Republic of the Philippines
PROVINCE OF LEYTE
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
Palo, Leyte
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COMMITTEE ON RULES, LAWS and PRIVILEGES and COMMITTEE ON GAMES AND AMUSEMENTS
JOINT
COMMITTEE REPORT
No. 33 S. 2026

I. Title and Reference:

Re: Review of Municipal Ordinance No. 2026-054, Series of 2026, enacted by the Sangguniang Bayan of Carigara revoking the cockfighting franchise previously granted to Patrick V. Makabenta

II. Background

- Ordinance submitted by: Sangguniang Bayan of Carigara
- Subject: Revocation of cockfighting franchise.
- Legal basis: Section 56, RA 7160; PD 449.

III. Findings

1. As to the Legality. Revocation is consistent with Presidential Decree No. 449 (PD 449) and Local Government Code of 1991 (RA 7160).

   The revocation of the cockpit franchise was based on the violations of PD 449, in Section 5(e)[1] by holding a five-day event instead of the statutory limit of three-days and without the approval of Sangguniang Bayan, and in Section 5(f)[2] by introducing machine betting instead of the traditional method of betting. These acts of Mr. Patrick V. Makabenta violated statutory conditions and compromised public morals. While RA 7160 grants local government units to regulate cockpits, this authority remains subordinate to national statutes, that the Sangguniang Bayan cannot overlook acts that national law expressly prohibits.

2. As to Due Process. Franchise holder, Mr. Patrick V. Makabenta was given notice and hearing.

   The legislative record demonstrates compliance with the requirements of due process. Mr. Patrick V. Makabenta was repeatedly notified of the alleged violations and was given the opportunity to appear personally before the Sangguniang Bayan. He was issued two (2) separate show cause orders and was afforded multiple opportunities to submit written explanations. These acts establish that Mr. Makabenta was afforded ample notice and meaningful opportunity to be heard prior to the enactment of the municipal ordinance

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[1] *(e) Cockfighting for Entertainment of Tourists or for Charitable Purposes. Subject to the preceding subsection hereof, the Chief Constabulary or his authorized representative may also allow the holding of cockfighting for the entertainment of foreign dignitaries or for tourists, or for returning Filipinos, commonly known as "Balikbayan", or for the support of national fund-raising campaigns for charitable purposes as may be authorized by the Office of the President, upon resolution of a provincial board, city or municipal council, in licensed cockpits or in playgrounds or parks: Provided, that this privilege shall be extended for only one time, for a period not exceeding three days, within a year to a province, city, or municipality. [Section 5(e), PD No. 449]*

[2] *(f) Other games during cockfights prescribed. No gambling of any kind shall be permitted on the premises of the cockpit or place of cockfighting during cockfights. The owner, manager or lessee off such cockpit and the violators of this injunction shall be criminally liable under Section 8 hereof. [Section 5(f) of PD 449]*

revoking the franchise granted to him, in accordance to Article III, Section 1[3] of the Philippine Constitution.

3. As to Jurisdiction. The revocation of the cockpit franchise is within the municipal authority of the Sangguniang Bayan.

   Pursuant to Section 447(a)(3)(v)[4] of RA 7160, the provision vests in the Sangguniang Bayan the legislative authority to grant a license or franchise within their respective territorial jurisdiction. Corollary to such authority is the power to suspend or revoke for a lawful cause, provided that the requirements as mandated by the Constitution on due process are observed.

4. As to Reasonableness. The revocation is necessary to protect public welfare.

   Considering the repeated and substantial violations of the conditions of the franchise as provided under Municipal Ordinance No. 2022-133 and PD 449, which governs cockpit operations, the revocation of the franchise constitutes a reasonable exercise of the Municipality's police power. Pursuant to Section 16[5] of RA 7160, otherwise known as the General Welfare Clause, every local government unit is mandated to exercise powers essential to the promotion of the general welfare, which includes the duty to promote health and safety, improve public morals, and maintain peace and order within its territorial jurisdiction.

   Prior to revocation, the Sangguniang Bayan repeatedly notified Mr. Patrick V. Makabenta of the violations and initially attempted less drastic measure by issuing a 30-day suspension. Despite opportunities, Mr. Makabenta remained non-compliant with the conditions of the franchise and applicable laws. Because a cockpit franchise is a privilege and not a vested right, its continued enjoyment is always subservient to the public good. The Sangguniang Bayan acted within the bounds of its police and regulatory powers to protect the public welfare and interest of the Municipality of Carigara.

IV. Committee Action

The Committee recommends:

- While the Sangguniang Panlalawigan exercises oversight functions over component municipalities, such power is confined to the powers expressly granted under the Local Government Code of 1991 (RA 7160) and other applicable laws. The revocation of a cockpit franchise through a legislative act enjoys the presumption of validity and regularity and remains valid unless declared invalid by a competent court. Absent statutory basis, the Sangguniang Panlalawigan has

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[3] *Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. [Article III, Section 1, 1987 Constitution]*

[4] *(3) Subject to the provisions of Book II of this Code, grant franchises, enact ordinances authorizing the issuance of permits or licenses, or enact ordinances levying taxes, fees and charges upon such conditions and for such purposes intended to promote the general welfare of the inhabitants of the municipality, and pursuant to this legislative authority shall:*
(v) Any law to the contrary notwithstanding, authorize and license the establishment, operation, and maintenance of cockpits, and regulate cockfighting and commercial breeding of gamecocks: Provided, That existing rights should not be prejudiced. [Section 447(a)(3)(v), RA 7160]

[5] [5] *General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants. [Section 16, RA 7160]*

no authority to conduct investigation of the Sangguniang Bayan's legislative actions.

- Declare Municipal Ordinance No. 2026-054, Series of 2026 of Carigara, Leyte as Valid.

Respectfully submitted for plenary consideration.

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Chairperson
Committee on Rules, Laws and Privileges
Member - Committee on Games and Amusement

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Attested by:

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian