

Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

NINTH CITY COUNCIL

COMMITTEE REPORT NO. 087-2024

February 13, 2024

Submitted by:

COMMITTEE OF THE WHOLE

HON. BIENVENIDO C. DE GUZMAN II	-	City Vice Mayor/Chairman (Inhibited)
HON. MARIA ROSARIO B. SORIANO	-	Member (Via Zoom)
HON. RONALDO S. ORTIZ	-	Member
HON. IMOGEN CLAIRE M. CALLANGAN	-	Member
HON. KARINA S. GAUANI-VIERNES	-	Member (Via Zoom)
HON. ARNEL T. ARUGAY	-	Member
HON. GRACE B. ARAGO	-	Member
HON. MARC ALDOUS C. BACCAY	-	Member
HON. TIRSO V. MANGADA	-	Member

ABSENT:

HON. MARK ANGELO B. DAYAG
HON. MARY MARJORIE P. MARTIN-CHAN
HON. JUDE T. BAYONA
HON. GILBERT S. LABANG
HON. RESTITUTO C. RAMIREZ
HON. CERENE PEARL T. QUILANG

GUESTS/RESOURCE PERSONS:

ATTY. RODERICK IQUIN	-	City Legal Office
ATTY. JOSE BENJAMIN KANAPI	-	Legal Counsel for Mr. Pobre
MR. JONATHAN ERIC Y. POBRE	-	Franchisee

SUBJECT: LETTER OF THE CITY MAYOR, HON. MAILA ROSARIO S. TING-QUE, TO REVIEW CITY ORDINANCE NO. 41-08-2022 ON THE LEGISLATIVE FRANCHISE TO ESTABLISH AND OPERATE A COCKPIT GRANTED TO MR. JONATHAN ERIC POBRE AND TO DETERMINE POSSIBLE VIOLATIONS OF THE ORDINANCE AND CONSEQUENCES OF THE SAME

FOR THE PRESIDING OFFICER:

The Committee of the Whole met and deliberated on the Letter Request dated 21 November 2023 of Hon. Maila Rosario S. Ting-Que to the members of the Sangguniang Panlungsod for the review of City Ordinance No. 41-08-2022 granting legislative franchise to Mr. Jonathan Eric Y. Pobre to operate cockpit in Tuguegarao City to determine the possible violations of the ordinance and the consequences of the same.

During the hearing, Vice-Mayor Bienvenido C. De Guzman II in his capacity as the Chairman of the Committee of the Whole inhibited himself from participating in the deliberation to avoid any undue influence in the members and he delegated to Hon. Marc Aldous Baccay, Chairman of the Committee on Rules, Laws and Ethics to facilitate the discussions.

In her Letter, the City Mayor stated that in 2022, Mr. Jonathan Eric Pobre was granted the franchise and is supposed to operate a cockpit at Larion Alto, Tuguegarao City, Cagayan.

However, almost two (2) years have lapsed but the proposed facility never operated. Consequently, fees and charges were not paid to Tuguegarao City Government and there is no Business Permit nor he applied for Mayor's Permit since the grant of the legislative franchise.

Hence, the request.

FINDINGS:

The members inquired from Mr. Jonathan Eric Pobre why his cockpit did not operate and he did not introduce any structure for the cockpit facility.

Mr. Pobre explained that he tried to apply for Building Permit but he was required to secure and comply with some requirements. He also tried to apply for Mayor's/Business permit but he was required to secure building permit. Atty. Kanapi also informed the members that there is Special Civil Action docketed as Special Civil Action No. 136 for Declaratory Relief and Injunction with Application for Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction entitled Melvin Vargas Sr., plaintiff, versus Tuguegarao City Government, Vice-Mayor Bienvenido C. De Guzman II and some other members of Sangguniang Panlungsod as defendants. He apprised the members that the case is on-going trial with the stage of presentation of plaintiff's evidence.

Atty. Roderick Iquin of the City Legal Office also informed the members that Regional Trial Court Branch 05, Tuguegarao City rendered on June 16, 2023 a Joint-Resolution granting the application for Writ of Preliminary Injunction and required plaintiff Vargas to post preliminary injunctive bond of P500, 000.00.

Asked by Hon. Ortiz if there is a violation on the grant of legislative franchise and if Mr. Pobre committed any violation by reason of the non-operation of the cockpit, Atty. Iquin explained that Mr. Jonathan Eric Pobre did not commit any violation of the legislative franchise and there is no violation on the enactment of the subject City Ordinance. He further explained that it would be improper to discuss the validity of the ordinance in view of the pendency of the special civil action before the regional trial court.

Hon. Baccay seconded the manifestation of Atty. Iquin that the issue concerning the possible violations of the abovementioned ordinance cannot be the subject of a query because the operation of the cockpit did not commence due to the pending action in court.

RECOMMENDATION:

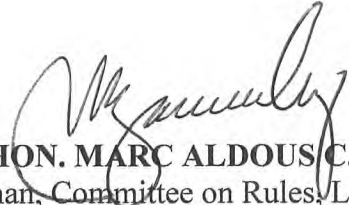
After thorough discussions, the Committee of the Whole recommends to the Sangguniang Panlungsod to inform the City Mayor of the following:

1. That there is no violation in the enactment of City Ordinance No. 41-08-2022 which is an Ordinance Granting Legislative Franchise to Mr. Jonathan Eric Y. Pobre to Establish and Operate Cockpit located at Larion Alto, Tuguegarao City.
2. That Mr. Jonathan Eric Pobre did not commit any violation for his non-operation of the cockpit and non-payment of fees and charges, no application for Business Permit and Mayor's Permit in view of the pendency of the special civil action before the regional trial court, issuance of the Writ of Preliminary Injunction and posting of preliminary injunctive bond of P500, 000.00 by plaintiff Vargas.

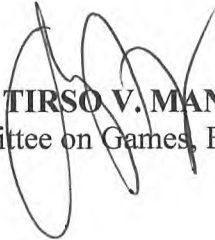
3. That if this Committee Report be approved and adopted during the plenary discussion by the Sanggunain, copy of which shall be furnished the Office of the City Mayor for her information and guidance.

SO RECOMMENDED.

Respectfully submitted:



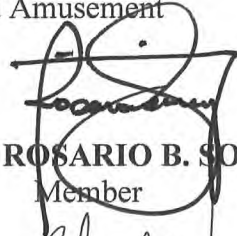
HON. MARC ALDOUS C. BACCAY
Chairman, Committee on Rules, Laws and Ethics



HON. TIRSO V. MANGADA
Chairman, Committee on Games, Entertainment and Amusement



HON. ARNEL T. ARUGAY
Member



HON. MARIA ROSARIO B. SORIANO
Member



HON. IMOGEN CLAIRE M. CALLANGAN
Member



HON. RONALDO S. ORTIZ
Member

HON. KARINA S. GAUANI-VIERNES
Member



HON. GRACE B. ARAGO
Member