

Republic of the Philippines
THE SANGGUNIANG PANLAWIGAN OF ILOCOS NORTE
Laoag City, 2900

NINTH SANGGUNIANG PANLAWIGAN

EXCERPTS FROM THE MINUTES OF THE 30TH REGULAR SESSION
OF THE SANGGUNIANG PANLAWIGAN, HELD AT THE
SANGGUNIANG SESSION HALL, PROVINCIAL CAPITOL,
LAOAG CITY, AT 2:53 O'CLOCK P.M.,
TUESDAY, 11 FEBRUARY 2014.

Present:
Hon. Eugenio Angelo M. Barba, Vice-Governor,
and Presiding Officer,

Hon. Ria Christina G. Fariñas, Member,

Hon. Albert D. Chua, Member,

Hon. Da Vinci M. Crisostomo, Member,

Hon. Juan Contrado A. Respicio II, Member,

Hon. Portia Pamela R. Salenda, Member,

Hon. James Paul C. Nalupta, Member,

Hon. Vicentito M. Lazo, Member,

Hon. Rogelio R. Balbag, Member,

Hon. Joel R. Garcia, Member,

Hon. Domingo C. Ambrocio, Jr., PCL-IN, Member,

Hon. Charles I. Tadena, ABC-IN, Member,

Absent:

Hon. Ramon M. Gaoat, Member,

RESOLUTION NO. R2014-3628

REVIEW OF/ACTION ON ORDINANCE NO. 2014-09-012
ENACTED BY THE SANGGUNIANG BAYAN OF
DINGRAS.

ON MOTION of Member LAZO, Chairman, Committee on GAMES AND
AMUSEMENTS, duly seconded, the Body Resolved that:

Ordinance No. 2014-09-012 be declared INVALID for the reason cited in the Committee
on GAMES AND AMUSEMENTS Report which, after presentation and deliberation, was
accordingly approved and adopted, a copy of which is being furnished the Sanggunian
concerned:

Copy of this Resolution be furnished to all concerned for their information and guidance.

I HEREBY CERTIFY to the correctness of the above-quoted Resolution.

MILDRED NIRMILA R. LAMOSTE
Provincial Board Secretary

Y

ATTESTED:

EUGENIO ANGELO M. BARBA
Vice-Governor
and Presiding Officer

APPROVED _____
DATE _____
JAMES A. MARCOS
PROVINCIAL GOVERNOR

SP0 - VQ
 RECEIVED
 DATE FEB 05 2014
 TIME 9:30 AM
 SIGNATURE *[Signature]*

OFFICE OF THE SANGGUNIANG PANTALAWIGAN

COMMITTEE REPORT

COMMITTEE ON GAMES AND AMUSEMENT

Republic of the Philippines
 PROVINCE OF ILOCOS NORTE
 Laoag City 2900



THE HONORABLE PRESIDING OFFICER
 & MEMBERS OF THE SANGGUNIANG PANTALAWIGAN:

RE: MUNICIPAL ORDINANCE NO. 2014-09-012 OF THE MUNICIPALITY OF DINGRAS -
 "AN ORDINANCE GRANTING FRANCHISE TO MR. MARLON JUNI TO OPERATE A
 COCKPIT IN BRGY. BUNGCAG, DINGRAS, ILOCOS NORTE."

FINDINGS & OBSERVATIONS:

The ordinance is lacking in provisions in many aspects that would ensure that said ordinance does not contravene national law, rules and regulations.

Before issuance of a franchise to the applicant to operate a cockpit, the municipality should make certain that Section 5 of PD 449, as amended, have been complied with, thus:

"PD 449, Section 5. Cockpits and Cockfighting: In General:

a) Ownership, Operation and Management of Cockpits. Only Filipino citizens not otherwise prohibited by existing laws shall be allowed to own, manage and operate cockpits. (Cooperative capitalization is encouraged) (emphasis supplied)

{There is no showing of the personal circumstances of the franchisee - Marlon Juni, especially as to his citizenship].

b) Establishment of Cockpits. Only one cockpiti shall be allowed in each of municipality, except that in cities or municipalities with a population of over one hundred thousand, two cockpits may be established. (emphasis supplied)

