

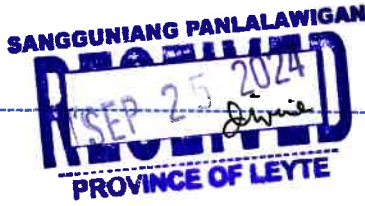
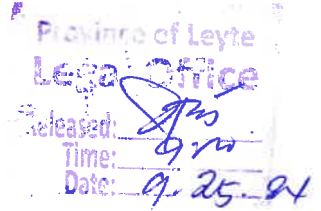
Item No.: 07

Date: 01 2024 OCT



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
September 23, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 05 series of 2024 of the Sangguniang Bayan of Tunga, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 05 series of 2024 entitled: **“An Ordinance Granting Franchise Renewal to Capt. Salvacion Cockpit Arena, Represented by Mrs. Lina Salvacion Mojica, to Establish, Operate, and Maintain a Cockpit Arena in the Municipality of Tunga, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(3)(v)¹ of the Local Government Code of 1991 (R.A 7160). Hence, recommending for the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

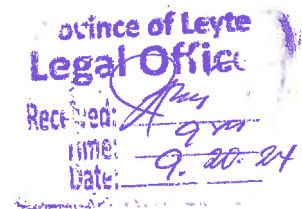
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ (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;

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

1ST INDORSEMENT
20 September 2024

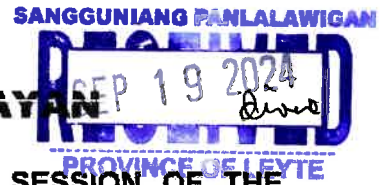


The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 05, series of 2024** of **Tunga, Leyte**, entitled: **An Ordinance Granting Franchise Renewal to Capt. Salvacion Cockpit Arena, Represented by Mrs. Lina Salvacion Mojica, to Establish, Operate, and Maintain a Cockpit Arena in the Municipality of Tunga, Leyte.**


FLORINDA JILL S. MYVICO
Secretary to the Sanggunian



REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 99TH REGULAR SESSION OF THE SANGGUNIANG BAYAN, TUNGA, LEYTE HELD ON SEPTEMBER 9, 2024 AT THE SB SESSION HALL.

PRESENT:

- | | | |
|-----------------------------|---|---|
| Hon. Egidio G. Baac | - | Municipal Vice-Mayor/Presiding Officer |
| Hon. Martiniano F. Requiez | - | SR Member |
| Hon. Edmundo O. Labarda | - | SB Member |
| Hon. Joselito L. Arintoc | - | SB Member |
| Hon. Lemuel G. Ponferrada | - | SB Member |
| Hon. Marietta A. Catalo | - | SB Member |
| Hon. Rex S. Ergina | - | SB Member |
| Hon. Jose Capoporo A. Uribe | - | SB Member |
| Hon. Severino B. Sari | - | SB Member |
| Hon. Leo Van C. Delgado | - | Ex-Officio Member/SK Federation President |

ABSENT:

- | | | |
|-----------------------------|---|---------------------------------|
| Hon. Florentina A. Obsequio | - | Ex-Officio Member/ABC President |
|-----------------------------|---|---------------------------------|

MUNICIPAL ORDINANCE NO. 05
Series of 2024

AN ORDINANCE GRANTING FRANCHISE RENEWAL TO CAPT. SALVACION COCKPIT ARENA, REPRESENTED BY MRS. LINA SALVACION MOJICA, TO ESTABLISH, OPERATE, AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF TUNGA, LEYTE.

Sponsors: Hon. Joselito L. Arintoc
Co-Sponsors: Hon. Lemuel G. Ponferrada
Hon. Rex S. Ergina
Hon. Jose Capoporo A. Uribe

WHEREAS, Pursuant to Section 447(a)(3)(V) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, 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 under Section 22 of this Code, and shall:

(3) Subject to the provisions of Book 11 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:

(3v) 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;

WHEREAS, Section 6 of Presidential Decree No. 449 authorizes city and municipal mayors to issue licenses for the operation and maintenance of cockpits subject to the approval of the Chief of Constabulary or his authorized representatives. For this purpose, ordinances will be promulgated for the imposition and collection of taxes and fees not exceeding the rates fixed under Section 13, paragraphs (a) and (b), and Section 19, paragraph (g) 16 of Presidential Decree No. 231, dated June 28, 1973, otherwise known as the Local Tax Code, as amended;

WHEREAS, Capt. Salvacion Cockpit Arena, represented by Mrs. Lina Salvacion Mojica, has applied for the renewal of franchise to establish, operate, and maintain a cockpit arena in the municipality of Tunga, Leyte;

WHEREAS, the Municipality of Tunga has approved Cockfighting Ordinance as per Sangguniang Panlalawigan Resolution No. 2019-81 dated February 11, 2019;

WHEREAS, upon consideration of the guidelines in the grant of franchise to operate cockpit as provided for the prescribed under existing laws appears that Mrs. Lina Salvacion Mojica, a Filipino citizen and resident of Tunga, Leyte had substantially complied said requirements;

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF TUNGA, LEYTE IN SESSION ASSEMBLED, that:

