthermore, the Supreme Court held in the case of Municipality of Parañaque vs. V.M. Realty Corporation, G.R. No. 127820, that a municipal ordinance is different from a resolution. An ordinance is a law, but a resolution is merely a declaration of the sentiment or opinion of a lawmaking body on a specific matter. An ordinance possesses a general and permanent character, but a resolution is temporary in nature. Thus, Mr. Anzale's reliance upon Resolution No. 83 series of 2017 is untenable.

Although Mr. Rolando Anzale is an applicant for a grant of a legislative franchise, such application does not give him legal standing to apply for a special permit to conduct cockfighting activities within the municipality. The Supreme Court in ABS-CBN vs. NTC, G.R. No. 252119, provides that a franchise is a privilege granted by the State through its legislative body subject to regulation by the State itself. To reiterate a franchise is a privilege granted by the state and not a demandable right of an individual or a corporation. As it stands, he is not yet a grantee of a legislative franchise, thus Mr. Anzale is without legal standing to request for a special permit to conduct cockfighting

Due to the aforementioned reasons, the Sangguniang Bayan decided not to entertain and grant Mr. Rolando Anzale's request for a special permit to conduct cockfighting activities as part of the celebration of our town fiesta.

Attached herewith is a copy of DILG Opinion No. 131 s. 2022 and DILG Opinion No. 60 s. 2019 for your perusal and guidance.

Respectfully yours,



Hon. Homopono U. Bardillon
Municipal Vice-Mayor
Dagami, Leyte



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-oOo-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 62nd REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE ON OCTOBER 10, 2023.

RESOLUTION NO. 2023-479

A RESOLUTION ORDERING VICE MAYOR HOMOBONO U. BARDILLON OF DAGAMI, LEYTE TO FILE HIS VERIFIED ANSWER ON THE ADMINISTRATIVE COMPLAINT FILED AGAINST HIM BY MR. ROLANDO ANZALE FOR VIOLATION OF SECTION 5 OF R.A. 6713.

WHEREAS, submitted to the Sangguniang Panlalawigan is a copy of a **Complaint Affidavit** of Mr. Rolando D. Anzale against Vice Mayor Homobono U. Bardillon for Violation of Section 5 of RA 6713 otherwise known as An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees;

WHEREAS, the August Body, deemed it proper to ORDER Vice Mayor Bardillon to file his Verified Answer within a period of fifteen (15) days from receipt hereof and submit fifteen (15) copies pursuant to the Procedure in Administrative Disciplinary Proceedings of the Sangguniang Panlalawigan.

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

RESOLVED, as it is hereby resolved, **TO ORDER VICE MAYOR HOMOBONO U. BARDILLON OF DAGAMI, LEYTE TO FILE HIS VERIFIED ANSWER ON THE ADMINISTRATIVE COMPLAINT FILED AGAINST HIM BY MR. ROLANDO ANZALE FOR VIOLATION OF SECTION 5 OF R.A. 6713, WITHIN FIFTEEN (15) DAYS UPON RECEIPT OF THIS RESOLUTION.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.

FLORINDA JILL S. RUVICO
Secretary to the Sanggunian

ATTESTED:


HON. MICHAEL L. CARI
5th District Board Member
Temporary Presiding Officer

-over-