



18th CITY COUNCIL

Cagayan de Oro

AGENDA



111th Regular Session
Monday / January 14, 2019
2:30 PM
Session Hall


HON. RAINEIR JOAQUIN V. UY
City Vice Mayor



CAGAYAN DE ORO MARCH

CAGAYAN DE ORO OUR PRIDE
OUR BELOVED CITY
THY MOUNTAINS, RIVERS, PLAINS AND SEAS
THY PEOPLE CONTENTED HAPPY

CAGAYAN DE ORO OUR PRIDE
OUR BELOVED CITY
WE ARE SINGING PRAISES IN LOUD VOICE
FOREVER TO THEE TO THEE

THE GATEWAY TO THE LAND OF PROMISE
BRAVE MEN OF OLD FOUGHT FOR THY SAKE
INSPIRATION THEY HAVE LEFT FOR US
TO SERVE YOU FOREVER FREE

THE GOLD IN BRILLIANT GLITTERING
YOU'LL FIND NOT IN VERDANT MOUNTAIN VALES
BUT DEEP IN HOMES AND HEARTS DIVINE
HERITAGE FOR YOU AND MANKIND, AH!

THE BEAUTIFUL, THE PLACE OF GOLD
OUR BELOVED CITY
THE NAME WE PRIDE WE ALL ENDEAR
THY BANNER UP HIGH TO FLUTTER FREE

THE BEAUTIFUL, THE PLACE OF GOLD
OUR BELOVED CITY
TILL FOREVER AND FOREVER
FOR THY GLORY THY GLORY BE...

Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL
(088) 857-2258; 857-4029; 857-4032; 857-4035 / www.cdeo-sanggunian.online



January 11, 2019

THE HONORABLE MEMBERS

18TH CITY COUNCIL (SANGGUNIANG PANLUNGSOD)
CAGAYAN DE ORO CITY

Gentlemen and Ladies:

Please be informed that the **111th Regular Session** of the 18th City Council (*Sangguniang Panlungsod*) of Cagayan de Oro will be on **Monday, 14 January 2019 at 2:30 PM** at the Session Hall, Legislative Bldg., City Hall, this City.

Thank you very much.

Very truly yours,

ARTURO S. DE SAN MIGUEL
CITY SECRETARY

THE HONORABLE MEMBERS

18TH CITY COUNCIL (SANGGUNIANG PANLUNGSOD)
CAGAYAN DE ORO CITY

HON. RAINEIR JOAQUIN V. UY
CITY VICE MAYOR

First District

Second District

HON. ZALDY O. OCON
CITY COUNCILOR

HON. NADYA EMANO-ELIPE
CITY COUNCILOR

HON. LORDAN G. SUAN
CITY COUNCILOR

HON. MARIA LOURDES S. GAANE
CITY COUNCILOR

HON. EDNA M. DAHINO
CITY COUNCILOR

HON. DOMETILO C. ACENAS JR.
CITY COUNCILOR

HON. JAY R. PASCUAL
CITY COUNCILOR

HON. IAN MARK O. NACAYA
CITY COUNCILOR

HON. ROMEO V. CALIZO
CITY COUNCILOR

HON. LEON D. GAN JR.
CITY COUNCILOR

HON. GEORGE S. GOKING
CITY COUNCILOR

HON. TEODULFO E. LAO JR.
CITY COUNCILOR

HON. ANNIE Y. DABA
CITY COUNCILOR

HON. SUZETTE G. MAGTAJAS-DABA
CITY COUNCILOR

HON. REUBEN R. DABA
CITY COUNCILOR

HON. ENRICO D. SALCEDO
CITY COUNCILOR

Ex-Officio Members

HON. YAN LAM S. LIM
CITY COUNCILOR
LIGA NG MGA BARANGAY PRESIDENT

HON. JOHN MICHAEL L. SENO
CITY COUNCILOR
CITY SK FEDERATION PRESIDENT

**AGENDA OF THE 111TH REGULAR SESSION OF THE 18TH CITY COUNCIL
(SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO ON
MONDAY, 14 JANUARY 2019**

Order of Business

- A. CALL TO ORDER BY THE HONORABLE CHAIR AND PRESIDING OFFICER**
- B. INVOCATION BY HONORABLE CITY COUNCILOR ANNIE Y. DABA**
- C. SINGING OF THE NATIONAL ANTHEM**
- D. SINGING OF THE CAGAYAN DE ORO MARCH**
- E. ROLL CALL AND DETERMINATION OF QUORUM BY THE CITY SECRETARY**
- F. READING, CORRECTIONS, IF ANY, AND APPROVAL OF THE MINUTES OF THE PREVIOUS REGULAR SESSION ON JANUARY 7, 2019
(SEE APPENDIX "A" / Pages 1-10)**
- H. AGENDA PROPER:**
 - 1) PROPOSED ORDINANCE NO. 2019-5 – regulating tattooing and body piercing and the operation of tattoo studios/parlors, providing penalties for violation thereof, and for other purposes.
(SEE APPENDIX "B" / Pages 11-29)**

AUTHOR - COUNCILOR MARIA LOURDES S. GAANE

Document/s on file:

- *Endorsement of the City Vice Mayor Raineir Joaquin V. Uy dated October 1, 2018*
- *Opinion of the City Legal Office dated August 8, 2018*
- *Letter from the City Health Office dated August 31, 2018*
- *Draft Ordinance*

COMMITTEE SPONSOR/S:

COMMITTEE ON **HEALTH, SANITATION & HEALTH INSURANCE** - COUNCILOR MARIA LOURDES S. GAANE, CHAIRPERSON

COMMITTEE ON **LAWS AND RULES** - COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
COUNCILOR GEORGE S. GOKING, MEMBER

- 2) PROPOSED ORDINANCE NO. 2019-6 – authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Understanding (MOU) with the Barangay Governments of Cagayan de Oro, represented by their respective Punong Barangays, covering the collaboration in the implementation of the Philhealth's Primary Care Benefit Package, Maternity Care Package and other health programs in the barangays, under the terms and conditions stipulated in the pro-forma MOU submitted to this body.
(SEE APPENDIX "C" / Pages 30-39)**

Document/s on file:

- *Endorsement of the City Vice Mayor Raineir Joaquin V. Uy dated January 8, 2019*
- *Letter of the City Mayor Oscar S. Moreno dated December 18, 2018*

- Letter of the City Health Office dated December 21, 2018
- Letter of the City Legal Office dated December 12, 2018
- Draft MOU

COMMITTEE SPONSOR/S:

COMMITTEE ON **HEALTH, SANITATION & HEALTH INSURANCE** - COUNCILOR MARIA LOURDES S. GAANE, CHAIRPERSON

COMMITTEE ON **LAWS AND RULES** - COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
COUNCILOR GEORGE S. GOKING, MEMBER

- 3) PROPOSED ORDINANCE NO. 2019-7** – authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Understanding (MOU) with the Department of Health, Regional Office 10 (DOH-ROX), represented by Director IV Nimfa B. Torrizo, M.D., MPH, covering the implementation of the Health Facility Enhancement Program 2018 (HFEP 2018), under the terms and conditions stipulated therein.
(SEE APPENDIX "D" / Pages 40-51)

Document/s on file:

- Endorsement of the City Vice Mayor Raineir Joaquin V. Uy dated December 17, 2018
- Endorsement of the City Mayor Oscar S. Moreno dated November 28, 2018
- Letter of the City Legal Office dated November 28, 2018
- Endorsement of the J.R. Borja General Hospital dated December 05, 2018
- Permit to Construct issued by DOH
- Draft MOU

COMMITTEE SPONSOR/S:

COMMITTEE ON **HEALTH, SANITATION & HEALTH INSURANCE** - COUNCILOR MARIA LOURDES S. GAANE, CHAIRPERSON

COMMITTEE ON **LAWS AND RULES** - COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON
COUNCILOR GEORGE S. GOKING, MEMBER

- 4) PROPOSED RESOLUTION NO. 2019-9** – earnestly requesting Honorable Anabel Carmen S. Casiño-Baluran, Presiding Judge of the Municipal Trial Court in Cities (MTCC)-Branch 3, 10th Judicial Region, this City, to hold in abeyance the implementation of the Writ of Demolition issued by Her Honor in Civil Case No. C16-JAN-019, entitled: "*Heirs of Nora S. Lluch, Rep. by: Luis S. Lluch, et.al., plaintiff, versus Sps Leonardo and Josefina Fuentes, Arlene Vilorio, et.al., defendants, for unlawful detainer and damages*", which is slated on January 25, 2019, considering that the City Government of Cagayan de Oro through the City Housing and Urban Development Department (CHUDD) is still in the process of conducting and evaluating the socio-economic profile of the affected residents at Mortola Street, Barangay No. 40, this City, for their possible transfer to a suitable relocation site.
(SEE APPENDIX "E" / Pages 52-59)

Document/s on file:

- Endorsement of the City Vice Mayor Raineir Joaquin V. Uy dated December 17, 2018
- Letter of Sheriff III, MTCC-Branch3
- Writ of Demolition issued on October 19, 2018
- Writ of Execution issued on October 20, 2018

COMMITTEE SPONSOR/S:

COMMITTEE ON **URBAN AND RURAL POOR & HOUSING DEVT.** -

COMMITTEE ON **LAWS AND RULES** -

COUNCILOR ZALDY O. OCON, CHAIRPERSON

COUNCILOR IAN MARK Q. NACAYA, CHAIRPERSON

COUNCILOR ZALDY O. OCON, VICE CHAIR

COUNCILOR GEORGE S. GOKING, MEMBER

**MINUTES OF THE 110TH REGULAR SESSION OF THE 18TH CITY COUNCIL
(SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO ON
MONDAY, 7 JANUARY 2019**

City Vice Mayor **RAINEIR JOAQUIN V. UY**, Presiding Officer, called the session to order at exactly 4:15 P.M.

The members present were the following:

- City Vice Mayor **RAINEIR JOAQUIN V. UY**

First District:

- City Councilor **ZALDY O. OCON**, PRESIDING OFFICE PROTEMPORE
- City Councilor **LORDAN G. SUAN**
- City Councilor **JAY R. PASCUAL**
- City Councilor **GEORGE S. GOKING**
- City Councilor **ANNIE Y. DABA**
- City Councilor **ROMEO V. CALIZO**
- City Councilor **REUBEN R. DABA**

Second District:

- City Councilor **NADYA EMANO-ELIPE**, ASST. MAJORITY FLOOR LEADER
- City Councilor **MARIA LOURDES S. GAANE, M.D.**
- City Councilor **DOMETILO C. ACENAS, JR.**
- City Councilor **IAN MARK Q. NACAYA**, MAJORITY FLOOR LEADER-COALITION
- City Councilor **SUZETTE G. MAGTAJAS-DABA**
- City Councilor **TEODULFO E. LAO, JR.**, ASST. MAJORITY FLOOR LEADER- COALITION
- City Councilor **LEON D. M. GAN, JR.**, MINORITY FLOOR LEADER
- City Councilor **ENRICO D. SALCEDO**

Ex-Officio Members:

- City Councilor **YAN LAM S. LIM** (*President, Liga ng mga Barangay*)
- City Councilor **JOHN MICHAEL L. SENO** (*President, City SK Federation*)

On Leave:

- City Councilor **EDNA M. DAHINO**

After determining that a quorum existed, the City Council proceeded to do business.

A. ON MINUTES OF THE 109TH REGULAR SESSION ON DECEMBER 17, 2018

MOTION NO.24044-2019

MOTION TO DISPENSE WITH THE READING OF THE MINUTES OF THE 109TH REGULAR SESSION ON DECEMBER 17, 2018, AND TO CONSIDER THE FURNISHING OF THE COPIES THEREOF TO EACH MEMBER AS THE READING ITSELF

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., Reuben R. Daba & George S. Goking, UNANIMOUSLY CARRIED.

MOTION NO. 24045-2019

MOTION TO APPROVE THE MINUTES OF THE 109TH REGULAR SESSION ON DECEMBER 17, 2018

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., Reuben R. Daba & Jay R. Pascual, UNANIMOUSLY CARRIED.

B. ON SPECIAL REPORT

- i. Councilor Teodulfo E. Lao, Jr. expressed hopes that 2019 will be a promising year for Cagayan de Oro, insofar as its peace and order situation is concerned, even as he narrated the various crimes that happened in the city in the last quarter of 2018 which he describes as horrible and shocking, citing the hold up in broad daylight, the ambush of a police officer, the shootout involving members of the Highway Patrol Group. He then read the statement of XU students on the pressing concerns of peace and order in the city.

Action taken: The report was referred to the Committee on Police Fire and Public Safety for appropriate action.

- ii. Councilor Romeo V. Calizo reported that Cagayan de Oro won Silver Award from the National Anti Drug Abuse Council given last December 28, 2018 in Manila, for its sustained efforts and campaign against illegal drugs, among other things.

Action taken: The body noted the report.

C. ON MINUTES OF THE 110TH REGULAR SESSION ON JANUARY 7, 2019

RESOLUTION NO. 13184-2019

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF **BARANGAY NO. 14**, THIS CITY, ITS ORDINANCE NO. 003, SERIES OF 2018, COVERING ITS SUPPLEMENTAL BUDGET NO. 2 FOR CALENDAR YEAR 2018, WITH AN ESTIMATED INCOME OF P176,922.00 AS AGAINST EXPENDITURES OF SAME AMOUNT, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., Reuben R. Daba, George S. Goking & Jay R. Pascual, UNANIMOUSLY CARRIED.

MOTION NO. 24046-2019

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13184-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Reuben R. Daba, George S. Goking & Jay R. Pascual, UNANIMOUSLY CARRIED.

