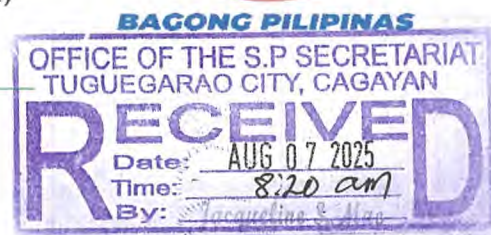




Republic of the Philippines
Province of Cagayan
Tuguegarao City
CITY MAYOR'S OFFICE
2nd Floor, Tuguegarao City Hall, Carig Sur,
Tuguegarao City Cagayan 3500



06 August 2025

THE PRESIDING OFFICER AND MEMBERS

Sangguniang Panlungsod
This City

Dear *Presiding Officer and Members of the Sanggunian*:

City Ordinance No. 02-10-2025 was received by my office on July 28, 2025, otherwise known as ***"AN ORDINANCE ESTABLISHING THE EXPANDED STUDENT FINANCIAL ASSISTANCE PROGRAM (ESFAP) FOR POOR BUT DESERVING STUDENTS OF TUGUEGARAO CITY AND APPROPRIATING FUNDS THEREFOR"***

Pursuant to Section 54 of Republic Act No. 7160, being the Local Chief Executive of this City, I am exercising my veto power and veto the above-mentioned city ordinance.

While I fully share and support the noble intention of helping poor but deserving students pursue education, this ordinance is gravely defective both in law and substance.

Hence, this veto is being made in the interest of public welfare and good governance on the following grounds:

- 1. THE ENACTMENT OF THE SUBJECT CITY ORDINANCE CONTRAVENES THE DOCTRINE OF SEPARATION OF POWERS AND IS CONSIDERED AN ULTRA VIRES ACT**

Under the Local Government Code of 1991 (Republic Act No. 7160), the Sangguniang Panlungsod exercises legislative powers, while the implementation of such programs lies within the executive authority of the City Mayor.

The Second Paragraph of Section 5 of the subject City Ordinance states that:

"Each member of the City Council and the Regular Presiding Officer shall recommend seven (7) and fifteen (15) qualified applicants to the Secretariat, respectively, who shall be approved by the City Mayor."

This provision is not just a harmless technicality – it is a dangerous precedent that undermines the independence of the executive and opens the door to political interference in what must remain a fair, impartial, and merit-based process.

The act of mandating the undersigned to approve specific qualified applicants recommended by the members of the Sangguniang Panlungsod directly violates the doctrine of separation of powers. By using the word "shall", it strips the mayor of discretion, reducing my role to that of a mere rubber stamp. This is an unconstitutional post-enactment intervention by the legislative branch into the duties of the executive.

The Supreme Court, in *Belgica v. Ochoa* (G.R. No. 208566, November 19, 2013), has made it clear that legislative bodies cannot exercise post-enactment authority that interferes with the functions of the executive, such as identifying or approving specific project beneficiaries. That is an executive function.

2. THE SELECTION AND SCREENING MECHANISM FOR BENEFICIARIES HAS BEEN FULLY COMPROMISED.

While Section 5 of the ordinance establishes a Secretariat or Screening Committee to objectively screen applicants, it also allows council members to bypass this process entirely by endorsing their own nominees, whose approval is then made mandatory for the undersigned.

This provision not only invites potential political influence or favoritism but also destroys the integrity and impartiality of the screening committee you yourselves have established. What is the point of having a screening committee if the recommendations of council members will prevail regardless of merit? This creates a dual and inconsistent selection procedure, thereby defeating the principle of fairness and erodes public trust.

Moreover, this scheme is violative of the equal protection clause and good governance principles, as it gives certain appointing or recommending authorities undue influence over the outcome of what is supposed to be an impartial and merit-based process.

3. THE QUALIFICATION REQUIREMENTS UNDER SECTION 6 ARE UNCLEAR, INCONSISTENT, IN SOME CASES, UNFAIR, AND WILL ULTIMATELY HARM THE VERY STUDENTS IT INTENDS TO SERVE.

Using “current minimum wage” of the applicant’s parents as a benchmark for family income is unclear, inconsistent, and unenforceable. Minimum wages are set for individual workers, not for total household income, and applying it this way will inevitably disqualify deserving students. It does not translate directly into gross annual income without proper and precise calculation.

Without any clear guidelines on how to accurately assess and verify the applicant’s family gross annual income in relation to minimum wage rates will definitely lead to challenges and misinterpretations by implementing authorities.

