

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
SANGGUNIANG PANLALAWIGAN
Palo, Leyte

Item No.: 56
Date: 09 2026 JUN

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: JUN 05, 2026
By: about 3:45pm

PATRICK V. MAKABENTA,
Petitioner,

IN RE: PETITION FOR REVIEW OF
MUNICIPAL ORDINANCE NO. 2026-054
OF THE MUNICIPALITY OF CARIGARA, LEYTE

-versus-

SANGGUNIANG BAYAN OF CARIGARA, LEYTE,
and HON. EDUARDO T. ONG, JR., in his capacity
as Municipal Mayor of Carigara, Leyte,

Respondents

PRELIMINARY COMMENT AND MANIFESTATION

COMES NOW, Respondent **HON. EDUARDO T. ONG, JR.**, Municipal Mayor of Carigara, Leyte, and unto this Honorable Committee, respectfully states:

1. Respondent respectfully states that on May 28, 2026, he received a letter from the Committee on Games and Amusement and the Committee on Rules, Laws and Privileges requiring the submission of a written Comment on the Petition for Review filed by Mr. Patrick V. Makabenta assailing Municipal Ordinance No. 2026-054. The Committee required Respondent to file his Comment within fifteen (15) days from receipt of the said communication. Accordingly, this Comment is being submitted within the reglementary period prescribed by the Committee and in faithful compliance with its directive.
2. At the outset, it is respectfully submitted that the instant Petition appears to be anchored on Section 56 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991. A careful reading of the said provision, however, reveals that it pertains exclusively to the administrative review mechanism governing ordinances and resolutions enacted by the Sangguniang Bayan and subsequently transmitted to the Sangguniang Panlalawigan for review as to their validity and conformity with existing laws. The provision contemplates an intergovernmental supervisory process between local legislative bodies and does not establish an adversarial or quasi-judicial proceeding involving opposing parties, such as a complainant and a respondent, where factual and legal issues are litigated and determined.
3. The present Petition, by its nature and allegations, seeks the resolution of disputed rights and the determination of the validity and enforceability of governmental action through a proceeding that is akin to a judicial remedy. Such matters necessarily call for the exercise of judicial power, including the reception and evaluation of evidence, the determination of questions of law and fact, and the

adjudication of rights and obligations between parties. These functions do not fall within the scope of the review authority contemplated under Section 56 of Republic Act No. 7160.

4. Accordingly, it is the respectful position of the Respondent that the issues raised in the Petition are not properly cognizable by this Office under the administrative review authority provided by the Local Government Code.
5. The issues raised in the Petition involve questions concerning the validity, effect, interpretation, and legal consequences of Municipal Ordinance No. 2026-054, particularly with respect to the revocation or cancellation of Municipal Ordinance No. 2022-133 granting a cockpit franchise.
6. Considering the legal significance of the issues raised and the authority of the Honorable Sangguniang Panlalawigan to review municipal ordinances pursuant to the Local Government Code of 1991, Respondent respectfully seeks the guidance, legal opinion, and determination of the Provincial Legal Office and the Honorable Sangguniang Panlalawigan on the matters presented in the Petition for Review.
7. Respondent respectfully submits that the review proceedings presently pending before the Honorable Sangguniang Panlalawigan constitute the proper and appropriate forum for the clarification and determination of the legal issues raised concerning Municipal Ordinance No. 2026-054 and its conformity with existing laws, rules, and regulations.
8. Significantly, the ordinance has not yet been implemented by the Respondent, as the publication required by law for its validity and effectivity has not yet been undertaken. Moreover, Respondent continues to await and seek the requisite review and approval of the Honorable Sangguniang Panlalawigan before any implementation thereof may be considered.
9. Consequently, the concerns raised in the instant Petition are matters that may be more properly addressed and resolved in the course of the ongoing review proceedings, where the legality, propriety, and consistency of the ordinance with prevailing law may be thoroughly examined by the competent reviewing authority.
10. In the meantime, Respondent respectfully manifests his full cooperation with the proceedings and his willingness to submit such additional documents, records, and information as may be required by this Honorable Committee in aid of its evaluation and determination of the issues presented.

WHEREFORE, premises considered, Respondent respectfully submits this Preliminary Comment and Manifestation and respectfully seeks the guidance, legal opinion, and determination of the Honorable Sangguniang Panlalawigan on the legal issues raised in the Petition for Review.

Other reliefs just and equitable under the premises are likewise prayed for.

Respectfully submitted.

Carigara, Leyte, Philippines, this 2nd day of June, 2026.

EDUARDO T. ONG, JR.
Municipal Mayor



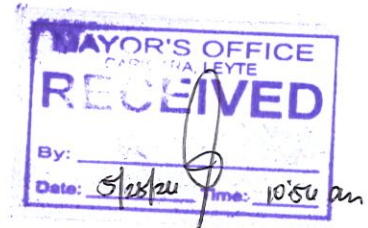
Republic of the Philippines
PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Palo, Leyte
-oOo-



COMMITTEE ON GAMES and AMUSEMENT

May 26, 2026

HON. EDUARDO T. ONG, JR.
Municipal Mayor
Municipality of Carigara



Dear Hon. Ong,

This refers to the *Petition for Review* filed by Patrick V. Makabenta, entitled: "*Patrick V. Makabenta, Petitioner, versus Sangguniang Bayan of Carigara, Leyte, and Hon. Eduardo T. Ong, Jr., in his capacity as Municipal Mayor of Carigara, Leyte, Respondents,*" seeking the review of Municipal Ordinance No. 2026-054 of the Municipality of Carigara, Leyte.

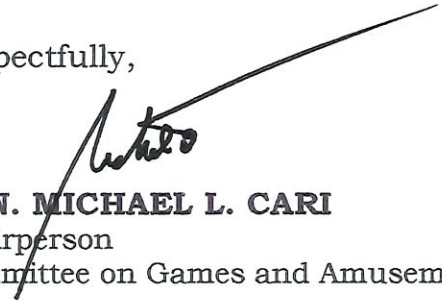
The foregoing *Petition for Review* was duly received by the Sangguniang Panlalawigan on May 21, 2026. Pursuant to its authority under the Local Government Code of 1991, particularly the power of the Sangguniang Panlalawigan to review ordinances enacted by component cities and municipalities within its jurisdiction, the matter was included in the agenda of its regular session and thereafter referred to the Committee on Games and Amusements and the Committee on Rules, Laws, and Privileges for appropriate study, evaluation, and recommendation.

In connection therewith, and in observance of the fundamental requirements of due process and administrative fairness, this Committee respectfully requires the Respondents to submit their respective written Comment on the aforesaid *Petition for Review* within fifteen (15) days from receipt hereof.

The Committee expresses its appreciation for your cooperation and assistance in the orderly and expeditious resolution of this matter.

Thank you very much.

Respectfully,


HON. MICHAEL L. CARI
Chairperson
Committee on Games and Amusements



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



COMMITTEE ON GAMES and AMUSEMENT

May 26, 2026

THE HONORABLE MEMBERS
Sangguniang Bayan of Carigara
Carigara, Leyte



Sirs/Mesdames:

This refers to the *Petition for Review* filed by Patrick V. Makabenta, entitled: "*Patrick V. Makabenta, Petitioner, versus Sangguniang Bayan of Carigara, Leyte, and Hon. Eduardo T. Ong, Jr., in his capacity as Municipal Mayor of Carigara, Leyte, Respondents,*" seeking the review of Municipal Ordinance No. 2026-054 of the Municipality of Carigara, Leyte.

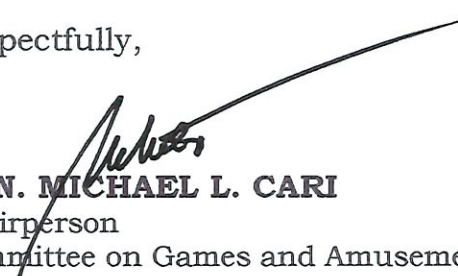
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The Committee expresses its appreciation for your cooperation and assistance in the orderly and expeditious resolution of this matter.

Thank you very much.

Respectfully,


HON. MICHAEL L. CARI
Chairperson
Committee on Games and Amusements

Item No.: 43

Date: 26 2026 MAY

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: MAY 21 2026

By: Jenny N

REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
SANGGUNIANG PANLALAWIGAN
Tacloban City

PATRICK V. MAKABENTA,
Petitioner,

-versus-

IN RE: PETITION FOR REVIEW OF
MUNICIPAL ORDINANCE NO.
2026-054 OF THE MUNICIPALITY
OF CARIGARA, LEYTE

**SANGGUNIANG BAYAN OF
CARIGARA, LEYTE, and HON.
EDUARDO T. ONG JR.** in his
capacity as Municipal Mayor of
Carigara, Leyte,
Respondents.

x-----x

PETITION FOR REVIEW

Petitioner, through counsel, respectfully states:

PARTIES

1. Petitioner **Patrick V. Makabenta** is the grantee of a cockpit franchise under Municipal Ordinance No. 2022-133, with principal address at Nauguisan, Carigara, Leyte;
2. Respondent **Sangguniang Bayan of Carigara, Leyte** is the municipal legislative body which enacted Municipal Ordinance No. 2026-054¹ revoking petitioner's franchise.
3. Respondent Hon. Eduardo T. Ong Jr. is nominally impleaded as the Municipal Mayor who approved the ordinance.

¹ Annex "A" - Municipal Ordinance No. 2026-054 entitled "An Ordinance Revoking or Cancelling Municipal Ordinance No. 2022-133 entitled " "An Ordinance Granting Cockpit Franchise to Mr. Patrick V. Makabenta To Establish, Operate, and Maintain a Cockpit Arena in the Municipality of Carigara, Leyte"

NATURE OF THE PETITION

4. This Petition is filed pursuant to **Sections 56-59** of the **Local Government Code of 1991**, assailing the legality of Municipal Ordinance No. 2026-054 revoking petitioner's franchise to operate a cockpit.

ANTECEDENT FACTS

5. Sometime on January 3, 2008 the Sanguniang Bayan (SB) of Carigara, Leyte enacted Municipal Ordinance No. 07-005 (MO 05)² entitled "An Ordinance Regulating the Establishment, Operation, and Maintenance of Cockpits, Cockfighting and Commercial Breeding of Game Cocks in Carigara"

6. Among the salient and related provision in the aforementioned is the "Franchising and Licensing" of cockpits as provided in Sec. 5 with subsections "a" to "e", and Sec. 15 thereof quoted herein as follows:

"Sec. 5 FRANCHISING AND LICENSING OF COCKPIT.

*(a) No person, partnership, corporation or cooperative xxx
xxxxx following;*

1. xxx xxx xxx

xxxxxx xxx

8. xxx xxx xxx

(b) xxx xxx xxx

(c) xxx xxx xxx

(d) xxx xxx xxx

*(e) Violations of any of the foregoing provision of this Sec.
5 shall be a ground for revocation of franchise.*

Sec. 15 PENALTY CLAUSE.

*Any person or corporation **found guilty** of violating any
provision of this ordinance shall be liable to a fine of not less than
One Thousand Five Hundred Pesos (P1,500.00) nor more than*

² Annex "B" - Municipal Ordinance No. 07-005 entitled "An ordinance Regulating The Establishment, Operation And maintenance of Cockpits Cockfighting And Commercial Breeding of Gamecocks in Carigara"

Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than one (1) month nor more than five (5) months or both to such fine and imprisonment at the discretion of the Court."