*At this juncture, Councilor Yan Lam S. Lim
was out of the Session Hall.*

~~~~~

**RESOLUTION NO. 13185-2019**

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF **BARANGAY NO. 2**, THIS CITY, ITS ORDINANCE NO. 01, SERIES OF 2018, COVERING ITS SUPPLEMENTAL BUDGET NO. 1 FOR CALENDAR YEAR 2018, WITH AN ESTIMATED INCOME OF P1,037,134.00 AS AGAINST EXPENDITURES OF SAME AMOUNT, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

---

**RESOLUTION NO. 13186-2019**

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF **BARANGAY NO. 35**, THIS CITY, ITS ORDINANCE NO. 2-S-2018, SERIES OF 2018, COVERING ITS SUPPLEMENTAL BUDGET NO. 1 FOR CALENDAR YEAR 2018, WITH AN ESTIMATED INCOME OF P217,842.00 AND ESTIMATED EXPENDITURES OF SAME AMOUNT, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

---

**RESOLUTION NO. 13187-2019**

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF **BARANGAY INDAHAG**, THIS CITY, ITS ORDINANCE NO. 2-2018, SERIES OF 2018, COVERING ITS SUPPLEMENTAL BUDGET NO. 1 FOR CALENDAR YEAR 2018, WITH AN ESTIMATED INCOME OF P74,568.00 AND ESTIMATED EXPENDITURES OF SAME AMOUNT, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., George S. Goking & Reuben R. Daba, UNANIMOUSLY CARRIED.

---

**MOTION NO. 24047-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13185-2019, 13186-2019 & 13187-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Reuben R. Daba, Jay R. Pascual & George S. Goking, UNANIMOUSLY CARRIED.

---

**RESOLUTION NO. 13188-2019**

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF **BARANGAY NO. 22**, THIS CITY, ITS ORDINANCE NO. 2-2018, SERIES OF 2018, COVERING ITS ANNUAL BUDGET FOR CALENDAR YEAR 2019, WITH AN ESTIMATED INCOME OF P4,060,624.00, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., Reuben R. Daba, Jay R. Pascual & George S. Goking, UNANIMOUSLY CARRIED.

---

**RESOLUTION NO. 13189-2019**

RESOLUTION RETURNING TO THE BARANGAY COUNCIL OF BARANGAY INDAHAG, THIS CITY, ITS ORDINANCE NO. 3-2018, SERIES OF 2018, COVERING ITS ANNUAL BUDGET FOR CALENDAR YEAR 2019, WITH AN ESTIMATED INCOME OF P13,611,759.00, WITH THE INFORMATION THAT SAID ORDINANCE IS IN ORDER AND THEREFORE THE SAME MAY BE GIVEN FORCE AND EFFECT AS OF THE DATE FIXED FOR ITS EFFECTIVITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Teodulfo E. Lao, Jr., Reuben R. Daba, Jay R. Pascual & George S. Goking, UNANIMOUSLY CARRIED.

---

**MOTION NO. 24048-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13188-2019 & 13189-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Reuben R. Daba & George S. Goking, UNANIMOUSLY CARRIED.

---

*At this juncture, Councilor Reuben R. Daba  
was out of the Session Hall.*

-----

**RESOLUTION NO. 13190-2019**

RESOLUTION ACCREDITING THE **CAGAYAN DE ORO HEALTH AND WELLNESS ASSOCIATION, INC. (CDOHAWAI)**, FOR PURPOSES OF ITS MEMBERSHIP IN THE LOCAL SPECIAL BODIES, PURSUANT TO DILG MEMORANDUM CIRCULAR NO. 2016-97 AND ARTICLE 64, RULE XIII OF THE RULES AND REGULATIONS IMPLEMENTING THE 1991 LOCAL GOVERNMENT CODE, OR FUNDING ITS PROJECT FROM THE CITY OR OTHER SOURCES AS REQUIRED UNDER THE COA CIRCULAR PERTINENT THERETO

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Maria Lourdes S. Gaane, George S. Goking & Jay R. Pascual, UNANIMOUSLY CARRIED.

---

**MOTION NO. 24049-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13190-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Maria Lourdes S. Gaane, Jay R. Pascual & George S. Goking, UNANIMOUSLY CARRIED.

---

*At this juncture, Councilors Dometilo C. Acenas, Jr.  
& George S. Goking was out of the Session Hall,  
while Councilors Yan Lam S. Lim & Reuben R. Daba was back in*

-----

**ORDINANCE NO. 13576-2019**

AN ORDINANCE AUTHORIZING THE CITY HEALTH OFFICE OF CAGAYAN DE ORO TO APPLY FOR A LICENSE TO OPERATE FOR ITS PHARMACY WITH THE FOOD AND DRUGS ADMINISTRATION/DEPARTMENT OF HEALTH, AS A MANDATORY REQUIREMENT OF THE FOOD AND DRUGS AUTHORITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Jay R. Pascual & Maria Lourdes S. Gaane, UNANIMOUSLY CARRIED.

**MOTION NO. 24050-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13576-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor Reuben R. Daba, UNANIMOUSLY CARRIED.

*At this juncture, Councilors George S. Goking  
was back in the Session Hall.*

**ORDINANCE NO. 13577-2019**

AN ORDINANCE AMENDING SECTION 30(G) OF ARTICLE IX OF ORDINANCE NO. 13378-2018, ENTITLED: "AN ORDINANCE PROVIDING FOR THE INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE OF CAGAYAN DE ORO CITY", BY DELETING THEREIN THE PHRASE "EVERY WEDNESDAY AND FRIDAY"

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Jay R. Pascual, John Michael L. Seno & Reuben R. Daba, UNANIMOUSLY APPROVED.

**MOTION NO. 24051-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13577-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Jay R. Pascual, John Michael L. Seno & Reuben R. Daba, UNANIMOUSLY CARRIED.

**ORDINANCE NO. 13578-2019**

AN ORDINANCE APPROVING THE ANNUAL BUDGETS OF THE GENERAL FUND WITH AN ESTIMATED INCOME OF P5,680,540,781.00 AND OF THE SPECIAL ACCOUNT: LOCAL ECONOMIC ENTERPRISES/UTILITIES WITH AN ESTIMATED INCOME OF P619,459,219.00, BOTH FOR CY 2019, TO FINANCE ESTIMATED VARIOUS EXPENDITURES OF SAME AMOUNTS FOR CALENDAR YEAR 2019

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Reuben R. Daba, John Michael L. Seno, George S. Goking, Romeo V. Calizo & Jay R. Pascual, APPROVED BY MAJORITY.

|                                 |                           |                                                                                                                      |                                                                       |
|---------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <u>In Favor:</u>                | 1 <sup>st</sup> District: | - Councilor Zaldy O. Ocon<br>- Councilor George S. Goking<br>- Councilor Annie Y. Daba<br>- Councilor Jay R. Pascual | - Councilor Romeo V. Calizo<br>- Councilor Reuben R. Daba             |
|                                 | 2 <sup>nd</sup> District: | - Councilor Maria Lourdes S. Gaane<br>- Councilor Ian Mark Q. Nacaya<br>- Councilor Teodulfo E. Lao, Jr.             | - Councilor Suzette G. Magtajas-Daba<br>- Councilor Enrico D. Salcedo |
|                                 | Ex-Officio:               | - Councilor Yan Lam S. Lim                                                                                           | - Councilor John Michael L. Seno                                      |
| <u>Against:</u>                 |                           | - Councilor Nadya Emano-Elipse<br>- Councilor Lordan G. Suan                                                         | - Councilor Leon D. M. Gan, Jr.                                       |
| <u>On Leave:</u>                |                           | - Councilor Edna M. Dahino                                                                                           |                                                                       |
| <u>Out of the Session Hall:</u> |                           | - Councilor Dometilo C. Acenas, Jr.                                                                                  |                                                                       |

**MOTION NO. 24052-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13578-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors George S. Goking & Jay R. Pascual, UNANIMOUSLY CARRIED.

---

**MOTION NO. 24053-2018**

MOTION TO INCLUDE IN TODAY'S REGULAR AGENDA THE FOLLOWING, AS ITEM:

- 8) PROPOSED ORDINANCE NO. 2019-4** - authorizing the Department of Public Works and Highways-Regional Office No. 10, represented by its Regional Director Zenaida T. Tan, to include in the Scope of Work of the Project: Rehabilitation of Multi-Purpose Bldg., Plaza Divisoria Including the Construction of the Amphitheater, Cagayan de Oro City, the demolition of the existing ramp thereat.

*Note: Certified Urgent by the City Mayor Oscar S. Moreno and Vice Mayor Raineir Joaquin V. Uy*

- 9) PROPOSED RESOLUTION NO. 2019-8** - expressing the City Government of Cagayan de Oro's thanks and gratitude to Honorable Senator Aquilino Martin "Koko" Pimentel III for allocating funds for the re-development of the Divisoria Park, this City.

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors John Michael L. Seno & Reuben R. Daba, UNANIMOUSLY CARRIED.

---

**ORDINANCE NO. 13579-2019**

AN ORDINANCE AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS-REGIONAL OFFICE NO. 10, REPRESENTED BY ITS REGIONAL DIRECTOR ZENAIDA T. TAN, TO INCLUDE IN THE SCOPE OF WORK OF THE PROJECT: REHABILITATION OF MULTI-PURPOSE BLDG., PLAZA DIVISORIA INCLUDING THE CONSTRUCTION OF THE AMPHITHEATER, CAGAYAN DE ORO CITY, THE DEMOLITION OF THE EXISTING RAMP THEREAT

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor Reuben R. Daba, George S. Goking & Jay R. Pascual with Councilors Leon D. Gan, Jr., Nadya Emano-Elipe & Lordan G. Suan abstaining, UNANIMOUSLY APPROVED.

---

**MOTION NO. 24054-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **ORDINANCE NO. 13579-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor Reuben R. Daba, UNANIMOUSLY CARRIED.

---

**RESOLUTION NO. 13191-2019**

RESOLUTION EXPRESSING THE CITY GOVERNMENT OF CAGAYAN DE ORO'S THANKS AND GRATITUDE TO HONORABLE SENATOR AQUILINO MARTIN "KOKO" PIMENTEL III FOR ALLOCATING FUNDS FOR THE RE-DEVELOPMENT OF THE DIVISORIA PARK, THIS CITY

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilors Reuben R. Daba, John Michael L. Seno, & George S. Goking, UNANIMOUSLY CARRIED.

---

**MOTION NO. 24055-2019**

MOTION TO DISPENSE WITH THE SECOND AND FINAL READING OF **RESOLUTION NO. 13191-2019**

Moved by Councilor Ian Mark Q. Nacaya, duly seconded by Councilor Reuben R. Daba, UNANIMOUSLY CARRIED.

---

**MOTION NO. 24056-2019**

MOTION TO ADJOURN THE 110<sup>TH</sup> REGULAR SESSION OF THE 18<sup>TH</sup> CITY COUNCIL (SANGGUNIANG PANLUNGSOD) OF CAGAYAN DE ORO HELD ON JANUARY 7, 2019

Moved by Councilor Ian Mark Q. Nacaya, severally seconded by the members present, UNANIMOUSLY CARRIED.

---

The session adjourned at 5:10 PM, January 7, 2019

---

I hereby certify to the correctness of the foregoing Minutes.

**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Attested as correct:

**RAINEIR JOAQUIN V. UY**  
CITY VICE MAYOR  
PRESIDING OFFICER

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(088) 857-2258; 857-4029; 857-4032; 857-4035  
*www.cdeo-sanggunian.online*

**ORDINANCE NO. 13576-2019**

**AN ORDINANCE AUTHORIZING THE CITY HEALTH OFFICE OF CAGAYAN DE ORO TO APPLY FOR A LICENSE TO OPERATE FOR ITS PHARMACY WITH THE FOOD AND DRUGS ADMINISTRATION/DEPARTMENT OF HEALTH, AS A MANDATORY REQUIREMENT OF THE FOOD AND DRUGS ADMINISTRATION**

**BE IT ORDAINED** by the 18<sup>th</sup> City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

**SECTION 1.** The City Health Office of Cagayan de Oro is hereby authorized to apply for a License To Operate for its Pharmacy with the Food and Drugs Administration/Department of Health, as a mandatory requirement of the Food and Drugs Administration.

**SECTION 2.** This Ordinance shall take effect upon its approval.

**UNANIMOUSLY APPROVED.**

|                                 |                           |                                                                                                                                        |                                                                                                             |
|---------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <u>Present:</u>                 | 1 <sup>st</sup> District: | - Councilor Zaldy O. Ocon<br>- Councilor Annie Y. Daba<br>- Councilor Jay R. Pascual                                                   | - Councilor Lordan G. Suan<br>- Councilor Romeo V. Calizo<br>- Councilor Reuben R. Daba                     |
|                                 | 2 <sup>nd</sup> District: | - Councilor Nadya Emano-Elipe<br>- Councilor Ian Mark Q. Nacaya<br>- Councilor Teodulfo E. Lao, Jr.<br>- Councilor Leon D. M. Gan, Jr. | - Councilor Maria Lourdes S. Gaane<br>- Councilor Suzette G. Magtajas-Daba<br>- Councilor Enrico D. Salcedo |
|                                 | Ex-Officio:               | - Councilor Yan Lam S. Lim<br>- Councilor Edna M. Dahino                                                                               | - Councilor John Michael L. Seno                                                                            |
| <u>On Leave:</u>                |                           | - Councilor George S. Goking                                                                                                           | - Councilor Dometilo C. Acenas, Jr.                                                                         |
| <u>Out of the Session Hall:</u> |                           |                                                                                                                                        |                                                                                                             |

**ENACTED** this 7<sup>th</sup> day of January 2019 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Attested as duly enacted:

**RAINEIR JOAQUIN V. UY**  
CITY VICE-MAYOR  
PRESIDING OFFICER

Approved:

**OSCAR S. MORENO**  
CITY MAYOR

Attested:

**TEODORO A. SABUGA-A, JR.**  
ACTING CITY ADMINISTRATOR

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(088) 857-2258; 857-4029; 857-4032; 857-4035  
*www.cdeo-sanggunian.online*

**ORDINANCE NO. 13577-2019**

**AN ORDINANCE AMENDING SECTION 30(g) OF ARTICLE IX OF ORDINANCE NO. 13378-2018, ENTITLED: "AN ORDINANCE PROVIDING FOR THE INTEGRATED ECOLOGICAL SOLID WASTE MANAGEMENT ORDINANCE OF CAGAYAN DE ORO CITY", BY DELETING THEREIN THE PHRASE "EVERY WEDNESDAY AND FRIDAY"**

**BE IT ORDAINED** by the 18<sup>th</sup> City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

**SECTION 1.** Section 30(g) of Article IX of Ordinance No. 13378-2018, entitled: "*An Ordinance Providing for the Integrated Ecological Solid Waste Management Ordinance of Cagayan de Oro City*", is hereby amended by deleting therein the phrase "every Wednesday and Friday", to read as follows:

“X-X-X

**‘ARTICLE IX**

**‘PLASTIC BAG REGULATION**

**‘SECTION 30. PLASTIC BAG REGULATION** – The following regulations shall apply in the use of plastic bags in all commercial establishments in the city:

‘X-X-X

‘g) Plastic bags as final packaging of goods in stores shall not be allowed in all commercial establishments.

‘X-X-X”

**SECTION 2.** This Ordinance shall take effect upon its approval.

**UNANIMOUSLY APPROVED.**

|                                 |                           |                                     |                                      |
|---------------------------------|---------------------------|-------------------------------------|--------------------------------------|
| <u>Present:</u>                 | 1 <sup>st</sup> District: | - Councilor Zaldy O. Ocon           | - Councilor Lordan G. Suan           |
|                                 |                           | - Councilor George S. Goking        | - Councilor Romeo V. Calizo          |
|                                 |                           | - Councilor Annie Y. Daba           | - Councilor Reuben R. Daba           |
|                                 |                           | - Councilor Jay R. Pascual          |                                      |
|                                 | 2 <sup>nd</sup> District: | - Councilor Nadya Emano-Elipse      | - Councilor Maria Lourdes S. Gaane   |
