



Republic of the Philippines
Republic of the Philippines
Province of Davao del Norte
Municipality of Braulio E. Dujali
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BEFORE THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 39TH REGULAR SESSION OF THE 8TH SANGGUNIANG BAYAN OF BRAULIO E. DUJALI, DAVAO DEL NORTE AND HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON OCTOBER 9, 2017.

PRESENT:

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| HON. DONNA MAE BALDONADO-BERNADAS, ED.D. | - Vice Mayor & Presiding Officer |
| HON. GREGORIO S. FACULA, MDMG | - Sangguniang Bayan Member |
| HON. MELFAR C. AGUILUZ | - Sangguniang Bayan Member |
| HON. ATTY. YASMIN V. CAMPION, REA, REB | - Sangguniang Bayan Member |
| HON. RICKY T. DELCO | - Sangguniang Bayan Member |
| HON. NELSON C. BAER, RA | - Sangguniang Bayan Member |
| HON. ANNA C. CAGULADA | - Sangguniang Bayan Member |
| HON. ANGELITO P. ORILLOSA | - ABC Pres/Ex. Officio Member |
| HON. FRANCISCO D. BUCADON | - IPMR/Ex. Officio Member |

ON OFFICIAL BUSINESS:

NONE

ABSENT:

HON. ADHEM F. FUNA - Sangguniang Bayan Member

RESOLUTION NO. 2017-172

Author: Hon. Atty. Yasmin G. Valle-Campion, REA, REB

Sponsors: Hon. Melfar C. Aguiluz, Hon. Gregorio S. Facula, Hon. Ricky T. Delco, Hon. Nelson C. Baer, Hon. Anna C. Cagulada, Hon. Francisco D. Bucadon, Hon. Angelito P. Orillosa

RESPECTFULLY REQUESTING THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF DAVAO DEL NORTE TO RECONSIDER ITS FINDING IN MUNICIPAL ORDINANCE NO. 2017-196 OF THE MUNICIPALITY OF BRAULIO E. DUJALI, DAVAO DEL NORTE.

WHEREAS, Municipal Ordinance 2017-196 or the ordinance "Enacting the Revised Municipal Cockfighting Code of 2017 of the Municipality of Braulio E. Dujali, Davao del Norte", was returned to this level per Sangguniang Panlalawigan Resolution No. 485, dated August 14, 2017, for modification;

WHEREAS, based on the said Sangguniang Panlalawigan Resolution No. 485, Paragraph B, Section 8 – Rules and Regulations of Municipal Ordinance 2017-196 of this municipality, which provides: "Establishments of Cockpit. Only one cockpit shall be allowed in this municipality", runs counter against Section 5, Paragraph B of Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, which states that " Establishment of Cockpits. Only one cockpit shall be allowed in each city or municipality, except that in cities or municipalities with a population of over one hundred thousand, two cockpits may be established, maintained and operated";

WHEREAS, this council humbly takes its position that Paragraph B, Section 8 – Rules and Regulations of Municipal Ordinance 2017-196 of this municipality, never goes contrary to

Section 5, Paragraph B of Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, considering the fact that as of the latest survey result conducted by the National Statistics Office in 2015, the total population of this municipality is only 30,104;

WHEREAS, aside from the above cited reason, the intention of establishing one cockpit in this municipality is within the very bound of the **general rule** provided by Presidential Decree No. 449, which is establishment of **only one cockpit in each city or municipality**;

WHEREAS, while it is true that Section 5, Paragraph B of Presidential Decree No. 449, otherwise known as the Cockfighting Law of 1974, also stipulates that cities or municipalities with a population of over one hundred thousand, two cockpits **may** be established, maintained and operated, it is just an exception to the general rule, which provision is likewise not mandatory at all as can be grasped from the word "**may**" which under statutory construction should be given its ordinary meaning, that is just a permission or importing discretion and not compulsory, thus even if this municipality will reach over one hundred thousand population in the coming years, the questioned provision of said municipal ordinance would not still violate Presidential Decree No. 449;

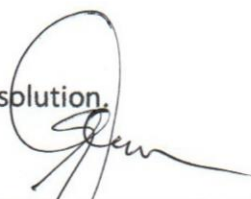
NOW THEREFORE, on motion of Hon. Yasmin G. Valle-Campion, duly seconded by all members present;

Be it resolved, as it is hereby resolved, to RESPECTFULLY REQUEST THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF DAVAO DEL NORTE TO RECONSIDER ITS FINDING IN MUNICIPAL ORDINANCE NO. 2017-196 OF THE MUNICIPALITY OF BRAULIO E. DUJALI, DAVAO DEL NORTE.

RESOLVED FURTHER, that copies of this resolution be furnished to all concerned for their information and appropriate action.

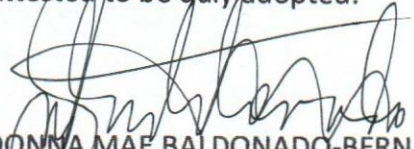
CARRIED AND APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing resolution.



TEOFISTA FACULA-BACLAAN
Senior Administrative Assistant I
Secretary Designate

Attested to be duly adopted:



DONNA MAE BALDONADO-BERNADAS, ED.D.
Vice Mayor & Presiding Officer