

**SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY**

COMMITTEE REPORT NO. 18-148

Submitted by the **COMMITTEES ON LAWS, RULES & REVIEW OF BARANGAY ORDINANCES & EXECUTIVE ORDERS** and **BARANGAY AFFAIRS**

Date of Hearing: May 3, 2017

Re: SPPR NO. 1718-00920; SPPR NO. 1718-00939; SPPR NO. 1718-00940; SPPR NO. 1718-00942; SPPR NO. 1718-00831

RECOMMENDING APPROVAL FOR ITEM NO. 4

Author/Sponsor: Hon. Jose Edmar J. Yumang

MADAM PRESIDENT:

The abovementioned Committees to which were referred the following:

TITLE	RECOMMENDATION
SPPR NO. 1718-00920.- RESOLUTION AFFIRMING THE VALIDITY OF RESOLUTION NO. 012, SERIES OF 2016, PASSED BY THE SANGGUNIANG BARANGAY OF UPPER LABAY, THIS CITY, CONFIRMING THE FIX BOUNDARY BETWEEN BARANGAY UPPER LABAY AND BARANGAY OLYMPOG, GENERAL SANTOS CITY. <i>(Hon. Jose Edmar J. Yumang – Author/Sponsor)</i>	LAID ON THE TABLE
2. SPPR NO. 1718-00939.– RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY ORDINANCE NO. 02, SERIES OF 2017, ENACTED BY SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, REGULATING THE ESTABLISHMENT OF BOARDING HOUSES, INNS AND LODGING HOUSES IN BARANGAY KATANGAWAN, GENERAL SANTOS CITY. <i>(Hon. Jose Edmar J. Yumang – Author/Sponsor)</i>	RETURNED TO THE BARANGAY FOR CORRECTION, FURTHER ENHANCEMENT AND CONDUCT OF CONSULTATION
3. SPPR NO. 1718-00940 – RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY ORDINANCE NO. 03, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, ACCREDITING THE CHAINSAW OWNERS OPERATING WITHIN THE BARANGAY KATANGAWAN, GENERAL SANTOS CITY. <i>(Hon. Jose Edmar J. Yumang – Author/Sponsor)</i>	RETURNED TO THE BARANGAY FOR REFINEMENT
4. SPPR NO. 1718-00942 – RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, AN ORDINANCE AMENDING ORDINANCE NO. 01, SERIES OF 2014, RE: AN ORDINANCE ENACTING THE BARANGAY REVENUE CODE OF BARANGAY KATANGAWAN, GENERAL SANTOS CITY. <i>(Hon. Jose Edmar J. Yumang – Author/Sponsor)</i>	APPROVED ON COMMITTEE LEVEL

<p>5. SPPR NO. 1718-00831 – RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY RESOLUTION NO. 01, SERIES OF 2017, PASSED BY THE SANGGUNIANG BARANGAY OF FATIMA, THIS CITY, ADAPTING AND IMPLEMENTING THE ORGANIZATION, COMPOSITION, QUALIFICATIONS, TERMS AND RENEWAL OF APPOINTMENTS, CONFIRMATION OF APPOINTMENTS, DEPLOYMENT, EQUIPAGE, DUTIES AND RESPONSIBILITIES AND BENEFITS OF TANOD IN BARANGAY FATIMA. (<i>Hon. Jose Edmar J. Yumang – Sponsor</i>)</p>	<p>RETURNED TO THE BARANGAY FOR REFINEMENT</p>
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have considered the same and have the honor to report them back to the August Body with the foregoing recommendations.

Respectfully submitted:

LOURDES F. CASABUENA

*City Councilor & Vice-Chairperson
Committee on Barangay Affairs*

ATTY. JOSE EDMAR J. YUMANG

*City Councilor & Chairperson
Committee on Laws, Rules & Review of Barangay
Ordinances & Executive Orders*



**MINUTES OF THE JOINT HEARING OF THE COMMITTEE ON LAWS,
RULES & REVIEWS OF BARANGAY ORDINANCES & EXECUTIVE
ORDERS AND COMMITTEE ON BARANGAY AFFAIRS OF THE 18TH
SANGGUNIANG PANLUNGSOD OF THE CITY OF GENERAL SANTOS.**

Wednesday, May 3, 2017

9:25 A.M. – 10:42 A.M.