7. On December 16, 2022 MO 05 was amended through Municipal Ordinance No. 2020-111³ (MO 2020-111) entitled "An Ordinance Amending Sec4A, 4c sub-sections 2,3,6, Section 4E, 4F, Section 5A, Section 6A, Section 7 and Section 9 of Ordinance No. 07-005"

8. In reference to the original ordinance (MO 05) particularly Sec. 5 and Sec. 15, no amendment was noted though Sec. 5A was mentioned in the amending ordinance;

9. Sometime on March 16, 2022, Municipal Ordinance No. 2022-133⁴ ("franchise ordinance") was enacted and approved granting franchise to a certain **Patrick V. Makabenta** to establish, operate and maintain cockpit arena in the municipality of Carigara, Leyte;

10. Among the salient and related provision of the franchise ordinance in reference to the appeal is Section 6 thereof quoted herein below as follows:

*"Section 6, Additional Condition. - The Grantee shall be allowed to hold cockfighting during Sundays and every week for the purpose. The Grantee shall strictly observe the provisions of Presidential Decree No. 449 otherwise known as the Cockfighting Law of 1974 and pertinent issuance particularly on the allowed day as well as the as well as the prohibited dates to conduct any cockfighting activities as provided therein and **secure a special permit** in holding their hackfights and derbies thereby. No xxx xxx xxx."*

³Annex "C" - Municipal Ordinance No. 2020-111 entitled "An ordinance Amending Section 4A, 4C, Sub-Section 2,3,6, Sec. 4E, Section 4F, Section 5A, Section 6A, Section 7, And Section 9 of Ordinance No. 07-005 enacted on December 16, 2020

⁴Annex "D" - Municipal Ordinance No. 2022-133 entitled "An Ordinance Granting Franchise to Patrick V. Makabenta To Establish, Operate and Maintain Cockpit Arena In the Municipality of Carigara, Leyte

11. During the 35th regular session, the Sanguniang Bayan adopted **Resolution No. 2026-102**⁵ entitled “*A Resolution Declaring That Cockfighting Franchise Holder, Mr. Patrick Makabenta Has Committed Violations And Non-Compliance With The Provisions of Municipal Ordinance No. 2022-133 Relevant Municipal Ordinances Regulating Cockfighting, And Presidential Decree No. 449 (Cockfighting Law of 1974)*”;

12. On March 16, 2026, the Sanguniang Bayan approved Resolution No. 2026-15⁶ entitled “*A Resolution Declaring the Revocation and Cancellation of the Cockfighting Franchise granted to Mr. Patrick Makabenta for Violations and Non-Compliance to the Provisions of Municipal Ordinance No. 2022-133, Existing Relevant Ordinances, and Presidential Decree No. 449*”

13. On **March 26, 2026**, respondent enacted Municipal Ordinance No. 2026-054 entitled “*AN ORDINANCE REVOKING OR CANCELLING MUNICIPAL ORDINANCE NO. 2022-133 entitled AN ORDINANCE GRANTING COCKPIT FRANCHISE TO MR. PATRICK V. MAKABENTA TO ESTABLISH, OPERATE, AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF CARIGARA, LEYTE*”

14. The said Ordinance was approved by Local Chief Executive (LCE) through constructive approval as it was deemed approved pursuant to Sec. 54 (a) & (b) of the Local Government Code of 1991 (RA 7160);

15. The revocation franchise ordinance was premised solely on the aforementioned SB Resolutions Nos. 2026-102 and 2026-115.

GROUNDS FOR THE PETITION

I

RESOLUTIONS NO. 2026-102 and 2026-115 ARE PROCEDURALLY INFIRMED AND INVALID AS IT VIOLATES PETITIONER’S CONSTITUTIONAL RIGHT TO DUE PROCESS.

⁵ Annex “E” – Resolution No. 2026-102 dated March 2, 2026

⁶ Annex “F” – Resolution No. 2026-115 dated March 16, 2026

II

THE ORDINANCE AND RESOLUTION HAVE BEEN ENACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION

ARGUMENTS

I. RESOLUTIONS NO. 2026-102 and 2026-115 ARE PROCEDURALLY INFIRMED AND INVALID AS IT VIOLATES PETITIONER'S CONSTITUTIONAL RIGHT TO DUE PROCESS.

16. Resolution No. 2026-102 dated March 2, 2026 was issued by the Sanguniang Bayan (SB) declaring that franchisee holder, Mr. Patrick V. Makabenta committed acts constituting violations and non-compliance with the provision of Municipal Ordinance No. 2022-133, relevant municipal ordinances regulating cockfighting and PD 449 as follows:

- (a) Operating Without The Requisite Permit;
- (b) Willful Defiance of Local Legislation and Local Executive Orders
- (c) Simulation of Ownership and Qualification Misrepresentation
- (d) Falsification of Public Record And Obstruction of Legislative Inquiry
- (e) On the Real Property And The Issue of Not Having a Licensed Cockpit

17. In concluding the said resolution, the SB attested that the franchise holder was issued two (2) "show cause orders" (SCO) dated December 15, 2025 and February 2, 2026, respectively. Likewise a corresponding written explanations dated January 12, 2026 and February 26, 2026 were submitted thereto. On the basis of the said SCO viz-a-viz the written explanations, the SB issued Resolution No. 2026-112 declaring petitioner to have committed violations and

non-compliance of the corresponding ordinances in relation to the SCO.

18. According to the SB, the franchise holder was given due notice and opportunity to explain when the issued to him the said “show cause orders”, and on the basis thereof, their action satisfied already the requirements of due process.

19. From the outset, it was noted that there was no complaint submitted to the August Body over the said violations, either from a third person or from the SB members itself. No privilege speech was made by any of the SB members and neither among them sponsored a resolution for the investigation of the alleged violations of the petitioner. In effect the investigation was initiated without a complaint.

20. As it was initiated solely by the SB without a complaint, it appeared therefore that the SB acted simultaneously as the:

1. Complainant;
2. Investigator;
3. Prosecutor
4. Factfinder, and
5. Adjudicator

I.I. Petitioner was not afforded meaningful due process:

21. The supposed “notice and opportunity to explain” as mentioned in the said Resolution No. 2026-102 consisted merely of *(a) submission of written explanation, and (b) internal deliberation of the SB*. Without having conducting an invitation to the persons concerned, i.e. Patrick V. Makabenta and “Joselu N. Guia (Seloy)” as follow up investigations to clearly ferry the truth, the SB instead proceeded to the conclusions of findings on the basis of the written explanation. Worst is that they did not even notify the petitioner immediately after the issuance of the said resolution. Clearly the actions of the SB falls short of the constitutional standard to due process because the constitutional requirement of due process demands more than a mere invitation to explain.

22. In *Ang Tibay v. Court of Industrial relations*, the SC laid down the cardinal primary rights including (a) *Right to hearing*; (b) *Right to present evidence* (c) *Decision based on substantial evidence*.

23. In the aforementioned investigation, **NO** such procedural safeguards were observed.

24. On the contrary, the resolution itself already demonstrated prejudice and bias because it conclusively declared the existence of the violations and falsifications without: (a) a formal administrative complaint (b) sworn testimonies (c) presentation of competent evidence (d) cross examinations (e) impartial hearing officer a proper adjudicative proceedings.

25. All these violates the cardinal primary rights an administrative due process under Philippine jurisprudence.

26. The findings contained in the Resolution are punitive and accusatory in nature. They carry stigmatizing conclusions that effectively condemned the franchise holder without judicial process.

27. Thus, *A defective resolution cannot legally serve as the factual basis for a subsequent revocation ordinance.*

I.II. The Resolution contains findings on matters beyond the competence of the Sangunian.

28. The Resolution made conclusions regarding: (a) *simulation of ownership*; (b) *Falsification of public record* (c) *And misrepresentation*.

29. These matters/issues clearly involved criminal and evidentiary determinations where only courts or authorized administrative agencies may conclusively determine such issues after formal proceedings.

30. *Clearly, the SB has no authority to declare that a person committed falsification or simulated ownership absent a judicial findings.*

31. *Therefore these portions of the resolutions are void for being arbitrary and beyond legislative authority.*

I.III. The Resolution was used as a predetermined basis for revocation, showing grave abuse of discretion.

32. The language of the Resolution already pre-determined that the franchise holder committed violations and that the cockpit operation must therefore immediately ceased'.

33. This demonstrates that the legislative body had already formed a conclusion before the enactment of the revocation ordinance.

34. The subsequent ordinance revoking the franchise therefore appears to have been based on a prejudged and legally defective resolution rather than on an independent and lawful determination

35. This constitute grave abuse of discretion amounting to lack or excess of jurisdiction

I.IV The resolution is arbitrary because it relied on unsubstantiated and conclusory allegations.

36. The Resolution contains sweeping accusations but *does not identify any specific evidence relied upon, sworn witnesses, authenticated records, factual basis sufficient to support its conclusions.*

37. The accusation is largely conclusory as the findings for simulation of ownership, falsification and obstruction were declared without citation of any judicial or administrative finding. Government action affecting vested rights must rest on substantial evidence, not speculations or political conclusions.

I.V. The resolution is void as the alleged violations were never the subject of a proper administrative case.

38. If there was no formal administrative complaint specifically charging the franchise holder with violations and giving him notice of charges, hearing and opportunity to present evidence, and impartial determination, ***then the resolution is void for denial of procedural due process.***

39. Being void, the resolution cannot validly support the subsequent resolution and ultimately the revocation ordinance.

40. A void act produces no legal effect.

41. If Resolution No. 2026-102 is unconstitutional, ultra vires, arbitrary, and void, then any resolution/ ordinance relying substantially upon it, is likewise vulnerable to invalidation. *Thus Resolution No. 2026-115 as well as the revocation ordinance becomes **tainted** because its factual foundation is **legally defective**.*

42. Moreover, Ordinance No. 2026-054 heavily relied upon the findings of Resolution No. 2026-102. If the underlying resolution is void or procedurally infirm, the subsequent ordinance may likewise be invalid for being anchored upon an unlawful factual premise.

I.VI. Lack of clear statutory authority to revoke without prior administrative or judicial proceedings

43. Under Presidential Decree No. 449 (Cockfighting Law of 1974), regulation of cockpits involves licensing and permitting requirements, but closure or revocation actions must still comply with due process and applicable administrative procedures.

44. Thus, the allegations involving: (a) *absence of DAR conversion order*, (b) *ownership simulation*, (c) *falsification*, (d) *licensing defects*, are matters ordinarily falling within the jurisdiction of the (a) **courts**, (b) **DAR**, (c) **licensing authorities**, (d) **prosecutors, or executive agencies**, and **NOT** solely within unilateral legislative determination by the Sanggunian.

45. Hence, the ordinance and resolution may be challenged as having been enacted with grave abuse of discretion amounting to lack or excess of jurisdiction.

II. THE ORDINANCE HAVE BEEN ENACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION.

II.I The ordinance is invalid for failure to conduct public hearing and consultation.

46. While Republic Act No. 7160 does not expressly state in one sentence that a “revocation of a cockpit franchise requires a public hearing,” several provisions of the LGC, read together with due process jurisprudence, strongly support the position that a public hearing or consultation is indispensable before an ordinance revoking a cockpit franchise may validly be enacted.

47. **Section 447(a)(3)(v), LGC**— grants the Sangguniang Bayan the power to “authorize and license the establishment, operation and maintenance of cockpits.” Because the franchise is granted through ordinance as an exercise of delegated police power, its withdrawal must likewise comply with due process and procedural fairness.

48. **Section 16, LGC – General Welfare Clause**
Although LGUs may regulate businesses under police power, the exercise thereof must be reasonable, non-oppressive, and consistent with due process.

49. **Section 27, LGC – Prior Consultations Required**
No project or program shall be implemented unless consultations are conducted with affected persons. By analogy, revocation of a long-standing cockpit franchise affecting property rights, livelihood, employment, and investments should first undergo hearing and consultation.