|                                 |                           | - Councilor Ian Mark Q. Nacaya      | - Councilor Suzette G. Magtajas-Daba |
|                                 |                           | - Councilor Teodulfo E. Lao, Jr.    | - Councilor Enrico D. Salcedo        |
|                                 |                           | - Councilor Leon D. M. Gan, Jr.     |                                      |
|                                 | Ex-Officio:               | - Councilor Yan Lam S. Lim          | - Councilor John Michael L. Seno     |
| <u>On Leave:</u>                |                           | - Councilor Edna M. Dahino          |                                      |
| <u>Out of the Session Hall:</u> |                           | - Councilor Dometilo C. Acenas, Jr. |                                      |

**ENACTED** this 7<sup>th</sup> day of January 2019 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Attested as duly enacted:

**RAINEIR JOAQUIN V. UY**  
CITY VICE-MAYOR  
PRESIDING OFFICER

Approved:

**OSCAR S. MORENO**  
CITY MAYOR

Attested:

**TEODORO A. SABUGA-A, JR.**  
ACTING CITY ADMINISTRATOR

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(088) 857-2258; 857-4029; 857-4032; 857-4035  
*www.cdeo-sanggunian.online*

**ORDINANCE NO. 13579-2019**

**AN ORDINANCE AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS-REGIONAL OFFICE NO. 10, REPRESENTED BY ITS REGIONAL DIRECTOR ZENAIDA T. TAN, TO INCLUDE IN THE SCOPE OF WORK OF THE PROJECT: REHABILITATION OF MULTI-PURPOSE BLDG., PLAZA DIVISORIA INCLUDING THE CONSTRUCTION OF THE AMPHITHEATER, CAGAYAN DE ORO CITY, THE DEMOLITION OF THE EXISTING RAMP THEREAT**

**BE IT ORDAINED** by the 18<sup>th</sup> City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

**SECTION 1.** The Department of Public Works and Highways-Regional Office No. 10, represented by its Regional Director Zenaida T. Tan, is hereby authorized to include in the Scope of Work of the Project: *Rehabilitation of Multi-Purpose Bldg., Plaza Divisoria Including the Construction of the Amphitheater, Cagayan de Oro City*, the demolition of the existing ramp thereat.

**SECTION 2.** This Ordinance shall take effect upon its approval.

**UNANIMOUSLY APPROVED.**

|                                 |                           |                                     |                                      |
|---------------------------------|---------------------------|-------------------------------------|--------------------------------------|
| <u>Present:</u>                 | 1 <sup>st</sup> District: | - Councilor Zaldy O. Ocon           | - Councilor Romeo V. Calizo          |
|                                 |                           | - Councilor George S. Goking        | - Councilor Reuben R. Daba           |
|                                 |                           | - Councilor Annie Y. Daba           |                                      |
|                                 |                           | - Councilor Jay R. Pascual          |                                      |
|                                 | 2 <sup>nd</sup> District: | - Councilor Maria Lourdes S. Gaane  | - Councilor Suzette G. Magtajas-Daba |
|                                 |                           | - Councilor Ian Mark Q. Nacaya      | - Councilor Enrico D. Salcedo        |
|                                 |                           | - Councilor Teodulfo E. Lao, Jr.    |                                      |
|                                 | Ex-Officio:               | - Councilor Yan Lam S. Lim          | - Councilor John Michael L. Seno     |
| <u>Abstained:</u>               |                           | - Councilor Nadya Emano-Elipse      | - Councilor Leon D. M. Gan, Jr.      |
|                                 |                           | - Councilor Lordan G. Suan          |                                      |
| <u>On Leave:</u>                |                           | - Councilor Edna M. Dahino          |                                      |
| <u>Out of the Session Hall:</u> |                           | - Councilor Dometilo C. Acenas, Jr. |                                      |

**ENACTED** this 7<sup>th</sup> day of January 2019 in the City of Cagayan de Oro.

---

I hereby certify to the correctness of the foregoing Ordinance.

**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Attested as duly enacted:

**RAINEIR JOAQUIN V. UY**  
CITY VICE-MAYOR  
PRESIDING OFFICER

Approved:

Attested:

**OSCAR S. MORENO**  
CITY MAYOR

**TEODORO A. SABUGA-A, JR.**  
ACTING CITY ADMINISTRATOR

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(SANGGUNIANG PANLUNGSOD)  
18<sup>th</sup> CITY COUNCIL

(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

**SUBJECT MATTER:** Proposed Ordinance regulating <sup>tattooing</sup> and body piercing and the operation of tattoo studios/parlors, providing penalties for violation thereof, and for other purposes.  
(Introduced by Councilor Maria Lourdes S. Gaane)

Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

**ARTURO S. DE SAN MIGUEL**

*City Council Secretary*

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: Jan 10, 2019

> for inclusion

**HON. IAN MARK Q. NACAYA**, *Chairman*

**HON. ZALDY O. OCON**, *Vice Chairman*

**HON. GEORGE S. GOKING**, *Member*

**HON. ROMEO V. CALIZO**, *Member*

**HON. ENRICO S. SALCEDO**, *Member*

**DISSENTING**



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY VICE MAYOR**



2F Legislative Building  
City Hall Compound,  
Burgos St., Brgy. 2,  
Cagayan de Oro City

**DATE:**

9 OCT - 19 2019

**FROM:**

HON. MARIA LOURDES S. GAANE

**SUBJECT MATTER:** Proposed Ordinance No. \_\_\_\_\_. An Ordinance Regulating the Operations of Tattoo and Body Piercing Shops in Cagayan de Oro City.

**ACTION:** REFER TO COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE.

HON. RAINEIR JOAQUIN V. UY  
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY  
City Vice Mayor



Republic of the Philippines  
CITY OF CAGAYAN DE ORO

## OFFICE OF THE CITY COUNCIL

(08822) 724854; (088) 857-4029; 857-4035; 857-2048



Communication Number: 2018-1909

Date: Sept. 5, 2019

Receiver:

FROM:

SUBJECT MATTER: PROPOSED ORDINANCE PROVIDING FOR STANDARDS IN THE OPERATION  
OF TATTOO STUDIOS, PROVIDING FOR PENALTIES IN VIOLATION THEREOF

Respectfully referred to the COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE  
the herein communication for study, investigation, report and/or recommendation.

FOR THE VICE MAYOR &  
PRESIDING OFFICER

ARTURO S. DE SAN MIGUEL

City Council Secretary

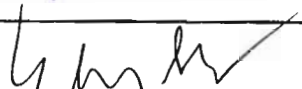
=====

### COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: Dec 20, 2018

Dec 20  
2018

Report to Committee on Laws & Rules

  
Hon. MARIA LOURDES S. GAANE  
Chairman

Hon. REUBEN R. DABA  
Vice Chairman

Hon. GEORGE S. GOKING  
1<sup>st</sup> Member

Hon. JAY R. PASCUAL  
2<sup>nd</sup> Member

Hon. ZALDY O. OCON  
3<sup>rd</sup> Member

Hon. SUZETTE M. DABA  
4<sup>th</sup> Member

Ex-Officio Member

Ex-Officio Member

DISSENTING



Republic of the Philippines  
City of Cagayan de Oro  
**CITY LEGAL OFFICE**

cagayan  
de Oro  
City of golden friendship

RECEIVED  
AUG 15 2018  
2:30

8 August 2018

**MARIETTA A. PALAGBAS**  
Local Legislative Staff Officer V  
Chief, Executive Committees Division

Dear Ms. Palagbas:

**GREETINGS!**

This is in response to your letter dated 2 August 2018 seeking for review and legal opinion on the *Proposed Ordinance providing for Standards in the operation of Tattoo Studios in the City*.

In this connection, kindly be informed that this Office has thoroughly reviewed the above-mentioned proposed ordinance and the following observations are recommendations are respectfully forwarded:

1. In Section 9. Age Limit, the Office has reservation as to its validity. The Ordinance, by establishing a parental consent requirement from a person who already possess full legal capacity (age more than eighteen years old) would tantamount to amending or burdening a right recognized by national law<sup>1</sup>. This an ordinance cannot do and thus prone to be declared ultra vires.

For your guidance and information.

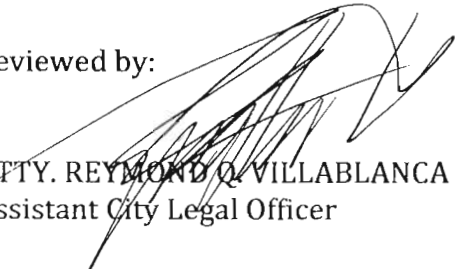
Prepared by:

  
ATTY. ERNESTO B. Neri  
City Legal Team

<sup>1</sup> CIVIL CODE, Art. 327. Parental authority terminates:

- (1) Upon the death of the parents or of the child;
- (2) Upon emancipation;
- (3) Upon adoption of the child;
- (4) Upon the appointment of a general guardian.

Reviewed by:



ATTY. REYMOND Q. VILLABLANCA  
Assistant City Legal Officer



Republic of the Philippines  
City of Cagayan de Oro  
**CITY HEALTH OFFICE**



31 August 2018

**MARIETTA A. PALAGBAS, RN, MGM**  
Local Legislative Staff Officer V  
Chief, Executive Committees Division

Dear Ms. Palagbas:

GREETINGS!

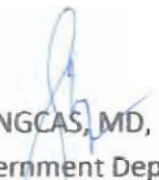
This is in response to your letter dated August 24, 2018 seeking for comments and recommendation on the *Proposed Ordinance Providing for Standards in the Operation of Tattoo Studios in the City*.

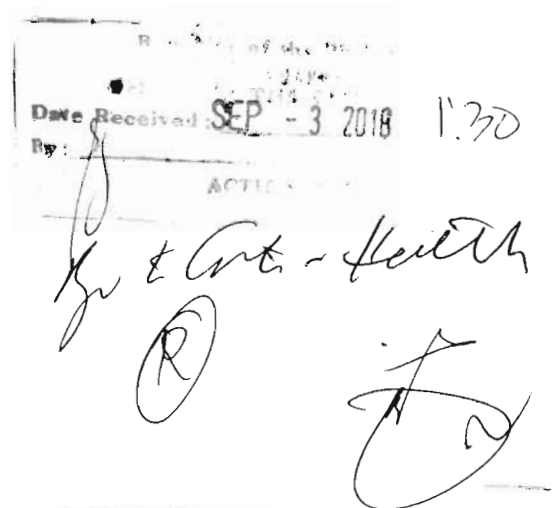
In this connection, kindly be informed that this Office has reviewed the above-mentioned proposed ordinance and the following comments and recommendations are respectfully forwarded.

1. In Section 3. General Provision. The office recommends to include Beauty Shop and Saloon Artist who perform Eye Brow Tattooing and Eye Lid (Upper/Lower) Tattooing.<sup>1</sup> To cover all practicing this trade in the city.
2. In Section 7. Business Permit. The office proposed to change the tittle from "*Business Permit to PERMITS*". Since all establishment must have a Sanitary Permit issued by the local health authority<sup>2</sup> and Business Permit issued by the LCE to operate. And that, the renewal period will be on or prior to the last date of permit renewal period of the City of Cagayan de Oro.<sup>3</sup>

For your guidance and information.

Respectfully yours,

  
**FE C. BONGCAS, MD, MH, FPAMS, FPSMSI**  
City Government Department Head II  
City Health Office



<sup>1</sup> Sec. 58, CH. XII of PD 856

<sup>2</sup> Sec. 58a, Ch. XII of PD 856

<sup>3</sup> Sec. 80e, CDOC Ordinance No. 12860-2014

PROPOSED ORDINANCE NO. 2018-\_\_\_\_\_

AN ORDINANCE REGULATING TATTOOING AND BODY PIERCING AND THE OPERATION OF TATTOO STUDIOS/PARLORS, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES

*Introduced by Councilor Maria Lourdes S. Gaane*

**BE IT ENACTED** by the 18<sup>th</sup> City Council of Cagayan de Oro in Session assembled:

**SECTION 1. SHORT TITLE.** - This Ordinance shall be known as the "**2018 Body Piercing and Tattooing Regulation Ordinance.**"

**SECTION 2. DECLARATION OF POLICY.** - It is hereby declared the policy of the City to protect and promote the right to health of the people. Toward this end, Cagayan de Oro City shall provide standards in the operation of tattoo studios to ensure the safety of the people against health risks and all possible complication that may arise in receiving a tattoo. This Ordinance aims to regulate any and all forms of body piercing and tattooing to protect the health and the welfare of the republic.

**SECTION 3. DEFINITION OF TERMS.** - For purposes of this Ordinance, the following words and phrases shall have the meanings ascribed to them by this section:

- a. "**Body piercing**" shall mean the piercing of any part of the body.
- b. "**Tattoo**" shall mean a mark on the body of a person made with indelible ink or pigments injected beneath the out layer of the skin.
- c. "**Body piercing specialist**" shall mean any person who performs body piercing on the body of any other person.
- d. "**Tattooist**" shall mean any person who applies a tattoo to the body of any other person.
- e. "**Body piercing studio**" shall mean any premises in which the body piercing specialist conduct such practice.
- f. "**Tattoo studio**" shall mean any premises in which the tattooist conducts such practice.
- g. "**CHO**" shall refer to the City Health Office of Cagayan de Oro City.
- h. "**Antiseptic**" shall mean an agent that inhibits the growth and multiplication of, or destroys, disease-causing microorganisms on the skin or mucosa.
- i. "**Aseptic techniques**" shall mean methods used in piercing procedures to prevent contamination of a pierced area by microorganisms.
- j. "**Autoclave**" shall mean a sterilization device which meets the standards of the Department of Health.
- k. "**Branding**" shall mean any method of placing designs, letters, scrolls, figures or any other marks upon the skin by burning with a hot iron or instrument.
- l. "**Client**" shall mean a patron of a tattoo parlor or the person receiving a tattoo.

- 45 m. **Communicable Disease** shall mean a disease that is transmissible by direct or  
46 indirect contact with infection from one person to another.
- 47 n. **Contaminated** shall mean the presence of microorganisms on inanimate objects.
- 48 o. **Disinfection** shall mean the destruction of pathogenic microorganisms on inanimate  
49 objects or surfaces, thereby rendering these objects sanitary for use or handling.
- 50 p. **Equipment** shall mean all machinery, including fixtures, containers, vessels, tools,  
51 devices, implements, furniture, display and storage areas, sinks and all other  
52 apparatus and appurtenances used in connection with the operation of a tattoo  
53 parlor.
- 54 q. **Gloves** shall mean single-use, sanitary, disposable medical-grade gloves, such as  
55 triple-washed latex examination gloves or vinyl gloves.
- 56 r. **Hot Water** shall mean water which attains and maintains a temperature of at least  
57 one hundred ten (110) degrees Fahrenheit.
- 58 s. **Imminent Health Risk** shall mean a significant threat or danger to health that is  
59 considered to exist when there is evidence sufficient to show that a product, practice,  
60 circumstance, or event creates a situation that requires immediate correction or  
61 cessation of operation to prevent injury, illness or disease based on the number of  
62 potential affected persons and the nature, severity and duration of the anticipated  
63 injury, illness or disease.
- 64 t. **Injury** shall mean any unexpected complication, damage, harm, hurt, or impairment  
65 to a person's body structure or function that is caused by tattooing.
- 66 u. **Instrument** shall mean hand pieces, needles, and other tools that may come in  
67 contact with a person's body or be exposed to body fluids during tattooing  
68 procedures.
- 69 v. **Minor** shall mean any person who has not attained the age of eighteen (18) years.
- 70 w. **Operator** shall mean any person that owns, operates, manages or takes  
71 responsibility for the operation of a tattoo parlor.
- 72 x. **Parent** shall mean a natural parent, legal guardian, or legal custodian of a minor.
- 73 y. **Person** shall mean an individual, firm, owner, sole proprietorship, partnership,  
74 corporation, an incorporated association, company, limited liability company, agent  
75 or other legal entity.
- 76 z. **Reportable disease** shall mean all communicable diseases required by the laws, rules  
77 and regulations of the Department of Health to be reported to health officials.
- 78 aa. **Sanitary** shall mean free of contaminants and pathogenic microorganisms.
- 79 bb. **Sanitation** shall mean the application cumulative heat or chemicals on cleaned  
80 surfaces that, when evaluated for efficacy, yield a reduction of five (5) logs, which is  
81 equal to a 99.99-percent reduction of pathogenic microorganisms.
- 82 cc. **Scarification** shall mean to intentionally make scratches or wounds on or incisions  
