



Republic of the Philippines
MUNICIPALITY OF LINGAYEN
Province of Pangasinan
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF LINGAYEN, PANGASINAN HELD VIA ZOOM ON SEPTEMBER 28, 2020.

PRESENT : VICE MAYOR JUDY DL. VARGAS-QUIOCHO - Presiding Officer
SBM Mac Dexter G. Malicdem
SBM Jay Mark Kevin D. Crisostomo
SBM Jonathan Carl R. Arcinue
SBM Ramon Anselmo M. Cuaresma
SBM Sheila V. Castañeda
SBM Randall Q. Bernal
SBM Ricardo R. Ferrer
SBM Jasper S. Pasion
SBM Darwin B. Jimenez – LIGA President
SBM Gabriel Ivan C. Tuazon – SK President

ABSENT : N O N E

Authored by: SBM RAMON ANSELMO M. CUARESMA

EXPLANATORY NOTE

WHEREAS, Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides for instances when roads or other types of passageways maybe closed permanently or temporarily, to wit:

Section 21. *Closure and opening of roads*

- (a) A Local Government Unit may, pursuant to an ordinance, permanently or temporarily close or open any local road, alley, park, or square falling within its jurisdiction: *Provided, however,* That in case of permanent closure, such ordinance must be approved by at least two-thirds (2/3) of all the members of the sanggunian, and when necessary, an adequate substitute for the public facility that is subject to closure is provided;
- (b) No such way or place or any part thereof shall be permanently closed without making provisions for the maintenance of public safety therein. A property thus permanently withdrawn from public use may be used or conveyed for any purpose for which other real property belonging to the local government unit concerned may be lawfully used or conveyed: *Provided however,* that no freedom park shall be closed permanently without provision for its transfer or relocation to a new site;

WHEREAS, Section 447 (5) (v) of the same Code, empowers the Sangguniang Bayan to regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same, xxx;

WHEREAS, in accordance to the General Welfare Clause of RA 7160, the local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare, and shall ensure the promotion of health and safety of its constituents;

WHEREAS, there has been clamor amongst Lingayen residents to relocate the Rural Health Unit and Birthing Facility to a bigger building with modern equipments which could accommodate larger number of patients who are in need of basic healthcare and emergency treatment located nearby the town proper;

WHEREAS, the Local Government Unit of Lingayen has two (2) lots separated by the Bengson-Avenida Junction;

WHEREAS, it would be more beneficial to the public if the two (2) lots of the municipality adjoin each other for the desired construction project;

WHEREAS, this could only be done by closing the Bengson-Avenida Junction, appropriate the same for the use of the proposed RHU I, and reroute the traffic to the adjacent lot owned by the municipality;

WHEREAS, the aforementioned location is the nearest municipal property from the town center which could accommodate the proposed new health facility;

WHEREAS, it is inevitable that the said road facility be closed permanently since it will be affected by the construction of the RHU I development project;

WHEREFORE, on motion of SBM Ramon Anselmo M. Cuaresma, duly seconded by SBM Jasper S. Pasion, be it:

RESOLVED AS IT IS HEREBY RESOLVED, to enact this corresponding ordinance.

ORDINANCE NO. 91, S-2020

AN ORDINANCE PERMANENTLY CLOSING TO ALL TYPES OF VEHICLES PORTION OF BENGSON STREET (24.5 METERS) AND REROUTING THE BENGSON-AVENIDA JUNCTION TO AN ADJACENT LOCATION, THIS MUNICIPALITY.

Be it ordained by the Sangguniang Bayan in session duly assembled that:

SECTION 1: Permanent Closure of road. A portion of Bengson St. measuring 24.5 meters is hereby closed permanently to all types of vehicles to give way to the construction of the proposed RHU I Building and Birthing Clinic.

SECTION 2. Construction of a new road. A new road which will connect Bengson St. to Avenida Rizal Street shall be constructed and opened to all types of vehicles as an adequate substitute for the road facility that will be subject to closure.

