

**SANGGUNIANG PANLUNGSOD
GENERAL SANTOS CITY**

COMMITTEE REPORT NO. 18-187

Submitted by the **COMMITTEES ON LAWS, RULES and REVIEW OF BARANGAY ORDINANCES and EXECUTIVE ORDERS; ELDERLY, DIFFERENTLY-ABLED PERSONS and SOCIAL SERVICES; and BARANGAY AFFAIRS**

Date of Hearing: June 30, 2017

Re: SPPR NO. 1718-01133; SPPR NO. 1718-01134; SPPR NO. 1718-01135; SPPR NO. 1718-01148; SPPR NO. 1718-01149

RECOMMENDING APPROVAL FOR ITEMs 2 and 4

Authors/Sponsors: Hon. Jose Edmar J. Yumang; Hon. Lourdes F. Casabuena and Hon. Jose Orlando R. Acharon

MADAM PRESIDENT:

The abovementioned Committees to which were referred the following:

TITLE	RECOMMENDATION
1. SPPR NO. 1718-01133: RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 3, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, REGULATING THE OWNERSHIP, POSSESSION, AND USE OF CHAINSAWS, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES. <i>(Hon. Jose Edmar J. Yumang-Author/Sponsor; Hon. Elizabeth B. Bagonoc & Hon. Lourdes F. Casabuena-Co-Author/Sponsors)</i>	REFERRED BACK TO BARANGAY LEVEL FOR FURTHER STUDY
2. SPPR NO. 1718-01134: RESOLUTION AFFIRMING THE VALIDITY OF RESOLUTION NO. 40, SERIES OF 2016, PASSED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, AUTHORIZING PUNONG BARANGAY MAUREEN CHRISTY N. RODRIGUEZ, IN BEHALF OF BARANGAY KATANGAWAN, GENERAL SANTOS CITY, TO ENTER INTO AND SIGN A DEED OF DONATION AND ACCEPTANCE MADE AND EXECUTED BY THE DONOR, MR. BENEDICTO FERNANDEZ, LOT 619-D-2-A-9, PSD-12-036906 TCT NO. 147201002255, CONTAINING AN AREA OF ONE THOUSAND THREE HUNDRED FIVE SQUARE METERS (1,305 SQ.M.) AND LOT 619-D-2-D-9 WITH TCT NO. 147-2012002242, CONTAINING AN AREA OF ONE THOUSAND FOUR HUNDRED TWENTY-TWO SQUARE METERS (1,422 SQ.M.) RESPECTIVELY, FOR ROAD RIGHT-OF-WAY PURPOSES. <i>(Hon. Jose Edmar J. Yumang-Author/Sponsor)</i>	APPROVED ON COMMITTEE LEVEL - FOR SECOND READING

<p>3. SPPR NO. 1718-01135: RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 2, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, REGULATING THE OPERATION OF BOARDING HOUSES, INNS AND LODGING HOUSES IN BARANGAY KATANGAWAN, GENERAL SANTOS CITY. <i>(Hon. Jose Edmar J. Yumang-Author/Sponsor; Hon. Elizabeth B. Bagonoc & Hon. Lourdes F. Casabuena-Co-Author/Sponsors)</i></p>	<p style="text-align: center;">REFERRED BACK TO BARANGAY LEVEL FOR FURTHER STUDY</p>
<p>4. SPPR NO. 1718-01148: RESOLUTION AUTHORIZING THE CITY MAYOR, HONORABLE RONNEL C. RIVERA, TO ENTER INTO A DEED OF QUITCLAIM IN REFERENCE TO THE INCIDENT LAST DECEMBER 16, 2016 AT THE NATIONAL HIGHWAY FRONTING KATANGAWAN ELEMENTARY SCHOOL, BARANGAY KATANGAWAN, THIS CITY, UPON WHICH A CITY GOVERNMENT-OWNED CONCRETE POLE AND ITS APPURTENANCES INCURRED DAMAGES FROM A PRIVATE VEHICLE BEARING PLATE NO. AAQ 6711 DRIVEN BY MR. GIL VALLEGA BERJES, JR. OF THE PHILIPPINE BRITISH ASSURANCE COMPANY, INC. <i>(Hon. Jose Edmar J. Yumang-Author/Sponsor)</i></p>	<p style="text-align: center;">APPROVED ON COMMITTEE LEVEL - FOR SECOND READING <i>(COUNCILORS ACHARON AND CASABUENA WILL BE INCLUDED AS AUTHORS)</i></p>
<p>5. SPPR NO. 1718-01149: RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF CALUMPANG, ESTABLISHING CURFEW HOURS FOR MINORS IN THE BARANGAY. <i>(Hon. Jose Edmar J. Yumang-Author/Sponsor)</i></p>	<p style="text-align: center;">LAID ON THE TABLE</p>