{Worthy to note is the second whereas clause of the ordinance which states that THREE (3) cockpits may be established in the Municipality of Dingras and the third whereas clause states that there is already one existing cockpiti in the Municipality and data gathered reveals that the population of Dingras, Ilocos Norte is less than one hundred thousand. Stated otherwise, only one (1) cockpiti can be operated in the municipality and the Administrative Order which authorizes the establishment of three (3) cockpits is contrary to existing law].

c) Cockpits Sites and Construction. Cockpits shall be constructed and operated within the appropriate areas as prescribed in Zoning Law or Ordinance. In the absence of such law or ordinance, the local executives shall see to it that no cockpits are constructed within or near existing residential or commercial areas, hospitals, school buildings, churches or other public buildings. Owners, lessees, or operators of cockpits which are now in existence and do not conform to this requirement are given three years from the date of effectivity of this decree to comply herewith. Approval or issuance of building permits for the construction of cockpits shall be made by the

[Handwritten signatures and initials at the top of the page]

city or provincial engineer in accordance with their respective building codes, ordinances or engineering laws and practices

d) *Holding of Cockfights.* Except provided in this Decree, cockfighting shall be allowed only in licensed cockpits during Sundays and legal holidays and during local fiestas for not more than three days. It may also be held during provincial, city or municipal, agricultural, commercial or industrial fair, carnival or fair, carnival or exposition for a similar period of three days upon resolution of the province, city or municipality where such fair, carnival or exposition is to be held, subject to the approval of the Chief of Constabulary or his authorized representative. Provided, that, no cockfighting on the occasion of such fair, carnival or exposition shall be allowed within the month of a local fiesta or for more than two occasions a year in the same city or municipality: Provided, further, that no cockfighting shall be held on December 30 (Rizal Day), June 12 (Philippine Independence day) November 30 (National Heroes day), Holy Thursday, Good Friday, Election or Referendum Day during Registration Days such as election or referendum.

[Likewise noteworthy is that the ordinance fails to state on what day of the week cockfighting will be held, since as a general rule, cockfighting shall be held only once in any given week, hence, the day on when cockfighting is allowed should be provided for in the ordinance. (But this issue becomes moot since there is already one (1) cockpit operating in the municipality)]

x x x

f) *Other games during cockfighting 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 of such cockpit and the violators of this injunction shall be criminally liable under Section 8 hereof.

The financial capacity of Mr. Marlon Jun to operate a cockpit should also be determined as well as his BIR registration.

RECOMMENDATION:

In view of the foregoing findings and observations, the Committee hereby recommends that Municipal Ordinance No. 2014-09-012 of Dingras, be declared **INVALID**, the same being *ultra vires*.

Laaoig City, 4 February 2014.
VICENTINO M. LAZO
Chairman
DA VINCENTO M. KRISOSTOMO
Member

JOEL R. GARCIA
Vice-Chairman
JUAN CONRADO A. RESPICION II
Member

ROKILIA PAMELA R. SALENDA
Member

EXCERPT FROM THE MINUTES OF THE TWENTY SEVENTH (27TH) REGULAR
SESSION OF THE NINTH (9TH) SANGGUNIANG BAYAN OF DINGRAS, ILOCOS
NORTE HELD AT THE SANGGUNIANG HALL ON JANUARY 13, 2014

Members Present:

Hon. Jeffrey P. Saguid,
Hon. Ruben C. Marcos,

Hon. Alfe Garry R. Gamboa,

Hon. Enrique J. Canete,

Hon. Lester S. Ballesteros,

Hon. Joey S. Apostol,

Hon. Samuel N. Demandante,

Hon. Jimmy Aguinaldo

Members Absent:

Hon. Jose Mari Genaro B. Albano,

Hon. Nathaniel Ruben D. Tayan II

SB Member
SB Member

SB Member

SB Member

SB Member

SB Member

SB Member

SB Member

Liga Vice President (Ex-Officio Member)

