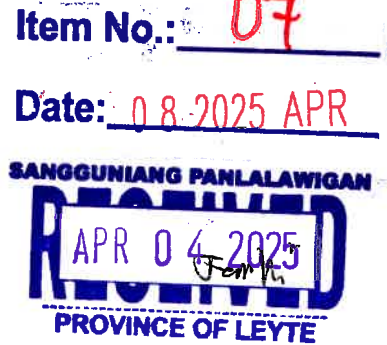




Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT

April 3, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 491 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 491 entitled: **“An Ordinance granting franchise to Mr. Orly R. Casido to operate and maintain a cockpit arena., etc.”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under 447(a)(3)(v)¹ of the Local Government Code of 1991 (R.A 7160). Hence, we recommend 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
Provincial Legal Officer ✓

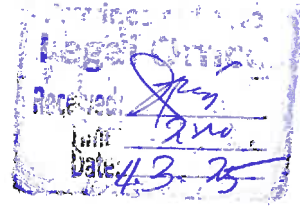
¹ (3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the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

(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
Palo, Leyte
-000-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
03 April 2025



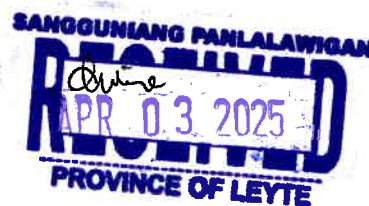
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 491** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance granting franchise to Mr. Orly R. Casido to operate and maintain a cockpit arena om the Municipality of Babatngon, Leyte.**

FLORINDA JULL S. UYVICO
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN

03 April 2025



Honorable Leonardo M. Javier, Jr,
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Leyte Provincial Government Complex
Palo, Leyte

Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Municipal Ordinance No. 491 of the Sangguniang Bayan of the Municipality of Babatngon, Leyte, entitled: "AN ORDINANCE GRANTING FRANCHISE TO MR. ORLY R. CASIDO TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF BABATNGON, LEYTE." Subject Ordinance is being forwarded to that Body for review in compliance with Section 56 (a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 491
2. Certification of Posting

Please find them in order and praying for your favorable action thereof.

Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





SANGGUNIANG PANLALAWIGAN

APR 03 2025
Province of Leyte

OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG BAYAN
BABATNGON, LEYTE
RELEASED
BY: [Signature]
DATE: April 3, 2025
TIME: 1:00 pm

EXCERPT FROM THE MINUTES OF THE 135th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 24th DAY OF MARCH 2025 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE
RECEIVED

BY: [Signature]
DATE: 04-03-25
TIME: 9:20 am

ORDINANCE NO. 491

AN ORDINANCE GRANTING FRANCHISE TO MR. ORLY R. CASIDO TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF BABATNGON, LEYTE

- Author: HON. FEDERICO P. ELIZAGA, JR. – SB Member
- Co-Authors: Hon. Christian C. Lawsin – SB Member
 Hon. Kemuel Rue M. Corsiga – SB Member
 Hon. Karl Jomar L. Embana – SB Member
 Hon. Ildefonso B. Odon – SB Member
 Hon. Hilarion S. Menzon – SB Member
 Hon. Alex Veloso Bello – SB Member
 Hon. Edgardo Y. Morden – AB President
 Hon. Jude Lemwel B. Vethimvas – SK President

BE IT ENACTED by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

WHEREAS, the Sangguniang Bayan as a legislative body, by express provision of law is empowered and authorized to license and grant franchise for the establishment, operation and maintenance of cockpits, regulate cockfighting activities and breeding of fighting cocks within its territorial jurisdiction, provided that existing rights should not be prejudiced;

WHEREAS, Mr. Orly R. Casido, in his individual capacity has filed his application to be granted a franchise to operate a cockpit arena at Sitio Tab-ang, Brgy. District III, Babatngon, Leyte;

WHEREAS, upon consideration of the guidelines in the grant of franchise to operate cockpit as provided for and prescribed under existing laws appears that Mr. Orly R. Casido, a Filipino citizen and resident of Brgy. Guintigui-an, Babatngon, Leyte;

WHEREAS, that upon assumption of July 2022 into office of the present administration, it was found out that no Existing Franchise for Cockpit Operation of Babatngon, Leyte approved by the Sangguniang Bayan.

NOW, THEREFORE, BE IT ORDAINED THAT:

SECTION 1. NATURE, SCOPE, 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 Babatngon, Leyte is hereby granted to Mr. Orly R. Casido, a Filipino citizen and resident of Brgy. Guintigui-an (herein referred to as the Grantee). As such, he is authorized to establish and operate one (1) cockpit arena specifically located at Sitio Tab-ang, Brgy. District III, Babatngon, Leyte;

SECTION 2. DECLARATION OF FRANCHISE. – Unless sooner revoked or cancelled this franchise shall be valid for a period of Five (5) years on March 24, 2025 to March 24, 2030, 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 provided no violation had been committed by the Franchisee.

SECTION 3. 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 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 4. PROHIBITION OR 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 thereunder 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;



OFFICE OF THE SANGGUNIANG BAYAN


SECTION 5. MANDATORY PAYMENT OF TAXES AND FEES PROVISION. – The Grantee shall be liable to pay all taxes and other fees prescribed by the Revised Revenue Code of the Municipality of Babatngon, Leyte of the Municipal Treasurer. Said assessments shall be without prejudice to the subsequent impositions as may be adopted or hereafter may be 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 6. REVOCATORY CLAUSE. – This franchise including the complimenting business permit to operate shall be automatically revoked or cancelled 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 7. EFFECTIVITY. – This ordinance shall take effect immediately upon its approval.

ENACTED and APPROVED this 24th day of March 2025 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED:


HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor and
Presiding Officer


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member

(Sick Leave)


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng Sangguniang Kabataan



HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 03 APRIL 2025



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 03 April 2025 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder ordinance, to wit:

1. **ORDINANCE NO. 491 – AN ORDINANCE GRANTING FRANCHISE TO MR. ORLY R. CASIDO TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF BABATNGON, LEYTE.**

Made this 3rd day of April 2025 at Babatngon, Leyte.

A handwritten signature in blue ink, appearing to read "A33".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