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

Respectfully submitted:

ATTY. JOSE EDMAR J. YUMANG
Presiding Officer



MINUTES OF THE JOINT HEARING OF THE COMMITTEE ON LAWS, RULES AND REVIEW OF BARANGAY ORDINANCES AND EXECUTIVE ORDERS; COMMITTEE ON ELDERLY, DIFFERENTLY-ABLED PERSONS AND SOCIAL SERVICES; AND COMMITTEE ON BARANGAY AFFAIRS OF THE 18TH SANGGUNIANG PANLUNGSOD, CITY OF GENERAL SANTOS

Friday, June 30, 2017

2:18 P.M. – 2:50 P.M.

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

MEMBERS/COUNCILORS PRESENT: Hon. Jose Edmar J. Yumang (*Chairperson-Committee on Laws, Rules and Review of Barangay Ordinances and Executive Orders*), Hon. Jose Orlando R. Acharon, Hon. Lourdes F. Casabuena (*Vice-Chair – Committee on Barangay Affairs*)

GUESTS/RESOURCE PERSONS: *See attached attendance sheet.*

The joint committee hearing was called to order by City Councilor Jose Edmar J. Yumang to discuss the following agenda:

1. **SPPR NO. 1718-01133:** RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 3, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, REGULATING THE OWNERSHIP, POSSESSION, AND USE OF CHAINSAWS, PENALIZING VIOLATIONS THEREOF AND FOR OTHER PURPOSES. (*Hon. Jose Edmar J. Yumang-Author/Sponsor; Hon. Elizabeth B. Bagonoc & Hon. Lourdes F. Casabuena-Co-Author/Sponsors*)

When recognized, Kagawad Ivy Cabinta of Barangay Katangawan informed that said ordinance was patterned from the Chainsaw Act of 2002. The barangay will collect P1,250 for clearance fee from the chainsaw owner or operator per year. After securing a barangay clearance and paying the corresponding clearance fee, all persons who own or otherwise are in possession of chainsaw operating within the confines of Barangay Katangawan must register the same with the Department of Environment and Natural Resources through any of its Community Environment and Natural Resources Office in the city which shall issue the corresponding registration certificate or permit. She added that one intention of the barangay is to discourage cutting of trees.

With the observation of the chair that the amount for clearance fee is not to discourage but prevent legitimate chainsaw owners, he suggested to lower the amount as it is unconstitutional, which Kagawad Cabinta noted.

After clarification, the chair ruled that this item be referred back to the barangay level for further study.

REFERRED BACK TO BARANGAY LEVEL FOR FURTHER STUDY

2. **SPPR NO. 1718-01134:** RESOLUTION AFFIRMING THE VALIDITY OF RESOLUTION NO. 40, SERIES OF 2016, PASSED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, THIS CITY, AUTHORIZING PUNONG BARANGAY MAUREEN CHRISTY N. RODRIGUEZ, IN BEHALF OF BARANGAY KATANGAWAN, GENERAL SANTOS CITY, TO ENTER INTO AND SIGN A DEED OF DONATION AND ACCEPTANCE MADE AND EXECUTED BY THE DONOR, MR. BENEDICTO FERNANDEZ, LOT 619-D-2-A-9, PSD-12-036906 TCT NO. 147201002255, CONTAINING AN AREA OF ONE THOUSAND THREE HUNDRED FIVE SQUARE METERS (1,305 SQ.M.) AND LOT 619-D-2-D-9 WITH TCT NO. 147-2012002242, CONTAINING AN AREA OF ONE THOUSAND FOUR HUNDRED TWENTY-TWO SQUARE METERS (1,422 SQ.M.) RESPECTIVELY, FOR ROAD RIGHT-OF-WAY PURPOSES. (*Hon. Jose Edmar J. Yumang-Author/Sponsor*)

When asked, Kagawad Cabinta informed that the width of the road is more than six (6) meters. The barangay accepted the donation as it needs to develop the access road going to the newly constructed lying-in and health centers at Purok 14. The donated property used for the road right-of-way and new facilities are owned by the same individual.

With the information given, Councilor Acharon moved for its approval, duly seconded by Councilor Casabuena, thereby the chair ruled this item approved on committee level and calendared for second reading on Tuesday's regular session.

