

**SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY**

COMMITTEE REPORT NO. 18-161

Submitted by the **COMMITTEE ON LAWS, RULES & REVIEW OF BARANGAY ORDINANCES & EXECUTIVE ORDERS**

Date of Hearing: May 26, 2017

Re: SPPR NO. 1718-01039; SPPR NO. 1718-01049; SPPR NO. 1717-01040; SPPR NO. 1718-00995; SPPR NO. 1718-00987

RECOMMENDING APPROVAL FOR ITEM NO. 1, 3 and 5

Sponsor: Hon. Jose Edmar J. Yumang

MADAM PRESIDENT:

The abovementioned Committee to which was referred the following:

TITLE	RECOMMENDATION
1. SPPR NO. 1718-01039.- RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF TINAGACAN, THIS CITY, IMPOSING PENALTIES ON ACTS CAUSING DISTURBANCE TO PEACE AND ORDER IN THE BARANGAY.	APPROVED ON COMMITTEE LEVEL - FOR SECOND READING
2. SPPR NO. 1718-01049.-RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF CITY HEIGHTS, THIS CITY, REGULATING THE DRINKING OF BEER, LIQUOR OR OTHER ALCOHOLIC OR INTOXICATING BEVERAGES ON PUBLIC STREETS, IN FRONT OF STORES, SIDEWALKS, PARKS, PLAZAS, ALLEYS AND WAITING SHEDS WITHIN BARANGAY CITY HEIGHTS, GENERAL SANTOS CITY.	REFERRED BACK TO BARANGAY CITY HEIGHTS FOR REFINEMENT
3. SPPR NO. 1718-01040.- RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 02, SERIES OF 2016, ENACTED BY THE SANGGUNIANG BARANGAY OF TINAGACAN, THIS CITY, ENACTING TAX ORDINANCE NO. 02, SERIES OF 2016.	APPROVED ON COMMITTEE LEVEL – FOR SECOND READING ON JUNE 6, 2017
4. SPPR NO. 1718-00995.-RESOLUTION AFFIRMING THE VALIDITY OF RESOLUTION NO. 01, SERIES OF 2016, PASSED BY THE SANGGUNIANG BARANGAY OF DADIANGAS EAST, THIS CITY, AMENDING INTERNAL RULES RESOLUTION NO.1, SERIES OF 2013, RE: ADOPTING THE INTERNAL RULES OF PROCEDURE OF THE SANGGUNIANG BARANGAY OF BARANGAY DADIANGAS EAST, CITY OF GENERAL SANTOS.	LAID ON THE TABLE

5. SPPR NO. 1718-00987.-RESOLUTION AUTHORIZING THE CITY MAYOR, RONNEL C. RIVERA, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE 26 BARANGAYS OF GENERAL SANTOS CITY, RELATIVE TO THE CITY'S AID TO THE BARANGAYS FOR THE IMPLEMENTATION OF VARIOUS PROGRAMS AND PROJECTS.

APPROVED ON COMMITTEE LEVEL

has considered the same and has the honor to report them back to the August Body with the foregoing recommendations.

Respectfully submitted:

ELIZABETH B. BAGONOC
Presiding Officer



MINUTES OF THE HEARING OF THE COMMITTEE ON LAWS, RULES AND REVIEW OF BARANGAY ORDINANCES AND EXECUTIVE ORDERS OF THE 18TH SANGGUNIANG PANLUNGSOD, GENERAL SANTOS CITY

Friday, May 26, 2017
3:02 P.M. to 4:25 P.M.
SP Session Hall 2/F Legislative Building
City Hall Drive, General Santos City

COUNCILORS PRESENT: City Councilor Elizabeth B. Bagonoc (Presiding Officer); City Councilor Dominador S. Lagare, Jr.; City Councilor Jose Orlando R. Acharon

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

On behalf of the committee chairperson, City Councilor Jose Edmar J. Yumang, Councilor Elizabeth B. Bagonoc called the hearing to order to discuss the hereunder agenda.

1. SPPR NO. 1718-01039.- RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF TINAGACAN, THIS CITY, IMPOSING PENALTIES ON ACTS CAUSING DISTURBANCE TO PEACE AND ORDER IN THE BARANGAY.

