



Republic of the Philippines
Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
SP Complex, Government Center, Dahican
CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 71ST REGULAR SESSION OF THE 17TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON WEDNESDAY, NOVEMBER 8, 2023 AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Nelson R. Dayanghirang, Jr. Vice Governor – Presiding Officer

Regular Members:

District I

Hon. Anna Cheryl N. Castro
Hon. Art Benjie C. Bulaong
Hon. Marietta D. Palmera
Hon. Andy A. Monday

District II

Hon. Harold A. Montes
Hon. Rotchie M. Ravelo
Hon. Daud V. Linsag
Hon. Stephen Paul L. Uy

Ex-Officio Members:

Hon. Joselito B. Villademosa

President, Philippine Councilors League
(PCL) - Davao Oriental Chapter
Indigenous Peoples Mandatory
Representative (IPMR)

Hon. Eleuterio C. Manaytay

ABSENT:

Hon. Shella Marie S. Go
Hon. Rustan R. Castellones

SP Member, District II – OB – City of Mati
President, Liga Ng Mga Barangay (LNB)
- Davao Oriental Chapter
Sangguniang Kabataan Provincial
Federation President (SKPPF)

Hon. Ronald T. Lara, Jr.

RESOLUTION NO. 17-706-11-2023

Author : Hon. Stephen Paul L. Uy
Sponsor : Hon. Stephen Paul L. Uy

A RESOLUTION DECLARING MUNICIPAL ORDINANCE NO. 08, SERIES OF 2023, OF THE SANGGUNIANG BAYAN OF GOVERNOR GENEROSO, DAVAO ORIENTAL, ENTITLED: “AN ORDINANCE ESTABLISHING THE ASSISTANCE PROGRAM FOR SECURING LAND TITLES OF ELIGIBLE RESIDENTS AND HOUSEHOLDS OF THE GOVERNOR GENEROSO TOWNSITE SUBDIVISION”, INVALID IN PART, CONSIDERING THAT THE PROVISIONS UNDER SECTION 4 THEREOF IS NOT COMPLIANT WITH THE PROCEDURAL REQUIREMENT AS MANDATED UNDER SECTION 186 OF RA 7160.

WHEREAS, submitted for an appropriate review and favorable action of this Sangguniang Panlalawigan is the abovementioned Municipal Ordinance No. 8, series of 2023, of the Municipality of Governor Generoso, Davao Oriental;

WHEREAS, the subject Municipal Ordinance is enacted purposely to establish a program to assist eligible residents or households in securing their land titles, and such aims to empower residents by providing them with secure land ownership, establishing a solid foundation for their homes and livelihoods, and fostering and environment



conducive to the sustained development and prosperity of the Governor Generoso Townsite Subdivision;

WHEREAS, Section 4 thereof provides for the processing fee and schedule based on land classification, which shall collect, among other fees, P75.00 per square meter as processing and administrative costs associated with land surveying, individual titling per lot under the name of the LGU, and the processing of the License to Sell;

WHEREAS, Paragraph 8 and 12 thereof respectively states that *“Whereas, extensive community consultation were conducted by the Local Government of Governor Generoso on 31 October 2022, (sic)”, “the community consultations have resulted in proposed fee Php75.00 per square meter to cover necessary expenses associated with their acquired lots and the subsequent issuance of land titles”;*

WHEREAS, upon verification, there was no public hearing/consultation conducted prior to the enactment of the Ordinance;

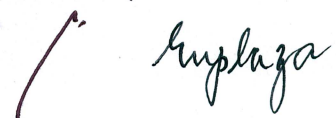
WHEREAS, Section 186 of Republic Act 7160 provides for the power of the local government unit to levy taxes, fees or charges, provided that the taxes, fees or charges shall not be unjust, excessive, oppressive, confiscatory or contrary to declared national policy; and provided further that ***the ordinance levying such taxes, fees or charges shall not be enacted without any prior public hearing conducted for the purpose;***

WHEREAS, it is important to note that ordinances, like laws, enjoy the presumption of validity and remain effective unless and until declared otherwise by competent authority. The subject Ordinance passed by the Sangguniang Bayan is within their prescribed powers, except for the procedure of enacting the same without any prior public hearing conducted for the purpose;

WHEREAS, in exercising the powers of the Sangguniang Panlalawigan to review all ordinances approved by the sangguniang bayan of component municipalities pursuant to Sections 56 and 468 of RA 7160, although it cannot compel the Sangguniang Bayan to submit proof that a public hearing was conducted prior to the enactment of the ordinance since the Local Government Code only requires the submission of a copy of the approved ordinance, it is also worthy to consider that a **public hearing is a mandatory requirement before the subject ordinance is enacted, pursuant to Section 186 of RA 1760.** The purpose of this is to inform the public who may be affected by the imposition of fees and to solicit their views and opinions on the matter;

WHEREFORE, on motion of SP Member Stephen Paul L. Uy, duly seconded by SP Member Anna Cheryl N. Castro, it was

RESOLVED, as it is hereby resolved, **DECLARING MUNICIPAL ORDINANCE NO. 08, SERIES OF 2023, OF THE SANGGUNIANG BAYAN OF GOVERNOR GENEROSO, DAVAO ORIENTAL, ENTITLED: “AN ORDINANCE ESTABLISHING THE ASSISTANCE PROGRAM FOR SECURING LAND TITLES OF ELIGIBLE RESIDENTS AND HOUSEHOLDS OF THE GOVERNOR GENEROSO TOWNSITE SUBDIVISION”, INVALID IN PART, CONSIDERING THAT THE PROVISIONS UNDER SECTION 4 THEREOF IS NOT COMPLIANT WITH THE PROCEDURAL REQUIREMENT AS MANDATED UNDER SECTION 186 OF RA 7160;**

A handwritten signature in black ink, appearing to read 'Luplaza', is written over a large, light-colored checkmark or flourish.

RESOLVED, FINALLY, That copies of this resolution be furnished: The Honorable Municipal Mayor and the Honorable Sangguniang Bayan Members thru its Presiding Officer of Governor Generoso, Davao Oriental, for their information and guidance.

CARRIED AND APPROVED.

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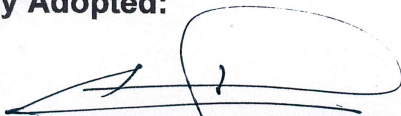
**I hereby Certify to the Correctness
of the foregoing Resolution.**



EVANGELINE UY-PLAZA

*Provincial Government Assistant Department Head
Assistant Secretary to the Sangguniang Panlalawigan
Acting Secretary*

**Attested and Certified
to be duly Adopted:**



NELSON R. DAYANGHIRANG, JR.
Vice Governor and Presiding Officer