Sangguniang Panlungsod Session Hall, Legislative Building
City Hall Drive, General Santos City

CITY COUNCILORS PRESENT: Hon. Lourdes F. Casabuena (Vice-Chair – Committee on Barangay Affairs); Hon. Jose Edmar J. Yumang (*Chair – Committee on Laws*); Hon. Elizabeth B. Bagonoc

GUESTS/RESOURCE PERSONS: (*Please refer to the attendance sheet.*)

AGENDA:

- 1. SPPR NO. 1718-00920.- RESOLUTION AFFIRMING THE VALIDITY OF RESOLUTION NO. 012, SERIES OF 2016, PASSED BY THE SANGGUNIANG BARANGAY OF UPPER LABAY, THIS CITY, CONFIRMING THE FIX BOUNDARY BETWEEN BARANGAY UPPER LABAY AND BARANGAY OLYMPOG, GENERAL SANTOS CITY.** (*Hon. Jose Edmar J. Yumang – Author/Sponsor*)

Barangay Captain Azucena L. Baton of Barangay Upper Labay manifested that the area that should set the boundary between Upper Labay and Olympog is the Magsulang Creek. She informed that there was an actual inspection of the area by representatives from Barangay Upper Labay, Barangay Olympog and Barangay Tinagakan.

Barangay Kagawad Abeto A. Gulle of Barangay Olympog recalled that there was an attempt for a survey in the year 2000 or 2001 and there was only a verbal exchange that Magsulang Creek be made as the political boundary of the two barangays. He strongly suggested that DENR should be the one to define the political boundary because for him it is very difficult to divide and set the boundary on the creek itself.

The chairperson also viewed that the City Planning should help in determining the actual boundary. She is amenable to the suggestion that local agencies like the DENR, City Planning and the City Engineering be invited and consulted regarding the matter. She said political boundaries must really be established and whatever agreement made should not be verbal but must be in written form to save the two barangays from future conflicts. She furthered that a survey is needed and should be followed accordingly. She furthered that they cannot solve the matter at the committee level because the main people that could shed light on this matter are not around.

Hon. Bagonoc commented that not only Barangays Upper Labay and Olympog have a problem on boundaries. Many other barangays also face the same predicament. She believed that it's about time that the Chief Executive should carry out an action on

this sticky situation. So far, what the city did was form a technical working group because technical people are needed for this highly technical matter. She proposed that boundaries be set based on the ordinance or resolution that created the barangay because it is there where the metes and bounds were defined. Finally, she said this problem cannot be lengthily discussed in the absence of the technical people from the City Housing, local CENRO and from the DENR.

When asked on the urgency of this matter, Barangay Captain Baton answered that it is not really that crucial as of this moment. All she and Kagawad Gulle wanted was to settle the boundary between the two barangays once and for all.

Hon. Bagonoc recommended that a Technical Working Group must be created to look into the matter of boundaries between adjacent barangays. Hon. Casabuena, having agreed to the suggestion, ruled that the resolution be laid on the table until further evaluation.

LAI D ON THE TABLE

2. SPPR NO. 1718-00939.— RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY ORDINANCE NO. 02, SERIES OF 2017, ENACTED BY SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, REGULATING THE ESTABLISHMENT OF BOARDING HOUSES, INNS AND LODGING HOUSES IN BARANGAY KATANGAWAN, GENERAL SANTOS CITY. (Hon. Jose Edmar J. Yumang – Author/Sponsor)

Kagawad Ivy Cabinta of Barangay Katangawan explained that it has been observed that one of the sources of criminality was the teeming turnout of unrecorded boarders and lessees of inns and lodging houses in the barangay. Various cases of crimes against persons and properties had been mostly attributed to them since they can run away easily from their temporary abode. One of the solutions seen to reduce or eliminate these criminal elements is by regulating boarding houses, inns and lodging houses by requiring them to pay taxes and registering their boarders or lessees to monitor and ascertain the character of every boarder or lessee.

Kagawad Cabinta also mentioned Section 4 of the said barangay ordinance which deals with the responsibility of boarding house owners, inns and lodging house lessors, such as: *(a) to secure a business clearance of ₱500 and on top of these, barangay business clearance is depending on whether the boarding house is made of light materials or concrete and its corresponding amount per room per year; (b) to register their boarders or lessees and attach identification picture before accepting or maintaining them in their custody; (c) to submit their registration forms and identification pictures to the barangay for its record of boarding houses; (d) to keep personal record of their lessees or boarders; (e) to assertively remind and make certain that the boarders or lessees obey other local ordinances or existing laws of the barangay; (f) to reprimand and prohibit minors to enter or check into inns and boarding houses.* She said that it has been a problem to the barangay because it is in these inns or boarding houses where the minors are having drinking spree.

The chairperson commended the barangay for crafting such ordinance. She believed that every barangay should have that kind of ordinance considering that there are lots of inns and short-time rooms mushrooming in the city which she considers dangerous.

Hon. Bagonoc commented that although the said ordinance is laudable, they have to see to it that it is within the ambit of the law and will not be declared contravening. With regard to the penalties to be imposed, she thought it best to consult the City Treasurer's Office and thereafter advised Kagawad Cabinta to consult the offices in the

City Hall. Although barangays are authorized under the Local Government Code to raise revenues, it should not contravene with existing City Ordinances especially the exacting of penalties and collecting of fees.