This item was momentarily laid on the table in the absence of the proponent. When this was later taken out from the table, Hon. Lagare manifested full support to this measure and further suggested that there is a national law to this effect which is RA 9262, Violence Against Women and Children, that the barangay can use for concerns on lovers' quarrel or neighbors' quarrel.

As to penalties, Hon. Lagare commented that he has no problem with this for as long as the penalty being imposed by the barangay ordinance is not cruel, degrading or inhumane and will not be contrary to law. In fact, he does not see why community service could be some form of involuntary servitude because even without violating any national or local laws, the community service can still be willingly rendered by any person which is one way of instilling discipline to the people, which he believes is perfectly legal. The chair subscribed to the said comment.

After further deliberations, considering the manifestations of Hon. Lagare to let this measure be a test case to determine whether community service is legal or illegal, to which the body agreed, upon motion filed by Hon. Acharon, duly seconded, the chair ruled this measure approved in the committee level and to be calendared for second reading this coming June 6 regular session. The staff was requested to send an invitation to the concerned barangay during the plenary.

APPROVED ON COMMITTEE LEVEL – FOR SECOND READING

2. SPPR NO. 1718-01049.-RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF CITY HEIGHTS, THIS CITY, REGULATING THE DRINKING OF BEER, LIQUOR OR OTHER ALCOHOLIC OR INTOXICATING BEVERAGES ON PUBLIC STREETS, IN FRONT OF STORES, SIDEWALKS, PARKS, PLAZAS, ALLEYS AND WAITING SHEDS WITHIN BARANGAY CITY HEIGHTS, GENERAL SANTOS CITY.

Councilor Bagonoc disclosed that the city has passed an ordinance of this kind which they can revisit. Thereafter, she recognized Barangay Kagawad Bariquit to discuss the rationale of the ordinance.

Being the proponent and author of this measure, Kagawad Bariquit informed that before drafting this proposed ordinance, he made a research wherein he found out that Barangay Lagao was the first barangay that had passed similar ordinance and admitted that some provisions were patterned therein.

After going over the provisions of the ordinance, Councilor Bagonoc made an observation that under this ordinance, drinking of liquors is prohibited in public streets only, not public places. Kagawad Bariquit stated that in City Heights, they considered the major streets as public streets while public places are in puroks because some streets in Barangay City Heights are private roads as these were not yet donated to the city.

Councilor Bagonoc suggested that “public streets and public places” should be included in the definition of terms for the implementors to be guided accordingly, in which Councilor Lagare supported the said suggestion.

Councilor Acharon also suggested to include “**in front of store**” in the Definition of Terms to specifically define the boundary in front of store and the street. Councilor Lagare however suggested for the deletion of “in front of stores” considering that this was already captured in public places, which Kagawad Bariquit noted.

Further, Councilor Acharon suggested that under the exemption, there should be a time limit provided because this might be abused. Kagawad Bariquit replied that there is a time limit under the discretion of the purok chairman. Councilor Lagare preferred that the time limit shall be incorporated in the ordinance in order to be safe, which Kagawad Bariquit noted.

Thereafter, this item was referred back to the barangay for correction/refinement.

REFERRED BACK TO BARANGAY CITY HEIGHTS FOR REFINEMENT

3. SPPR NO. 1718-01040.- RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 02, SERIES OF 2016, ENACTED BY THE SANGGUNIANG BARANGAY OF TINAGACAN, THIS CITY, ENACTING TAX ORDINANCE NO. 02, SERIES OF 2016.

Barangay Kagawad George Floresca of Tinagacan requested for the final approval of this measure because this is long overdue. He already had meetings with the City Treasurer whose suggestions and recommendations were already incorporated in the draft provided to the committee.

When the chair verified from the staff if an endorsement or recommendation from the City Treasurer’s Office was submitted to the committee, she got a negative answer.

She then inquired from the CTO representative, in which Mr. Malayang admitted that he is not privy to the subject matter as he was only sent by Ms. Tutor to attend this hearing.

Although the draft has accordingly gone through the scrutiny of the City Treasurer, the chair in order to be sure wanted to get the recommendation of the City Treasurer before this will be submitted to the plenary for approval. Councilor Acharon on the other hand suggested to just approve this item in the committee level and to invite the City Treasurer during the deliberation in the plenary.