APPROVED ON COMMITTEE LEVEL - FOR SECOND READING

3. **SPPR NO. 1718-01135:** RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 2, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF KATANGAWAN, REGULATING THE OPERATION OF BOARDING HOUSES, INNS AND LODGING HOUSES IN BARANGAY KATANGAWAN, GENERAL SANTOS CITY. (*Hon. Jose Edmar J. Yumang-Author/Sponsor; Hon. Elizabeth B. Bagonoc & Hon. Lourdes F. Casabuena-Co-Author/Sponsors*)

Kagawad Cabinta informed that they came up with the ordinance because of the abrupt existence of boarding houses, inns and lodging houses in their barangay which affect the welfare of the children on the prohibited activities done by some boarders/tenants.

Mr. Augustus Capili of the Permits and Licensing Division clarified that operators/owners of the establishments must secure business permit from the city.

Considering the observation of the chair under Section 4 as to the registration of P1,500.00 which amount is unconstitutional, the chair ruled that this item be referred back to the barangay level for further study.

REFERRED BACK TO BARANGAY LEVEL FOR FURTHER STUDY

4. **SPPR NO. 1718-01148:** RESOLUTION AUTHORIZING THE CITY MAYOR, HONORABLE RONNEL C. RIVERA, TO ENTER INTO A DEED OF QUITCLAIM IN REFERENCE TO THE INCIDENT LAST DECEMBER 16, 2016 AT THE NATIONAL HIGHWAY FRONTING KATANGAWAN ELEMENTARY SCHOOL, BARANGAY KATANGAWAN, THIS CITY, UPON WHICH A CITY GOVERNMENT-OWNED CONCRETE POLE AND ITS APPURTENANCES INCURRED DAMAGES FROM A PRIVATE VEHICLE BEARING PLATE NO. AAQ 6711 DRIVEN BY MR. GIL VALLEGA

BERJES, JR. OF THE PHILIPPINE BRITISH ASSURANCE COMPANY, INC. (*Hon. Jose Edmar J. Yumang-Author/Sponsor*)

After reading the memorandum coming from the Assistant City Legal Officer and after going over the draft of the quitclaim, the chair observed that this is in order.

Mr. Demandante of the City Engineer's Office informed that the concrete pole and its appurtenances which incurred damages were already replaced and functional with the same quality. The chair then requested a certification for the said purpose, which the former noted.

As moved by Councilor Acharon, duly seconded by Councilor Casabuena, the chair ruled this item approved on committee level and to be calendared for second reading on Tuesday's regular session with the condition on the submission of certification issued by the City Engineering Office. All councilors present (Councilors Acharon and Casabuena) will be included as authors.

APPROVED ON COMMITTEE LEVEL - FOR SECOND READING

5. **SPPR NO. 1718-01149:** RESOLUTION AFFIRMING THE VALIDITY OF ORDINANCE NO. 01, SERIES OF 2017, ENACTED BY THE SANGGUNIANG BARANGAY OF CALUMPANG, ESTABLISHING CURFEW HOURS FOR MINORS IN THE BARANGAY. (*Hon. Jose Edmar J. Yumang-Author/Sponsor*)

Kagawad Noel C. Chiva said the ordinance was formulated through the initiative of the Barangay Council for the Protection of Children (BCPC) in coordination with the PNP, different sectors and puroks after realizing that this is important to the barangay because of the problem committed by the Children In Conflict with the Law (CICL).

Discussions went on, Councilor Casabuena informed that there is an existing ordinance on curfew hours authored by Councilor Bagonoc. Councilor Yumang clarified that he sponsored the passage of Safekeeping Ordinance for Minors that they are prohibited to loiter or stay in public places beyond 10:00 P.M. up to 4:00 A.M but it was not yet published. This is definitely the ordinance of the city amending the previous ordinance wherein the barangay officials are mandated as the primary enforcers of the Safekeeping Ordinance for Minors.

After reading the barangay ordinance, the chair believed that even without the resolution, the barangay can still conduct curfew because of the existence of martial law. Councilor Casabuena advised to modify the ordinance of the barangay into safekeeping of minors.

After further discussion, Councilor Yumang ruled to lay this item on the table and scheduled another hearing on Friday, July 7, 2017 at 2:00 P.M. He instructed the staff to call the attention of the City Legal Officer and furnish copy to the City Mayor regarding the declaration of curfew in the said barangay for their opinion.

LAI D ON THE TABLE

There being no further matter to take up, the chair declared the joint committee hearing adjourned at 2:50 in the afternoon.

HEARING - ADJOURNED

Prepared by:

LORELIE B. CALUBAD
Stenographic Reporter III

Edited by:

JANET B. ZABALA
Board Secretary I

Noted by:

LOLITA P. PEDRO
Division Chief, Journal and Minutes

ATTESTED:

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