When asked to shed light on the matter, Arch. Lopez of the Office of Building Official manifested that penalties on the Building Code in the barangay level are not included in their scope.

The chair also proposed that as practiced in Barangay City Heights, before crafting an ordinance, they should first invite and consult the local agencies of the city. She hoped that the officials of Barangay Katangawan and other barangays will do the same. She stated that they are not against the said ordinance because this could serve as a model for other barangays but they are concerned on the fees imposed.

Since the fee for the boarding house is new, Hon. Bagonoc said this needs to be referred to the proper department to avoid duplication. With the information from Brgy. Kagawad Cabinta that their Revenue Code will be amended which is item no. 4 to include these fees, she stated that it should be an ordinance amending the Revenue Code by imposing such fees.

Hon. Casabuena ruled to refer back this item to the barangay for necessary correction, further enhancement and conduct of consultation.

**RETURNED TO THE BARANGAY FOR CORRECTION, FURTHER
ENHANCEMENT AND CONDUCT OF CONSULTATION**

3. SPPR NO. 1718-00940 – RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY ORDINANCE NO. 03, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, ACCREDITING THE CHAINSAW OWNERS OPERATING WITHIN THE BARANGAY KATANGAWAN, GENERAL SANTOS CITY. *(Hon. Jose Edmar J. Yumang – Author/Sponsor)*

Brgy. Kagawad Cabinta read the whereasses of the barangay ordinance which purpose is to regulate the use of chainsaw. Hon. Bagonoc informed that there is a Chainsaw Act in the Philippines which orders the accreditation and registration of chainsaw owners in the DENR which is one way of regulating the cutting of trees. Being the chairperson of the Committee on Environment, she insinuated to be strict in the cutting of trees in which there are laws that can be implemented at the barangay level. She then advised Kagawad Cabinta to make a research on the Chainsaw Act to know the limits of the barangay especially on the fees.

Hon. Casabuena was not privy if the barangay is allowed to impose fees since DENR is the one issuing the accreditation. She then ruled to return this item to the barangay for refinement and consultation with the City Treasurer and City Legal Officer as to the fees.

RETURNED TO THE BARANGAY FOR REFINEMENT

4. SPPR NO. 1718-00942 – RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, AN ORDINANCE AMENDING ORDINANCE NO. 01, SERIES OF 2014, RE: AN ORDINANCE ENACTING THE BARANGAY REVENUE CODE OF BARANGAY KATANGAWAN, GENERAL SANTOS CITY. *(Hon. Jose Edmar J. Yumang – Author/Sponsor)*

Barangay Kagawad Cabinta informed that the approval of this item will depend on the approval of item nos. 2 and 3. The barangay amends the Revenue Code every time there is an ordinance on the imposition of fees.

Finding this item in order, Hon. Casabuena ruled this item approved.

APPROVED ON COMMITTEE LEVEL

5. SPPR NO. 1718-00831 – RESOLUTION AFFIRMING THE VALIDITY OF BARANGAY RESOLUTION NO. 01, SERIES OF 2017, PASSED BY THE SANGGUNIANG BARANGAY OF FATIMA, THIS CITY, ADAPTING AND IMPLEMENTING THE ORGANIZATION, COMPOSITION, QUALIFICATIONS, TERMS AND RENEWAL OF APPOINTMENTS, CONFIRMATION OF APPOINTMENTS, DEPLOYMENT, EQUIPAGE, DUTIES AND RESPONSIBILITIES AND BENEFITS OF TANOD IN BARANGAY FATIMA. (*Hon. Jose Edmar J. Yumang – Sponsor*)

Hon. Yumang, when asked upon his arrival, was amenable to the resolution especially on the purpose and substance, however, under the Local Government Code, it is the barangay that will appoint. He said it can be placed in the title that "***the Sangguniang Barangay may recommend to the Office of the Barangay Captain***".

Hon. Casabuena then ruled this item referred back to the barangay for further study and refinement.

RETURNED TO THE BARANGAY FOR REFINEMENT

There being no more matter to be discussed, the joint committee hearing was adjourned at 10:42 in the morning.

HEARING - ADJOURNED

Prepared by:

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Local Legislative Staff Asst. III

DALISAY F. IGNACIO
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Edited by:

Noted by:

JANET B. ZABALA
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LOLITA P. PEDRO
Division Head, Journal & Minutes

ATTESTED:

LOURDES F. CASABUENA
City Councilor & Chairperson on Barangay Affairs

ATTY. JOSE EDMAR J. YUMANG
*City Councilor & Chairperson on Laws, Rules & Review of
Barangay Ordinances and Executive Orders*