Councilor Lagare remembered that it's been more than two months that there was a representative from the City Treasurer's Office who undertook to scrutinize each and every provision of the proposed barangay ordinance but until now there was no recommendation forwarded to the committee.

Councilor Bagonoc commented that blatant disregard of invitees to the SP hearings/consultations especially those in the executive branch is really detestable which is unjust/unfair not only to the SP but to the barangay concerned as well. As this has happened for some many times, she was contemplating of coming up with a strongly worded communication to that effect.

In answer to the query of Councilor Lagare, Barangay Kag. Floresca recalled that among those deleted in the proposed ordinance is the fee for cock fighting or tari-tari. As advised, the penalties and certification fees are uniformly pegged at P100 and assured that all the provisions are within the bounds of laws.

Finally, on motion of Councilor Acharon and seconded by Councilor Lagare, Councilor Bagonoc ruled this item approved on committee level and to be calendared for second reading on June 6, 2017 with the manifestation that Mr. Rodilon Lacap be invited as well as the Kagawad from Tinagacan during the discussion in the plenary.

**APPROVED ON COMMITTEE LEVEL –
FOR SECOND READING ON JUNE 6, 2017**

4. SPPR NO. 1718-00995.-RESOLUTION AFFIRMING THE VALIDITY OF RESOLUTION NO. 01, SERIES OF 2016, PASSED BY THE SANGGUNIANG BARANGAY OF DADIANGAS EAST, THIS CITY, AMENDING INTERNAL RULES RESOLUTION NO.1, SERIES OF 2013, RE: ADOPTING THE INTERNAL RULES OF PROCEDURE OF THE SANGGUNIANG BARANGAY OF BARANGAY DADIANGAS EAST, CITY OF GENERAL SANTOS.

Since the representative and the Secretary of the said barangay cannot satisfy the queries of the committee regarding this measure, upon motion filed by Hon. Lagare, duly seconded, the chair ruled this measure laid on the table.

LAI D ON THE TABLE

5. SPPR NO. 1718-00987.-RESOLUTION AUTHORIZING THE CITY MAYOR, RONNEL C. RIVERA, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE 26 BARANGAYS OF GENERAL SANTOS CITY, RELATIVE TO THE CITY'S AID TO THE BARANGAYS FOR THE IMPLEMENTATION OF VARIOUS PROGRAMS AND PROJECTS.

The chair, after acknowledging some of the barangay captains and kagawads present, manifested among others that based on the memorandum issued by the City

Legal Office dated March 17, 2017, it was recommended that there is a need to revise the proposed MOA relative to the City Aid to 26 barangays because the Work and Financial Plan (WFP) and Physical Performance Target (PPT) is no longer applicable and it should be changed to LPP Form 4 and PPA Profile.

Barangay Capt. Acharon and Barangay Captain Adeser manifested that they were already aware about this MOA and the recommended revision.

After hearing some inputs from Mr. Stewart Ang, the chair believed that since the City's Aid to 26 barangays is coming from the Executive, hence the same has the power to revise the proposed MOA. Since the revision is just minor in nature, the committee can approve this item on committee level with the condition that the executive branch will endorse to the SP the revised MOA before the June 6, 2017 regular session. To further expedite the processing of the City's Aid, Mr. Ang recommended to the different barangay captains and kagawads to pass a barangay resolution authorizing the Punong Barangay to enter into a MOA with the City Mayor.

Upon motion of Hon. Acharon with the above stated condition, duly seconded by Hon. Lagare, the chair ruled this item approved in the committee level and to be calendared for second reading on June 6 regular session.

APPROVED ON COMMITTEE LEVEL

There being no further matters to discuss, the chair declared the hearing adjourned at 3:03 in the afternoon.

HEARING - ADJOURNED

Prepared by:

DINA B. MURING
Stenographic Reporter III

Edited by:

JANET B. ZABALA
Board Secretary I

Noted by:

LOLITA P. PEDRO
Division Chief, Journal & Minutes

ATTESTED:

ELIZABETH B. BAGONOC
Presiding Officer