83 in the skin.
- 84 dd. **Single use** shall mean products or items that are intended for one-time, one-person  
85 use and are disposed of after use on each person such as cotton swabs or balls,

tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing and tattooing needles, scalpel blades, protective gloves, or ink.

ee. **Sterile** shall mean free of live bacteria or other microorganisms including highly resistant bacterial endospores.

ff. **Sterilization** shall mean the destruction of all forms of microbial life.

gg. **Tattoo** shall mean designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin, including permanent makeup and permanent jewelry, by the aid of needles or any other instruments designed to touch or puncture the skin.

hh. **Tattooer** shall mean the person performing the tattooing.

ii. **Tattooing** shall mean the act of placing a tattoo upon or under the skin of another person.

jj. **Tattoo parlor** shall mean any place in which is offered, performed or practiced the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent makeup and permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

#### **SECTION 4. TATTOO PARLOR; LICENSE REQUIRED. –**

a) It shall be unlawful for any person to engage in body piercing or tattooing, or to operate a body piercing studio or tattoo parlor without first securing a License to Operate from the City Health Office and a Business Permit from the City Mayor's Office (CMO).

b) No business permit shall be issued for the operation of body piercing studio or tattoo parlor without first securing the License to Operate from the City Health Office.

c) The operator of a tattoo parlor shall conspicuously post or display for public viewing the tattoo parlor license issued pursuant to this Ordinance in the body piercing or tattoo studio where the licensee is engaged in the practice of the body piercing or tattooing.

d) It shall be unlawful for any person to engage in tattooing at an establishment that has no license.

e) It shall also be unlawful for any person to operate or use any tattoo parlor at any temporary location or in any mobile configuration or location.

#### **SECTION 5. TATTOO PARLOR LICENSE; APPLICATION.**

(a) An application for a License to Operate a tattoo parlor shall be submitted to the CHO on forms provided by the City Health Officer.

(b) Each application shall include:

(1) The operator's full name, mailing address, phone number, and a statement identifying the operator(s);

- (2) If the operator is a partnership, the name, mailing address and phone number of each partner; or if the operation is a corporation, the name, mailing address and phone number for each officer and the registered agent.
- (3) The establishment name, location, and the types of tattoo services and other services offered;
- (4) The number of tattoo stations;
- (5) The signature of the operator or operators; and
- (6) Such other pertinent information as requested on such forms.
- (c) If more than one establishment will be operated by the operator, a separate application and fees shall be required for each location.

**SECTION 6. TATTOO PARLOR LICENSE FEES; EXPIRATION; RENEWAL.** The fee for a tattoo parlor license to operate shall be ₱1,000.00.

The applicant shall pay the fee for each tattoo parlor license. The license fee shall be for a one-year licensing period from January 1 to December 31. All licenses issued, during the course of a calendar year shall expire on December 31 of that year, regardless of the date issued unless revoked prior thereto as provided for in this Ordinance. For any person required to obtain a license under the provisions of this section after the first day of January, the license fee shall be prorated as follows: between January 1 and on or before June 30, the full license fee shall be paid; between July 1 and on or before December 31 of the licensing year, one-half of the license fee shall be paid.

**SECTION 7. TATTOO PARLOR LICENSE; ISSUANCE.**

- a) Upon receipt of a complete application for a license and the license fee, the City Health Office shall make an inspection of the proposed establishment to determine if the proposed establishment complies with the provisions of this Ordinance and any other applicable law, regulation or standard. If the application and establishment inspection results comply with the provisions of this Ordinance and all other applicable laws, regulations and standards, a license to operate a tattoo parlor shall be issued.
- b) A license issued hereunder is strictly limited to the operator and establishment specified in the license.
- c) A license shall be nontransferable from one operator to another or from one establishment to another.
- d) Any change of operator or establishment location shall require a new application and license, with payment of fees therefore.
- e) The City Health Officer may refuse to issue a license if the operator:
- i. Has been convicted of a crime related to tattooing or relating to the operation of a tattoo parlor; or
  - ii. Has violated provisions of this Ordinance, or any local or national law, regulation or standards which are determined by the City Health Officer to pose imminent health risk to the operator, tattooers, employees or the public.
- f) The City Health Officer may set forth specific conditions to be complied with in each license issued.

173           **SECTION 8. DISAPPROVAL OF LICENSE, NOTICE OF HEARING.** – The CHO shall, before  
174 making a final determination to recommend disapproval of an application for a license,  
175 notify the applicant in writing of the reasons for such disapproval and shall afford the  
176 applicant an opportunity to be heard in person prior to the disapproval of the application.  
177

178           **SECTION 9. SUSPENSION AND REVOCATION OF TATTOO PARLOR LICENSE.**  
179

180 a) The City Health Officer may, at any time, after giving five (5) calendar days' written  
181 notice and an opportunity to be heard to the operator, suspend for such length of time  
182 as he may deem appropriate, or revoke, any tattoo parlor license for any of the  
183 following reasons:

- 184           1) Fraud or misrepresentation by the operator in the procurement of the license;
- 185           2) Any violation of any applicable local or national law, regulation or standard;
- 186           3) Failure to comply with the general or specific terms of the license; and
- 187           4) Any illegal or unlawful acts caused, allowed or permitted to be done by the operator  
188           or his agent.

189 b) The notice referred to in this section may be hand-delivered to the operator, mailed to  
190 the last known address of the operator or to the address of the operator given by him  
191 on the application for a license, or posted on the point(s) of egress to the  
192 establishment.

193 c) Notwithstanding subsections (a) and (b), in the event the City Health Officer determines  
194 that there has been a violation of the license conditions or there has been a violation of  
195 any local or national law, regulation or standard which constitutes an imminent,  
196 substantial or compelling threat to public health or safety, the City Health Officer may  
197 dispense with the notice requirement and either close the establishment immediately or  
198 issue an order excluding the operator or tattooer from the establishment until such  
199 time the City Health Officer determines there is no longer a public health or safety  
200 issue.

201 d) It shall be unlawful to continue to operate or cause, permit or allow tattooing after the  
202 operator receives notice of the suspension or revocation or after immediate closure by  
203 the City Health Officer. It shall also be unlawful for a tattooer to perform tattooing on  
204 any person after suspension, revocation or immediate closure by the City Health  
205 Officer.

206  
207           **SECTION 10. SUSPENDED LICENSE; REINSTATEMENT.** Any operator whose license has  
208 been suspended may apply for reinstatement of such license. The application shall provide  
209 the same information as for a new license and shall also include a statement signed by the  
210 operator or tattooer that the conditions causing suspension of the license have been  
211 corrected. A reinstatement fee of Five Thousand Pesos (P5,000.00) shall be paid at time of  
212 application.  
213

214           **SECTION 11. REVOKED LICENSE; APPLICATION FOR NEW LICENSE.** Any operator whose  
215 license has been revoked by the City Health Officer does not qualify for reinstatement. The  
216 operator or practitioner must make an application for a new license and cannot obtain a  
217 new license until at least six (6) months have passed since the date of the revocation  
218 notice.  
219

220           **SECTION 12. RENEWAL OF LICENSE.** -

- 221
- 222 a) All licenses shall be for a period of one year. No license shall be assignable or
- 223 transferable to any other person, firm, corporation, partnership, or other
- 224 association.
- 225 b) Any license which has not been suspended or revoked, may, upon the payment of
- 226 the renewal fee prescribed by the CMO, be renewed for another year from its
- 227 expiration, upon the filing of any application for such renewal, on a form to be
- 228 prescribed by the CMO.
- 229 c) Any person, firm, corporation, partnership or other association failing to file
- 230 application and fee for renewal of a license within one year immediately following
- 231 the expiration of his last license shall pay an additional fee as may be determined by
- 232 the CMO.

233

234 **SECTION 13. DUTY TO INFORM AND ADVISE PATRON.** – It shall be the duty of the

235 owner of a tattoo studio or tattoo artist to discuss with the patron or person intending to

236 be tattooed, the health risk involved in the tattoo requested, including the potential that a

237 tattoo may interfere with the clinical reading of a magnetic resonance imaging study,

238 should the patron ever encounter medical need for such study. The owner of a tattoo

239 studio or tattoo artist shall also advise the patron of all the possible complications that

240 may rise in receiving a tattoo.

241

242 **SECTION 14. LIABILITY OF OPERATOR OF TATTOO PARLOR.** Every act or omission of

243 whatsoever nature constituting a violation of any of the provisions of this Ordinance, by an

244 officer, director, manager or other agent or employee of any operator of a tattoo parlor, if

245 said act is committed or omission is made with the authorization, knowledge, approval or

246 acquiescence of the operator, shall be deemed and held to be the act of such operator and

247 said operator shall be punishable in the same manner as if said act or omission had been

248 done or omitted by such operator personally.

249

250 **SECTION 15. OPERATOR'S REQUIREMENTS.**

251

- 252 a) A tattoo parlor must be in a permanent building or portion of a building which must be
- 253 in a location permissible under the zoning ordinance of the city and in conformance
- 254 with the national building code. The establishment shall be separated from any living
- 255 quarters by complete floor to ceiling partitioning and shall contain no access to living
- 256 quarters.
- 257 b) The establishment shall be maintained in a clean and orderly manner.
- 258 c) All facilities shall have a blood spill cleanup kits in the work area.
- 259 d) Work surfaces shall be cleaned with a hospital-grade disinfectant. Surfaces that come in
- 260 contact with blood or other body fluids shall be immediately disinfected with germicide
- 261 solution. Appropriate personal protective equipment shall be worn during cleaning and
- 262 disinfecting procedures.
- 263 e) Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon
- 264 stencils and other utensils shall be provided for each operator and shall be maintained
- 265 in a sanitary manner.

- 266 f) Bulk single-use articles shall be commercially packaged and handled in such a way as to  
267 protect them from contamination.
- 268 g) All materials applied to the human skin shall be from single-use articles or transferred  
269 from bulk containers to single-use containers and shall be disposed of after each use.
- 270 h) The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be  
271 constructed of smooth, hard, light-colored surfaces that are nonporous, free of open  
272 holes or cracks, light-colored, and easily cleaned.
- 273 i) The establishment shall have adequate lighting of at least fifty (50) foot-candles of  
274 illumination in the tattooing and sterilization areas.
- 275 j) Adequate mechanical ventilation shall be provided in the establishment.
- 276 k) The establishment shall be equipped with hand-cleaning facilities for its personnel with  
277 unobstructed access to the tattooing area such that the tattooer can return to the  
278 tattooing area without having to touch anything with their hands. Hand-cleaning  
279 facilities shall be equipped either with hot and cold or tempered running water under  
280 pressure and liquid germicidal soap, or with a sanitizing solution to clean hands. Hand-  
281 cleaning facilities shall be equipped with single-use towels or mechanical hand drying  
282 devices; and a covered refuse container. Such facilities shall be kept clean and in good  
283 repair.
- 284 l) Animals are not permitted in the establishment except for guide or service animals  
285 accompanying persons with disabilities. No animals are allowed in the tattooing or  
286 sterilization areas.
- 287 m) Use of tobacco products and consumption of alcoholic beverages shall be prohibited in  
288 the tattooing or sterilization area.
- 289 n) No food or drink shall be stored or consumed in the tattooing or sterilization areas  
290 except for client's use in order to sustain optimal physical condition; such food and  
291 drink must be individually packaged.
- 292 o) If tattooing is performed where cosmetology services are provided, it shall be performed  
293 in an area that is separate and enclosed.
- 294 p) Restrooms shall be available in the establishment. Each restroom shall be equipped  
295 with a sink with hot and cold running water, which passes through a mixing type of  
296 faucet. Each restroom shall be supplied with soap, toilet tissue, single use paper towels  
297 and a covered waste receptacle. Restrooms shall have self-closing doors.
- 298 q) At least one waste receptacle shall be provided in each station area. Solid waste,  
299 including infectious waste, shall be collected, stored and disposed of in a manner and  
300 frequency that complies with federal, state and local regulations.
- 301 r) Other equipment necessary for providing tattoos and for cleaning and sterilizing  
302 instruments shall include:
- 303
- 304 i. A one-compartment sink with hot and cold running water under pressure;
- 305 ii. An autoclave;
- 306 iii. Storage cabinets or containers for sterilized instruments and supplies and  
307 separate approved storage for soiled or waste products.  
308

- s) Water supplies and sewage disposal shall comply with applicable laws, rules and regulations therefor.

#### **SECTION 16. TATTOOER'S RESPONSIBILITIES.**

- a) All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.
- b) All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.
- c) All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.
- d) Each time there is an interruption in service, each time the gloves become torn or perforate, or whenever the ability of the gloves to function as a barrier is compromised;
- i. Gloves shall be removed and disposed of; and
  - ii. Hands shall be cleaned and a fresh pair of gloves used.
- e) Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the City Health Officer a written statement from a health-care practitioner that the tattooer's condition no longer poses a threat to public health.
- f) Tattooers with draining lesions on their hands or face shall not be permitted to work until cleared by a health-care professional.
- g) The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.
- h) Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container shall be properly disposed of.
- i) If shaving is required, razors shall be single-use and disposed of in a puncture-resistant container.
- j) Each tattooer performing any tattooing procedures in the parlor shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of blood-borne pathogens. All procedures shall be performed using aseptic technique.
- k) A set of individual, sterilized needles shall be used for each client. Single-use, disposable instruments shall be disposed of in a puncture resistant container.
- l) Used, non-disposable instruments shall be kept in a separate, puncture-resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.
- m) Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used-instrument container.
- n) Used instruments that are not ultrasonically cleaned prior to being placed in the used-instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.

- o) The ultrasonic unit shall be sanitized daily with germicidal solution.
- p) Non-disposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.
- q) Autoclave sterilization bags with a color-code indicator which changes color upon proper sterilization shall be utilized during the autoclave sterilization process.
- r) Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.
- s) Contaminated disposable and single-use items shall be disposed of in accordance with state regulations regarding disposal of biological hazardous materials.
- t) Any injury or complaint of injury, suspected infection, or any reportable diseases resulting from a tattoo that became known to the operator or tattooer shall be reported to the City Health Officer within twenty-four (24) hours.

**SECTION 17. PROCEDURES.** – Every owner of a tattoo studio or tattoo artist shall conform to the following procedures:

- a) A copy of the printed instruction shall be posted in a conspicuous place, clearly visible to the person being tattooed;
- b) Each tattoo artist shall wear a clean outer garment, i.e., apron, smock, T-shirt, etc.;
- c) Tattoo artists who are experiencing diarrhea, vomiting, fever, rash, productive cough, jaundice, draining, or open skin infections such as boils which could be indicative or more serious conditions such as, but limited to, impetigo, scabies, hepatitis-B, HIV or AIDS shall refrain from tattooing activities until such time as they are no longer experiencing or exhibiting the aforementioned symptoms;
- d) Before working on each patron, the fingernails and hands of the tattoo artist shall be thoroughly washed and scrubbed with running water, antibacterial soap, and an individual hand brush that is clean and in good repair;
- e) The tattoo artist's hands shall be air blown dried or dried by a single use towel. In addition, disposable latex examination gloves shall be worn during the tattoo process. The gloves shall be changed each time there is an interruption in the tattoo application, the gloves become torn or punctured or whenever their ability to function as a barrier is compromised;
- f) Only sterilized or single-use, disposable razors shall be used to shave the area to be tattooed;
- g) Immediately prior to beginning the tattoo procedure, the affected skin area shall be treated with an antibacterial solution;
- h) If an acetate stencil is used by a tattoo artist for transferring the design to the skin, the acetate stencil shall be thoroughly cleaned and rinsed in a germicidal solution for at least twenty minutes and then dried with sterile gauze or dried in the air on a sanitized surface after each use.
- i) If the paper stencil is used by a tattoo artist for transferring the design to the skin, the paper stencil shall be single-use and disposable.

**SECTION 18. DYES OR PIGMENTS.** – In performing tattoo work, the owner of a tattoo studio shall use only nontoxic sterile dyes or pigments which shall be prepared in sterilized or disposable single-use containers for each patron. After tattooing, the unused dye or pigment in the single-use containers shall be discarded along with the container. All dyes and pigments used in tattooing shall be FDA-approved, and produced by duly licensed, DTI-accredited, professional suppliers specifically providing dyes or pigments for the tattooing of human skin.

**SECTION 19. STERILIZATION OF NEEDLES.** – In performing tattoo work, the owner of a tattoo studio or tattoo artist shall use a set of individual sterilized needles for each patron. No less than twenty-four sets of sterilized needles and tubes shall be on hand for the entire day or night operation. Unused sterilized instruments shall be re-sterilized at intervals of no more than six months from the date of the last sterilization.

- a) Used, non-disposable instrument shall be kept in a separate, puncture resistant container until brush scrubbed in hot water and soap and then sterilized by autoclaving.
- b) If used instruments are ultrasonically cleaned prior to being placed in the used instrument container, they shall be ultrasonically cleaned and then rinsed under running hot water prior to being placed in the used instrument container. The ultrasonic unit shall be sanitized daily with a germicidal solution.
- c) If used instrument are not ultrasonically cleaned prior to being placed in the used instrument container, they shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and then sterilized by autoclaving.
- d) All non-disposable instruments, including the needle tubes, shall be sterilized and shall be handled and stored in such a manner as to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If non-transparent sterilization bags are utilized, the bag shall also list the contents.
- e) Auto clamp sterilization bags, with a color code indicator which changes color upon proper steam sterilization, shall be utilized during autoclave sterilization process. Instruments shall be placed in the autoclave in such a manner as to allow live steam to circulate around them. The owner of the tattoo studio shall not keep in the studio any rusty, defective or faulty instruments.

**SECTION 20. AFTERCARE OF TATTOO.** – The completed tattoo shall be washed with a single use towel saturated with an antibacterial solution. Printed instruction on the care of the skin after tattooing shall be given to each patron as a precaution to prevent infection.

**SECTION 21. Client qualifications, disclosures, and records.**

- a) Client must be a minimum of eighteen (18) years of age and shall present at the time of tattooing a valid, government-issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.

- b) The tattooer shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.
- c) No person may be tattooed who appears to be under the influence of alcohol or drugs.
- d) Tattooing shall not be performed on any skin surface which manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.
- e) Before receiving a tattoo, each client and client's parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the State Board for Barbers and Cosmetology, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.
- f) The establishment shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the City Health Office. Records shall be maintained at the establishment for at least two (2) years following the date of the last entry. The permanent records shall include the following:
- i. The name, address, and telephone number of the client;
  - ii. The date tattooing was performed;
  - iii. The client's age, date of birth, and a copy of the positive identification provided to the tattooer;
  - iv. The specific color or colors of the tattoo and, when available, the manufacturer's catalogue or identification number of each color used;
  - v. Design of the tattoo
  - vi. The location on the body where the tattooing was performed;
  - vii. The name of the tattooer;
  - viii. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and
  - ix. The signature of the client, and if applicable, the parent or guardian.
  - x. He shall also keep on the file written consent of the parents or guardian in case the person to be tattooed is between 15-17 years old, and the advice given to the patron regarding the possible complications that may arise in receiving a tattoo.

## **SECTION 22. PROHIBITED ACTS –**

- A. It shall be unlawful for any person to perform tattoo work on the following:
- a) Any person who is below 15 years of age, whether or not parental/guardian consent is provided by the minor;
  - b) any person who is intoxicated or under the influence of drugs or alcohol;
  - c) pregnant or nursing women;
  - d) any person with contraindicated skin condition; and
  - e) any person incapable of giving consent due to mental incapacity.

490 B. It shall be unlawful for any person to violate any provision of this Ordinance, or to  
491 cause or allow such violation. A violation of any provision of this Ordinance shall  
492 constitute a misdemeanor. Each day of violation shall constitute a separate offense.

493  
494 C. It shall be unlawful for any person to perform, undertake, permit, cause or allow any  
495 scarification or branding of any human.

496  
497 **SECTION 23. Exemptions.**  
498

499 a) The provisions of this Ordinance shall not apply to persons authorized by law to  
500 practice medicine and surgery or osteopathy or chiropractic.

501 b) The provisions of this Ordinance shall not apply to the puncturing of the outer  
502 perimeter or lobe of the ear with a presterilized single-use and clasp-ear piercing  
503 system.

504  
505 **SECTION 24. PENALTIES.** – Any person who violates the provision of this Act shall,  
506 upon conviction, be penalized by imprisonment of not less than one (1) month or a fine of  
507 not less than Five Thousand Pesos (₱5,000.00), or both, such fine and imprisonment at the  
508 discretion of the court.

509  
510 a) The performance of any body piercing or tattooing without first obtaining a License  
511 to Operate from the CHO shall be punishable by a penalty of imprisonment of not  
512 more than 30 days, or a fine ranging from One Thousand Pesos (₱1,000) to Five  
513 Thousand Pesos (₱5,000), or both at the discretion of the court, taking into  
514 consideration all attending circumstances.

515 b) The operation of the body piercing studio or tattoo studio without first obtaining a  
516 license from the CHO shall be punishable by a penalty of imprisonment of not more  
517 than 30 days, or a fine ranging from One Thousand Pesos (1,000) to Five Thousand  
518 Pesos (5,000), or both at the discretion of the court, taking into consideration all  
519 attending circumstances.

520 c) If the owner, proprietor or operator of the establishment above is a corporation,  
521 trust or firm, partnership, association, or any other entity, the penalty of  
522 imprisonment shall be imposed on the entity's responsible officers, including, but  
523 not limited to, the president, vice-president, chief executive officer, general  
524 manager, managing director or partner directly responsible therefor.

525  
526 **SECTION 25. AGGRAVATING CIRCUMSTANCES.** – The penalties describe in section eight  
527 shall be imposed in the maximum if the violation of this act results in the following  
528 circumstances:

- 529  
530 a) Death of client;  
531 b) Insanity or psychological damage of the client;  
532 c) Permanent physical disfigurement; and  
533 d) Permanent disability of the client.

534  
535 **SECTION 26. Enforcement.** The City Health Officer shall enforce the provisions of  
536 this Ordinance and shall have the power to:  
537

- 538 a) Appoint or authorize one or more officers as shall be necessary to do or perform in the  
539 CHO's place or stead the powers authorized by this Ordinance;
- 540 b) Examine the qualification and fitness of applicants' licenses;
- 541 c) Keep records of all licenses issued, suspended or orders directing the cessation of  
542 unpermitted activities;
- 543 d) Prepare a manual of rules and regulation for the conduct of examination and to furnish  
544 copies thereof to persons desiring the same upon payment of a reasonable fee thereof;  
545 and
- 546 e) Conduct periodic inspections of every tattoo parlor, at such times the CHO sees fit, for  
547 the purpose of determining compliance with the provisions of this Ordinance. Refusal of  
548 an operator or tattooer to allow the CHO or his/her assignee to conduct an inspection  
549 shall be grounds for the suspension of a license to operate a tattoo parlor.

550  
551 **SECTION 27. IMPLEMENTING RULES AND REGULATIONS.** – The City Health Office, in  
552 coordination with the Department of Trade Industry, shall promulgate rules and regulation  
553 for the effective implementation of this Ordinance.

554  
555 **SECTION 28. APPROPRIATION.** – To carry out the provisions of this Ordinance, a sum  
556 as may be necessary is hereby authorized to be appropriated from the CHO's budget.

557  
558 Thereafter, the sum necessary for the continuous operation of the program shall be  
559 included in annual appropriation of the CHO.

560  
561 **SECTION 29. SEVERABILITY.** – If, any reason, any provision of this Ordinance is  
562 declared unconstitutional or invalid, other parts or provision hereof which are not affected  
563 thereby shall continue to be in full force and effect.

564  
565 **SECTION 30. REPEALING CLAUSE.** – All ordinances, orders, rules and regulation, or  
566 portions thereof, inconsistent with this Ordinance are hereby repealed or modified  
567 accordingly.

568  
569 **SECTION 31. EFFECTIVITY.** – This ordinance shall take effect after fifteen (15) days  
570 following its publication in a local newspaper of general circulation.

571  
572 APPROVED.

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(SANGGUNIANG PANLUNGSOD)  
18<sup>th</sup> CITY COUNCIL

(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

From :

Received by:

Date:

**SUBJECT MATTER** Proposed Ordinance authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Understanding (MOU) with the Barangay Governments of Cagayan de Oro, represented by their respective Punong Barangays, covering the collaboration in the implementation of the Philhealth's Primary Care Benefit Package, Maternity Care Package and other health programs in the respective barangays, under the terms and conditions stipulated in the pro-forma MOU submitted to this body.

*Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.*

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

**ARTURO S. DE SAN MIGUEL**

*City Council Secretary*

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: Jan 10, 2019

*for inclusion*

**HON. IAN MARK Q. NACAYA**, *Chairman*

**HON. ZALDY O. OCON**, *Vice Chairman*

**HON. GEORGE S. GOKING**, *Member*

**HON. ROMEO V. CALIZO**, *Member*

**HON. ENRICO S. SALCEDO**, *Member*

**DISSENTING**



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
OFFICE OF THE CITY COUNCIL  
Sangguniang Panlungsod  
Tel. # : 854-4026 / 857-4032 / 857-2258

Communication Number: 2018-2187

Date: 12/27/2018  
Receiver: JESSAMINE

From: CITY HEALTH DEPARTMENT  
Subject: DRAFT OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY GOVERNMENT OF CAGAYAN DE ORO AND THE RESPECTIVE BARANGAY GOVERNMENT IN THE CITY, FOR THE IMPLEMENTATION OF THE NATIONAL HEALTH INSURANCE PROGRAM

Respectfully referred to **COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE** the herein communication for study, investigation, report and/or recommendation.

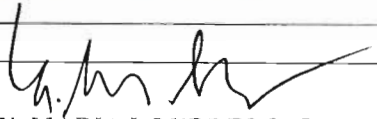
FOR THE CITY VICE MAYOR &  
PRESIDING OFFICER

**ARTURO S. DE SAN MIGUEL**  
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: 1/10/19

Refer to committee on Laws & Rules

  
**HON. MARIA LOURDES S. GAANE**  
Chairperson

**HON. REUBEN R. DABA**  
Vice Chairperson

**HON. GEORGE S. GOKING**  
Member

**HON. JAY R. PASCUAL**  
Member

**HON. SUZETTE MAGTAJAS-DABA**  
Member

**HON. ZALDY O. OCON**  
Member

EX-OFFICIO MEMBERS

**HON. IAN MARK Q. NACAYA**  
Majority Floor Leader

**HON. LEON D.M. GAN, JR.**  
Minority Floor Leader

**HON. RAINEIR JOAQUIN V. UY**  
City Vice Mayor



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY VICE MAYOR**



cagayan  
de Oro

2F Legislative Building  
City Hall Compound,  
Burgos St., Brgy. 1,  
Cagayan de Oro City

DATE:

JAN 28 2019

FROM:

CITY HEALTH OFFICE

**SUBJECT MATTER:** DRAFT OF THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY GOVERNMENT OF CAGAYAN DE ORO AND THE RESPECTIVE BARANGAY GOVERNMENT IN THE CITY, FOR THE IMPLEMENTATION OF THE NATIONAL HEALTH INSURANCE PROGRAM.

**ACTION:** REFER TO COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE.

HON. RAINEIR JOAQUIN V. UY  
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY  
Mayor



Republic of the Philippines  
City of Cagayan de Oro  
**OFFICE OF THE CITY MAYOR**

cagayan  
de Oro

JAN - 4 2019

December 18, 2018

Health  
2018-2187

Rye to Culi - Health

**HON. RAINIER JOAQUIN "Kikang" V. UY**  
City Vice-Mayor  
Cagayan de Oro City

**Attention :** **Hon. MARIA LOURDES S. GAANE**  
Chair, Committee on Health, Sanitation,  
and Health Insurance  
18th City Council

ARTURO S. DE SAN MIGUEL  
City Council Secretary

Dear Vice-Mayor Uy:

We write regarding the City's implementation of the National Health Insurance Program, with special attention to programs intended to lessen mother and child mortality/morbidity rates in the City.

One of the primary intent of the Maternity Care Package (MCP) is to provide pregnant women about to give birth financial access to quality health care services. Thus, PhilHealth has generously allowed accredited health facilities to retain a portion of their MCP benefit payments under a particular sharing scheme.

In line with this, we request the 18th City Council for authority to sign the Memorandum of Understanding between PhilHealth and the City Government of Cagayan de Oro City covering this arrangement.

Thank you.

Very truly yours,

  
**OSCAR S. MORENO**  
City Mayor



Republic of the Philippines  
Cagayan de Oro City  
CITY HEALTH OFFICE  
Archbishop Hayes Street, Cagayan de Oro City



OFFICE OF THE SPECIAL PROGRAMS DIVISION

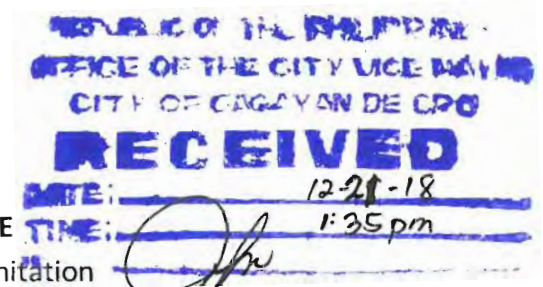
December 21, 2018

HON. RANEIR JOAQUIN "Kikang" V. UY

City Vice-Mayor

Cagayan de Oro City

Attention : Hon. MARIA LOURDES S. GAANE  
Chair, Committee on Health, Sanitation  
and Health Insurance  
18<sup>th</sup> City Council



Dear Vice-Mayor Uy:

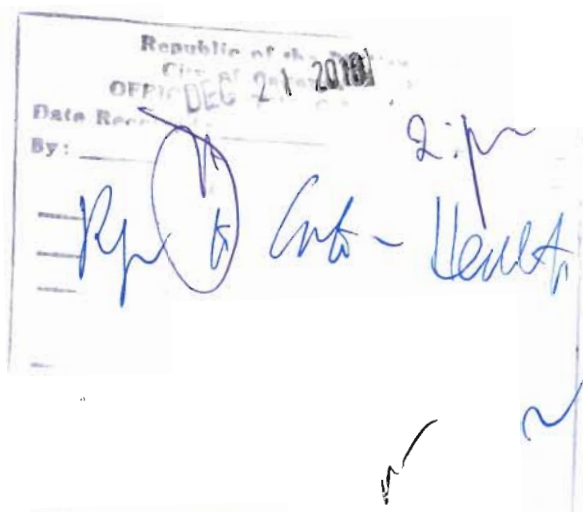
SALUTATIONS!

In the exigency of public service, we would like to submit to your good office the re-draft of the Memorandum of Understanding between the City Government and the respective Barangay Governments in the city, for the implementation of the National Health Insurance Program.

This MOU has been reviewed by the City Legal Office and finds the terms and conditions are reasonable and are standard provision for such kind of agreements.

We would appreciate your expeditious resolution of this matter.

For your consideration and appropriate action.



Very Truly yours,

DR. WILLIAM D. BERNARDO

OIC-CHIO, Head-Special Programs Division



December 12, 2018

**Dr. WILLIAM D. BERNARDO**

Office in-Charge  
City Health Insurance Office  
City Government of Cagayan de Oro  
Ground Level, JV Serina Bldg.

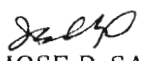
Dear Dr. Bernardo,

Respectfully returning to your good office the endorsed draft of the Memorandum of Understanding (MOU) to be entered into by and between the City Government and the respective Barangay Governments in the city, covering their collaboration in the implementation of the Philhealth's Primary Care Benefit (PCB1) Package, Maternity Care Package (MCP) and other programs in the respective Barangays in the city.

The undersigned made some recommendations in the attached draft.

After a careful review of the draft of the proposed MOU, I find its provisions to be in order and not contrary to the Constitution, existing laws, public moral, good customs, public order, or public policy.

Thank you for your kind attention.

  
Atty. JOSE B. SABANAL  
Executive Overseer

[illegible]

This Memorandum of Agreement, entered into by and between:

***And***

The City Government of Cagayan de Oro, a local government unit created and operating under the laws of the Republic of the Philippines, with official address at the City Hall, Cagayan de Oro City, represented herein by the City Mayor, Hon. Oscar S. Moreno, and hereafter known as the **CITY**;

**WHEREAS**, Article II, Section 15 of the 1987 Constitution provides that the “State shall protect and promote the right to health of the people and instill health consciousness among them”;

**WHEREAS**, Article XIII, Section 11 thereof further provides that, “the State shall adopt an integrated and comprehensive approach to health development which shall endeavor to make essential goods, health, and other social services available to all the people at affordable cost. There shall be priority for the needs of the underprivileged, sick, elderly, disabled, women, and the children. The State shall endeavor to provide free medical care to paupers”;

**WHEREAS**, Section 17 of Republic Act 7160, otherwise known as the Local Government Code of 1991 provides that local government units are mandated to provide health services to its inhabitants, which include primary public health and hospital services, among others.

**WHEREAS**, the **CITY**, under the present administration, has prioritized Health as one of the vital components of its Eight-Point Agenda;

**WHEREAS**, there is an urgent need to address the health needs of the people in the local government unit through the implementation of a comprehensive, responsive, and effective health program, which shall include, but not limited to, the rehabilitation of the city-owned J.R. Borja General Hospital, provide the marginalized sector of the community with membership in the National Health Insurance Program (PhilHealth), strengthen and rehabilitate/renovate/upgrade the **CITY's** barangay health centers preparatory to PhilHealth accreditation, and enhance the competence and professionalism of the city government's medical staff and health personnel assigned thereat;

**WHEREAS**, the **CITY** seeks to promote city-barangay governments' partnership through the integration and harmonization of their respective health programs and related action plans to enable the government to provide an effective and sustainable health care delivery system for the Barangay;

**WHEREAS**, the **CITY** is committed to give all the needed support and assistance to the Barangay in ensuring the barangay health center's efficient and effective operations;

**NOW, THEREFORE**, for and in consideration of the foregoing premises, the Parties hereby mutually agree as follows:

## ROLES AND RESPONSIBILITIES

**Section 1. The *Barangay* shall:**

1. Provide a suitable space for the establishment of the barangay health center;
2. Allow the city-*designated* health personnel free and unfettered access to use, at all times, the health center to deliver the basic health services to the barangay residents;
3. Invite the city-*designated* health personnel assigned in the area to attend the barangay council meetings, should there be concerns on health that need to be tackled;
4. Comply with Section 45, Title V Rule II of the National Health Insurance Act of 2013, which pertains to "Income Retention by Government Healthcare Institutions" that says: "(R)eimbursements paid to public facilities shall be retained by the individual facility in which services were rendered and for which payment was made. Such revenues shall be used to primarily defray operating costs other than salaries, to maintain or upgrade equipment, plant or facility, and to maintain or improve the quality of service in the public sector", e.g. pay the cost of utilities, water and electricity, and **procure consumable maintenance items**, incurred by the health center in collaboration with the CITY.
5. Give full support to all health programs that the **CITY** will implement in the barangay from time to time;
6. Exert best efforts to improve the administrative capabilities of its health center;
7. Prioritize the delivery of PhilHealth's Primary Care Benefit (PCB1) package, Maternity Care Package (MCP) and other PhilHealth programs that may be rolled out, to bonafide Sponsored Program members under the *aegis* of the City government, the D.S.W.D.'s 4Ps program, and National Household Targeting System – Poverty Reduction (*Listahan*); and
8. Assist in the information drive/educational campaign for the promotion of the National Health Insurance Program (PhilHealth) and other programs of the City Health Office.
9. Primarily provide a transport system for patients from the birthing facility to the referral hospital in emergency situations.

**Section 2. The CITY shall:**

1. Commit to provide the **BARANGAY** with the needed support and assistance for the successful and effective operation of its barangay health center by providing it with a Team of medical and other staff, and also by providing it with the basic and other essential drugs, medicines and supplies;

- 105 2. Entitle the **BARANGAY** to a fifteen percent (15%) share of the **CITY's** share from the  
106 proceeds from the Maternity Care Package (MCP) benefit from PhilHealth for every  
107 child-delivery case in the said center;
- 108 3. Entitle the **BARANGAY** to a fifteen percent (15%) share of the CITY's share from the  
109 proceeds from the TB –DOTS benefit from PhilHealth for every diagnosed and  
110 managed case in the said center;
- 111 4. Provide a quarterly report of the accomplishments of all health programs to the  
112 **BARANGAY**;
- 113
- 114 5. Send a representative: medical officer / nurse / midwife / center program manager, to  
115 the barangay council meeting, should there be concerns on health that need to be  
116 tackled;
- 117
- 118 6. Deputize the **BARANGAY Treasurer** to receive cash payments of non-PhilHealth  
119 patients for services rendered, as may be appropriate;
- 120
- 121 7. Implement other health programs responsive to the health situation of the populace  
122 of the **BARANGAY**;
- 123
- 124 8. Assist the health center in securing PhilHealth accreditation for the delivery of the  
125 latter's Maternity Care Package, Primary Care Benefit (PCB1), and other programs  
126 that it may roll out;
- 127
- 128 9. Provide financial assistance in renovating/rehabilitating the barangay health facility  
129 utilizing PhilHealth's capitation fund (Per Family Payment Rate) **accruing from**  
130 **City's implementation of the Maternity Care Package (City share) for its**  
131 **enrolled indigent families**, and that of the D.S.W.D.'s 4Ps program and NHTS-PR  
132 *Listahan*;
- 133
- 134 10. Provide technical assistance in training the barangay health center's medical staff;
- 135
- 136 11. Assist the barangay health center in the processing of its PhilHealth claims;
- 137
- 138 12. Provide a transport system, as secondary option, in the event that the barangay  
139 transport system is not available, in collaboration with the C.D.R.R.M.D.
- 140
- 141
- 142

### **EFFECTIVITY**

143  
144 This Memorandum of Understanding shall be valid and binding upon the effectivity of the  
145 City's adoption of PhilHealth's Primary Care Benefit (PCB1) package.

146  
147 IN WITNESS HEREOF, the Parties have hereunto signed this Memorandum of  
148 Understanding this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

149  
150  
151 **BARANGAY GOVERNMENT OF \_\_\_\_\_ CITY GOVERNMENT OF CAGAYAN DE ORO**

152  
153 **BY:**

**BY:**

154  
155 \_\_\_\_\_  
156 Barangay Chairperson

**OSCAR S. MORENO**  
City Mayor

157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192

SIGNED IN THE PRESENCE OF:

\_\_\_\_\_

ACKNOWLEDGMENT

REPUBLIC OF THE PHILIPPINES)  
S.S.  
CITY OF CAGAYAN DE ORO )

BEFORE ME, Notary Public for and in the City of Cagayan de Oro personally appeared the aforesaid parties showing me their respective government-issued Identification Cards:

| Name            | Government-issued I.D.                      |
|-----------------|---------------------------------------------|
| -               | _____                                       |
| Oscar S. Moreno | - Passport ID No. EB947666, 28 October 2018 |

known to me to be the same persons who executed the foregoing instrument and acknowledged to me that the same is of their own free act and voluntary deed.

This instrument, consisting of four (4) pages, including the page on which this acknowledgment is written, has been signed on each of every page thereof by the principals and their witnesses, and sealed with my notarial seal.

WITNESS MY HAND AND SEAL this \_\_\_\_\_ day of \_\_\_\_\_ 2019  
in Cagayan de Oro City.

Doc. No. \_\_\_\_\_;  
Page No. \_\_\_\_\_;  
Book No. \_\_\_\_\_;  
Series of 2019

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(SANGGUNIAN PANLUNGSOD)  
18<sup>th</sup> CITY COUNCIL

(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

**SUBJECT MATTER** Proposed Ordinance authorizing the Honorable City Mayor Oscar S. Moreno to enter into and sign the Memorandum of Understanding (MOU) with the Department of Health, Regional Office 10 (DOH-ROX), represented by Director IV Nimfa B. Torrizo, M.D., MPH, covering the implementation of the Health Facility Enhancement Program 2018 (HFEP 2018), under the terms and conditions stipulated therein.

*Respectfully referred to the **COMMITTEE on LAWS AND RULES**, the herein communications for study, investigation, report and recommendation.*

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

**ARTURO S. DE SAN MIGUEL**  
City Council Secretary

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: Jan 10, 2019

*for inclusion*

**HON. IAN MARK Q. NACAYA**, Chairman

**HON. ZALDY O. OCON**, Vice Chairman

**HON. GEORGE S. GOKING**, Member

**HON. ROMEO V. CALIZO**, Member

**HON. ENRICO S. SALCEDO**, Member

**DISSENTING**



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
OFFICE OF THE CITY COUNCIL  
Sangguniang Panlungsod  
Tel. # : 854-4026 / 857-4032 / 857-2258

Communication Number: 2018-2147

Date: 12/04/2018

Receiver: JESSAMINE

From: CMO

Subject: MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, REGIONAL OFFICE 10 AND THE JR BORJA GENERAL HOSPITAL OF CAGAYAN DE ORO CITY FOR THE HEALTH FACILITY ENHANCEMENT PROGRAM 2018; AND FURTHER REQUESTING THE CITY COUNCIL TO PASS AN ORDINANCE AUTHORIZING THE CITY MAYOR OSCAR S. MORENO TO ENTER INTO AND SIGN THE SAME.

Respectfully referred to **COMMITTEE ON HEALTH, SANITATION AND HEALTH INSURANCE** the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &  
PRESIDING OFFICER

**ARTURO S. DE SAN MIGUEL**  
City Council Secretary

COMMITTEE REPORT AND RECOMMENDATION

Date of Meeting: 1/10/19

*Refer to committee on Laws & Rules with attached opinion of city legal office dated nov. 28, 2018*

**HON. MARIA LOURDES S. GAANE**

Chairperson

**HON. REUBEN R. DABA**

Vice Chairperson

**HON. GEORGE S. GOKING**

Member

**HON. JAY R. PASCUAL**

Member

**HON. SUZETTE MAGTAJAS-DABA**

Member

**HON. ZALDY O. OCON**

Member

EX-OFFICIO MEMBERS

**HON. IAN MARK Q. NACAYA**

Majority Floor Leader

**HON. LEON D.M. GAN, JR.**

Minority Floor Leader

**HON. RAINEIR JOAQUIN V. UY**

City Vice Mayor



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY VICE MAYOR**



cagayan  
de oro

2F Legislative Building  
City Hall Compound,  
Burgos St., Brgy. 1,  
Cagayan de Oro City

DATE: DEC 17 2018

FROM: CMO

**SUBJECT MATTER:** MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF HEALTH, REGIONAL OFFICE 10 AND THE JR BORJA GENERAL HOSPITAL OF CAGAYAN DE ORO CITY FOR THE HEALTH FACILITY ENHANCEMENT PROGRAM 2018; AND FURTHER REQUESTING THE CITY COUNCIL TO PASS AN ORDINANCE AUTHORIZING THE CITY MAYOR OSCAR S. MORENO TO ENTER INTO AND SIGN THE SAME.

**ACTION:** REFER TO COMMITTEE ON HEALTH, SANITATIONS AND HEALTH INSURANCE.

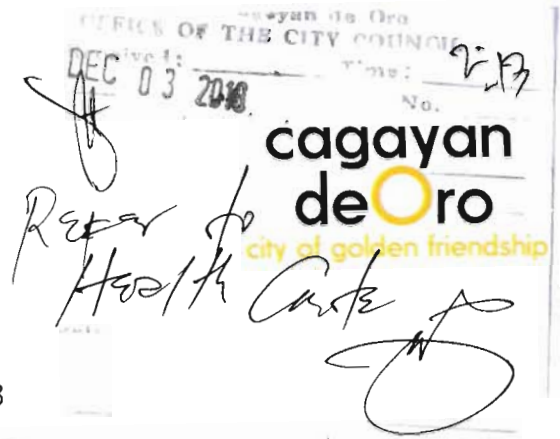
  
**HON. RAINEIR JOAQUIN V. UY**  
CITY VICE MAYOR

**HON. RAINEIR JOAQUIN V. UY**  
City Vice Mayor



Republic of the Philippines  
City of Cagayan de Oro  
**OFFICE OF THE CITY MAYOR**

1<sup>st</sup> Indorsement  
28 November 2018



Respectfully transmitted to **THE HONORABLE MEMBERS OF THE CITY COUNCIL** thru **City Vice Mayor RAINEIR JOAQUIN V. UY**, the attached Memorandum of Understanding between the Department of Health Regional Office 10 and the JR Borja General Hospital of Cagayan de Oro City for the Health Facility Enhancement Program 2018, hereby requesting passage of appropriate ordinance authorizing the undersigned to enter into said Memorandum of Understanding.

  
**OSCAR S. MORENO**  
City Mayor



Republic of the Philippines  
City of Cagayan de Oro  
**CITY LEGAL OFFICE**



28 November 2018

**RAMON M. NERY, MD, FPSP, MHA, CEO VI**  
Acting Chief of Hospital  
J.R. Borja General Hospital

Dear Dr. Nery:

GREETINGS!

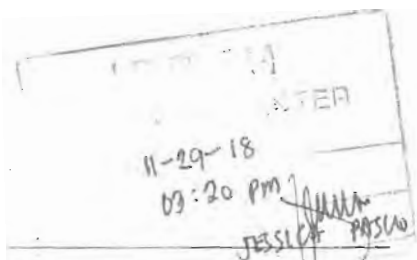
This is in response to your endorsement dated 22 November 2018 relative to the *Memorandum of Understanding (MOU) between the Department of Health Regional Office X, J.R. Borja General Hospital (JRBGH) and the City Government of Cagayan de Oro for the Health Facility Enhancement Program 2018.*

In this connection, kindly be informed that this Office has thoroughly reviewed the above-mentioned MOU and finds the application legally sound and thus pose no legal objection to the same.

Thus, should the City Government find the terms and conditions in the *Memorandum of Understanding* amenable and for the best interests of the City Government, and assuming that the City can fully comply with it, then this Office recommends that the *Memorandum of Understanding* be duly forwarded to the Honorable Members of the City Council for their favorable consideration, with a request for an Ordinance authorizing the City Mayor to enter into and sign the same, pursuant to Sec. 455 (1) (vi)<sup>1</sup> of the Local Government Code.

For your guidance and information.

Prepared by:

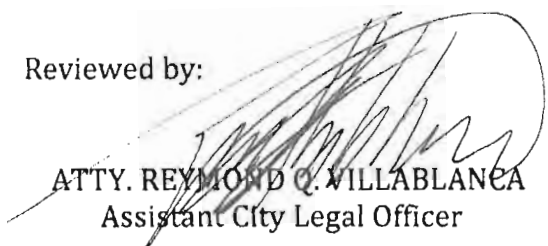


  
**ATTY. KIRSTEN KATE F. CALVO, CPA**  
Attorney IV

<sup>1</sup> Sec. 455. Chief Executive: Powers, Duties and Compensation -

(vi) Represent the city in all its business transactions and sign in its behalf all bonds, contracts, and obligations, and such other documents upon authority of the sangguniang panglungsod or pursuant to law or ordinance;

Reviewed by:



ATTY. REYMOND Q. VILLABLANCA  
Assistant City Legal Officer

Noted:



ATTY. JOSE B. SABANAL  
Executive Overseer



**cagayan  
de Oro**  
city of golden friendship

Republic of the Philippines  
**J.R. BORJA GENERAL HOSPITAL**  
J.V. Serña Street, Carmen, Cagayan de Oro City  
Misamis Oriental, PHILIPPINES 9000  
Tel.no.: Admin. Office: (088) 880 - 2001  
Emergency Room: (088) 880 - 1070  
Email address: jrborjagenhosp@gmail.com



## 2<sup>nd</sup> Indorsement

05 December 2018

Respectfully indorsing to the **City Council, this city**, the herein attached proposed **Memorandum of Understanding (MOU)** between the **Department of Health Regional Office X, J.R. Borja General Hospital** and the **City Government of Cagayan de Oro** for the **Health Facility Enhancement Program 2018** reviewed and found legally sound and for the best interest of the city by the City Legal Office.

For your approval.

**RAMON M. NERY, MD, FPSP, MHA, CEO VI**  
Acting Chief of Hospital  
J.R. Borja General Hospital

Republic of the Philippines  
City of Cagayan de Oro  
OFFICE OF THE CITY COUNCIL  
Date Received: DEC 06 2018  
By: [Signature]  
No. [Signature]  
Health  
2018-214  
Adelina C. Alcantara  
12/07/18



Republic of the Philippines

DEPARTMENT OF HEALTH  
REGIONAL OFFICE X

CENTER FOR HEALTH DEVELOPMENT- NORTHERN MINDANAO

J. V. Serifa Street, Carmen, Cagayan de Oro City  
PABX (088) 8587123, (088)858 4000/ 727400 / 8587132 / 8582035/ 8550431/ 8550430  
Email address: [dohe10@dohe10.doh.gov.ph](mailto:dohe10@dohe10.doh.gov.ph)



# PERMIT TO CONSTRUCT

Owner : LOCAL GOVERNMENT UNIT OF CAGAYAN DE ORO CITY  
Name of Facility : J.R. BORJA GENERAL HOSPITAL  
Location : J.V. Serifa Street, Carmen, Cagayan de Oro City  
Scope of Work : Proposed:

1. Completion of North-Wing hospital building 4-storey (3rd to 4<sup>th</sup> floor only): Construction of Conference room, Medical Records, Nurse Dormitory and Basic Health facilities; Gridlines (A-J and 16-21)
  2. Renovation of South-Wing hospital building (Ground floor to 4<sup>th</sup> floor): Repair of DR Complex, Female and Male Dormitories and establishment of Isolation Room; Gridlines (A-L and 1-6)
  3. Construction of Right-Wing hospital building (Ground floor to 4<sup>th</sup> floor): Construction of Dietary and Kitchen, OPD, Pharmacy, Drug Supply Room, Canteen, and additional wards; Gridlines (A-E and 6-16)
  4. Construction of waiting area, public toilets and elevator (Ground Floor to 4<sup>th</sup> floor); Gridlines (E-H and 6-9)
  5. Construction of Chapel (Ground Floor); Gridlines (E-G and 14-16)
  6. Construction of Ramp (3<sup>rd</sup> to 4<sup>th</sup> floor); Gridlines (G-H and 12-16)
- Note: 1. Can accommodate an additional 69 beds  
2. Intensive Care Unit is not included in this PTC  
3. With notations on the checklist

## Terms and Conditions:

1. That the construction, alteration, expansion or renovation of a hospital or other health facility is implemented in accordance with:
  - 1.1 Floor plans prepared by a duly licensed Architect and/or Civil Engineer and approved by the Health Facilities and Services Regulatory Bureau;
  - 1.2 Architectural and engineering drawings (based on approved floor plans by the Health Facilities and Services Regulatory Bureau), specifications, building permit and fire safety permit prepared by a duly licensed Architect and/or Civil Engineer and approved by the Office of the Building official and the Bureau of Fire Protection in the locality;
2. That the permit to construct and approved floor plans comprise observance of appropriate professional practices, prescribed functional relationships and applicable codes;
3. That the permit to construct and approved floor plans are available for ready reference at the construction site;
4. That the permit to construct is considered lapsed and fee paid is forfeited when the work authorized by the permit does not commence within 365 days from date of issuance, or is abandoned during the period specified; in which case, another application shall be filed;
5. That the submission of progress report/status on the construction of both for new and existing health facility is required every six (6) months until project completion.
6. That any addition and/or alteration of scope of work shall be reported immediately to the DOH Regional Office X for appropriate action;
7. That any unauthorized deviation from approved floor plans or any violation of the above condition, will be sufficient ground for the imposition of sanctions as based from the provisions of Administrative Order No. 2016-0042 and other related issuances.
8. Inspection of the facility is necessary prior to the operation, utilization or usage of the approved scope of work.

  
**NIMFA B. TORRIZO, MD, MPH,**  
Director

## MEMORANDUM OF UNDERSTANDING

KNOW ALL MEN BY THESE PRESENTS:

This MEMORANDUM OF UNDERSTANDING is made and entered into by and between:

The **DEPARTMENT OF HEALTH – REGIONAL OFFICE X (DOH RO X)**, a government institution with office address at Carmen, Cagayan de Oro City, Philippines, represented by the Director IV, **NIMFA B. TORRIZO, MD, MPH**, hereinafter referred to as “DOH – RO X”.

AND

The **J.R. BORJA GENERAL HOSPITAL OF CAGAYAN DE ORO CITY** is a public entity organized and existing under the laws of the Republic of the Philippines, with principal address at Cagayan de Oro City duly represented by its City Mayor **HON. OSCAR S. MORENO** by, hereinafter referred to as “**J.R. BORJA MEMORIAL HOSPITAL**” – Cagayan de Oro City.

WITNESSETH:

WHEREAS, the Universal Health Care for all Filipinos, the Department of Health's banner program of the Duterte Administration, is directed “to ensure the achievement of the health system goals of better health outcomes, sustained health financing and responsive health system ensuring that all Filipinos, especially the disadvantaged group have equitable access to affordable health care through **HEALTH FACILITY ENHANCEMENT PROGRAM 2018 (HFEP 2018)**.”

WHEREAS, the Local Government Unit, as recipients of the **HFEP 2018** is committed to support in the implementation of **HFEP 2018** projects and ensures the sustainability of the project in providing access of health facilities of their respective constituents.

| APPROVED BUDGET FOR THE CONTRACT | PROJECT TITLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | PROJECT LOCATION           |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Php 198,000,000.00               | <b>PI9 LGU HOSPITAL HFEP 2018: COMPLETION OF JR BORJA GENERAL HOSPITAL, LEVEL 1 HOSPITAL (RE: 1. COMPLETION OF NORTH-WING HOSPITAL BLDG. FOUR – STOREY (3<sup>RD</sup> TO 4<sup>TH</sup> ONLY): CONSTRUCTION OF CONFERENCE ROOM, MEDICAL RECORDS ROOM, NURSE DORMITORY, &amp; BASIC HEALTH FACILITIES; GRIDLINES (A-J &amp; 16-21) 2. RENOVATION OF SOUTH-WING HOSPITAL BUILDING (GROUND FLOOR TO 4<sup>TH</sup> FLOOR); REPAIR OF DELIVERY ROOM COMPLEX, FEMALE &amp; MALE AND ESTABLISHMENT OF ISOLATION ROOM; GRIDLINES (A-L &amp; 1-6) 3. CONSTRUCTION OF RIGHT-WING HOSPITAL BUILDING (GROUND TO 4<sup>TH</sup> FLOOR): CONSTRUCTION OF DIETARY &amp; KITCHEN, OPD, PHARMACY, DRUG SUPPLY ROOM, CANTEEN &amp; ADDITIONAL WARDS; GRIDLINES (A-E &amp; 6-16) 4. CONSTRUCTION OF WAITING AREA, PUBLIC TOILETS &amp; ELEVATOR (GROUND FLOOR TO 4<sup>TH</sup> FLOOR); GRIDLINES (E-H &amp; 6-9) 5. CONSTRUCTION OF CHAPEL (GROUND FLOOR): GRIDLINES (E-G &amp; 14-16) 6. CONSTRUCTION OF RAMP (3<sup>RD</sup> TO 4<sup>TH</sup> FLOOR); GRIDLINES (G-H &amp; 12-16)</b> | <b>CAGAYAN DE ORO CITY</b> |

HON. OSCAR S. MORENO  
City Mayor  
Cagayan de Oro City

NESTOR R. ILLANA, CE, MPA  
Head, Infrastructure Section

JUVILYN B. DINAMPO, MD  
HFDC-Cluster Head

NIMFA B. TORRIZO, MD, MPH  
Director IV

HON. OSCAR S. MORENO

City Mayor  
Cagayan de Oro City

NESTOR R. ILLANA, CE, MPA

Head, Infrastructure Section

JUVILYN B. DINAMPO, MD

HFDC-Cluster Head

NIMFA B. TORRIZO, MD, MPH

Director IV

NOW AND THEREFORE, for and in consideration of the foregoing premises, the PARTIES have hereunto agreed and covenant subject to the following conditions:

**A. RESPONSIBILITIES OF DOH RO X**

The DOH RO X shall:

1. Provide financial support and implement infrastructure projects through HFEP 2018 in Upgrading of Health Facilities.
2. Organize coordination meeting with the recipient LGUs to determine and to finalize project proposals.
3. Evaluate/Review and Validate Project Proposals and Endorse to DOH CENTRAL OFFICE for approval based on the Guidelines of HFEP 2018.
4. Provide Technical Assistance in the preparation of Detailed Architecture and Engineering Designs (DAED), Program of Works and Detailed Estimates.
5. Approve Detailed Architecture and Engineering Designs, Program of Works and Detailed Estimates.
6. Utilize and finalize the Detailed Architecture and Engineering Designs, Program of Works and Detailed Estimates from the recipients of respective CHO for procurement process and implementation
7. Ensure the availability of Approved DAED, Program of Works and Detailed Estimates to be used in the processing of building permits by the recipients.
8. Issue permit to construct for all City Hospital facilities.
9. Implement the HFEP 2018 Projects according to the guidelines set by the DOH CENTRAL OFFICE.
  - 9.1 Conduct project procurement activities – Bidding activities. Awarding and Notice to Proceed
  - 9.2 Upgrade health facilities duly approved by the DOH CENTRAL OFFICE
  - 9.3 Inspect/Monitor the Project at least twice every month
  - 9.4 Issue Certificate of Completion of completed projects
  - 9.5 Issue Certificate of Turn-over to the City Hospital recipient of the completed projects.

**B. RESPONSIBILITIES OF RECIPIENT J.R. BORJA GENERAL HOSPITAL**

The Recipient J.R. Borja General Hospital shall:

1. Submit Project Proposal Request based on the PIPH/MIPH/CIPH according to the guidelines of HFEP 2018.
  - a. Documentary requirements of facility, Proof of Lot Ownership Profile set by DOH RO X
  - b. Schematic Plan Hardcopy and Softcopy (Cad file)
  - c. Detailed Architecture and Engineering Design in Hardcopy and Softcopy (Cad file)
  - d. Site Development Plan
2. Process and apply for the application of building permit, occupancy permits including payments and other necessary requirements for infrastructure projects.
3. Process the issuance of Permit to Construct (PTC) and other necessary requirements.
4. Provide venue during the conduct of Pre-construction meeting
5. Ensure the availability of Plan, Program of Works and Estimates on site.
6. Ensure the availability of Electricity, Water Utilities and other utilities necessary during the construction.
7. Provide temporary facility for the health personnel if necessary and accepts the inconvenience of the workplace during the construction.

HON. OSCAR S. MORENO  
City Mayor  
Cagayan de Oro City

NESTOR R. ILLANA, CE, MPA  
Head, Infrastructure Section

JUVILYN B. DINAMPO, MD  
HFDC-Cluster Head

NIMFA B. TORRIZO, MD, MPH  
Director IV

8. Allow the Department of Health, and assigned Engineers/Architects, Contractors and representative unimpeded entry and unlimited access to the parcel of land to conduct and undertake clearing, removal of improvements, trees, crops, and other items for actual construction activities related to or may be necessary for the design and completion of the projects.
9. Assign an Engineer to every project to monitor/inspect the construction on progress of all **HFEP 2018** Projects under their jurisdiction, and submit Inspection and Monitoring report every 15<sup>th</sup> day of the month to DOH RO-X.
10. Coordinate with the DOH RO X in matters of variation orders, change orders and submit the following:
  - a. Letter request for the proposed variation order.
  - b. Approved Detailed Computation
  - c. Justification
11. Conduct Joint Inspection together with the DOH RO X Inspectorate Team during the Completion and Turnover of the project.
12. Attend Coordination meetings in the implementation of the projects.
13. The Local Government Unit/Local Chief Executive Hon. Oscar S. Moreno must affix his signature on the Certificate of Project Completion, Turnover and Acceptance upon completion of the project in accordance with the scope of works, plans and specifications.
  - 12.1 The said Facility/Project cannot be utilized unless the Certificate of Project Completion, Turn over and Acceptance are already signed.
14. After the project is completed and upon turn-over:
  - 14.1 The Recipient J.R. Borja General Hospital will insure that to provide minimum personnel required by licensing standard to be assigned to operate the J.R. Borja General Hospital facility.
  - 14.2 The Recipient J.R. Borja General Hospital will be responsible for the application of permanent Electrical and Water connection from main source to the newly completed Health facility.
  - 14.3 The Recipient J.R. Borja General Hospital is obliged to maintain and sustained the facility both in serviceability, physical appearance and structure of the building.
  - 14.4 The Recipient J.R. Borja General Hospital is not limited to make any improvement such as Expansion, Repair or Renovation of the facility.
  - 14.5 The Recipient J.R. Borja General Hospital must record in their book of account or journal entry voucher of the facility with the contract amount of Php 197,750,000.00

#### RESPONSIBILITIES OF BOTH PARTIES

1. All parties shall readily available for a conference to discuss certain concerns or issues that may arise during the duration of the effectivity of this Memorandum of Understanding (MOU).
2. None of the parties shall assign or transfer all or any part of its rights under the Memorandum of Understanding (MOU) without the prior written consent of the party concerned.
3. Any dispute/cause of action arising out of the implementation of this Memorandum of Understanding shall be settled and filed exclusively in the regular courts or competent quasi-judicial bodies of Cagayan de Oro City.

**D. EFFECTIVITY**

The Memorandum of Understanding will take effect on \_\_\_\_\_

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures this \_\_\_\_\_ day \_\_\_\_\_ of \_\_\_\_\_, 2018, Cagayan de Oro City, Philippines:

**NIMFA B. TORRIZO, MD, MPH**  
Director IV  
DOH-RO X (FIRST PARTY)

**HON. OSCAR S. MORENO**  
City Mayor  
Cagayan de Oro City

**Signed in the Presence of:**

Witness:

Witness:

  
**JUVILYNN B. DINAMPO, MD**  
HFDC-Cluster Head

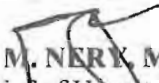
Witness:

Witness:

  
**NESTOR R. ILLANA, CE, MPA**  
Head Infrastructure Unit

Witness:

Witness:

  
**RAMON M. NERY, MD, FFSP, MHA, CEO VI**  
Acting Chief of Hospital  
J.R. Borja General Hospital

**ACKNOWLEDGEMENT**

**(REPUBLIC OF THE PHILLIPPINES  
CITY OF CAGAYAN DE ORO) S.S**

**BEFORE ME**, a Notary Public, this \_\_\_\_\_, in city of Cagayan De Oro, Philippines, personally appeared the following:

| Name                          | Identification Card | Date & Placed issued      |
|-------------------------------|---------------------|---------------------------|
| Dr. Nimfa B. Torrizo, MD, MPH | DOH No. 19902279    | Manila City, Metro Manila |
| Hon. Oscar S. Moreno          | _____               | _____                     |

Known to me to be the same persons who executed the foregoing instrument, and they acknowledged to me that the same are their free act and voluntary deed.

**WITH MY HAND AND SEAL**

Doc.No. \_\_\_\_\_  
Page No. \_\_\_\_\_  
Book No. \_\_\_\_\_  
Series of 2018

Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY COUNCIL**  
(SANGGUNIANG PANLUNGSOD)  
18<sup>th</sup> CITY COUNCIL

(088) 857-4026; 857-4032; 857-4035; 857-2258

Communication Number:

Received by:

From :

Date:

**SUBJECT MATTER** Proposed Ordinance earnestly requesting Honorable Anabel Carmen S. Casio-Baluran, Presiding Judge of the Municipal Trial Court in Cities (MTCC)-Branch 3, 10th Judicial Region, this city, to hold in abeyance the implementation of the Writ of Demolition issued by Her Honor in Civil Case No. C16-JAN-019, Entitled: "Heirs of Nora S. Lloch, Rep. by: Luis S. Lloch, et.al., plaintiff, versus Spas Leonardo and Josefina Fuentes, Arlene Vilorio, et.al., defendants, for unlawful detainer and damages", which is slated on January 25, 2019, considering that City Government of Cagayan de Oro through the City Housing Urban Development Department (CHUDD), is still in the process of conducting and evaluating the socio-economic profile of the affected residents of Mortola Street, Barangay No. 40, this city, for their possible transfer to the area suitable for them.

*Respectfully referred to the COMMITTEE on LAWS AND RULES, the herein communications for study, investigation, report and recommendation.*

FOR THE CITY VICE MAYOR & PRESIDING OFFICER:

**ARTURO S. DE SAN MIGUEL**

*City Council Secretary*

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: Jan 10, 2019

*for inclusion*

✓  
**HON. IAN MARK Q. NACAYA**, Chairman

✓  
**HON. ZALDY O. OCON**, Vice Chairman

**HON. GEORGE S. GOKING**, Member

**HON. ROMEO V. CALIZO**, Member

**HON. ENRICO S. SALCEDO**, Member

**DISSENTING**



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
OFFICE OF THE CITY COUNCIL  
Sangguniang Panlungsod  
Tel. #: 854-4626 / 857-4032 / 857-2258

Communication Number: 2018-2151

Date: 12/04/2018

Receiver: JESSAMINE

From: MTCC BR 3

Subject: WRIT OF DEMOLITION ISSUED IN CIVIL CASE NO. C16-JAN-019 BY THE HON. CARMEN S. CASINO-BALURAN, BRANCH 3, CAGAYAN DE ORO CITY SCHEDULED FOR ENFORCEMENT AND IMPLEMENTATION BY SHERIFF HECTOR B. MONTECILLO ON JANUARY 25, 2019 FROM 8:00 TO 3:00 IN THE MORNING.

Respectfully referred to **COMMITTEE ON URBAN AND RURAL POOR & HOUSING DEVELOPMENT** the herein communication for study, investigation, report and/or recommendation.

FOR THE CITY VICE MAYOR &  
PRESIDING OFFICER

**ARTURO S. DE SAN MIGUEL**  
City Council Secretary

**COMMITTEE REPORT AND RECOMMENDATION**

Date of Meeting: Jan 10, 2019

*LR: Res. regarding the Hon. Judge Arnold Paulino to hold in abeyance the writ of demolition issued to Defendant for the three (3) months for CHUDON to find place for the defendants to the city's relocation area.*

**HON. ZALDY O. OCHOA**  
Chairperson

**HON. ROMEO V. CALIZO**  
Vice Chairperson

**HON. EDNA M. DAHINO**  
Member

**HON. ENRICO D. SALCEDO**  
Member

**HON. MARIA LOURDES S. GAANE**  
Member

**HON. YAN LAM LIM**  
Member

**EX-OFFICIO MEMBERS**

**HON. IAN MARK Q. NACAYA**  
Majority Floor Leader

**HON. LEON D.M. GAN, JR.**  
Minority Floor Leader

**HON. RAINEIR JOAQUIN V. UY**  
City Vice Mayor



Republic of the Philippines  
CITY OF CAGAYAN DE ORO  
**OFFICE OF THE CITY VICE MAYOR**



cagayan  
de oro

2F Legislative Building  
City Hall Compound,  
Burgos St., Brgy. 1,  
Cagayan de Oro City

DATE: 12 DEC 17 2018

FROM: MUNICIPAL TRIAL COURT IN CITIES, BRANCH 3, CAGAYAN DE ORO

**SUBJECT MATTER:** WRIT OF DEMOLITION ISSUED IN CIVIL CASE NO. C16-JAN-019 BY THE HON. CARMEN S. CASINO-BALUNAN, BRANCH 3, CAGAYAN DE ORO CITY SCHEDULED FOR ENFORCEMENT AND IMPLEMENTATION BY SHERIFF HECTOR B. MONTECILLO ON JANUARY 25, 2019 FROM 8:00 TO 3:00 IN THE MORNING.

**ACTION:** REFER TO COMMITTEE ON URBAN & RURAL POOR AND HOUSING DEVELOPMENT

HON. RAINEIR JOAQUIN V. UY  
CITY VICE MAYOR

HON. RAINEIR JOAQUIN V. UY  
City Vice Mayor

Republic of the Philippines  
SUPREME COURT  
**MUNICIPAL TRIAL COURT IN CITIES**  
Branch 3  
Cagayan de Oro City

November 15, 2018

**HON. OSCAR S. MORENO**  
City Mayor  
Cagayan de Oro City

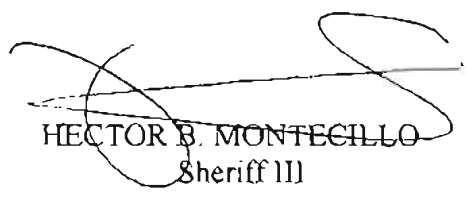
Sir:

This pertains to the WRIT OF DEMOLITION dated October 19, 2018, issued in Civil Case No. C16-Jan-019, by the Hon. Anabel Carmen S. Casiño-Baluran, Presiding Judge of MTCC, Branch 3, Cagayan de Oro City, with which, the undersigned Sheriff has scheduled the enforcement and implementation of the said Writ on January 25, 2019, from 8:00 in the morning to 3:00 in the afternoon, or soon thereafter until completion of the same.

In view thereof, request is hereby made upon your good office to undertake together with the National Housing Authority and other concerned government agencies to provide adequate relocation of the families identified as underprivileged and homeless citizens affected by the said writ of demolition, and to provide financial assistance should relocation is not possible, in accordance with paragraph 8, Section 28 of Republic Act 7279.

Your cooperation is highly appreciated.

Thank you and more power

  
HECTOR B. MONTECILLO  
Sheriff III

Copy furnished with the certified true copy of the Writ of Execution and the Writ of Demolition in compliance with OCA Circular No. 183-2018.

- Office of the President, Malacñang Palace, Manila
- Presidential Commission on Urban Poor, National Office
- Presidential Commission on Urban Poor, CDO Office
- National Urban Poor Sectoral Council
- National Anti-Poverty Commission
- National Housing Authority, Regional Office X
- City Council Committee on Urban Poor, CDO
- City Social Welfare and Development
- Philippine National Police, Camp Crame, Quezon City
- Philippine National Police, Regional Office, Camp Alagar, CDO
- Philippine National Police, Cagayan de Oro City Police Office
- Commission on Human Rights, Regional Office X
- Estate management Office, CPDO, CDO
- City Planning and Development Office, CDO
- Cagayan de Oro City Housing Board
- Barangay Council of Barangay 40, CDO
- COWD
- CEPALCO

Republic of the Philippines  
SUPREME COURT  
**MUNICIPAL TRIAL COURT IN CITIES**  
**Branch 3**  
Cagayan de Oro City

HEIRS OF NORA S. LLUCH,  
Rep. by: LUIS S. LLUCH, ET. AL.,  
Plaintiff,

Civil Case No. C16-JAN-019

-versus-

FOR:

SPS. LEONARDO and JOSEFINA FUENTES,  
ARLENE VILORIO, ET. AL.,  
Defendants.

UNLAWFUL DETAINER  
AND DAMAGES

X-----/

**WRIT OF DEMOLITION**

The MTCC Clerk of Court  
Ex-Officio City Sheriff or Deputy  
Cagayan de Oro City

Greetings:

**WHEREAS**, on November 17, 2016, judgment in the above-entitled case was rendered by this Court, dispositive portion of which, reads as follows:

**“WHEREFORE, judgment is rendered ordering defendants and all persons claiming rights under them to peacefully vacate from the premises of the subject property and to restitute the possession thereof to plaintiffs and for each defendant to pay plaintiffs the sum of Two Thousand (P2,000.00) Pesos per month as reasonable compensation for the use and occupation of the subject property from September 2, 2015 until the possession thereof is fully restored to plaintiffs and for defendants to pay jointly and severally Ten Thousand (P10,000.00) Pesos as attorney’s fees.**

**SO ORDERED.”**

**WHEREAS**, on October 20, 2017, the Court issued the Writ of Execution for the enforcement of its judgment.

MANILA, STELA LLESIS-VASALL,  
CLERK OF COURT IN  
MTCC, BRANCH 3  
CAGAYAN DE ORO CITY  
MTCC, BRANCH 3  
CAGAYAN DE ORO CITY

**WHEREAS**, on September 25, 2018, plaintiffs thru counsel filed before this Court a Motion for the issuance of the Writ of Demolition for failure of defendants to comply with the above-quoted judgment of this Court, which was duly approved by this Court on October 8, 2018.

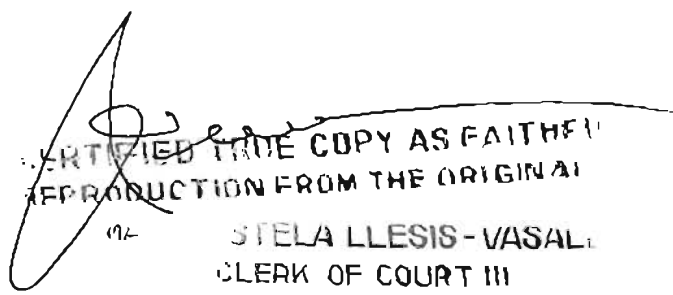
**NOW THEREFORE**, I command you to demolish, subject to existing rules and regulations, the structures erected by defendants SPS. LEONARDO and JOSEFINA FUENTES, ARLENE VILORIO, ESTERLITA CATUNGGAL, SOCORRO MALABAS, ALLAN CUBAY, JENNIFER O. PANGAN, LUCILA SEROJANO and ANTONIO BORINAGA their heirs, assigns, agents, representatives, or anyone claiming rights under them, who, in way contributed in the construction or erection of the structure on the portion of land belonging to the plaintiff located at Mortola St., Barangay 40, Cagayan de Oro City.

SO ORDERED.

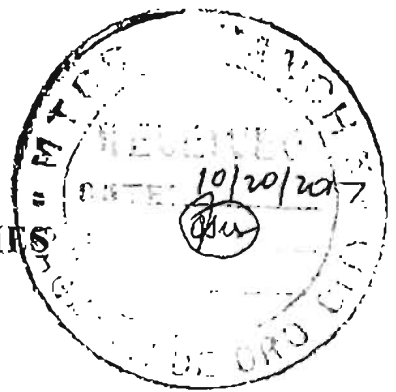
Cagayan de Oro City, October 19, 2018.

  
**ANABEL CARMEN S. CASIÑO-BALURAN**  
Presiding Judge

ACCB/hbm

  
CERTIFIED TRUE COPY AS FAITHFUL  
REPRODUCTION FROM THE ORIGINAL  
STELA LLESIS-VASALI  
CLERK OF COURT III  
MTCC, BRANCH 3  
CAGAYAN DE ORO CITY

Republic of the Philippines  
SUPREME COURT  
MUNICIPAL TRIAL COURT IN CITIES  
Branch 3  
Cagayan de Oro City



HRS. OF NORA S. LLUCH,  
Rep., Luis S. Lluch, et. al.  
Plaintiff.

Civil Case No. C14-AUG-129

-versus-

FOR:

SPS. LEONARDO and JOSEFINA  
FUENTES, ARLENE VILORIO,  
ESTERLITA CATUNGGAL,  
SOCORRO MALABAS, ALLAN CUBAY,  
JENNIFER O. PANGAN,  
LUCILA SEROJANO and  
ANTONIO BORINAGA.

UNLAWFUL DETAINER  
DAMAGES

Defendants.

X-----/

**WRIT OF EXECUTION**

The MTCC Clerk of Court  
Ex-Officio Sheriff or Deputy  
Cagayan de Oro City

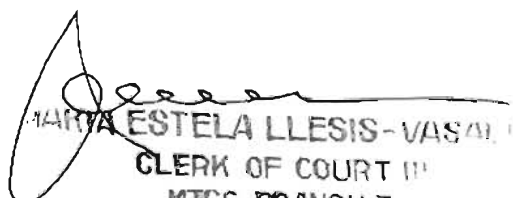
Greetings:

WHEREAS, on November 17, 2016, judgment in the above-mentioned case was rendered by this Court, the dispositive portion of which, reads as follows:

“WHEREFORE, judgment is rendered ordering defendants and all persons claiming rights under them to peacefully vacate from the premises of the subject property and to restitute the possession thereof to plaintiffs and for each defendant to pay plaintiffs the sum of Two (2,000.00) Pesos per month as reasonable compensation for the use and occupation of the subject property from September 2, 2015 until the possession thereof is fully restored to plaintiffs and for defendants to pay jointly and severally Ten Thousand (P10,000.00) Pesos as attorney’s fees.

SO ORDERED.”

CERTIFIED TRUE COPY AS FAITHFULLY  
REPRODUCTION FROM THE ORIGINAL

  
MARIA ESTELA LLESIS-VASQUEZ  
CLERK OF COURT III  
MTCC, BRANCH 3  
CAGAYAN DE ORO

WHEREAS, the aforesaid judgment is now final and executory.

WHEREAS, on October 13, 2017, the Court granted the Motion for the issuance of the Writ of Execution filed by plaintiff's counsel.

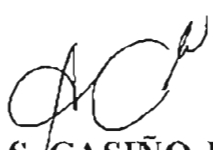
NOW THEREFORE, you are hereby commanded to: (1) To demand of the defendants and all persons claiming rights under him to peacefully vacate the subject property within three (3) days, and restore possession thereof to the plaintiff; otherwise, you shall oust all such persons therefrom with the assistance, if necessary, of appropriate peace officers, and employing such means as may be reasonably necessary to restore possession, and place the plaintiff in possession of such property; (2) and that of the goods and chattels of defendants Spouses LEONARDO and JOSEFINA FUENTES, ARLENE VILORIO, ESTERLITA CATUNGGAL, SOCORRO MALABAS, ALLAN CUBAY, JENNIFER O. PANGAN, LUCILA SEROJANO and ANTONIO BORINAGA, all with postal address at Mortola St., Barangay 40, Cagayan de Oro City, you cause to be made the said sum of money indicated in the said decision of this Court, all in the Philippine Currency, which the plaintiff recovered or may recover by virtue of the decision and you render the same to the plaintiff aside from your own fees in the service of this execution.

But if sufficient personal property cannot be found thereof to satisfy this execution, then you are hereby commanded that of the land and buildings of the said defendants, you cause to be made the said sum of money indicated in the decision of this Court and to make report to this Court every 30 days from the date of receipt of this Writ, with the result of your proceedings indorsed thereon.

SO ORDERED.

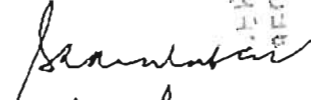
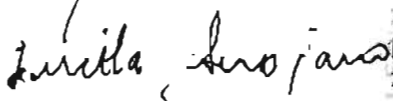
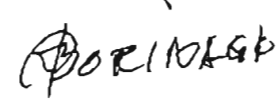
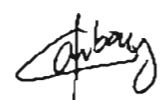
Cagayan de Oro City, October 20, 2017.

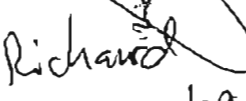
Josefina Fuentes  
Leonardo - Refused to  
sign

  
ANABEL CARMEN S. CASINO-BALURAN  
Presiding Judge  
4/18/18

ACCB/hbm

Estherlita  
Catunggal  
Incurred by  
William Catunggal

Socorro Malabas -   
Lucila Serojano -   
Antonio Borinaga -   
Jane Joy Cubay -   
(Wife of Allan)  
Jennifer Pangan - received by

  
Richard  
Serojano, bro  
of Jennifer

