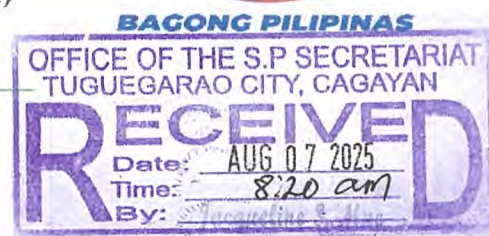




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Republic of the Philippines
Province of Cagayan
Tuguegarao City
CITY MAYOR'S OFFICE
2nd Floor, Tuguegarao City Hall, Carig Sur,
Tuguegarao City Cagayan 3500



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



Republic of the Philippines
PROVINCE OF CAGAYAN
Tuguegarao City
TENTH CITY COUNCIL



EXCERPTS FROM THE MINUTES OF THE 4th REGULAR SESSION OF THE TENTH CITY
COUNCIL OF TUGUEGARAO CITY, CAGAYAN HELD ON JULY 22, 2025
(TUESDAY), 9:00 A.M., AT THE SANGGUNIAN PANLUNGSOD SESSION HALL

PRESENT:

| | |
|----------------------------------|------------------------------------|
| Hon. Rosauro Rodrigo G. Resuello | City Vice Mayor, Presiding Officer |
| Hon. Maria Rosario B. Soriano | Sangguniang Panlungsod Member |
| Hon. Ronaldo S. Ortiz | |
| Hon. Jude T. Bayona | -do- |
| Hon. Marc Aldous C. Baccay | -do- |
| Hon. Tirso V. Mangada | -do- |
| Hon. Dennis Ryan G. Avila | -do- |
| Hon. Karina G. Viernes | -do- |

ABSENT:

| | |
|------------------------------|--|
| Hon. Mark Angelo B. Dayag | Sangguniang Panlungsod Member (on Official Business) |
| Hon. Lope B. Apostol Jr. | -do- |
| Hon. Myrna G. Te | -do- |
| Hon. Mariel Ayna T. Calimag | -do- |
| Hon. Anthony C. Tuddao | -do- |
| Hon. Restituto C. Ramirez | Ex Officio Member |
| Hon. Cerene Pearl T. Quilang | -do- |

CITY ORDINANCE NO. 02-10-2025

**AN ORDINANCE ESTABLISHING THE EXPANDED STUDENT FINANCIAL ASSISTANCE
PROGRAM (ESFAP) FOR POOR BUT DESERVING STUDENTS OF TUGUEGARAO CITY
AND APPROPRIATING FUNDS THEREFOR**

Author and Principal Sponsor: HON. ROSAURO RODRIGO G. RESUELLO

Principal Sponsors:

**HON. TIRSO V. MANGADA
HON. JUDE T. BAYONA
HON. CERENE PEARL T. QUILANG
HON. MARIA ROSARIO B. SORIANO
HON. KARINA S. GAUANI-VIERNES
HON. RONALDO S. ORTIZ
HON. MARC ALDOUS C. BACCAY
HON. ANTHONY C. TUDDAO
HON. MARK ANGELO B. DAYAG
HON. LOPE B. APOSTOL, JR
HON. DENNIS RYAN G. AVILA
HON. MYRNA G. TE
HON. AYNAMARIEL T. CALIMAG
HON. RESTITUTO C. RAMIREZ**

WHEREAS, Section 1, Article XIV of the 1987 Constitution provides that “the State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all;

WHEREAS, the 1987 Constitution further provides that “the State shall give priority to education, science and technology, arts, culture and sports to foster patriotism and nationalism, accelerate social progress and promote total human liberation and development;

WHEREAS, Article IV, Section 10 (5k) of Republic Act No. 8755, otherwise known as the “Tuguegarao City Charter,” provides that the Sangguniang Panlungsod shall establish a scholarship fund for poor but deserving students in schools located within its jurisdiction or for students residing within the City;

WHEREAS, many students from Tuguegarao City face significant barriers to higher education due to poverty and the high cost of tuition, making tertiary education nearly inaccessible for them;

WHEREAS, there is a pressing need to ensure that college and vocational education become accessible to all students, particularly those who are poor but deserving, through the implementation of a student financial assistance program for qualified students in Tuguegarao City;

WHEREAS, there is a need to expand the existing ordinance to effectively address the evolving economic landscape and standards of living; and

NOW THEREFORE, be it **ORDAINED** by the Tenth City Council of Tuguegarao City, in session assembled, to enact:

CHAPTER I
SHORT TITLE AND DECLARATION OF POLICY

SECTION 1. TITLE. This Ordinance shall be known as “Ordinance Establishing the Expanded Student Financial Assistance Program (ESFAP) Ordinance of 2025.”

SECTION 2. DECLARATION OF POLICY. It is hereby declared to be a policy of Tuguegarao City Government to uplift the living condition of its less fortunate constituents by providing a financial assistance program for poor but deserving students for them to be given equal chance and opportunity to acquire a college and vocational education and to be able to participate in bringing a better society that is progressive, peaceful and prosperous.

