Republic of the Philippines
PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Palo, Leyte
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COMMITTEE ON RULES, LAWS and PRIVILEGES
COMMITTEE REPORT
No. 31 S. 2026

Date: November 12, 2026

SUBJECT: Municipal Ordinance No. 2, Series of 2026, entitled: **"AN ORDINANCE ADOPTING THE NEW OFFICIAL SEAL OF THE MUNICIPALITY OF CAPOOCAN, LEYTE, DEFINING ITS SYMBOLISM, PRESCRIBING ITS USE, AND IMPOSING PENALTIES FOR UNAUTHORIZED OR IMPROPER USE THEREOF"**

Date of Referral:	Oct. 06, 2026
Prepared by:	Committee on Rules, Laws and Privileges
Chairperson:	Atty. Ronnan Chiristian "Bolingling" Reposar
Vice-Chairperson:	Atty. Carlo P. Loreto
Members:	Hon. Wilson Uy, Hon. Michael L. Cari, Hon. Ma. Martina L. Gimenez.

I. FACTS

The Municipality of Capoocan enacted Municipal Ordinance No. 2, Series of 2026, adopting its new official municipal seal, defining its symbolism, prescribing its official use, prohibiting unauthorized use thereof, and providing penalties for violations.

Pursuant to the review powers of the Sangguniang Panlalawigan under the Local Government Code of 1991, the ordinance was transmitted for review and was subsequently referred to the Provincial Legal Office for legal evaluation.

In its **2nd Indorsement dated October 1, 2026**, the Provincial Legal Office opined that the ordinance is generally within the legislative authority of the Sangguniang Bayan under Section 22(a)(3) of Republic Act No. 7160 but recommended further review on the ground that Section 8 of the ordinance allegedly violates Section 447(a)(1)(iii) of the same Code.

II. FINDINGS

After careful examination of the ordinance and the legal opinion rendered by the Provincial Legal Office, the Committee finds:

The Ordinance is within the Legislative Authority of the Municipality

Section 22(a)(3) of Republic Act No. 7160 expressly grants local government units the corporate power:

> "To have and use a corporate seal."

The adoption and regulation of the official seal of the Municipality of Capoocan is therefore a legitimate exercise of the powers granted to municipalities under the Local Government Code.

The Provincial Legal Office Opinion Appears to Contain a Citation or Reference Error

The Provincial Legal Office, in its 2nd Indorsement dated October 1, 2026, opined that while the ordinance is generally within the legislative authority of the Sangguniang Bayan under Section 22(a)(3) of Republic Act No. 7160, "Section 8" thereof is allegedly in violation of Section 447(a)(1)(iii) of the Local Government Code.

After review, the Committee notes that Section 8 of the ordinance is merely a **Repealing Clause**, which reads:

> "All ordinances, resolutions, rules and regulations inconsistent with this Ordinance are hereby repealed or modified accordingly."

The Committee finds that Section 447(a)(1)(iii) of Republic Act No. 7160 pertains to the municipal authority to impose fines and imprisonment for violations of ordinances. The cited statutory provision regulates the permissible extent of penalties that may be imposed by municipal ordinances and bears no apparent relation to a repealing clause.

Accordingly, the Committee is of the considered view that the Provincial Legal Office may have inadvertently committed a typographical error, citation error, or mistaken reference in identifying Section 8 as the provision allegedly violative of Section 447(a)(1)(iii).

The Actual Legal Concern Appears to be the Effectivity Clause

The Committee finds that the more substantial legal issue is found in Section 9 of the ordinance, which provides that the ordinance shall take effect upon approval by the President of the Philippines, as may be required, following endorsement by the NHCP and compliance with DILG registration requirements.

The Committee notes that the ordinance fails to identify the specific legal authority requiring presidential approval as a condition precedent to its effectivity. Such provision may create uncertainty regarding when the ordinance becomes effective and enforceable.

