



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

## OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FIRST REGULAR SESSION OF THE  
12<sup>TH</sup> SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE  
HELD AT THE MUNICIPAL SESSION HALL ON THE 6<sup>TH</sup> DAY OF FEBRUARY, 2023 AT  
10:50 O'CLOCK IN THE MORNING.

### PRESENT:

Hon. Napoleon L. Hernando	Vice-Mayor/Presiding Officer;
Hon. Luciano R. Caraang	Member;
Hon. Moera Joy N. Galing-Luna	Member;
Hon. Erico R. Ruiz, Jr.	Member;
Hon. Chona P. Hernandez	Member;
Hon. Jessie Julito P. Pumaras, Sr.	Member;
Hon. Norberto S. Dadiz, Jr.	Member;
Hon. Juanito P. Ulep, Jr.	Member;
Hon. Cesar R. Agustin	Member;
Hon. Jorge Cesar T. Palafox	Member//Liga ng mga Barangay President;
Hon. Inno Ma. Angelo Paulo O. Hernando	Member/PPSK President.

### ABSENT:

None.

### “MUNICIPAL ORDINANCE NO. 2023-06

#### **AN ORDINANCE GRANTING FRANCHISE TO MR. MARK ADRIAN BARBA OF BRGY. 6, SAN JUAN BAUTISTA, SAN NICOLAS, ILOCOS NORTE TO OPERATE AND MAINTAIN A COCKPIT ARENA IN THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE.**

**WHEREAS**, the Sangguniang Bayan as a legislative body, by expressed 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**, Mr. Mark Adrian Barba, in his individual capacity has filed his application to be granted a franchise to operate a cockpit arena at Brgy. 16, San Marcos, San Nicolas, Ilocos Norte;

**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. Mark Adrian Barba, a Filipino citizen and resident of San Nicolas, had substantially complied with the 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. Mark Adrian Barba, a Filipino citizen and resident of Brgy. 6, San Juan Bautista, Sa Nicolas, Ilocos Norte (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 comply with the zoning ordinances of the municipality.

**SECTION 2. Declaration of Franchise.** – Unless sooner revoked or cancelled, this franchise shall be valid until January 31, 2024, with the option on the part of the Grantee to renew the same, 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.

**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. 2017-18 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.**

- a. The Grantee shall be allowed to hold cockpit during Sundays of every week. For this purpose, the Grantee shall strictly observe the provisions of SP Resolution No. 031-2014, 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;
- b. 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 the grantee's corporate social responsibility;
- c. The use of cockfight betting machines in the arena shall be strictly prohibited; and
- d. The conduct of any games of chance, like card games shall also be prohibited in the premises of the cockpit arena, pursuant to Presidential Decree No. 1602.
- e. No elected public official and employee of San Nicolas, Ilocos Norte shall be granted franchise to operate cockpit arena, nor shall he/she be directly or indirectly, has any financial or material interest related thereto.



**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 immediately upon approval.

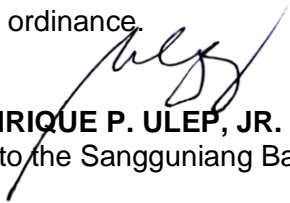
**UNANIMOUSLY APPROVED.”**

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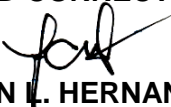
Voting on the foregoing ordinance was as follows:

- AYES : Members Caraang, Galing-Luna, Ruiz, Jr., Hernandez, Pumaras, Sr., Dadiz, Jr., Ulep, Jr., Agustin, Palafox and Hernando, I.
- NAYS : None.
- ABSTAINED : None.

I hereby attest to the correctness of the foregoing ordinance.

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

**CERTIFIED TRUE AND CORRECT:**

  
**NAPOLEON L. HERNANDO**  
Vice-Mayor/Presiding Officer

**APPROVED:**

  
**ANGEL MIGUEL L. HERNANDO**  
Mayor

Approved on: February 7, 2023