50. More importantly, Philippine jurisprudence recognizes that:

- (1) a cockpit franchise is a protected property/business interest once granted;
- (2) ordinances affecting vested rights must comply with substantive and procedural due process;
- (3) local legislative power is not absolute.

51. In *Tano v. Socrates*, the Supreme Court held that police power measures of LGUs must satisfy due process and reasonableness standards. Likewise, in *White Light Corporation v. City of Manila*, the Court ruled that ordinances interfering with lawful business operations are subject to strict scrutiny for arbitrariness and unreasonableness.

52. "The enactment of an ordinance revoking an existing cockpit franchise without prior public hearing or stakeholder consultation violates the due process clause, the participatory governance policy under the Local Government Code, and constitutes an arbitrary exercise of police power."

II.II. The ordinance was passed in a single session only indicative of lack of deliberation and due process, ultimately lack of public hearing.

53. Generally, an ordinance may be passed during a single session day if the procedural requirements under the Local Government Code of 1991 and the internal rules of the sanggunian are complied with. However, a revocation ordinance affecting an existing franchise or vested right is highly vulnerable to challenge if rushed through in only one session without adequate deliberation, notice, and hearing.

54. An ordinance revoking a gallera franchise is not an ordinary administrative measure. It affects: vested business rights; livelihood; investments; employment and property interests.

55. Because of its serious consequences, the ordinance requires: careful deliberation; committee evaluation; notice to affected parties; and opportunity for participation.

56. If the ordinance was introduced, deliberated, and approved all on the same day, this strongly suggests: arbitrariness, predetermined action, bad faith, and denial of meaningful participation.

II.III. The ordinance may violate the rules on readings and committee deliberations under the Internal Rules of Procedures of the SB.

57. Under the Local Government Code of 1991 as well as its corresponding Internal Rules of Procedures, proposed ordinances ordinarily undergo:

First Reading; The title and number are read. The ordinance is referred to the appropriate Committee. No debate yet.

Second Reading; The Committee Report is read. Full debate, amendments and public hearing usually happen here. This is the substantive stage.

Third and Final Reading; Final version is voted on. No amendments allowed except for style/grammar.

58. Although local sanggunians may suspend rules under certain circumstances, the suspension cannot be used to defeat constitutional due process or to railroad punitive legislation.

59. If the ordinance was enacted in one session without: committee referral, committee report, public consultation, or separate readings, the ordinance may be attacked for grave abuse of discretion, procedural irregularity, and violation of the sanggunian's own rules of procedures..

60. While no law absolutely prohibits passage of an ordinance in a single session day, a revocation ordinance affecting an existing gallera franchise may be declared invalid where the one-day enactment resulted in lack of public hearing and absence of committee deliberation. or non-compliance with procedural requirements under the Local Government Code and the sanggunian Internal Rules of Procedures (IRP)

61. Accordingly, the one-day enactment strongly supports an argument that the ordinance was arbitrary, oppressive, and unconstitutional.

II-IV. The ordinance impairs vested rights and is ultra vires.

62. A franchise, once granted, cannot be arbitrarily revoked without due process.

61. In **Philippine Communications Satellite Corp. v. Alcuaz**, the Court held that:

61.1. Administrative or regulatory actions affecting vested rights must comply with due process.

62. Similarly, in **Ortigas&Co. Limited Partnership v. Feati Bank**, it was emphasized that:

62.1. Rights once vested cannot be impaired arbitrarily.

62.2. The ordinance, by summarily revoking petitioner's franchise, violates these principles.

63. Finally, petitioner requested a copy of the minutes/journal, resolutions, ordinances all other documents in relation to the deliberations of the resolutions and ordinance with the SB and was informed that its released will be on the last working day of this month (May). hence could not be incorporated to this petition as of this filing praying reservation that petitioner be allowed to submit upon its release.

ATTACHMENTS

64. In the meantime, petitioner is attaching certain documents marked as;


- a. **Annex "A"** – Municipal Ordinance No. 2026-054
- b. **Annex "B"** – Municipal Ordinance No. 07-005
- c. **Annex "C"** – Municipal Ordinance No. 2020-111
- d. **Annex "D"** – Municipal Ordinance No. 2022-133
- e. **Annex "E"** – Resolution No. 2026-102
- f. **Annex "F"** – Resolution No. 2026-115

PRAYER

WHEREFORE, premises considered, it is respectfully prayed that the Honorable **Sangguniang Panlalawigan**:

1. **DECLARE** Municipal Ordinance No. 2026-054 **INVALID** and **UNCONSTITUTIONAL**;
2. **SET ASIDE** the revocation of petitioner's cockpit franchise;
3. **ORDER** the suspension of the enforcement of said ordinance;
4. Grant such other reliefs as are just and equitable.

Tacloban City for Carigara, Leyte, May 19, 2026.



ATTY. EDWIN B. JOMADIO

Counsel for the Petitioner

Room 215, Melecio Tan Building

Salazar cor. Zamora Streets, Tacloban City

PTR No. 8814543/01-05-2026/Tacloban City

IBP No. 566979/12-17-2025/Leyte Chapter

MCLE Comp. No. VIII-0008885/April 14, 2028

Roll of Attorney No. 39792

Email Add: edwinjomadio.lawoffice.ph@gmail.com

**VERIFICATION and CERTIFICATION
OF NON-FORUM SHOPPING**

That I, **PATRICK V. MAKABENTA**, under oath declares:

1. That I am the petitioner in the above-entitled case and have caused the preparation and filing of this Petition For Review; have read and understood the same; that all the allegations contained therein are true and correct to our own personal knowledge and based on authentic documents; That the pleading is not filed to harass, cause, unnecessary delay, or needlessly increase the cost of litigation; and That the factual allegations therein have evidentiary support or, if specifically so identified will likewise have evidentiary support after a reasonable opportunity for discovery;

2. That I hereby certify under oath that I have not filed any other action involving the same issues in the Supreme Court, Court of Appeals or different divisions thereof, or any other tribunal or agency, and to the best of our knowledge, no such action or proceeding is pending in the Supreme Court, the Court of Appeals or any other tribunal or agency; If we should thereafter learn that a similar action or proceeding has been filed or is pending before the Supreme Court, the Court of Appeals, or any other tribunal or agency, we undertake to report that fact within five (5) days therefrom to this Honorable Court.

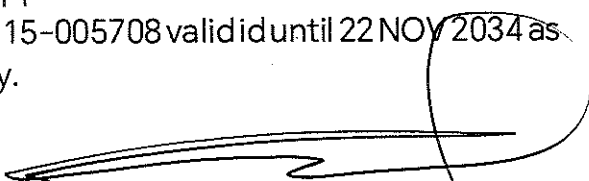
IN WITNESS WHEREOF, I have hereunto affixed my signature this 19th day of May 2026 at Tacloban City, Leyte Philippines.


PATRICK V. MAKABENTA
Affiant

SUBSCRIBED AND SWORN to before me this 19th day of May 2026 at Tacloban City, Philippines. Affiants exhibited to me his Driver's License with No. H02-15-005708 valid until 22 NOV 2034 as competent proof of his identity.

Doc No. 467 ;
Page No. 95 ;
Book No. VIII ;
Series of 2024 ;




ATTY. WENCESLAO L. NARIDO, JR.
Notary Public
Carigara, Leyte

Notarial Commission Renewed | Valid Until 31DEC26
Attorney's Roll No. 32637
IBP Lifetime Member No. 08399 Leyte Chapter
MCLE Compliance No. VII-20233074 | Valid Until 14APR28
PTR No. 13651401 | 05JAN24 | Carigara, Leyte



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com

BAGONG PILIPINAS

EXCERPT FROM THE MINUTES/JOURNAL OF THE 38TH REGULAR SESSION OF THE 20TH COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SB SESSION HALL, LEGISLATIVE BLDG. CARIGRA LEYTE ON MARCH 26, 2026

* * * * *

PRESENT:

- | | | |
|----------------------------|-------|-----------------------------------|
| Hon. Jimmy A. Camposano | ----- | Mun. Vice Mayor/Presiding Officer |
| Hon. Fernando N. Moriel | ----- | SB Member |
| Hon. Vilma M. Domus | ----- | SB Member |
| Hon. Mildred C. Modesto | ----- | SB Member |
| Hon. Carlo Angelo B. Go | ----- | SB Member |
| Hon. Joenlee C. Larraga | ----- | SB Member |
| Hon. Myla L. Aguilar | ----- | SB Member |
| Hon. Guillermo I. Panal | ----- | SB Member |
| Hon. Arvin N. Urmeneta | ----- | SB Member-LnB President |
| Hon. Daniel N. Ariaso, Jr. | ----- | SB Member-SK Fed. Pres. |

ABSENT:

- | | | |
|----------------------------|-------|------------------------|
| Hon. Ulpiano U. Arpon, Jr. | ----- | SB Member-Forced Leave |
|----------------------------|-------|------------------------|

MUNICIPAL ORDINANCE NO. 2026-054
Series of 2026

AN ORDINANCE REVOKING OR CANCELLING MUNICIPAL ORDINANCE NO. 2022-133 entitled "AN ORDINANCE GRANTING A COCKPIT FRANCHISE TO MR. PATRICK V. MAKABENTA TO ESTABLISH, OPERATE, AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF CARIGARA, LEYTE"

Authored by: Hon. Fernando N. Moriel

WHEREAS, the Sangguniang Bayan of Carigara enacted Municipal Ordinance No. 2022-133 granting a cockpit franchise to Mr. Patrick Makabenta to operate a cockpit within the Municipality of Carigara, Leyte;



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Page 2 Ord. No. 2026-054 dated March 26, 2026

“AN ORDINANCE REVOKING OR CANCELLING MUNICIPAL ORDINANCE NO. 2022-133...”

WHEREAS, under Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, and existing municipal ordinances regulating cockfighting activities, the franchise holder is required to strictly comply with all laws, rules, and conditions imposed therein;

WHEREAS, the Sangguniang Bayan, in the exercise of its regulatory and police power under the Local Government Code (RA 7160), has the authority to regulate cockpits and revoke franchises when the franchisee violates the conditions thereof;

WHEREAS, after due notice and opportunity to explain, the Sangguniang Bayan as described in SB Resolution No. 2026-102 found sufficient grounds to revoke the cockpit franchise granted to the franchise grantee to protect public interest and ensure compliance with existing laws and regulations;

WHEREAS, the Sangguniang Bayan, after due consideration and deliberation, resolved for the revocation and/or cancellation of the cockpit franchise granted to Mr. Patrick V. Makabenta under SB Resolution No. 2026-115 as a mandatory act under Section 7 of Municipal Ordinance 2022-133 upon showing of non-compliances or violations to relevant laws;

NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of Carigara, Leyte, in session duly assembled:

Section 1. REVOCATION OF MUNICIPAL ORDINANCE No. 2022-133. The Municipal Ordinance No. 2022-133 that granted a cockpit franchise to Mr. Patrick Makabenta to establish, operate, and maintain a cockpit arena in the Municipality of Carigara, Leyte is hereby **REVOKED** and/or **CANCELLED** for violations of the provisions of the Municipal Ordinance No. 2022-133, relevant municipal ordinances, and Presidential Decree No. 449 as described in SB Resolution No. 2026-102 and as resolved in SB Resolution No. 2026-115;



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Page 3 Ord. No. 2026-054 dated March 26, 2026

“AN ORDINANCE REVOKING OR CANCELLING MUNICIPAL ORDINANCE NO. 2022-133...”

Section 2. CESSATION OF OPERATIONS. By virtue of this Ordinance, all cockpit operations conducted under the authority of Municipal Ordinance No. 2022-133 shall immediately cease upon effectivity hereof.

Section 3. AUTHORITY TO ENFORCE. The Local Chief Executive is mandated under RA 7160 to implement Section 1 hereof, through the Philippine National Police, Municipal Treasurer, and all other concerned offices, including the implementation of the immediate closure and cessation of the cockpit operations per SB Resolution No. 2026-115 and consistent with the applicable laws and regulations.