Section 3. Repealing Clause. All ordinances, resolutions, executive orders, memorandum circulars and all other issuances or parts thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

Section 4. Effectivity. This ordinance shall take effect upon the approval of the Sangguniang Panlalawigan and upon compliance of the posting and publication requirements as prescribed under the Local Government Code.

UNANIMOUSLY ENACTED. SEPTEMBER 28, 2020.

ATTESTED:


GINA A. FLORES
Secretary to the Sanggunian

CERTIFIED CORRECT:


JUDY D.L. VARGAS-QUIOCHO
Presiding Officer


MAC DEXTER G. MALICDEM
SBM


JAY MARK KEVIN D. CRISOSTOMO
SBM


JONATHAN CARL R. ARCINUE
SBM



RAMON ANSELMO M. CUARESMA
SBM


SHEILA V. CASTAÑEDA
SBM


RANDALL Q. BERNAL
SBM


RICARDO R. FERRER
SBM


JASPER S. PASION
SBM


DARWIN B. JIMENEZ
LIGA President


GABRIEL IVAN C. TUAZON
SK President

APPROVED:


LEOPOLDO N. BATAOIL
Municipal Mayor



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CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on November 9, 2020 at Lingayen, Pangasinan, the following resolution was approved:

Sponsored by SP Members Nestor D. Reyes and Von Mark R. Mendoza and co-sponsored by SP Members Sheila Marie S. Perez-Galicia and Jerome Vic O. Espino

RESOLUTION NO. 998-2020

DECLARING ORDINANCE NO. 91, S-2020 OF THE SANGGUNIANG BAYAN OF LINGAYEN, PANGASINAN, ENTITLED "AN ORDINANCE PERMANENTLY CLOSING TO ALL TYPES OF VEHICLES PORTION OF BENGSON STREET (24.5 METERS) AND REROUTING THE BENGSON-AVENIDA JUNCTION TO AN ADJACENT LOCATION, THIS MUNICIPALITY" AS WITHIN THE CONFERRED POWERS OF THE SANGGUNIANG BAYAN TO ENACT

WHEREAS, the Sangguniang Bayan of Lingayen, Pangasinan submitted its Ordinance No. 91, S-2020 to the Sangguniang Panlalawigan for review and evaluation pursuant to Section 56 of R.A. No. 7160, otherwise known as the Local Government Code of 1991;

WHEREAS, the Committee on Laws and Ordinances of the Sangguniang Panlalawigan, with the technical assistance of the Provincial Legal Officer, have conducted initial review and study on said ordinance and found out that the same was enacted pursuant to Section 21 (a) of RA 7160 and Article 43 of the Implementing Rules and Regulations of RA 7160;

WHEREAS, however, the Sangguniang Bayan shall consider the observations of the Provincial Legal Officer in her opinion dated October 19, 2020;

WHEREAS, subject ordinance shall take effect after the requirement of posting pursuant to Section 59 (a) of RA 7160 is complied with;

WHEREFORE, in view of the foregoing, on motion of SP Members Nestor D. Reyes and Von Mark R. Mendoza and co-sponsored by SP Members Sheila Marie S. Perez-Galicia and Jerome Vic O. Espino, duly seconded, it was –



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Resolution No. 998-2020

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RESOLVED, by the Sangguniang Panlalawigan in session assembled, to declare Ordinance No. 91, S-2020 of the Sangguniang Bayan of **Lingayen**, Pangasinan, entitled “An Ordinance permanently closing to all types of vehicles portion of Bengson Street (24.5 meters) and rerouting the Bengson-Avenida Junction to an adjacent location, this municipality” as within the conferred powers of the Sangguniang Bayan to enact;

RESOLVED FURTHER, that a copy of this resolution be furnished the Office of the Sangguniang Bayan of Lingayen, Pangasinan, for its information and guidance.

CERTIFIED BY:


VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


MARK RONALD DG. LAMBINO
Vice Governor
(Presiding Officer)