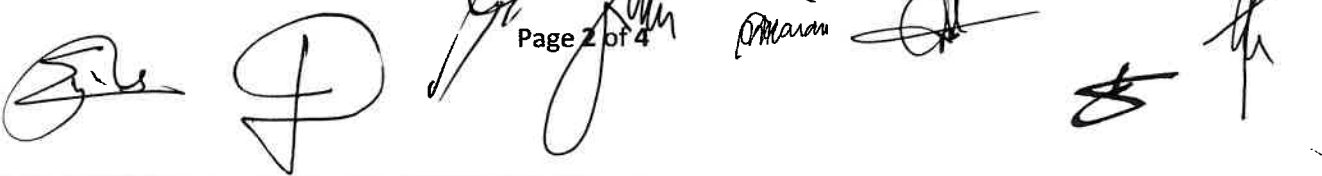
SECTION 1. A franchise is hereby granted to Capt. Salvacion Cockpit Arena, represented by Mrs. Lina Salvacion Mojica, hereafter referred to as the "Franchisee," to establish, operate, and maintain a cockpit arena in the Municipality of Tunga, Leyte subject to the Zoning Ordinance.

SECTION 2. NATURE, SCOPE, AND GRANT OF FRANCHISE – Subject to the provisions of applicable laws, rules and regulations, a franchise to operate and maintain a cockpit within the Municipality of Tunga, Leyte is hereby granted to Capt. Salvacion Cockpit Arena, represented by Mrs. Lina Salvacion Mojica, a Filipino citizen and resident of Tunga, Leyte, herein referred to as the Grantee. As such, she is authorized to establish and operate one (1) cockpit arena specifically located at Brgy. San Vicente, Tunga, Leyte.

SECTION 3. DECLARATION OF FRANCHISE – Unless sooner revoked or cancelled, this franchise shall be valid for a period of three (3) years with the option on the part of the Grantee to renew the same for a similar period and subject to the approval of the Sangguniang Bayan.

SECTION 4. AUTHORITY OF THE OFFICE OF THE MAYOR. The Grantee shall apply and secure the required business permit to operate from the Office of the Mayor and the latter shall have the authority to require compliance of all existing laws, ordinances, rules and regulations similarly imposed to all business establishments, and impose conditions thereto as are expressly or impliedly necessary for the protection of the welfare and safety of all persons going or transacting in said cockpit.

SECTION 5. PROHIBITION ON SALE, LEASE, USUFRUCT, AND TRANSFER OF FRANCHISE – This franchise is non-transferable in character. As such, the Grantee shall



not sell, assign, lease, grant the usufruct of, or transfer this franchise including any rights and privileges acquired there under to any person, natural or juridical, firm or other entities, nor merge with any corporation or individual without the prior notice and approval of the Sangguniang Bayan.

SECTION 6. MANDATORY PAYMENT OF TAXES AND FEES PROVISIONS – The Grantee shall be liable to pay all taxes and other fees prescribed by the Municipal Ordinance No. 3, series of 2017 of the Municipality Treasurer. Said assessments shall be without prejudice to the subsequent impositions as may be adopted or hereafter maybe required by law or ordinance. Failure on the part of the grantee to promptly and regularly comply with said tax obligations shall be a ground for the revocation or cancellation of this franchise.


SECTION 7. IMPOSITION OF FEES – Payment of fees, dues and other regularly fees required for the operation and maintenance of cockpit shall in accordance with the Municipal Ordinance No.3, s. 2017, an ordinance regulating the establishment, operation and maintenance of a cockfighting Arena within the Municipality of Tunga, Leyte.

SECTION 8. REVOCATORY CLAUSE – This franchise including the complimenting business permit to operate shall be automatically revoked or canceled upon showing of any non-compliance of the conditions set forth therein, and for any violation of the provisions of PD 449 and other pertinent ordinances, rules, and regulations.


~~SECTION 9. EFFECTIVITY~~ – ~~This Ordinance shall take effect immediately upon approval.~~

ENACTED by the Sangguniang Bayan, in session assembled this 9th day of September 2024 at Tunga, Leyte.

I **HEREBY CERTIFY** to the correctness of the foregoing Municipal Ordinance.


NAOMI C. ARCALLANA
Secretary to the Sanggunian


ATTESTED:


EGIDIO G. BAAC
Municipal Vice Mayor/Presiding Officer



MARTINIANO F. REQUIEZ
SB Member



EDMUNDO O. LABARDA
SB Member



JOSELITO L. ARINTOC
SB Member



LEMUEL G. PONFERRADA
SB Member



MARIETTA A. CATALO
SB Member



REX S. ERGINA
SB Member



JOSE CAPOPORO A. URIBE
SB Member




SEVERINO B. SARI
SB Member

(absent)
FLORENTINA A. OBSEQUIO
Ex-Officio/ABC President



LEO VAN C. DELGADO
Ex-Officio/SK Fed. President

APPROVED:



REINBERT C. COSTELO
Municipal Mayor
Date: ca. 12: 24



REPUBLIC OF THE PHILIPPINES
Province of Leyte
MUNICIPALITY OF TUNGA
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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that *Municipal Ordinance No. 05, S. 2024* entitled: **“AN ORDINANCE GRANTING FRANCHISE RENEWAL TO CAPT. SALVACION COCKPIT ARENA, REPRESENTED BY MRS. LINA SALVACION MOJICA, TO ESTABLISH, OPERATE, AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF TUNGA, LEYTE”**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Issued this 19th day of September, 2024 at Tunga, Leyte.

NAOMI C. ARCALLANA
Secretary to the Sanggunian