



Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF BULALACAO

OFFICE OF THE SANGGUNIANG BAYAN
Bulalacao, Bulalacao, Oriental Mindoro, 5214 ☎ (091) 098-550913

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BULALACAO, ORIENTAL MINDORO HELD ON SEPTEMBER 3, 2004 AT THE SANGGUNIANG BAYAN SESSION HALL

- PRESENT:
- | | | |
|------------------------------|---|------------------------|
| Hon. Salvador A. Magalay | - | Presiding Officer |
| Hon. Guillermo G. Satas Jr | - | Sang Bayan Member |
| Hon. Gabriel C. Hermiado | - | -do- |
| Hon. Efron S. Acosta | - | -do- |
| Hon. Rosalinda M. Cabagay | - | -do- |
| Hon. Sonny O. Madra | - | -do- |
| Hon. Roberto A. Hilario | - | -do- |
| Hon. Eric Michael R. Pajetal | - | -do- |
| Hon. Juan L. Satas, Sr | - | Pres. Liga ng mga Brgy |
| Hon. Joseph Rey S. Amparo | - | SK Fed. President |

- ABSENT:
- | | | |
|---------------------------|---|------------------------------|
| Hon. Leonardo A. Andallon | - | Sang Bayan Member (on-leave) |
|---------------------------|---|------------------------------|

RESOLUTION NO. 04-12-151

OVERRIDING THE VETO OF THE LOCAL CHIEF EXECUTIVE AGAINST RESOLUTION NO. 04-10-139 ENTITLED "RENEWING THE GRANT OF EXCLUSIVE RIGHT TO OPERATE AND MAINTAIN THE COCKPIT AT SITIO CAWACAT, BARANGAY CAMBUNANG, BULALACAO, ORIENTAL MINDORO BY GIVING A PREFERENTIAL TREATMENT TO THE PRESENT GRANTEE PROVIDED THAT ALL UNSETTLED REQUIRED OBLIGATIONS ARE MET" IN THE EXERCISE OF THE POWERS VESTED WITH THE SANGGUNIANG UNDER SECTION 55, PAR C OF RA 7160

"WHEREAS, the veto power of the Local Chief Executive being conferred under Sec. 55, par a of RA 7160 may only veto any ordinance of the Sanggunian on the grounds that it is *ultra vires* or prejudicial to the public welfare;

"WHEREAS, to say that an ordinance is *ultra vires* in the legal construction should be construed as if the legislative body was acting *beyond* its authority, the same law says that the Sanggunian may override the veto of the Local Chief Executive by two-thirds (2/3) vote of all its members, thereby making the ordinance effective even without the approval of the Local Chief Executive;

"WHEREAS, the reasons for the veto was not stated on its specific reasons, nor, the allegation that the subject Resolution was prejudicial to the Public welfare was not accompanied by any concrete explanations for it to be so;

WHEREAS, contemplating the necessity to exercise the power of the Sanggunian enboldened by the provision of Section 447, par 3 (v) which says that the Sanggunian shall have the power, "to grant licenses and may regulate, authorize and license the establishment, operation and maintenance of cockpits, regulate cockfighting and the commercial breeding of game cocks", for all legal intents and purposes, hereby overrides the veto message by the Honorable Emilio C. Villas, dated November 5, 2004, under SB Resolution No 04-10-139, Now, therefore, be it

RESOLVED AS IT IS HEREBY RESOLVED, To: Override the veto of the Local Chief Executive against Resolution No 04-10-139, entitled "Renewing the grant of exclusive right to operate and maintain the cockpit at Sitio Cawacat, Barangay Cambunang, Bulalacao, Oriental Mindoro by giving a preferential treatment to the present grantee provided that all unsettled required obligations are met" in the exercise of the powers vested with the Sanggunian under Section 56, par c of RA 7160.

ON MOTION of Councilor Juan L. Salas, Sr duly seconded by Councilor Guillermo G. Salas, foregoing was

APPROVED" December 3, 2004, Bulalacao, Oriental Mindoro

GUILLERMO G. SALAS JR.
SB Member

GABRIEL C. HERMILAO
SB Member

EFREN S. ACOSTA
SB Member

ROSALINDA M. CABAGAY
SB Member

SAM O. MADRA
SB Member

ROBERTO A. HILARIO
SB Member

ERIC MICHAEL R. PAJOTAL
SB Member

JUAN L. SALAS, SR.
Pres, Liga ng mga Barangay

JOSE P. AMPARO
SK Federation President

CERTIFIED TRUE AND CORRECT:

SALVADOR A. MAGALAY
Municipal Vice Mayor/
Presiding Officer

ATTESTED:

JENILYN P. CONTRERAS
Temporary Secretary