The Committee further observes that the approval, review, posting, and effectivity of local ordinances are already governed by the pertinent provisions of Republic Act No. 7160. Accordingly, the inclusion of additional conditions whose legal basis is not expressly established may create uncertainty as to whether the ordinance may take effect notwithstanding compliance with the requirements prescribed by the Local Government Code.

Moreover, the Committee is of the view that any subsequent endorsement, confirmation, recognition, registration, or coordination with the NHCP, the DILG, the Office of the President, or other national agencies may constitute separate administrative processes relating to the recognition, registration, or use of the municipal seal, but not necessarily to the validity or effectivity of the ordinance itself.

For this reason, the Committee finds it necessary that Section 9 be amended to clearly distinguish between:

a. the legal effectivity of the ordinance pursuant to the Local Government Code; and,

b. any subsequent administrative or regulatory requirements that may be necessary for the implementation, registration, recognition, or official use of the municipal seal.

III. CONCLUSION

The Committee finds that the enactment of an ordinance adopting and regulating the official seal of the Municipality of Capoocan is within the powers granted to municipalities under Section 22(a)(3) of Republic Act No. 7160. Likewise, the penalties imposed under Section 6 appear to be within the limitations prescribed under Section 447(a)(1)(iii) of the same Code.

However, the Committee finds merit in requiring further legislative action by the Sangguniang Bayan considering the ambiguity created by Section 9 of the ordinance. As stated, the ordinance in its present form contains an effectivity clause that introduces requirements whose legal basis as conditions for effectivity has not been sufficiently established.

The Committee likewise finds that the Provincial Legal Office appears to have inadvertently cited the wrong provision of the ordinance. Section 8, being merely a repealing clause, bears no apparent relation to Section 447(a)(1)(iii) of the Local Government Code which pertains to the imposition of penalties. Consequently, the Committee is constrained to conclude that the legal concern identified in the Provincial Legal Office's 2nd Indorsement may have arisen from a typographical, citation, or reference error rather than from any defect in the repealing clause itself.

IV. RECOMMENDATION

WHEREFORE, premises considered, the Committee respectfully recommends that Municipal Ordinance No. 2, Series of 2026 of the Municipality of Capoocan, Leyte be RETURNED to the Sangguniang Bayan of Capoocan for amendment and clarification prior to favorable action by the Sangguniang Panlalawigan.

Specifically, the Committee recommends that:

1. **Section 9 (Effectivity Clause) be amended** to remove ambiguity regarding the legal effectivity of the ordinance and to clearly identify the statutory basis, if any, for requiring presidential approval, NHCP endorsement, and DILG registration as conditions precedent to effectivity;

2. The Sangguniang Bayan be requested to clarify whether the requirements stated in Section 9 are based on any existing statute, administrative issuance, NHCP guideline, DILG regulation, or presidential issuance, and to expressly cite the same in the ordinance if applicable;

3. In the absence of a specific legal requirement, any endorsement, approval, registration, or recognition by the NHCP, DILG, Office of the President, or other appropriate agencies be treated as a **separate administrative process** relating to the implementation, registration, recognition, or official use of the municipal seal, and not as a condition for the effectivity of the ordinance itself;

4. The Provincial Legal Office be furnished a copy of this Report for information, considering the Committee's finding that the reference in the 2nd Indorsement to Section 8 as allegedly violative of Section 447(a)(1)(iii) appears to be a

typographical, citation, or reference error, since Section 8 merely contains the ordinance's repealing clause while the cited statutory provision pertains to municipal penal authority; and,

5. Upon amendment of the ordinance and compliance with the foregoing observations, the same be resubmitted to the Sangguniang Panlalawigan for further review and appropriate action.

RESPECTFULLY SUBMITTED.

Prepared by: **Committee on Rules, Laws and Privileges**

HON. ATTY. RONNAN CHRISTIAN M. REPOSAR
Chairperson

HON. ATTY. CARLO P. LORETO
Vice Chairperson

HON. WILSON S. UY
Member

HON. MICHAEL L. CARI
Member

HON. MA. MARTINA L. GIMENEZ
Member

Attested by:

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian