



Office of the Sangguniang Panlalawigan

EXCERPT FROM THE MINUTES OF THE 14th SPECIAL SESSION OF THE 10th SANGGUNIANG PANLALAWIGAN OF ISABELA HELD AT PROVINCIAL CAPITOL, ILAGAN CITY, ISABELA ON JUNE 16, 2022.

PRESENT:

FAUSTINO G. DY III	Vice Governor & Presiding Officer
DELFINITO EMMANUEL L. ALBANO	Member (1 st District) & Floor Leader
EMMANUEL JOSELITO B. AÑES	Member (1 st District)
ED CHRISTIAN S. GO	Member (2 nd District)
EDGAR R. CAPUCHINO	Member (2 nd District)
RAMON JUAN N. REYES, JR.	Member (3 rd District)
RANDOLPH JOSEPH P. ARREOLA	Member (3 rd District)
CLIFFORD R. RASPADO	Member (4 th District)
ABEGAIL V. SABLE	Member (4 th District)
FAUSTINO U. DY IV	Member (5 th District)
EDWARD S. ISIDRO	Member (5 th District)
ALFREDO V. ALILI	Member (6 th District)
MARCO PAOLO A. MERIS	Member (6 th District)
ANTONIO S. HUI	Member, PCL Federation President
DANTE G. HALAMAN	Member, LnB Federation President
DAX PAOLO C. BINAG	Member, SK Federation President
ADRIAN PHILIP S. BAYSAC	Member, Agricultural /Industrial Workers Labor Sector Representative
GRETCHEN F. VALDEZ	Member, Indigenous Cultural Communities Sector Representative

RESOLUTION NO. 2022-23-02
Series of 2022

A RESOLUTION DECLARING ORDINANCE NOS. 2022-12, AND 2022-13, OF THE MUNICIPALITY OF CABATUAN, ISABELA AS INVALID

Sponsor: HON. MARCO PAOLO A. MERIS
Chairperson, Committee on Local Government

WHEREAS, Section 56 of R.A. No. 7160, otherwise known as the Local Government Code of 1991, empowers the Sangguniang Panlalawigan to review City and/or Municipal Resolutions and Ordinances, and decide on its validity or invalidity;

WHEREAS, on May 23, 2022, the Municipality of Cabatuan, Province of Isabela, submitted for review to this Honorable Body, Ordinance Nos. 2022-12, and 2022-13 relative to the abolition of sectoral representatives for agriculture and women respectively, in the Local Government of Cabatuan;

WHEREAS, Ordinance Nos. 2022-12, and 2022-13 was included in the Agenda on this Honorable Body and assigned the same to the Committee on Laws, Rules and Regulations for further review;

Nagkaisa para sa Isabela

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WHEREAS, the Committee on Laws, Rules, and Regulations sought the assistance of the Provincial Legal Office in order to ascertain the validity or enforceability of the submitted municipal ordinances;

WHEREAS, on June 6, 2022, the Provincial Legal Office issued their legal opinion on the said ordinances stating that it is well-established principle in the law of public administration that the power to establish an office includes the authority to abolish it, unless there are constitutional or statutory rules expressly or impliedly providing otherwise. It is the opinion of the Provincial Legal Office that Ordinance Nos. 2022-12 and 2022-13 which abolishes the positions of sectoral representative for agriculture and women respectively, run counter to the 1987 Philippine Constitution and the Local Government Code of 1991 as under Section 9, Article of the 1987 Philippine Constitution and Section 446 of the Local Government Code of 1991;

WHEREAS, on June 7, 2022, the Committee on Laws, Rules, & Regulations and Committee on Local Government conducted a Joint Committee Hearing relative to the aforesaid ordinances. During the conduct of the said hearing, it was observed that no consultation with the agricultural and women sector regarding the abolition of the representative for agriculture and women. Also, the creation of sectoral representative for agriculture and women has already complied with the requirements of the law;

WHEREAS, the creation of the positions of sectoral representative for agriculture and women enjoys the presumption of regularity. The presumption of regularity in the performance of official duties is an aid to the effective and unhampered administration of government functions. Without such benefit, every official action could be negated with minimal effort from litigants, irrespective of merit or sufficiency of evidence to support such challenge (Yap vs. Lagtapon, G.R. No. 196347, January 23, 2017). It is questionable to this Honorable Body that the sangguniang bayan that passed the creation of the positions of sectoral representative for agriculture and women are invoking that there is no enabling law relative to election of sectoral representatives and now wants to abolish the same;

WHEREAS, it is the stand of the Honorable body that the abolition of the sectoral representative for agriculture and women would deprive the constituents of the Municipality of Cabatuan the representation needed for ventilating and articulating issues affecting the sector for agriculture and women;

WHEREAS, upon careful deliberation and in consideration of the legal opinion of Provincial Legal Office, it was the consensus of this Honorable Body to declare the said ordinances as invalid as the abolition of the sectoral representative for agriculture and women run counter to the 1987 Philippine Constitution and R.A. 7160 otherwise known as the Local Government Code of 1991;

WHEREAS, premises considered, upon motion of Honorable Marco Paolo A. Meris, duly approved and seconded in a session duly assembled, it was –

A RESOLUTION DECLARING ORDINANCE NOS. 2022-12, AND 2022-13, OF THE MUNICIPALITY OF CABATUAN, ISABELA AS INVALID


RESOLVED, AS IT IS HEREBY RESOLVED, TO PASS A RESOLUTION DECLARING ORDINANCE NOS. 2022-12, AND 2022-13, OF THE MUNICIPALITY OF CABATUAN, ISABELA AS INVALID


RESOLVED FINALLY, that a copy of this Resolution be furnished to LGU Cabatuan, Isabela officials, namely: Mayor Charlton L. Uy, Vice Mayor Mario I. Acosta, and Sanggunian Secretary Imelda B. Bonilla, for their information and guidance.

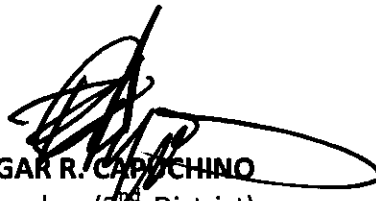
I hereby certify that the foregoing resolution was duly passed by the Sangguniang Panlalawigan of Isabela during its 14th Special Session on June 16, 2022.

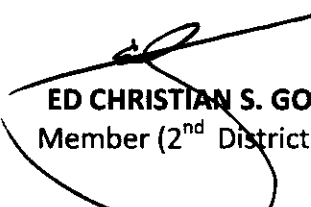

ATTY. FRANCIS JAMES E. MEER
Secretary, Sangguniang Panlalawigan

ATTESTED/APPROVED:


DELFINITO EMMANUEL L. ALBANO
Member (1st District) & Floor Leader

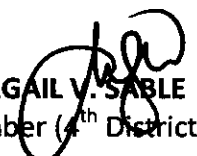

EMMANUEL JOSELITO B. AÑES
Member (1st District)

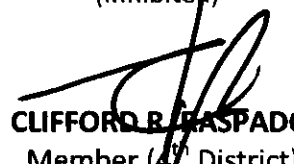

EDGAR R. CAPUCHINO
Member (2nd District)

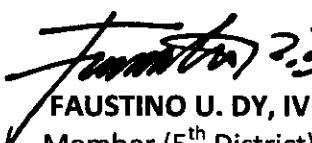

ED CHRISTIAN S. GO
Member (2nd District)


RANDOLPH JOSEPH P. ARREOLA
Member (3rd District)
(Inhibited)

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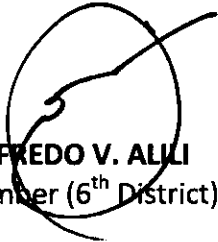

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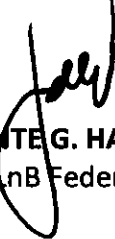
ALFREDO V. ALLÍ
Member (6th District)



MARCO PAOLO A. MERIS
Member (6th District)



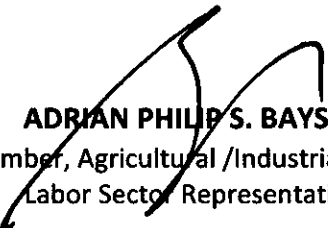
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