



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

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FOURTH REGULAR SESSION
(8TH OUT REACH SESSION) OF THE 10TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF
SAN NICOLAS, ILOCOS NORTE HELD AT BRGY. 19, SAN LORENZO SESSION HALL ON THE
24TH DAY OF APRIL, 2017 AT 10:30 O'CLOCK IN THE MORNING.

PRESENT:

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| Hon. Edistio P. Valdez | Vice-Mayor/Presiding Officer; |
| Hon. Angel Miguel L. Hernando | Member; |
| Hon. Domingo C. Ambrocio, Jr. | Member; |
| Hon. Ariel B. Villa | Member; |
| Hon. Efren C. Butay | Member; |
| Hon. Norberto S. Dadiz, Jr. | Member; |
| Hon. Manuel D. Coloma, Sr. | Member; |
| Hon. Orlando B. Badua | Member; |
| Hon. Jessie Julito P. Pumaras, Sr. | Member; |
| Hon. Linda E. Badua, | Member/Liga ng mga Barangay President. |

ABSENT:

None.

“RESOLUTION NO. 2017-124

A RESOLUTION SEEKING RECONSIDERATION ON THE ACTION TAKEN BY THE SANGGUNIANG PANLALAWIGAN ON MUNICIPAL ORDINANCE NO. 2015-09, WHICH GRANTED FRANCHISE TO MR. CONSTANTE DANCEL TO OPERATE COCKFIGHTING ACTIVITIES WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN NICOLAS, PROVINCE OF ILOCOS NORTE.

WHEREAS, cockfighting is a popular game and has long been a tradition which Filipino aficionados especially “balikbayans” find to be a pleasing source of amusement and now a legitimate business where breeding of game fowls is now becoming lucrative;

WHEREAS, PD 449 otherwise known as the Cockfighting Law was decreed by the then President Ferdinand Edralin Marcos to regulate the conduct of cockfighting in the entire country in order for the said game not to be exploited;

WHEREAS, Section 447, Paragraph (a), No. 3, Sub-item 5b of RA 7160, otherwise known as the Local Government Code of 1991, vests the authority to the Sangguniang Bayan concerned to authorize and license the establishment, operation and maintenance of cockpits within their territorial jurisdictions and regulate cockfighting and commercial breeding of gamecocks provided that existing rights should not be prejudiced;

WHEREAS, the 9th Sangguniang Bayan of the Municipality of San Nicolas enacted Municipal Ordinance No. 2014-20 granting franchise to Mr. Constante Dancel which was promptly submitted to the Sangguniang Panlalawigan (SP);

WHEREAS, the Provincial Board In the exercise of its review powers, found the ordinance wanting of some requirements set forth under SP Resolution No. 031-2014 which prescribes guidelines on the operation of cockpits in the territorial jurisdiction of the Province of Ilocos Norte, and consequently declared it invalid;

Page 2, Resolution No. 2017-124;

WHEREAS, acting on the adverse findings of the SP, the Sangguniang Bayan required the applicant to submit the documents as indicated by the SP and who without delay submitted the said requirements;

WHEREAS, the Sangguniang Bayan then passed Municipal Ordinance No. 2015-09 indicating the applicant's submission of his birth certificate proving his Philippine citizenship and pertinent tax clearances proving his payment of required taxes. It was also underscored in the re-passed ordinance that such application is a new one, a sole proprietorship where the financial standing of the applicant is only to be considered as expressly provided by SP Resolution No. 031-314;

WHEREAS, the Committee on Games and Amusements of the Provincial Board recognized the authenticity of the Birth Certificate showing the applicant's Filipino citizenship, but was not convinced as regards the Tax Clearance. Thus, it again recommended the invalidation of the ordinance, stressing that the tax clearance submitted does not ipso facto proves that Mr. Dancel has been paying his national taxes by virtue of him being a member of the Board of a different corporation which operated a cockpit in San Nicolas for more than ten (10) years.

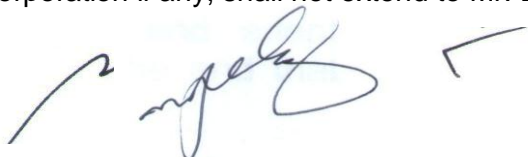
WHEREAS, the applicant in his desire to submit to the authority of the SP, he further submitted the following documents to the Office of the Sangguniang Bayan, to wit:

1. Certification of Mr. Ariel M. Calabia, Revenue District Officer of Laoag City, represented by Ms. Jesusa F. Quiaoit, Revenue Collection Officer, certifying to the effect that Mr. Constante Dancel that the filed the necessary returns and paid his registration fee of P500.00 in the operation of the Ilocandia Sports Arena located at San Marcos and,
2. Payment Form No. 0605 where the line of business as Sports Arena-Cock was indicated.

WHEREAS, the committee of the Whole of the Sangguniang Bayan deemed it more prudent to call the attention of the BIR Officer designated in the municipality to enlighten the Body as to the relevance of the documents submitted, and said officer testified that such documents are requirements in seeking Tax clearance from the national office, thus the committee required Mr. Dancel to submit additional documents relevant to the operation of the cockpit.

WHEREAS, on March 31, 2017, the office of the Sangguniang Bayan received from Mr. Dancel a Certification from the BIR Revenue District Office certifying to the effect that Mr. Dancel does not have any pending tax obligation in the district and other supporting documents;

WHEREAS, the Sangguniang Bayan humbly submits that the above stated certification is substantial considering also that Mr. Constante Dancel, while being one of the Board of Directors of the corporation that was previously granted franchise to operate a cockpit, has a distinct personality separate from the corporation and that tax liabilities accruing to the corporation if any, shall not extend to Mr. Dancel personally, but to the corporation;



WHEREAS, in deference to the voluntariness of the applicant to comply with what he believes will satisfy the requirements of the Sangguniang Panlalawigan, the committee of the Whole of the Sangguniang Bayan implores upon the wisdom of the members of the Provincial Board to consider the surrounding circumstances of the case at hand and consider the approval of the franchise granted to Mr. Constante Dancel;

NOW, THEREFORE, in consideration of the above foregoing, be it **RESOLVED** as it is hereby **RESOLVED** by the Sangguniang Bayan in session to pray to the Sangguniang Panlalawigan that the franchise granted to Mr. Constante Dancel by the Sangguniang Bayan be finally declared valid;

RESOLVED FURTHER to transcribe copies of this resolution and furnish same to the Sangguniang Panlalawigan and all others concerned for the information and appropriate action.

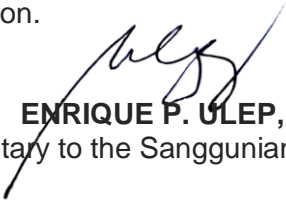
On motion of Member Orlando B. Badua, duly seconded, the foregoing resolution was unanimously approved.

CARRIED”.


Voting on the foregoing resolution was as follows:

- AYES : Members Hernando, Ambrocio, Jr., Villa, Butay, Dadiz, Jr., Coloma, Sr., Badua O., Pumaras, Sr., and Badua L..
- NAYS : None.
- ABSTAINED : None.


I hereby certify to the correctness of the foregoing resolution.


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

ATTESTED:


EDISTIO P. VALDEZ
 Vice-Mayor/Presiding Officer

APPROVED:


ALFREDO P. VALDEZ, JR., M.D.
 Municipal Mayor

Approved on: April 24, 2017