Section 4. REPEALING CLAUSE. All ordinances, resolutions, rules, and regulations, or part thereof, inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

Section 5. EFFECTIVITY. This Ordinance shall take effect immediately upon approval and compliance with the posting and publication requirements prescribed under the Local Government Code of 1991.

APPROVED this 26th day of March 2026 at the Sangguniang Bayan Session Hall, Carigara, Leyte

Voting on the foregoing Ordinance was as follows:

AYES (Favor) : Hon. Fernando N. Moriel, Hon. Vilma M. Domus, Hon. Mildred C. Modesto, Hon. Myla L. Aguilar, Hon. Arvin N. Urmeneta, and Hon. Daniel N. Ariaso, Jr.

NAYS (Against): Hon. Carlo Angelo B. Go and Hon. Joenlee C. Larraga

INHIBIT: Hon. Guillermo I. Panal

* * * * *



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Page 4 Ord. No. 2026-054 dated March 26, 2026

“AN ORDINANCE REVOKING OR CANCELLING MUNICIPAL ORDINANCE NO. 2022-133...”

I HEREBY CERTIFY to the correctness of the foregoing excerpt.


PAULINO T. MARQUEZ

Legal Assistant I


OIC-Secretary to the Sanggunian


Attested:



JIMMY A. CAMPOSANO

Municipal Vice Mayor/Presiding Officer

Concurred:


FERNANDO N. MORIEL
SB Member


VILMA M. DOMUS
SB Member


MILDRED C. MODESTO
SB Member

CARLO ANGELO B. GO
SB Member (No)



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BAGONG PILIPINAS

Page 5 Ord. No. 2026-054 dated March 26, 2026

“AN ORDINANCE REVOKING OR CANCELLING MUNICIPAL ORDINANCE NO. 2022-133...”

ULPIANO U. ARPON, JR.
SB Member (*Absent-Forced Leave*)

JOENLEE C. LARRAGA
SB Member (No)

MYLA L. AGUILAR
SB Member

3/20/26 2nd copy

GUILLERMO I. PANAL
SB Member (*Inhibit*)

ARVIN N. URMENETA
SB Member-LnB President

DANIEL N. ARIASO, JR.
SB Member- SK Fed. Pres.

Approved:

EDUARDO T. ONG, JR.
Municipal Mayor

Date Approved:



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA
-oOo-
OFFICE OF THE SANGGUNANG BAYAN

MUNICIPAL ORDINANCE NO. 05
AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF
COCKPITS, COCKFIGHTING AND COMMERCIAL BREEDING OF GAME COCKS IN CARIGARA

Authored by: Councilor: Dennis N. Garay

WHEREAS, before the enactment of the Local Government Code of 1991, the supervision, administration and control of the operation of cockpits was under the Philippine Game Fowl Commission, Office of the President;

WHEREAS, one of the powers, duties and functions of the Municipal Sangguniang Bayan as provided for in Sec. 447, par. (a), sub-par. 3 (v) of the Local Government Code of 1991 states, that "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, the Sangguniang Bayan, being the legislative body of the Municipality of Carigara, is likewise empowered to enact ordinances approve resolutions and appropriate funds for the general welfare of the municipality's inhabitants in the exercise of the corporate powers of the Municipality and 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 for the general welfare of the inhabitants;

WHEREAS, in obedience to this legal mandate, there is a need to enact an Ordinance that will regulate and control the establishment and operation of cockpit and cockfighting activities in the municipality of Carigara as well as breeding of gamecocks as these are traditional form of sports handed-down for generations to Filipinos.

WHEREAS, it is declared as policy of the Local Government Unit of Carigara, Leyte that the operation of a cockpit is a mere privilege which cannot ripen into a vested right in favor of the franchise/licensee and in order to exact compliance with this Ordinance whose laudable purpose is to ensure development and promotion of this wholesome recreation and amusement, the Sangguniang Bayan of Carigara, in enacting this Ordinance is mandated to effectively control and regulate cockfighting in the municipality as a source of entertainment rather than an avenue for the proliferation of unreasonable and excessive profit considerations thereby preserving Philippines customs and tradition to enhance national identity;

NOW, THEREFORE, foregoing premises considered, the 14th Sangguniang Bayan of Carigara, in a regular session assembled, hereby ordains, THAT,

cockfighting is in progress, the injuries sustained by the cocks and their capability to continue fighting and decides and makes known his decision by word or gestures on the results of the cockfight by announcing the winner or declaring a tie or no contest game.

- j) Bettor – A person who participates in cockfights and with the use of money, or other things of value, bets with other bettor/s through the bet manager, or through the bet solicitor (Kristo), and wins or loses his bet depending upon the result of the cockfight as announced by the Referee, (Kuyme or Sentenciador). He may be the owner of the fighting cocks.
- k) Bet Fixer (Kasador/Cockpit Cashier) – A person who receives the matched money from the contending cock owner, computes and accounts the percentage commission for the cockpit and for taxes due to the municipal government.
- l) Promoter – A person or group of persons who, by means of a written or verbal invitation to cockfighting aficionados initiate the holding of cockfights.
- m) Sultador – The owner of the gamecock himself or any person designated by himself to release the gamecock for the combat.
- n) “Taga-bulong” – Refers to an individual who, by customs and traditions, attend to the medical needs of wounded gamecock.
- o) Breeder – One engaged in the activity or producing game fowls and for commercial purposes.
- p) Gamecock – Refers to domesticated fowl, whether imported or locally breed, trained and conditioned for actual cockfighting or for propagation and breeding.
- q) Game Fixer (Tiyopidor) – Any person who allows, promotes, or participates in any arrangement, combination, scheme, or agreement by which the result of any cockfight shall be predicted and/or known by means other than the result of the fighting ability of the contending fighting cocks such as, but not limited to, its poisoning, injuring or wounding.
- r) Betting Mode (Logro) – A way of calling bets done, and being resorted to, with the consent and agreement of the bettor, either to fast-track or pursue he cockfighting contest.

The Betting Mode, or “Logro”, may either be:

Nueve	meaning	9.00 wins 10.00
Diez	meaning	8.00 wins 10.00
Tag—upat/upat-tolo	meaning	7.50 wins 10.00
Siete-Diez	meaning	7.00 wins 10.00
Tres-a-Dos	meaning	2.00 wins 3.00
Sais-Diez	meaning	6.00 wins 10.00

cockpit, for the support of fund raising campaigns for charitable purposes, or for the entertainment of foreign dignitaries, tourists or for returning Filipinos commonly known as "Balikbayans", upon a Resolution approved by the Sangguniang Bayan of Carigara for a period not exceeding three (3) days.

At the close of each derby or pintakasi, the franchisee/owner/operator/licensee of the cockpit shall turn over/remit to the beneficiary the full amount agreed upon.

The franchisee/owner/operator/licensee of the cockpit shall submit within seven (7) calendar days after the holding of derby or pintakasi to the Municipal Treasurer and the Municipal Social Welfare Officer copies of the daily financial report and financial summary thereof.

- f) Barangay Fiesta – Holding of cockfighting during barangay fiesta shall be considered "SPECIAL". The Municipal Mayor, upon a resolution approved by the Sangguniang Bayan of Carigara, may allow the holding of cockfighting only in the licensed cockpit. Only one (1) fiesta in a barangay shall be recognized as official barangay fiesta in a year. In the event the date of the fiesta falls on a Sunday and any legal holiday where cockfighting is prohibited, it shall be held before or after such days but in no case shall exceed three (3) days.

In cases where the dates of barangay fiestas fall on the same date or are in succession, the holding of cockfighting shall be within ten (10) days before or ten (10) days after the date of their fiesta.

Sec. 5. FRANCHISING and LICENSING OF COCKPITS

- a) No person, partnership, corporation or cooperative shall be allowed to operate a cockpit within the Municipality of Carigara without securing the appropriate franchise from the Sangguniang Bayan. Franchise applicant/s must meet the requirements as provided for in the Ordinance. The application shall state the name, address, and citizenship of the applicant/s; the name of the cockpit, the particular place where the cockpit is to be established; and such other information and data as maybe needed and shall be accompanied with the following:

1. Copy of the location and vicinity map;
2. Copy of the cockpit building plan
3. Copy of the building permit;
4. Copy of the declaration of real property for the cockpit or certificate of title if there is any;
5. Copy of the Sanitary Permit;
6. Copy of the Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage (CNC) from the Department of Environment and Natural Resources (DENR);
7. Copy of the permit from Department of Agrarian Reform (DAR) if it needs conversion of land use and from Housing and Land Use Regulatory Board (HLURB);
8. Application Fee Receipt and other incidental fees; and list of duly licensed cockpit personnel with corresponding copies of their respective licenses as may be required by law.

- b) The period of the Franchise shall be subject to the discretion of the Sangguniang Bayan, provided, however, that it shall not be more than twenty five (25) years nor less than ten (10) years from date of issuance.
- c) Only a franchise holder shall be given license or permit to operate a cockpit by the Municipal Mayor upon satisfactory proof that the applicant is qualified and has complied with the requirements of this Ordinance and upon payment of all fees. The license or permit is renewable annually on or before 20th day of January of each year until the expiration of the Franchise.
- d) The License to operate shall be known as "Cockpit Operator's Permit". The franchise and license is strictly personal to the Franchisee/Licensee and, therefore, non-transferable.
- e) Violation of any of the foregoing provisions of this Section 5 shall be a ground for revocation of franchise.

Sec. 6 BUSINESS TAX AND BOOKS OF ACCOUNT AND RECORDS

The Franchisee, Licensee, or Grantee of a Cockpit Operators Permit shall pay a Graduated Annual Business Tax at the rate stated in the updated Comprehensive Revenue Code of the Municipality of Carigara, Leyte.

- b) The total graduated tax realized within a year shall be appointed into four (4) quarterly installments payable within the first twenty (20) days of the month following the end of every calendar quarter, otherwise, an additional surcharge of twenty-five (25%) per cent shall be imposed on the unpaid tax per month until the taxes due are paid, but in no case shall the total interest on the unpaid amount, or portion thereof, exceed thirty-six (36) months.
- c) The cockpit franchisee/owner/operator/manager is required to keep proper books of account and records in connection with the operation of the cockpit. The Municipal Treasurer or his/her representative, shall have the power to inspect within a reasonable time the said books of actual accounts and records. The books of account or records shall first be registered with the Municipal Treasurer's Office before they are used.
- d) The Municipal Treasurer shall have the authority to designate his/her representative/s during the conduct of derby or pintakasi.

Sec. 7 OTHER FEES FOR A LICENSED COCKPIT –

a) In addition, the following fees shall likewise be collected:

1. Franchise Fee (per annum)	P30,000.00
2. Annual Mayor's Permit	5,000.00
3. Ocular Inspection Fee	1,500.00
4. Regular/Special hackfight (renyas per fight)	50.00
5. Derby-renyas (per fight)	100.00
6. Pintakasi (per day)	1,000.00
7. Invitational/Promotional Derby (per day)	2,000.00
8. Town Fiesta (per day)	1,500.00
9. Barangay Special Permit (per day)	1,000.00

- g) Derby Match Maker P 500.00
- h) Tagabulong P 500.00

No license shall be issued to any of the above-mentioned cockfighting official unless he/she is at least 21 years old, of good moral character, of unquestioned integrity, and well-versed in the rules, customs, usages and language of the game. All the above-mentioned persons shall be required to wear their ID's to be issued by the Office of the Municipal Mayor when entering a cockpit.

Sec. 10 SURCHARGE FOR LATE PAYMENT – Failure to pay the taxes and fees herein within the time required shall subject the taxpayer to a surcharge of twenty five percent (25%) of the original amount of tax due.