CHAPTER II
DEFINITION OF TERMS

SECTION 3. DEFINITION OF TERMS. When used under this Ordinance, the following terms and phrases shall mean as follows:

1. **“CITY”** shall refer to Tuguegarao City covering all the areas within its territorial jurisdiction as provided for by law and its charter;
2. **“CITY GOVERNMENT”** shall refer to the Tuguegarao City Government;
3. **“COMELEC”** shall refer to Commission on Elections;
4. **“DESERVING STUDENTS”** shall refer to students with good moral character and who have met all the requirements set forth in this accordance;
5. **“FINANCIAL ASSISTANCE”** shall refer to the amount of Three Thousand Five Hundred Pesos (P3,500.00) to be given by the City Government every semester to the grantees of this program;
6. **“MORAL TURPITUDE”** shall refer to a gross violation of standards of moral conduct;
7. **“POOR”** shall refer to a student who does not belong to a family whose gross annual income is over the current minimum wages of his/her father and mother;
8. **“ESFAP”** shall refer to Expanded Student Financial Assistance Program; and
9. **“VOCATIONAL COURSE”** shall refer to a two-year formal study in an accredited vocational school in the province.

CHAPTER III
EXPANDED STUDENT FINANCIAL ASSISTANCE PROGRAM (ESFAP)

SECTION 4. PROGRAM. The City Government of Tuguegarao shall offer financial assistance to poor but deserving college students of the city. The program is open to all college students in any year level enrolled in a University/College or duly accredited Vocational School within the province.

The City Government shall open three hundred fifty (350) slots for the said program every school year. Each grantee shall be given the amount of Three Thousand Five Hundred Pesos (P3,500.00) every semester until he/she finishes his/her course within the prescribed duration.



CHAPTER IV ESFAP APPLICATION, SCREENING AND SELECTION

SECTION 5. SECRETARIAT. There shall be a secretariat who shall be responsible in screening and selecting the applicants for this program. The members of the Secretariat shall be designated by the City Mayor.

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.

CHAPTER V QUALIFICATIONS FOR APPLICATIONS

SECTION 6. QUALIFICATIONS FOR THE EXPANDED STUDENT FINANCIAL ASSISTANCE PROGRAM. To qualify for the Expanded Student Financial Assistance Program (ESFAP), the applicant must conform with the following requirements:

1. The applicant must be a Bonafide resident of Tuguegarao City;
2. The applicant must have the aptitude, willingness and diligence to finish his/her studies;
3. The applicant must be of good moral character as certified by the Punong Barangay where the applicant resides and the school where the applicant has graduated from high school or by the university or college or vocational school where the applicant is currently enrolled;
4. The applicant must not belong to a family whose gross annual income is over the current minimum wages of his/her father and mother; and
5. The applicant must not be a holder of any other scholarship grant or recipient of any financial assistance program from a private or public entity.

CHAPTER VI ESFAP REQUIREMENTS

SECTION 7. DOCUMENTARY REQUIREMENTS FOR THE APPLICATION OF ESFAP. Any student who wishes to apply shall upon application submit the following requirements:

- a. A certified copy of his/her birth certificate.
- b. A photocopy of his/her latest school registration and valid assessment form.
- c. A copy of parents' income tax return (ITR) for the preceding year or if married, the applicant's ITR or if none, a certification to that effect issued by the Bureau of Internal Revenue.
- d. Certificate of Good Moral Character.
- e. A sworn statement that the applicant is not a grantee of any scholarship, study grant or financial assistance program from any private or public entity.

SECTION 8. REQUIREMENTS DURING THE PERIOD OF THE ESFAP.

- a. The grantee shall enroll immediately at the opening of the school year before the award of the financial assistance.
- b. The grantee shall finish his/her course within the prescribed course duration.
- c. Should the grantee desires to shift course, he/she is only allowed to shift once from his/her original course. This applies only to voluntary shifting upon valid reason.
- d. A grantee of the ESFAP shall maintain the passing grade of 75% during the semester.

CHAPTER VII DISQUALIFICATIONS FROM THE EXPANDED STUDENT FINANCIAL ASSISTANCE PROGRAM (ESFAP)

SECTION 9. DISQUALIFICATIONS. The grantee by his/her act or omission shall be disqualified from the Scholarship Program (ESFAP) on any of the following grounds or reasons:

- a. He/she has failed to meet the required grade as provided in this student financial assistance program.
- b. He/she has willfully misrepresented or withheld vital information relative to his/her SFAP application.
- c. He/she has committed a serious violation of any of the rules or regulations of the school where he/she is enrolled, giving cause for his/her suspension.
- d. He/she has discontinued or stopped schooling, unless due to serious illness.
- e. He/she has been charged with an offense involving moral turpitude.

CHAPTER VIII APPROPRIATIONS

SECTION 10. APPROPRIATIONS. An initial amount of Two Million Four Hundred Fifty Thousand Pesos (P2,450,000.00) shall be appropriated to implement the program of this Ordinance in the next 2025 Supplemental Budget, subject to availability of funds, and the amount necessary for the sustainable implementation of this Ordinance shall be appropriated in the Annual Budget of Tuguegarao City.

CHAPTER IX FINAL PROVISIONS

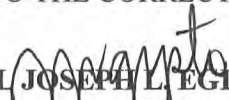

SECTION 11. SEPARABILITY CLAUSE. The provisions of this Ordinance are hereby declared to be separable and in the event that one or more of the other provisions are held illegal or unconstitutional, the validity of the other provisions shall not be affected.

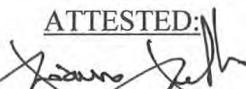

SECTION 12. REPEALING CLAUSE. Ordinances, executive orders and other local legislations inconsistent with this Ordinance are hereby modified or repealed accordingly.

SECTION 13. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval and in accordance with the provisions of the Local Government Code.

X-X-X

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sanggunian 

ATTESTED:

HON. ROSAURO RODRIGO G. RESUELLO 
City Vice Mayor/Presiding Officer
Date: JUL 17, 2025

APPROVED:

HON. MAILA ROSARIO S. TING-QUE
City Mayor
Date: _____

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