



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE THIRD REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 20TH DAY OF APRIL, 2015 AT 11:00 O'CLOCK IN THE MORNING.

PRESENT:

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| Hon. Alfredo P. Valdez, Jr., | Vice-Mayor/Presiding Officer; |
| Hon. Aladine T. Santos, | Member; |
| Hon. Norberto S. Dadiz, Jr., | Member; |
| Hon. Ariel B. Villa, | Member; |
| Hon. Orlando B. Badua, | Member; |
| Hon. Oscar V. Domingo, | Member; |
| Hon. Efren C. Butay, | Member; |
| Hon. Linda E. Badua, | Member/Liga ng mga Barangay President. |

ON-LEAVE:

- | | |
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| Hon. Domingo C. Ambrocio, Jr., | Member; |
| Hon. Reynaldo A. Corpuz, | Member. |

ABSENT:

None.

“MUNICIPAL ORDINANCE NO. 2015-09

AN ORDINANCE GRANTING FRANCHISE TO MR. CONSTANTE DANCEL, SR. TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE.

“Be it enacted by the Sangguniang Bayan in session duly assembled:

WHEREAS, the Sangguniang Bayan as a legislative body, by express provision of law is empowered and authorized to license and grant franchise for the establishment, operation and maintenance of cockpits, regulate cockfighting activities and breeding of fighting cocks within its territorial jurisdiction, provided that existing rights should not be prejudiced;

WHEREAS, pursuant to Municipal Ordinance No. 08, Series of 2005 which was duly approved and declared as valid by the reviewing Sangguniang Panlalawigan, it previously allowed and authorized the establishment of a cockpit arena at Brgy. 16, San Marcos, this municipality, pursuant to its authority under pertinent laws and other existing rules and regulations, and at the same time granted a franchise to Ilocos Norte SN Coliseum represented by its President, Mr. Constante Dancel, Sr. to establish, operate and maintain a cockpit therein which grant has already expired;

WHEREAS, Mr. Constante Dancel, Sr., in his individual capacity has filed his application to be granted a franchise to operate a cockpit arena in view of the expiration of the franchise granted to Ilocos Norte SN Coliseum, a corporate entity, submitting thereby his birth certificate proving his Philippine Citizenship and pertinent tax returns proving his payment of required taxes;

WHEREAS, upon consideration of the guidelines in the grant of franchise to operate cockpit as provided for and prescribed under Provincial Resolution No. 031-2014, it appears that Mr. Constante Dancel, a Filipino citizen and resident of Laoag City had substantially complied said requirements;

NOW, THEREFORE, BE IT ORDAINED THAT:

SECTION 1. Nature, Scope, Grant of Franchise. – Subject to the provisions of applicable laws, rules and regulations, a franchise to operate and maintain a cockpit within the Municipality of San Nicolas is hereby granted to Mr. Constante Dancel, Sr., a Filipino citizen and resident of Laoag City (herein referred to as the Grantee). As such, he is authorized to establish and operate one (1) cockpit arena specifically located at Brgy. 16, San Nicolas, this municipality and which should adhere to the zoning ordinances of the municipality.

SECTION 2. Declaration of Franchise. – Unless sooner revoked or cancelled, this franchise shall be valid for a period of three (3) years commencing from the effectivity of this Ordinance with the option on the part of the Grantee to renew the same for a similar period and subject to the approval of the Sangguniang Bayan.

SECTION 3. Authority of the Office of the Mayor. The Grantee shall apply and secure the required business permit to operate from the Office of the Mayor and the latter shall have authority to require compliance of all existing laws, ordinances, rules and regulations similarly imposed to all business establishments, and impose conditions thereto as are expressly or impliedly necessary for the protection of the welfare and safety of all persons going or transacting in said cockpit.

SECTION 4. Prohibition on Sale, Lease, Usufruct and Transfer of Franchise. – This franchise is non-transferable in character. As such, the Grantee shall not sell, assign, lease, grant the usufruct of, or transfer this franchise including any rights and privileges acquired thereunder to any person, natural or juridical, firm or other entities, nor merge with any corporation or individual without the prior notice and approval of the Sangguniang Bayan;

SECTION 5. Mandatory Payment of Taxes and Fees Provision. The Grantee shall be liable to pay all taxes and other fees prescribed by Municipal Ordinance No. 2008-26 otherwise known as the *Revenue Code of the Municipality of San Nicolas* to the Office of the Municipal Treasurer. Said assessments shall be without prejudice to the subsequent impositions as may be adopted or hereafter may be required by law or ordinance. Failure on the part of the grantee to promptly and regularly comply with said tax obligations shall be a ground for the automatic revocation or cancellation of this franchise.

SECTION 6. Additional Conditions. – The Grantee shall be allowed to hold cockpit during Saturdays of every week. For this purpose, the Grantee shall strictly observe the provisions of Presidential Decree No. 449 otherwise known as the Cockfighting Law of 1974 and pertinent issuances particularly on the allowed day as well as the prohibited dates to conduct any cockfighting activities as provided therein and secure a special permit in holding their derbies thereby. The Grantee shall also make available, under reasonable terms, the accommodation of fund-raising activities for barangay fiestas and other charitable purposes through cockfighting activities that may be conducted in the said arena, as part of its corporate social responsibility.

SECTION 7. Revocatory Clause. This franchise including the complimenting business permit to operate shall be automatically revoked or cancelled upon showing of any non-compliance of the conditions set forth therein, and for any violation of the provisions of PD 449 and other pertinent ordinances, rules and regulations.

SECTION 8. Effectivity. This ordinance shall take effect ten (10) days after posting the same in the Bulletin Board at the entrance of the Municipal Hall and two (2) other conspicuous places in the municipality.

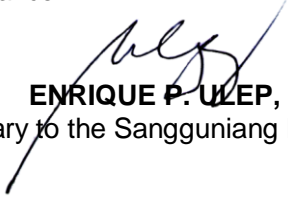
UNANIMOUSLY APPROVED.”




Voting on the foregoing ordinance was as follows:

- AYES : Members Santos, Dadiz, Jr., Badua, O., Villa, Domingo, Butay, & Badua, L.
- NAYS : None.
- ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.


ENRIQUE P. ULEP, JR.
Secretary to the Sangguniang Bayan I

ATTESTED:


ALFREDO P. VALDEZ, JR., M.D.
Vice-Mayor/Presiding Officer

APPROVED:


MELANIE GRACE P. VALDEZ, M.D.
Municipal Mayor

Approved on: April 23, 2015