



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City
-oOo-

PROVINCIAL LEGAL OFFICE

Province of Leyte
Legal Office
Time: *Agus*
Date: *5.6.25*

SANGGUNIANG PANLALAWIGAN
RECEIVED
MAY 06 2025
PROVINCE OF LEYTE

2nd INDORSEMENT
April 28, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 495 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 495 entitled: **“An Ordinance correcting the first name of “Orly” to “Orlie” in Municipal Ordinance No. 491, otherwise known as “ Ordinance granting franchise to Mr. Orly R. Casido to operate and maintain cockpit arena in the Municipality of Babatngon, Leyte .”**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power for it is within the powers of the Local Council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution¹, subject to the availability of funds and to normal and regular accounting and auditing procedures. It is likewise recommended to change the docket number of the amending Ordinance to avoid confusion, since it is the same as the Ordinance sought to be amended. 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 the 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 (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

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

1ST INDORSEMENT
23 April 2025

APR 24 2025
4. 24. 25

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 495** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance correcting the first name "Orly" to "Orlie" in Municipal Ordinance No. 491, otherwise known as "Ordinance granting franchise to Mr. Orly R. Casido to operate and maintain cockpit arena in the Municipality of Babatngon, Leyte.**


FLORINDA JILUS UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
Municipality of Babatngon



OFFICE OF THE SANGGUNIANG BAYAN

22 April 2025

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

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City



Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Municipal Ordinance No. 495 of the Sangguniang Bayan of the Municipality of Babatngon, Leyte, entitled: "AN ORDINANCE CORRECTING THE FIRST NAME "ORLY" TO "ORLIE" IN MUNICIPAL ORDINANCE NO. 491 OTHERWISE KNOWN AS, " 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. 495
2. Certification of Posting
3. Photocopy of Ordinance No. 491

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





RELEASED

BY: *AgB*
DATE: April 22, 2025
TIME: 9:30 AM

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 139th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 21st DAY OF APRIL, 2025 AT THE SD SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

RECEIVED

BY: *W*
DATE: 04/21/25
TIME: 01:01 PM

ORDINANCE NO. 495

AN ORDINANCE CORRECTING THE FIRST NAME "ORLY" TO "ORLIE" IN MUNICIPAL ORDINANCE NO. 491 OTHERWISE KNOWN AS, "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.
Sangguniang Bayan Member

22 APR 2025

WHEREAS, the Sangguniang Bayan of Babatngon, Leyte has enacted Municipal Ordinance No. 491 otherwise known as, "AN ORDINANCE GRANTING FRANCHISE TO MR. ORLY R. CASIDO TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF BABATNGON, LEYTE";

WHEREAS, the Municipal Ordinance No. 491 has been submitted to the Sangguniang Panlalawigan for review;

WHEREAS, upon perusal of the said ordinance the first name of the franchisee was erroneously recorded as "ORLY" instead of "ORLIE";

WHEREAS, upon review of the supporting documents attached to the application of the said franchise the first name "ORLIE" has been used;

WHEREAS, the name "ORLY" as appearing in Municipal Ordinance No. 491 and "ORLIE" as appearing in the supporting documents attached to the application of the said franchise is one and the same person.

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Babatngon, Leyte, in session assembled, that:

SECTION 1. Title - This ordinance shall be known as "AN ORDINANCE CORRECTING THE FIRST NAME "ORLY" TO "ORLIE" IN MUNICIPAL ORDINANCE NO. 491 OTHERWISE KNOWN AS, "AN ORDINANCE GRANTING FRANCHISE TO MR. ORLY R. CASIDO TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF BABATNGON, LEYTE."

SECTION 2. Declaration - The name "ORLY" as it appears in Municipal Ordinance No. 491, is corrected to "ORLIE" is hereby approved.

SECTION 3. Effectivity - This Ordinance shall take effect upon approval.

ENACTED and APPROVED this 21st day of April 2025 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

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

ATTESTED:

[Signature]
HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member
Temporary Presiding Officer

(Mandatory Leave)
HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor




HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


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

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 22 APRIL 2025







OFFICE OF THE SANGGUNIANG BAYAN


CERTIFICATION

TO WHOM THIS MAY CONCERN:

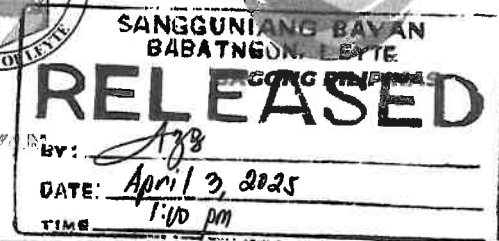
This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 22 April 2025 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder ordinance, to wit:

- 1. ORDINANCE NO. 495 – AN ORDINANCE CORRECTING THE FIRST NAME “ORLY” TO “ORLIE” IN MUNICIPAL ORDINANCE NO. 491 OTHERWISE KNOWN AS, “ AN ORDINANCE GRANTING FRANCHISE TO MR. ORLY R. CASIDO TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF BABATNGON, LEYTE.”**

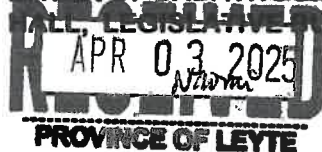
Made this 22nd day of April 2025 at Babatngon, Leyte.


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





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.



ORDINANCE NO. 491

BY: *[Signature]*
DATE: 04/03/25
TIME: 9:20 AM

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;

Republic of the Philippines
Province of Leyte
Municipality of Babatngon



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 LEWEL B. VETHIMVAS
President
Pambayang Pederasyon ng Sangguniang Kabataan


HON. KEMBEL RUE M. CORSIGA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. HILARIO S. MENZON
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 09 APRIL 2025