MUNICIPAL ORDINANCE NO. 2014-09-012
Series of 2013

**AN ORDINANCE GRANTING FRANCHISE TO MR. MARLON JUNI TO OPERATE A
COCKPIT IN BRGY. BUNGACAG, DINGRAS, ILOCOS NORTE**

Sponsored by: Hon. Joey S. Apostol and the Joint Committees on Finance,
Appropriations and Sports Development

WHEREAS, Section 447, para. 3, (V) of the Local Government Code of 1991 provides that "The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of the Code, and shall:

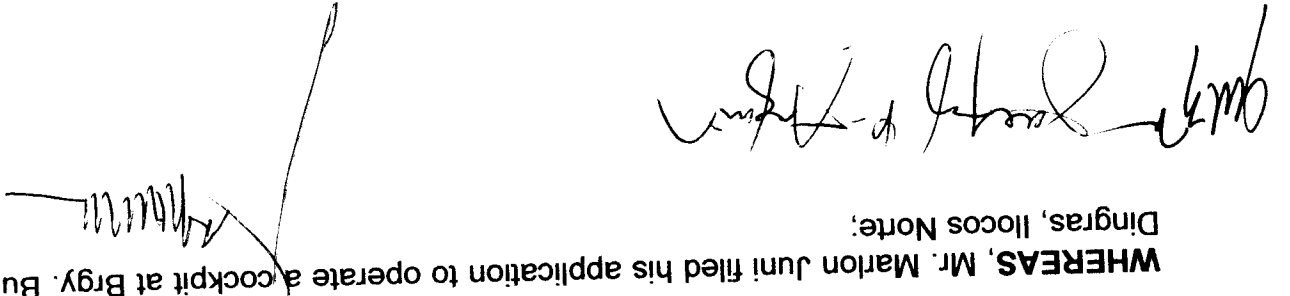
(3) Subject to the provisions of Book 11 of this Code, grant franchise, enact ordinances, levying taxes, fees, and charges upon such conditions and for purposes intended for the general welfare of the inhabitants of the municipality and pursuant to this legislative authority, shall:

(3V) Any law to the contrary notwithstanding, authorizes and licenses the establishment, operation and maintenance of cockpits, and regulate cockfighting and commercial breeding of fighting cocks. Provided. That existing rights should not be prejudiced";

WHEREAS, Sec. 215 of the Administrative Code of 2007 of the municipality authorizes the establishment of 3 cockpits in the Municipality of Dingras, Ilocos Norte;

WHEREAS, there is already an existing cockpit operating in the municipality;

WHEREAS, Mr. Marlon Juni filed his application to operate a cockpit at Brgy. Bungcag, Dingras, Ilocos Norte;



WHEREAS, this body deems it proper and necessary to enact this ordinance in order to ensure the orderly conduct of cockfighting within the municipality;

NOW THEREFORE, be it ordained that:

Section 1. A franchise is hereby granted to Mr. Marlon Juni, to operate a cockpit in Brgy. Bungcag, Dingras, Ilocos Norte.

Section 2. Imposition of fees. Payment of fees, dues, and other regulatory fees required for the operation and maintenance of the cockpit shall be in accordance with the existing laws of this Municipality.

Section 3. The franchise shall be effective upon approval until December 31, 2014.

APPROVED:

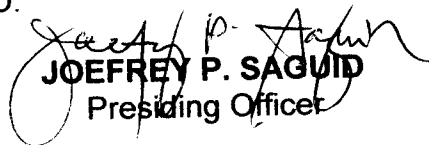
Voted in favor: Hon. Ruben C. Marcos, Hon. Alfe Garry R. Gamboa, Hon. Enrique J. Cañete, Hon. Lester S. Ballesteros, Hon. Joey S. Apostol, Hon. Samuel N. Demandante, Hon. Jimmy Aguinaldo

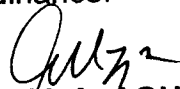
Voted against: N o n e

Abstention: N o n e


I HEREBY CERTIFY to the correctness of the above-quoted ordinance.

ATTESTED:


JOEFREY P. SAGUID
Presiding Officer


LYDIA A. AQUINO
SB Secretary

APPROVED:


ERDIO E. VALENZUELA
Mayor