Sec. 11 ADMINISTRATIVE PROVISION – The following shall be the administrative provisions of this ordinance:

- a) During regular and special cockfighting including derbies, only the sultadors and referee/setneciador are allowed to remain inside the arena in order to ensure that there will be no obstruction to be encountered during the fight.

The sultadors or any other person are strictly prohibited from giving any undue influence to the referee in conducting and deciding the outcome of the fight. They are, instead, required to maintain position at any corner of the arena in order not to disturb and confuse the decision of the referee thereby attaining an orderly outcome of the game for the benefit and satisfaction of all.

- b) Losing Bettors – The owner or bettor of the losing gamecock shall effect payment of his/her lost bet to the winner/s without unnecessary delay or upon demand by winners or management. Losing bettors found betting without fund, or with insufficient fund shall be punishable in accordance with Section 15 hereof.

- c) The Chief of Police of the Municipality shall assign at least two (2) policemen in complete uniform to be posted inside the cockpit or in any place specified in the Special Permit for assistance and to ensure that peace and order is properly observed and maintained. He is also empowered to implement this Ordinance.

- d) No person below eighteen (18) years of age shall be allowed to participate in cockfights being held in all cockfighting arenas in the Municipality of Carigara, Leyte.

Sec. 12 PROHIBITED ACTS – The following acts shall be considered a violation of this Ordinance and the violators shall be subjected to the penalties provided for in Section 15 of this Ordinance, to wit:

- a) Conducting, engaging or holding a cockfight in a cockpit without a valid Cockpit Operator's Permit or Special Cockfighting Permit;
- b) Conducting, engaging, or holding a cockfight on a day which is not authorized or allowed herein;

2. Barangay Clearance
3. Fire Safety Certificate (whenever applicable)

The Municipal Mayor may issue a Mayor's Permit upon presentation of Registration Certificate issued by the Municipal Treasurer.

~~A~~ Sec. 15 PENALTY CLAUSE –

Any person firm or corporation, found guilty of violating any provision of this ordinance shall be liable to a fine of not less than One Thousand Five Hundred Pesos (P1, 500.00) nor more than Two Thousand Five Hundred Pesos (P2, 500.00) or an imprisonment of not less than one (1) month, nor more than five (5) months, or both to such fine and imprisonment, at the discretion of the court.

If any violator is a firm, corporation or a juridical person, the owner, manager, proprietor, president, or any person primarily in charge in the management or administration of the cockpit shall be held liable for the penalty herein provided.

Sec. 16 REPEALING CLAUSE –

All ordinances, resolutions and other rules and regulations issued by the Local Government of Carigara relative to cockpit or cockfighting operations in the Municipality which are inconsistent with any of the provisions of this ordinance are hereby repealed or modified accordingly.

Sec. 17 SEPARABILITY CLAUSE –

If, any reason or reasons, any provision of this Ordinance shall be held invalid, other portions hereof which are not affected thereby shall continue to be in full force and effect.

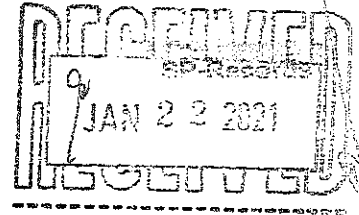
Sec. 18 EFFECTIVITY –

This ordinance shall take effect upon approval by the Sangguniang Bayan of Carigara, Leyte and shall take effect after its posting for twenty one (21) days in three (3) conspicuous places in the Municipality of Carigara, Leyte.



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EXCERPT FROM THE MINUTES/JOURNAL OF THE 74TH REGULAR SESSION OF THE 18TH COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, CARIGARA, LEYTE ON DECEMBER 16, 2020

* * * * *

PRESENT:

- Hon. Eduardo T. Ong Jr. ----- Mun. Vice Mayor-Presiding Officer
- Hon. Jimmy A. Camposano ----- SB Member
- Hon. Raul Z. Lloren ----- SB Member
- Hon. Lorna A. Marpa ----- SB Member
- Hon. Guillermo I. Panal ----- SB Member
- Hon. Reynaldò A. Bodo ----- SB Member
- Hon. Armando M. Negado ----- SB Member
- Hon. Othello M. Crisostomo ----- SB Member
- Hon. Joselu N. Guia ----- SB Member-Liga Fed. President
- Hon. Dean Aaron G. Lauron ----- SB Member-SK Fed. President

ABSENT:

- Hon. Esteban B. Go ----- SB Member-Sick Leave

* * * * *

RESOLUTION NO. 2020-320

A RESOLUTION APPROVING ON THIRD AND FINAL READING, MUNICIPAL ORDINANCE NO. 2020-111, ENTITLED: AN ORDINANCE AMENDING SECTION 4A, 4C SUB SECTION 2, 3, 6, SECTION 4E, SECTION 4F, SECTION 5A, SECTION 6A, SECTION 7, AND SECTION 9 OF ORDINANCE # 07-005, ENTITLED "AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS, COCKFIGHTING AND COMMERCIAL BREEDING OF GAME COCKS IN CARIGARA"

WHEREAS, Municipal Ordinance No. 07-005, entitled - "AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS, COCKFIGHTING AND COMMERCIAL BREEDING OF GAME COCKS IN CARIGARA" was approved last January 3, 2008 per SB Resolution No. 08-005;

WHEREAS, some provision in the aforesaid ordinance needs to be amended in order to conform with existing laws and make it reasonably more attainable;

WHEREFORE, on motion of Hon. Joselu N. Guia, seconded bu Hon. Dean Aaron G. Lauron, it was **RESOLVED**, as it is hereby resolved by the Sangguniang Bayan of Carigara to approve on third and final reading, the accompanying ordinance, to wit:

JIMMY A. CAMPOSANO
SB Member

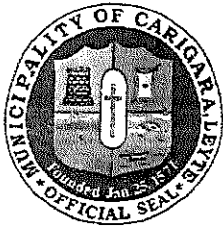
RAUL Z. LLOREN
SB Member

LORNA A. MARPA
SB Member

GUILLERMO I. PANAL
SB Member

EDUARDO T. ONG JR. DEAN AARON G. LAURON JOSELU N. GUIA OTHELLO M. CRISOSTOMO

12



REPUBLIC OF THE PHILIPPINES
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* * * * *

PRESENT:

Hon. Eduardo T. Ong Jr.	-----	Mun. Vice Mayor-Presiding Officer
Hon. Jimmy A. Camposano	-----	SB Member
Hon. Raul Z. Lloren	-----	SB Member
Hon. Lorna A. Marpa	-----	SB Member
Hon. Guillermo I. Panal	-----	SB Member
Hon. Reynaldo A. Bodo	-----	SB Member
Hon. Armando M. Negado	-----	SB Member
Hon. Othello M. Crisostomo	-----	SB Member
Hon. Joselu N. Guia	-----	SB Member-Liga Fed. President
Hon. Dean Aaron G. Lauron	-----	SB Member-SK Fed. President

ABSENT:

Hon. Esteban B. Go	-----	SB Member-Sick Leave
--------------------	-------	----------------------

* * * * *

RESOLUTION NO. 2020-320

A RESOLUTION APPROVING ON THIRD AND FINAL READING, MUNICIPAL ORDINANCE NO. 2020-111, ENTITLED: AN ORDINANCE AMENDING SECTION 4A, 4C SUB SECTION 2, 3, 6, SECTION 4E, SECTION 4F, SECTION 5A, SECTION 6A, SECTION 7, AND SECTION 9 OF ORDINANCE # 07-005, ENTITLED "AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS, COCKFIGHTING AND COMMERCIAL BREEDING OF GAME COCKS IN CARIGARA"

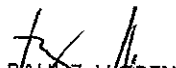
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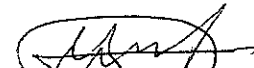
WHEREFORE, on motion of Hon. Joselu N. Guia, seconded bu Hon. Dean Aaron G. Lauron, it was **RESOLVED**, as it is hereby resolved by the Sangguniang Bayan of Carigara to approve on third and final reading, the accompanying ordinance, to wit:

3


JIMMY A. CAMPOSANO
SB Member


RAUL Z. LLOREN
SB Member


LORNA A. MARPA
SB Member


GUILLERMO I. PANAL
SB Member

EDUARDO T. ONG JR.
Mun. Vice Mayor/Pres. Officer

DEAN AARON G. LAURON
SB Member-SK Fed. Pres.

JOSELU N. GUIA
SB Member-Liga Fed. Pres.

OTHELLO M. CRISOSTOMO
SB Member

ARMANDO M. NEGADO
SB Member

REYNALDO A. BODO
SB Member



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

ANNEX C

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OFFICE OF THE SANGGUNIANG BAYAN
Cellphone No. 09178167112 E-mail Add.: romy_viojan@yahoo.com

Page 2. Reso No. 2020-320
embodying Ord. No. 2020-111 –

ORDINANCE NO. 2020-111

AN ORDINANCE AMENDING SECTION 4A, 4C SUB SECTION 2, 3, 6, SECTION 4E, SECTION 4F, SECTION 5A, SECTION 6A, SECTION 7, AND SECTION 9 OF ORDINANCE # 07-005, ENTITLED "AN ORDINANCE REGULATING THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF COCKPITS, COCKFIGHTING AND COMMERCIAL BREEDING OF GAME COCKS IN CARIGARA"

Introduced by Hon. Joselu N. Guia

Be it ordained by the Sangguniang Bayan of Carigara, Leyte in regular session assembled, that:

SECTION 1. Sections 4A, 4C, Sub Section 2, 3, 6, Section 4E, Section 4F, Section 5A, Section 6A, Section 7, and Section 9 of Ordinance No. 07, Series of 2005, are hereby amended to read as follows:

SECTION 4. COCKPITS AND COCKFIGHTING, in General

(A) Ownership, Operation and Management of Cockpits-Only Filipino citizens with good moral character, shall be allowed to own, manage and operate cockpit within the Municipality. For sole/individual applicant, priority shall be given to a Carigaran-on, unless otherwise the same is not qualified and no Carigaran-on had shown interest to seek the franchise, interested non-resident will be accepted. In cases where the applicant is a corporation, partnership, associations, and cooperative, majority of the shares/capitalization should be owned by Carigaran-on.

(C) Cockpit Site and Construction-

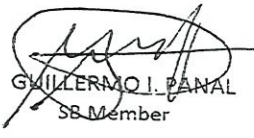
(2) No cockpit shall be established, maintained and/or operated of not less than 50 lineal meters from the residential or commercial areas. Provided a public consultation or hearing should be conducted. Then, 300 lineal meters in areas like hospitals, school buildings, institutions of learning, churches, charitable institutions as well as other public buildings.

(3) Neither shall a cockpit be constructed at a distance of less than ten (10) meters from the national highway or less than ten (10) meters from the


JIMRAYA CAMPOSANO
SB Member


RAULZ FLOREN
SB Member


LORNA A. MARPA
SB Member


GUILLERMO I. PANAL
SB Member

EDUARDO T. ONG JR. Mun. Vice Mayor/Pres. Officer
DEAN AARON G. LAURON SB Member/SK Fed. Pres.
JOSELU N. GUIA SB Member-Liga Fed. Pres.
OTHELLO M. CRISOSTOMO SB Member
ARMANDO M. NEGADO SB Member
REYNALDO A. BODO SB Member



REPUBLIC OF THE PHILIPPINES
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Page 3. Reso No. 2020-320
embodying Ord. No. 2020-111 -

provincial or municipal road. Furthermore, the cockpit owner/operator shall provide a road right of way to serve as ingress and egress, the cockpit with a width of not less than four (4) lineal meters.

(6) Neither shall permit be issued for the construction or operation of cockpit on a lot less than five thousand (5,000) square meters, inclusive of all the amenities.

(E) Cockfighting for Charitable Purposes or for Entertainment of Tourists - Subject to the provision of the preceding sub-section, the Municipal Mayor may allow the holding of derby and other forms of cockfighting only in the licensed cockpit, for the support of fund raising campaigns for charitable purposes, or for the entertainment of foreign dignitaries, tourists or for returning Filipinos commonly known as "Balikbayans", upon a Resolution approved by the Sangguniang Bayan of Carigara for a period not exceeding three (3) days.

At the close of each derby or pintakasi, the franchisee/owner/operator/licensee of the cockpit shall turn over/remit to the beneficiary the full amount agreed upon.


The franchisee/owner/operator/licensee of the cockpit shall submit within seven (7) calendar days after the holding of derby or pintakasi to the Municipal Treasurer and the Municipal Social Welfare Officer copies of the daily financial report and financial summary thereof.

(F) Barangay Fiesta - Holding of cockfights during barangay fiesta shall be considered "SPECIAL". The Municipal Mayor, upon a resolution approved by the Sangguniang Bayan of Carigara, may allow the holding of cockfighting only in the licensed cockpit. Only one (1) fiesta in a barangay shall be recognized as official barangay fiesta in a year. In the event the date of the fiesta falls on a Sunday and any legal holiday where cockfighting is prohibited, it shall be held before or after such days but in no case shall exceed three (3) days.

In cases where the dates of barangay fiestas fall on same date or are in succession, the holding of cockfighting shall be within ten (10) days before or ten (10) days after the date of their fiesta.


JIMMY A. CAMPOSANO
SB Member

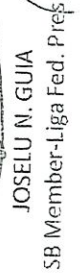

RAUL Z. LLOREN
SB Member


LORNA A. MARPA
SB Member


GUILLERMO ILPANAL
SB Member


EDUARDO T. ONG JR.
Mun. Vice Mayor/Pres. Officer


DEAN AARON G. LAURON
SB Member-Sk Fed. Pres.


JOSELU N. GUIA
SB Member-Liga Fed. Pres.


CRISOSTOMO
SB Member


ARMANDO M. NEGADO
SB Member


REYNALDO A. BODO
SB Member



REPUBLIC OF THE PHILIPPINES
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Page 4. Reso No. 2020-320
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SECTION 5. FRANCHISING and LICENSING OF COCKPITS

(A) No person, partnership, corporation or cooperative shall be allowed to operate a cockpit within the Municipality of Carigara **without securing the appropriate franchise** from the Sangguniang Bayan. Franchise applicant/s must meet the requirements as provided for in this Ordinance. The application shall state the name, address, and citizenship of the applicant/s; the name of the cockpit, the particular place where the cockpit is to be established; and such other information and data as maybe needed and shall be accompanied with the following:

- 1) Copy of the location and vicinity map;
- 2) Copy of the cockpit building plan;
- 3) Copy of the building permit;
- 4) Copy of the declaration of real property for the cockpit or certificate of title if there is any;
- 5) Copy of the Sanitary Permit;
- 6) Copy of the Environmental Compliance Certificate (ECC) or Certificate of Non-Coverage CNC) from the Department of Environment and Natural Resources (DENR);
- 7) Copy of the permit from Department of Agrarian Reform (DAR) if it needs conversion of land use and from Housing and Land Use Regulatory Board (HLURB);
- 8) Application Fee Receipt and other incidental fees; and list of duly licensed cockpit personnel with corresponding copies of their respective licenses as may be required by law.

SECTION 6. BUSINESS TAX AND BOOKS OF ACCOUNT AND RECORDS

- a) The Franchisee, Licensee, or Grantee of a Cockpit Operators Permit shall pay a Graduated Annual Business Tax at the rate stated in the **updated Comprehensive Revenue Code** of the Municipality of Carigara, Leyte.

SECTION 7-OTHER FEES FOR A LICENSED COCKPIT-

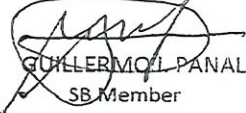
A) In addition, the following fees shall likewise be collected:

- 1) Franchise Fee (per annum)..... ₱30,000.00


JIMMY A. CAMPOSANO
SB Member


RAUL Z. LUOREN
SB Member


LORNA A. MARPA
SB Member


GUILLERMO PANAL
SB Member

REYVALDO A. BODO SB Member
ARMANDO M. NEGADO SB Member
OTHELLO M. CRISOSTOMO SB Member
JOSELU N. GUIJA SB Member-Liza Fed. Pres.
DEAN AARON G. LABRON SB Member-SJK Fed. Pres.
EDUARDO T. ONG JR. Mun. Vice Mayor/Pres. Officer



REPUBLIC OF THE PHILIPPINES
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Page 5.Reso No.2020-320
embodying Ord. No. 2020-111 –

2) Annual Mayor's Permit.....	₱ 5,000.00
3) Ocular Inspection Fee.....	₱ 1,500.00
4) Regular/Special hackfight (renyas per fight).....	₱ 50.00
5) Derby renyas (per fight).....	₱ 100.00
6) Pintakasi (per day).....	₱ 1,000.00
7) Invitational/Promotional Derby (per day).....	₱ 2,000.00
8) Town Fiesta (per day).....	₱ 1,500.00
9) Barangay Special Permit (per day).....	₱ 1,000.00
10) Amusement Tax.....	
(Equivalent to 10% of gate proceeds)	


- B) Resetting or rescheduling of special cockfights or derby where a permit had been previously issued **fifty (50%) of applicable fees** as provided in this Section 7 (a), pars, 6,7,8, and 10.

The franchisee/owner/operator/licensee of the cockpit shall pay to the Municipal Treasurer the "renyas" within seven (7) calendar days after the holding of regular and special cockfights or derby.

SECTION 9. FEES ON COCKFIGHTING OFFICIALS - The herein below named cockpit/cockfighting officials shall not act as such in the cockpit or in any cockfight with special cockfighting permit without **first securing a license renewable every 20th day of January of each year**, from the Office of the Municipal Mayor and upon payment to the Municipal Treasurer of the annual fees, to wit:

A) Pit Manager	₱2,000.00
B) Bet Taker (Masyador).....	₱1,000.00
C) Referee (Kuyme or Sentenciador).....	₱1,000.00
D) Gaffer (Mananari).....	₱1,000.00
E) Bet Fixer (Kasador/Cockpit Cashier).....	₱1,000.00
F) Bet Caller (Kristo).....	₱ 500.00
G) Derby Match Maker.....	₱ 500.00
H) Tagabulong.....	₱ 500.00


No license shall be issued to any of the above-mentioned cockfighting official unless **he/she is at least 21 years old, of good moral character, of unquestioned integrity, and well-**


JIMMY A. CAMPOSANO
SB Member


RAUL Z. LUOREN
SB Member

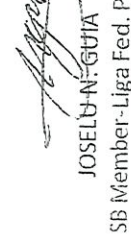

LORNA A. MARPA
SB Member

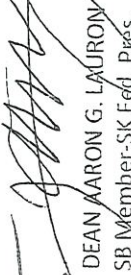

GUILLERMO I. PANAL
SB Member

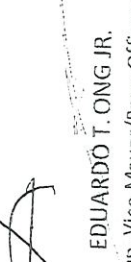

REYNALDO A. BODO
SB Member


ARMANDO M. NEGADO
SB Member


OTHELLO M. CRISTOSTOMO
SB Member


JOSEFIN-GUIA
SB Member-Liga Fed. Ples.


DEAN AARON G. LAURON
SB Member-SK Fgd. Pres.


EDUARDO T. ONG JR.
Mun. Vice Mayor/Pres. Officer



REPUBLIC OF THE PHILIPPINES
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OFFICE OF THE SANGGUNILANG BAYAN
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Page 6. Reso No. 2020-320
embodying Ord. No. 2020-111 –

versed in the rules, customs, usages and language of the game. All the above-mentioned persons shall be required to wear their ID's to be issued by the Office of the Municipal Mayor when entering a cockpit.


SECTION 10. Repealing Clause - All local ordinances, rules and regulation or part thereof that are inconsistent with the provision of this ordinance are hereby repealed or modified accordingly.

SECTION 11. Effectivity - This Ordinances shall take effect upon approval.

ENACTED: DECEMBER 16, 2020

* * * * *

I HEREBY CERTIFY to the correctness of the foregoing resolution.



ROMEO M. VIOJAN
SB Secretary

Attested:



EDUARDO T. ONG JR.
Municipal Vice Mayor/Presiding Officer

Concurred:

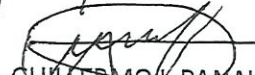

JIMMY A. CAMPOSANO
SB Member



LORNA A. MARPA
SB Member



REYNALDO A. BODO
SB Member

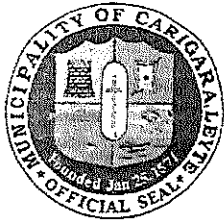

OTHELLO M. CRISOSTOMO
SB Member


RAUL Z. LLOREN
SB Member


GUILLERMO PANAL
SB Member


ARMANDO M. NEGADO
SB Member


JOSELU N. GUIA
SB Member-Liga Fed. Pres.



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

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OFFICE OF THE SANGGUNIANG BAYAN
Cellphone No. 09178167112 E-mail Add.: romy_viojan@yahoo.com

Page 7. Reso No. 2020-320
embodying Ord. No. 2020-111 -

3

DEAN AARON G. LAURON
SB Member-SK Fed. Pres.

Approved:

EDUARDO C. ONG
Municipal Mayor

Date Approved: _____



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

ANNEX D

-000-

OFFICE OF THE SANGGUNIANG BAYAN

Collaborium No. 00278362112 E-mail Add: sangguniangbayancarigara@gmail.com

Page 2, reso. no. 2022-058, embodying
Mun. Ord. No. 2022-133 -

MUNICIPAL ORDINANCE NO. 2022 - 133

AN ORDINANCE GRANTING FRANCHISE TO PATRICK V. MAKABENTA TO ESTABLISH, OPERATE AND MAINTAIN COCKPIT ARENA IN THE MUNICIPALITY OF CARIGARA, LEYTE
Introduced by: Hon. Joselu N. Gula

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, provided that existing rights should not be prejudiced;

WHEREAS, Mr. Patrick V. Makabenta, in his individual capacity has filed his application to be granted a franchise to establish, operate and maintain a cockpit within the territorial jurisdiction of the Municipality of Carigara, Leyte.

WHEREAS, upon consideration of the guidelines in the grant of franchise to operate cockpit as provided for and prescribed under Municipal Revised Cockfighting Ordinance, it appears that Mr. Patrick V. Makabenta, a Filipino citizen and resident of Brgy. Naugusan Carigara, Leyte had substantially complied said requirements;

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 Carigara is hereby granted to Mr. Patrick V. Makabenta, a Filipino citizen and resident of Brgy. Naugusan Carigara, Leyte (herein referred to as the Grantee). As such, he is authorized to establish and operate one (1) cockpit arena specifically located at Brgy. Parag-um Carigara, Leyte and which should adhere to the zoning ordinance of the Municipality.

SECTION 2. Declaration of Franchise- shall be valid for a period of twenty-five (25) years commencing from the effectivity of this Ordinance with the option on the part of the Grantee to renew the same for a similar period; subject to the approval of the Sangguniang Bayan.

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 required 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.

IVANAY A. CAMPOSANO
SB Member

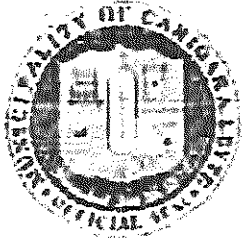
ESTEBAN B. GO
SB Member
(Absent-Si.)

RAUL Z. LLOREN
SB Member

LORNA A. MARPA
SB Member

ESTEBAN B. GO
SB Member

EDUARDO T. ENG, JR. Vice Mayor-Pres. Officer
DEAN AARON G. LAURON SB Member-Sit. Fed. Pres.
JOSELU N. GULA SB Member-Sit. Fed. Pres.
OTHELIA M. CRISOSTOMO SB Member
ARMANDO M. NEGADO SB Member
REYNALDO A. BIDD SB Member



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 PROVINCE OF LEYTE
 MUNICIPALITY OF CARIGARA
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OFFICE OF THE SANGGUNIANG BAYAN

Carigara, Leyte, Philippines | Telephone No. Sangguniang Bayan of Carigara, Leyte

Page 3 res.no.2022-058, embodying
 Mun Ord.No.2022-133 -

SECTION 4. Prohibition on Sale, Lease, Usufruct and Transfer of Franchise. - This franchise is non-transferable in character, except to his legal heirs limited only up to second degree of consanguinity. As such, the grantee shall not sell, assign, lease, grant the usufruct of, or transfer including any rights and privileges acquired there under to any person without prior notice and approval of the Sangguniang Bayan.

SECTION 5. Mandatory Payment of taxes and Fees Provision. - The Grantee shall pay all regular taxes and regulatory fees prescribed by updated Revenue Code cockfighting ordinance of the Municipality of Carigara, Leyte to the Office of the Municipal Treasurer, except the franchise fee which shall be paid within five (5) years, which is P750,000.00 (25 yrs. x 30,000.00 per annum) of the following scheme:


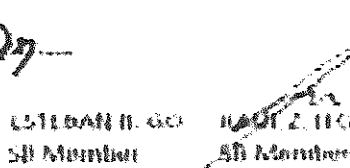


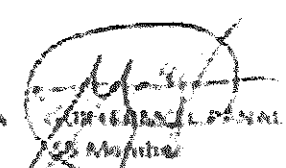
- First Payment - P150, 000.00 upon granting franchise
 - Second Payment - P150, 000.00 succeeding year on or before the 20th day of January
 - Third Payment - P150, 000.00 succeeding year on or before the 20th day of January
 - Fourth Payment - P150, 000.00 succeeding year on or before the 20th day of January
 - Fifth & Last Payment - P150, 000.00 succeeding year on or before the 20th day of January
- Total = P750, 000.00

Failure on the part of the franchisee to promptly and regularly comply with said tax obligation shall be a ground for the automatic revocation or cancellation of the franchise.

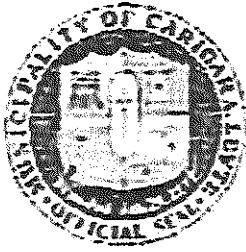
SECTION 5.1 - In the event that the grantee transfers or had died prior to the expiration of 25 years, the successors-in-interest shall no longer pay another franchise fee. Provided that the original franchise fee has already been paid for the whole 25 years.

SECTION 6. Additional Conditions. - The Grantee shall be allowed to hold cockfighting during Sundays and every week for the purpose. The Grantee shall strictly observe the provisions of Presidential Decree No. 449 otherwise known as the Cockfighting Law of 1974 and pertinent issuance particularly on the allowed day as well as the prohibited dates to conduct any cockfighting activities as provided therein and secure a special permit in holding their hack fights and derbies thereby. No gambling of any kind shall be permitted on the premises of the cockpit or place of cockfighting during cockfights. The Grantee shall also make available, under reasonable terms, the accommodation of the fund-raising activities for barangay fiestas and accredited association for charitable purposes through cockfighting activities that maybe conducted in the said arena, as part of his social responsibility.

SECTION 7. Revocation Clause. - This franchise including the complimenting business permit to

 **IMELDA CAMINOSANO**
 SB Member
 **ESTEBAN H. GO**
 SB Member (Award-4)
 **MARK Z. TECHEN**
 SB Member
 **ORINA A. MARPA**
 SB Member
 **CONCEPCION PENAL**
 SB Member

EDUARDO T. ONG, III
 Mayor / SB Member
 DENA WILHELMINA
 SB Member
 GEFERIN GILIA
 SB Member
 ORNELA M. CRISTIANO
 SB Member
 ARMANDO M. MENDOZA
 SB Member
 HEYDIECKA BUCKY
 SB Member



REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
MUNICIPALITY OF CARIGARA

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OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. 09178167112 E-mail Add: sangguniangbayancarigara@gmail.com

Page 4, reso. no. 2022-058, embodying
Mun. Ord. No. 2022-133 -


operate shall be automatically revoked or cancelled upon showing of any non-compliance of the conditions set forth therein, and for violation of the provisions of PD 449 and other pertinent ordinances, rules and regulations.

SECTION 8. Effectivity. - This Ordinance shall take effect upon its approval and after due compliance with the publication requirements.


I hereby CERTIFY to the correctness of the foregoing ordinance.

* * * * *

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING ORDINANCE.



ROMEO M. VIDIAN
SB Secretary

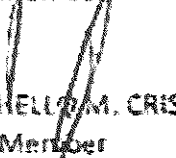
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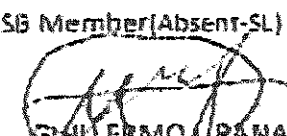

EDUARDO T. ONG, JR.
Municipal Vice Mayor/Presiding Officer

Concurred:

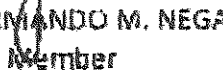

JIMMY C. CAMPOSANO
SB Member


LORNA A. MARPA
SB Member


OTHELL M. CRISOSTOMO
SB Member


ESTEBAN B. GO
SB Member (Absent-SL)


GUILLERMO J. PANAL
SB Member


ARMANDO M. NEGADO
SB Member


RAUL Z. LUOREN
SB Member


REYNALDO A. BODO
SB Member


JOSE N. GUIA
SB Member-Liga Fed. Pres.

DEAN AARON G. LAURON
SB Member-SK Fed. Pres. (Absent)

Approved:


EDUARDO C. ONG
Municipal Mayor



REPUBLIC OF THE PHILIPPINES
 PROVINCE OF LEYTE
 MUNICIPALITY OF CARIGARA
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OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com

BAGONG PILIPINAS

EXCERPT FROM THE MINUTES/JOURNAL OF THE 35TH REGULAR SESSION OF THE 20TH COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, CARIGARA, LEYTE, ON MARCH 2, 2026

* * * * *

RESOLUTION NO. 2026-102

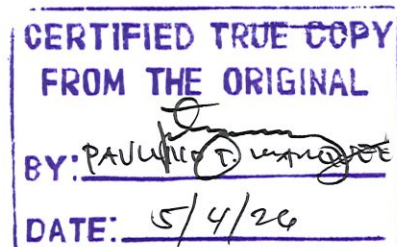
A RESOLUTION DECLARING THAT THE COCKFIGHTING FRANCHISE HOLDER, MR. PATRICK MAKABENTA, HAS COMMITTED VIOLATIONS AND NON-COMPLIANCE WITH THE PROVISIONS OF MUNICIPAL ORDINANCE NO. 2022-133, RELEVANT MUNICIPAL ORDINANCES REGULATING COCKFIGHTING, AND PRESIDENTIAL DECREE NO. 449 (COCKFIGHTING LAW OF 1974)

WHEREAS, the Sangguniang Bayan of Carigara enacted Municipal Ordinance No. 2022-133 on March 16, 2022, granting a cockpit franchise to Mr. Patrick Makabenta to establish and operate a cockpit within the Municipality of Carigara, Leyte;

WHEREAS, the grant of a cockpit franchise is a privilege subject to strict compliance with the conditions set forth in the franchise ordinance, existing municipal ordinances regulating cockfighting activities, and Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974;

WHEREAS, the Sangguniang Bayan, pursuant to Section 447(a)(3)(v) of Republic Act No. 7160 (Local Government Code of 1991), is vested with the authority to regulate cockpits and cockfighting activities within its territorial jurisdiction;

WHEREAS, records, reports, and findings presented before this





REPUBLIC OF THE PHILIPPINES
PROVINCE OF LEYTE
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OFFICE OF THE SANGGUNIANG BAYAN

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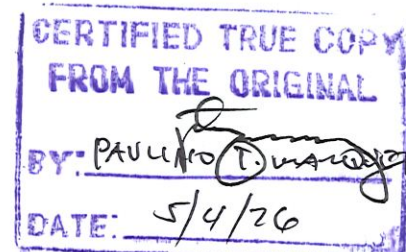


BAGONG PILIPINAS

Page 2/5 - Res. No. 2026-102 dated March 2, 2026-

"A RESOLUTION DECLARING THAT THE COCKFIGHTING FRANCHISE HOLDER, MR. PATRICK MAKABENTA, HAS COMMITTED VIOLATIONS AND NON-COMPLIANCE WITH THE PROVISIONS OF MUN. ORDINANCE NO. 2022-133...."

Honorable Body show that the franchise holder committed acts constituting violations and non-compliance with the provisions and conditions of Municipal Ordinance No. 2022-133, relevant municipal ordinances regulating cockfighting, and Presidential Decree No. 449; specifically, as follows: (a) OPERATING WITHOUT THE REQUISITE PERMIT. Holding of cockfighting derby activities without securing the requisite Special Permit from the Municipal Mayor and authorization from the Sangguniang Bayan, in direct violation of Section 6 of Municipal Ordinance No. 2022-133, (b) WILLFUL DEFIANCE OF LOCAL LEGISLATION AND LOCAL EXECUTIVE ORDERS. Deliberate and continued defiance of Sangguniang Bayan Resolution No. 2025-114, as incorporated in the Mayor's Permit, which mandated the exclusive use of the traditional mode of in-person betting, constituting a violation of the conditions of the permit granted, (c) SIMULATION OF OWNERSHIP AND QUALIFICATION MISREPRESENTATION. Violation of the ownership qualification requirements through the discovery of simulation of ownership (misrepresentation of the franchise grantee to be the true owner of the cockpit), which invalidates the license/permit, (d) FALSIFICATION OF PUBLIC RECORD AND OBSTRUCTION OF LEGISLATIVE INQUIRY. Falsification of public records by attempting to alter or misrepresent the actual provisions of Municipal Ordinance No. 2022-133 and Section 15 of Municipal Order No. 07- 05 in a formal reply to the Show Cause Notice, intentionally misleading the legislative body to circumvent the mandatory automatic revocation provided in Section 7 of Municipal Ordinance No. 2022-133, (e) ON THE REAL PROPERTY AND THE





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BAGONG PILIPINAS

Page 3/5 – Res. No. 2026-102 dated March 2, 2026–

“A RESOLUTION DECLARING THAT THE COCKFIGHTING FRANCHISE HOLDER, MR. PATRICK MAKABENTA, HAS COMMITTED VIOLATIONS AND NON-COMPLIANCE WITH THE PROVISIONS OF MUN. ORDINANCE NO. 2022-133....”

ISSUE OF NOT HAVING A LICENSED COCKPIT. The cockpit arena of the Canggara Amusement Center is not a licensed cockpit and is prohibited from operating, as Lot 3904-A remains unresolved in reclassification and lacks the required DAR Conversion Order, which is mandatory for any lawful change from agricultural use. Its continued operation constitutes a clear violation of Municipal Ordinance No. 2005-07, Presidential Decree No. 449, and other applicable national and local laws, and must therefore be immediately ceased.

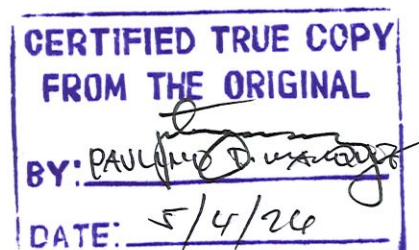
WHEREAS, the franchise holder concerned was given due notice and opportunity to explain the alleged violations and non-compliance to satisfy the requirements of due process;

WHEREAS, after due consideration of the records, reports, and submissions

presented, the Sangguniang Bayan finds that there exists a sufficient factual and legal basis to declare that the franchise holder has committed violations.

NOW, THEREFORE, on motion of Hon. Fernando N. Moriel, duly seconded by Hon. Myla L. Aguilar, Hon. Mildred C. Modesto, and Hon. Vilma M. Domus, be it:

RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Bayan of Carigara, Leyte, in session duly assembled, to DECLARE that the





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“A RESOLUTION DECLARING THAT THE COCKFIGHTING FRANCHISE HOLDER, MR. PATRICK MAKABENTA, HAS COMMITTED VIOLATIONS AND NON-COMPLIANCE WITH THE PROVISIONS OF MUN. ORDINANCE NO. 2022-133....

cockpit franchise holder, MR. PATRICK MAKABENTA, has committed violations and non-compliance with the provisions of Municipal Ordinance No. 2022-133, relevant municipal ordinances regulating cockfighting activities, and Presidential Decree No. 449.

RESOLVED FURTHER, that this declaration shall serve as the official finding of this Honorable Body regarding the violations committed by the franchise holder, which may be used as basis for the appropriate action in accordance with existing laws and ordinances.

RESOLVED FINALLY, that copies of this Resolution be furnished to the Office of the Municipal Mayor and Mr. Patrick Makabenta, for their information.

APPROVED UNANIMOUSLY this 2nd day of March 2026 at the Sangguniang Bayan Session Hall, Carigara, Leyte

* * * * *

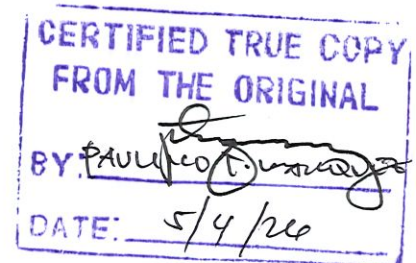
I HEREBY CERTIFY that this is a true and accurate copy of the ordinance duly enacted by the Sanggunian on 2 March 2026.


PAULINO T. MARQUEZ
Legal Assistant I

OIC-Secretary to the Sanggunian

Attested:


JIMMY A. CAMPOSANO
Municipal Vice Mayor/Presiding Officer





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“A RESOLUTION DECLARING THAT THE COCKFIGHTING FRANCHISE HOLDER, MR. PATRICK MAKABENTA, HAS COMMITTED VIOLATIONS AND NON-COMPLIANCE WITH THE PROVISIONS OF MUN. ORDINANCE NO. 2022-133....”

Concurred:

FERNANDO N. MORIEL
SB Member

VILMA M. DOMUS
SB Member

MILDRED C. MODESTO
SB Member

CARLO ANGELO B. GO
SB Member

ULPIANO U. ARPON JR
SB Member

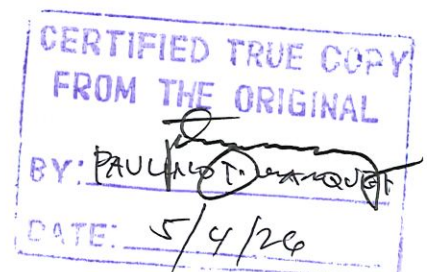
MYLA L. AGUILAR
SB Member

GUILLERMO I. PANAL
SB Member

DANIEL N. ARIASO JR.
SB Member- SK Fed. Pres.

JOENLEE C. LARRAGA
SB Member
(Forced Leave)

ARVIN N. URMENETA
SB Member- LnB Pres.
(OT in Cebu City)





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BAGONG PILIPINAS

EXCERPT FROM THE MINUTES/JOURNAL OF THE 37TH REGULAR SESSION OF THE 20TH COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, CARIGARA, LEYTE, ON MARCH 16, 2026

* * * * *

RESOLUTION NO. 2026-115

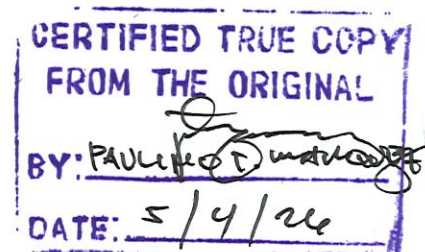
A RESOLUTION DECLARING THE REVOCATION AND CANCELLATION OF THE COCKFIGHTING FRANCHISE GRANTED TO MR. PATRICK MAKABENTA FOR VIOLATIONS AND NON-COMPLIANCE TO THE PROVISIONS OF MUNICIPAL ORDINANCE NO. 2022-133, EXISTING RELEVANT MUNICIPAL ORDINANCES, AND PRESIDENTIAL DECREE NO. 449.

WHEREAS, the Sangguniang Bayan, in the exercise of its regulatory authority and police power under Section 447 of Republic Act No. 7160 (Local Government Code of 1991), has the authority to regulate cockpits and ensure compliance with the conditions of franchise granted by the Municipality;

WHEREAS, the Sangguniang Bayan of Carigara enacted Municipal Ordinance No. 2022-133 on March 16, 2022, granting a cockpit franchise to Mr. Patrick Makabenta to operate a cockpit within the Municipality of Carigara, Leyte;

WHEREAS, the grant of a cockpit franchise is a mere privilege subject to compliance with the conditions set forth under the Municipal Ordinance No. 2022-133, existing relevant Municipal Ordinances regulating the cockfighting activities, and Presidential Decree No. 449 (Cockfighting Law of 1974);

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“A RESOLUTION DECLARING THE REVOCATION AND CANCELLATION OF THE COCKFIGHTING FRANCHISE GRANTED TO MR. PATRICK MAKABENTA FOR VIOLATIONS AND NON-COMPLIANCE TO THE PROVISIONS OF MUNICIPAL ORDINANCE NO. 2022-133, EXISTING RELEVANT MUNICIPAL ORDINANCES, AND PRESIDENTIAL DECREE NO. 449.

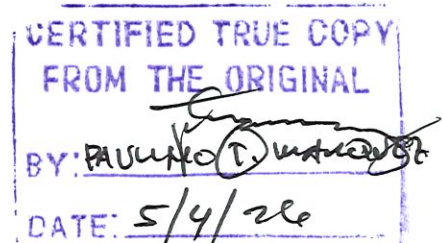
WHEREAS, consistent with the requirements of due process, the franchisee was duly notified of the alleged violations and was afforded full opportunity to be heard, including the submission of written explanation, supporting documents, and participation in deliberative proceedings conducted by the Sangguniang Bayan;

WHEREAS, after exercising due process and due deliberation, the Sangguniang Bayan of Carigara finds the explanations submitted by the franchisee to be insufficient, unmeritorious, and unsatisfactory to justify the noted breaches;

WHEREAS, official records and findings, as embodied in the Sangguniang Bayan Resolution No. 2026-102 dated March 2, 2026, conclusively established that the franchise holder committed violations and acts of non-compliance with the provisions of Municipal Ordinance No. 2022-133, other relevant municipal ordinances, and Presidential Decree No. 449;

WHEREAS, based on the foregoing, the Sangguniang Bayan finds that there exists sufficient factual and legal basis to warrant the revocation or cancellation of the privilege granted to Mr. Patrick Makabenta under the Cockfighting Franchise Ordinance No. 2022-133;

WHEREAS, in accordance with Municipal Ordinance no. 2022-133,





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“A RESOLUTION DECLARING THE REVOCATION AND CANCELLATION OF THE COCKFIGHTING FRANCHISE GRANTED TO MR. PATRICK MAKABENTA FOR VIOLATIONS AND NON-COMPLIANCE TO THE PROVISIONS OF MUNICIPAL ORDINANCE NO. 2022-133, EXISTING RELEVANT MUNICIPAL ORDINANCES, AND PRESIDENTIAL DECREE NO. 449.”

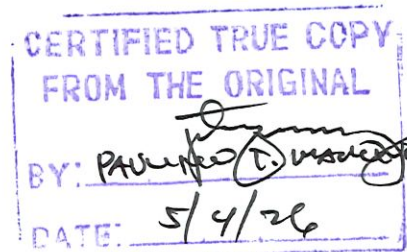
Section 7 - Revocation Clause, states that; *“The franchise including the complimenting business permit to operate shall be automatically revoked or cancelled upon showing of any non-compliance of the conditions set forth therein, and for violation of the provisions of PD 449 and other pertinent ordinance, rules or regulations.”*

WHEREAS, Section 7 of Municipal Ordinance No. 2022-133, further states that the cockfighting franchise granted to Mr. Patrick Makabenta is hereby declared revoked or cancelled for breach of the conditions of the franchise ordinance, existing relevant municipal ordinances, and PD 449.

NOW, THEREFORE, on motion of Honorable Fernando N. Moriel, duly seconded by Honorable Mildred C. Modesto and Honorable Myla L. Aguilar, be it:

RESOLVED, AS IT IS HEREBY RESOLVED, by the Sangguniang Bayan of Carigara, Leyte, in session duly assembled, to DECLARE the REVOCATION and CANCELLATION of the cockpit franchise granted to Mr. Patrick Makabenta under Municipal Ordinance No. 2022-133, for violations and non-compliances.

RESOLVED FURTHER, that the Municipal Mayor, through the





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Philippine National Police, the Municipal Treasurer, and other concerned offices, be directed to implement, enforce and ensure full compliance with this Resolution, including the cessation of all cockpit operations under the revoked franchise.

RESOLVED FINALLY, that copies of this Resolution be furnished to the Office of the Municipal Mayor, the Philippine National Police-Carigara Municipal Police Station, the Municipal Treasurer, and other concerned offices for their information and appropriate action.

APPROVED this 16th day of March 2026 at the Sangguniang Bayan Session Hall, Carigara, Leyte

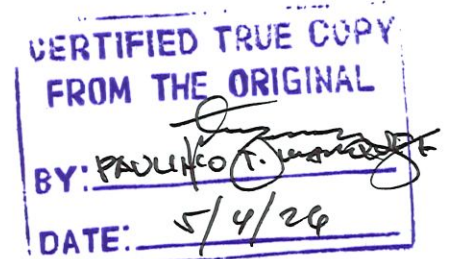
Voting on the foregoing Resolution was as follows:

AYES (Favor) : Hon. Fernando N. Moriel, Hon. Vilma M. Domus,
Hon. Mildred C. Modesto, Hon. Myla L. Aguilar,
Hon. Arvin N. Urmeneta, and Hon. Daniel N. Ariaso, Jr.

NAYS(Against): Hon. Carlo Angelo B. Go and Hon. Joenlee C. Larraga

INHIBITION : Hon. Guillermo I. Panal

* * * * *





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I HEREBY CERTIFY to the correctness of the foregoing excerpt.


PAULINO T. MARQUEZ

Legal Assistant I

OIC-Secretary to the Sanggunian


Attested:



JIMMY A. CAMPOSANO

Municipal Vice Mayor/Presiding Officer

Concurred:


FERNANDO N. MORIEL
SB Member


VILMA M. DOMUS
SB Member


MILDRED C. MODESTO
SB Member

CARLO ANGELO B. GO
SB Member

CERTIFIED TRUE COPY
FROM THE ORIGINAL

BY:  PAULINO T. MARQUEZ

DATE: 5/4/26



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ULPIANO U. ARPON JR.
SB Member

JOENLEE C. LARRAGA
SB Member (NO)

GUILLERMO I. PANAL
SB Member


MYLA L. AGUILAR
SB Member


ARVIN N. URMENETA
SB Member-LnB Pres.


DANIEL N. ARIASO JR.
SB Member-SK Fed. Pres.

CERTIFIED TRUE COPY
FROM THE ORIGINAL

BY: 
PAULINO T. URMENETA

DATE: 5/4/26