4. THE AUTHORSHIP OF ANY ORDINANCE BY THE VICE MAYOR IS NOT EXPLICITLY GRANTED UNDER THE CHARTER OF TUGUEGARAO CITY, REPUBLIC ACT NO. 7160, OR OTHER RELEVANT LAWS

It is important to emphasize that the Vice Mayor, as the Presiding Officer of the Sangguniang Panlungsod, is not legally authorized to author or sponsor any ordinance. Under Republic Act No. 7160, the Vice Mayor does not serve as a regular voting member and may only cast a vote in the event of a tie. Likewise, the Charter of Tuguegarao City confines the Vice Mayor’s role to presiding over the sessions of the Sangguniang Panlungsod and does not confer the authority to initiate or draft ordinances.

Permitting the Vice Mayor to author an ordinance is in direct conflict with both local and national laws, and it disrupts the system of checks and balances inherent

in our legislative framework. The Vice Mayor's involvement in introducing or authoring legislative measures compromises the neutrality required of a presiding officer. As a result, this procedural irregularity casts serious doubt on the legal validity and constitutional soundness of the ordinance.

Furthermore, DILG Opinion No. 150, series of 2022, affirms that the Vice Mayor's authority is limited to voting only in the event of a tie. This aligns with a fundamental principle of statutory construction: the express mention of one thing implies the exclusion of all others, as encapsulated in the maxim *expressio unius est exclusio alterius*. When a statute explicitly confines its application to specific matters, its scope cannot be expanded by mere interpretation or construction to include others not expressly mentioned. This principle rests on the assumption that the legislature deliberately included only what it intended to authorize.

Accordingly, the Vice Mayor does not possess the right to introduce or sponsor legislative measures, chair any committee, participate in debates, or deliver privilege speeches. Had the legislature intended to extend such powers to the Vice Mayor, it would have expressly provided so, rather than reserving such privileges exclusively for the regular members of the Sangguniang Panlungsod.

It is therefore clear, based on the Charter of Tuguegarao City, Republic Act No. 7160, and the cited DILG Opinion, that the Vice Mayor's role is confined to presiding over the sessions and voting solely in the event of a tie, without the rights and privileges granted to regular members.

5. CHAPTER VIII, SECTION 10 ON "APPROPRIATIONS" IS VAGUE AND BLATANTLY DISREGARDS BASIC BUDGETARY LAWS AND PRINCIPLES.

The funding mechanism provided under Section 10 of the subject ordinance directly appropriates funds without going through the required budget evaluation by the Local Finance Committee, without proper certification from the City Treasurer, and without endorsement from the City Development Council.

This is not how public funds are lawfully allocated. Appropriations must be specific, supported by identified funding sources, and processed according to the Local Government Code. To ignore these requirements is to invite legal challenge and fiscal mismanagement.

This contravenes Sections 305–321 of the Local Government Code, which lay down the principles of fiscal responsibility, transparency, and proper fund allocation.

6. THE REPEALING CLAUSE OF THE SUBJECT ORDINANCE RAISES UNCERTAINTY ON THE CONTINUED PROVISION OF FINANCIAL ASSISTANCE TO STUDENTS COVERED BY THE PREVIOUS ORDINANCE.

The ordinance effectively repeals the existing ordinance governing the Student Financial Assistance Program without providing a clear transitional framework or safeguards for existing scholars. This omission creates uncertainty regarding the continuity of benefits and financial support for students who are currently enrolled and receiving assistance under the previous ordinance.

Moreover, the basis for the disbursement of funds to existing scholars becomes unclear and legally questionable given that the new ordinance supersedes the previous one. Without explicit provisions to honor previously granted financial commitments or to phase out the old program responsibly, the ordinance risks

disrupting the educational support system that many indigent but deserving students rely on.

Beyond the above points, the ordinance lacks specific guidelines, fails to define key terms precisely, and does not provide for effective implementation mechanisms. These deficiencies undermine the ordinance's enforceability and overall effectiveness.

In light of these serious issues, I respectfully urge the City Council to review and revise City Ordinance No. 02-10-2025 to ensure compliance with constitutional principles, legal standards, and sound governance policies. Such action will promote transparency, accountability, and fairness in government service to our constituents.

For your information and appropriate action.

Thank you for your attention and continued commitment to the welfare of our city.

In the name of public service,


MAILA ROSARIO S. TING-QUE
City Mayor