

Republic of the Philippines
Province of Davao del Norte
City of Tagum

BEFORE THE 4th CITY COUNCIL

EXCERPT FROM THE MINUTES OF THE 98th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF TAGUM, PROVINCE OF DAVAO DEL NORTE HELD AT THE SP SESSION HALL ON JUNE 15, 2009.

PRESENT:

HON. ALLAN L. RELLON, MPA,	City Vice Mayor (Presiding Officer)
HON. MARIA LINA F. BAURA, CPA	Member
HON. ROBERT L. SO,	Member
HON. DE CARLO L. UY,	Member
HON. RAYMOND JOEY D. MILLAN,	Member
HON. VICENTE C. ELIOT, SR.,	Member
HON. JOEDEL T. CAASI,	Member
HON. ALAN D. ZULUETA,	Member
HON. NICANDRO T. SUAYBAGUIO, JR.	Member
HON. REYNALDO T. SALVE,	Member
HON. FRANCISCO C. REMITAR,	Member
HON. ALFREDO R. PAGDILAO,	Member (ABC Representative)
HON. CYRIL LEONARD L. MURING,	Member (SKF Representative)

RESOLUTION NO. 791, s-2009

A RESOLUTION INTERPOSING OBJECTION ON HOUSE BILL 6303 AN ACT AMENDING SECTION 450 OF REPUBLIC ACT 7160 AS AMENDED BY REPUBLIC ACT 9009 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991.

WHEREAS, since the passage of Republic Act 7160, otherwise known as the Local Government Code of 1991, the number of cities has more than doubled from around 50 to 117 to date. The primary reason cited is that it was relatively easy under the Local Government Code for any municipality or cluster or barangays to be converted into a city if it has an average annual income of P20 Million for two consecutive terms and either (a) a contiguous territory of at least 100 square kilometers, or (b) a population of not less than 150,000 inhabitants;

WHEREAS, during the 12th Congress, it enacted into law RA 9009 which took effect on June 30, 2001, which amended Section 450 of the Local Government Code of 1991 by increasing the annual income requirement for conversion of a municipality into a city from P20 Million to P100 Million;

WHEREAS, after the effectivity of the Republic Act, the House of Representatives of the 12th Congress adopted Joint Resolution No. 29, which sought to exempt from P100 Million income requirement in RA 9009 the municipalities whose cityhood bills were not approved in the 11th congress. However, the 12th Congress ended without the Senate approving Joint Resolution No. 29;

WHEREAS, on October 11, 2007, the City of Tagum filed before the Supreme Court a Petition –In–Intervention questioning the constitutionality of enacted laws allowing the conversion of certain municipalities into cities without complying with the minimum requirement of One hundred Million (P100,000,000.00) Pesos in locality generated income for conversion of municipalities;

WHEREAS, the Supreme Court on November 18, 2008, rendered a decision declaring the 16 cityhood unconstitutional that the motion for reconsideration has been denied with finality on the ground that the said laws, directly violate Sec. 10 Article X of the 1987 Constitution and the equal protection clause under Section 1, Article 111 of the same constitution.

WHEREAS, the Committee on Local Government of the House of Representatives is currently deliberating on House Bill 8303, "AN ACT AMENDING SECTION 450 OF RA 7160 AS AMENDED BY REPUBLIC ACT 9009 OTHERWISE KNOWN AS THE LOCAL GOVERNMENT CODE OF 1991";

WHEREAS, the above-mentioned amendments on Section 450 of the Local Government Code as amended by RA 9009 favors the 16 municipalities that recently lost in the case we filed at the Supreme Court by expressly stating, "that filed before June 30, 2001 and whose charters have already been approved by the Senate and the House of Representatives should be exempted from the requirement provided for by RA 9009";

WHEREAS, the City of Tagum stands to be directly and immediately effected if House Bill 6303 will be approved, as it will dramatically decrease the funds earmarked for the economic programs, not to mention the very economic well-being of the inhabitants of Tagum City that will constitute a substantial injury whose economic viability as a City will be greatly imperiled as a direct result of the amendments to be introduced through House Bill 6303.

NOW THEREFORE, be it resolved by the Sangguniang Panlungsod of Tagum to interpose objection on House Bill 6303 "An Act amending Section 450 of RA 7160 as amended by Republic Act 9009, otherwise known as the local Government Code of 1991".

RESOLVED FURTHER, to request Hon. Congressman Olaño, 1st District of Davao del Norte to register the objection of the City of Tagum in the plenary during the deliberation of House Bill 6303.

RESOLVED FURTHERMORE, that copies of this resolution shall be furnished to the House of Representative and through the Office of the Speaker of the House and the League of Cities through President for their information and guidance.

CARRIED AND APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing.

REY A. BUHION
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

ALLAN L. RELLON, MPA
City Vice Mayor
(Presiding Officer)

