



District I:

ABSENT

HON. ROWENA BAUTISTA - MENDIOLA
City Councilor

HON. MIGUEL N. BAUTISTA
City Councilor

HON. EDWIN G. GAWARAN
City Councilor

HON. MICHAEL E. SOLIS
City Councilor

HON. VENUS D. DE CASTRO
City Councilor

HON. ALEJANDRO F. GUTIERREZ
City Councilor

District II:

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City Councilor

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HON. LEANDRO A. DE LEON
City Councilor

HON. ROBERTO R. JAVIER
City Councilor

HON. VICTORIO L. GUERRERO, JR.
City Councilor - ABC Pres.

Attested by:

ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Certified by:

HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

Republic of the Philippines
Province of Cavite
City of Bacoor

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY RESOLUTION NO. CR 2016-123
Series of 2016

A RESOLUTION RESPECTFULLY RECOMMENDING TO THE CITY MAYOR, HON. LANI MERCADO-REVILLA, TO PROMULGATE AN EXECUTIVE ORDER INTENDED TO STUDY WAYS TO HONOR THE MEMORY OF FORMER GOVERNOR PEDRO F. ESPIRITU AND TO STUDY THE PROPRIETY OR NECESSITY OF FILING OF A PETITION FOR DECLARATORY RELIEF UNDER RULE 63 OF THE 1997 RULES OF COURT WITH THE REGIONAL TRIAL COURT OF THE CITY OF BACOR TO RESOLVE QUESTIONS ARISING FROM AN INTERPRETATION OF SECTION 10 OF PROVINCIAL ORDINANCE NO. 24-S-90 AND SECTION 11 OF REPUBLIC ACT NO. 10160.

Sponsored by:

Coun. Apolonio I. Advincula, Jr., Coun. Miguel N. Bautista, Coun. Venus De Castro, Coun. Leandro D. Leon, Coun. Edwin G. Gawaran, Coun. Victorio L. Guerrero, Jr., Coun. Hernando C. Gutierrez, Coun. Alejandro F. Gutierrez, Coun. Roberto R. Javier, Coun. Gaudencio P. Nolasco, Coun. Reynaldo D. Palabrica, and Coun. Michael E. Solis.

WHEREAS, a letter was sent by City Mayor Lani Mercado-Revilla to the Sangguniang Panlungsod on 29 September 2016 requesting the city council to try to determine if the name of the eight (8) barangays commonly known as "Barangay Panapaan" was ever changed to "Barangay P.F. Espiritu". Attached to the said official communication was a letter from Mr. Luciano C. Espiritu, one of the descendants of former Provincial Governor Pedro F. Espiritu, bemoaning the use of "Barangay Panapaan I" in the welcoming arch of the barangay where he resides instead of "Barangay PF Espiritu I" in recognition of the various achievements of his illustrious progenitor. Mr. Espiritu then proceeded to request the City Mayor to cause the changing of the name "Panapaan" to "Gov. P.F. Espiritu" in the eight barangays now commonly known as "Barangay Panapaan".

WHEREAS, the Sangguniang Panlungsod deliberated on the said official request and noted that though the barangays in question are commonly known as "Barangay Panapaan", the said barangays are also sometimes referred to as "P.F. Espiritu" especially during the conduct of local elections most notably by the Commission on Elections (Comelec) in its various official forms. Consequently, the Sangguniang Panlungsod Secretariat conducted a research to determine the official name of the said barangays.



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WHEREAS, the records of the Sangguniang Panlungsod reveal that on 12 October 1968, the then Sangguniang Bayan of Bacoor, Cavite passed Resolution No. 51-S-68 changing the name of Panapaan Elementary School to "Governor PEDRO ESPIRITU ELEMENTARY SCHOOL, in recognition of his splendid service as a public servant and as a fitting tribute to his memory and to perpetuate the illustrious name which his barriomates ardently revere". A copy of Resolution No. 51-S-68 is attached hereto as **Annex "A"** and shall be deemed part of this Resolution.

WHEREAS, on 3 August 1990, the then Sangguniang Bayan passed Resolution No. 87-S-1990 entitled: "A RESOLUTION APPROVING THE CREATION OF ADDITIONAL BARANGAYS IN THE BARRIOS OF DAANG BUKID, ANIBAN, HABAY, LIGAS, MABOLO, MALIKSI, MAMBOG, MOLINO, NIOG, PANAPAAN, SALINAS, SAN NICOLAS, TALABA, ZAPOTE AND REAL". The said resolution was passed after the Sangguniang Bayan received resolutions from several barangays requesting the creation of additional barrios. One of the barangays affected by Resolution No. 87-S-1990 was Barangay Panapaan which would be divided into eight separate barangays. A copy of Resolution No. 87-S-1990 is attached hereto as **Annex "B"** and shall be deemed part of this Resolution.

WHEREAS, on 16 August 1990, the Sangguniang Panlalawigan passed Resolution No. 309 approving Resolution No. 87-S-1990." A copy of Resolution No. 309-S-90 is attached hereto as **Annex "C"** and shall be deemed part of this Resolution.

WHEREAS, on 29 November 1990, the Sangguniang Panlalawigan passed Provincial Ordinance No. 24-S-90 implementing Resolution No. 309-S-90 entitled: "AN ORDINANCE CREATING NEW BARANGAYS OUT OF DAANG BUKID, MALIKSI, TALABA, ZAPOTE, ANIBAN, LIGAS, MOLINO, NIOG, MAMBOG, PANAPAAN, SALINAS, HABAY, REAL, QUEENS ROW, MABOLO, AND SAN NICOLAS ALL IN BACOR, CAVITE AND SETTING THE DATE OF THEIR PLEBISCITE ON DECEMBER 23, 1990 OR ANY SUNDAY THAT FOLLOW SHOULD IT BE POSTPONED DUE TO LACK OF MATERIAL TIME OR FORTUITOUS EVENT." A copy of Provincial Ordinance No. 24-S-90 is attached hereto as **Annex "D"** and shall be deemed part of this Resolution.

WHEREAS, Section 10 of Provincial Ordinance No. 24-S-90 provides that:

"SECTION 10. The Barangay Panapaan having 12,769 population shall be divided further into eight (8) barangays to



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City Vice Mayor/Presiding Officer

Approved by:

HON. LANI MERCADO - REVILLA
City Mayor

be named: PANAPAAN I, the Mother Barangay bounded on the SE., along lines 1-8 by Panapaan I; on the SE., and SW., along lines 7-12 by Habay I; on the NE., and NW., along lines 12-20 by Kaingen; along lines 20-27 by Maliksi II; on the E., and NW., along lines 27-29 by Maliksi I; and on the NE., along lines 29-1 by Niog I; and the daughter barangay to be named: PANAPAAN II, bounded on the NE., along lines 1-2 by Niog; on the SE., along lines 2-3 by Panapaan IV; on the SW., along lines 3-4-5 by Panapaan III; on the SE., and SW., along lines 5-6-7-8-9-10 by Habay I; and on the NW., along lines 11-12-13-14-15-16-17-18-1 by Panapaan I; and PANAPAAN III, bounded on the SE., and SW., along lines 1-6 by Panapaan V; on the NW.; and SW., along lines 6-21 by Habay I; on the NE., along lines 21-22-23 by Panapaan I; on the SE., along lines 23-1 by Panapaan IV; and PANAPAAN IV bounded on the NW., along lines 1-2 by Panapaan III; along lines 2-3 by Panapaan II; on the NE., along lines 3-4 by Niog III; on the SE., along lines 4-5 by Panapaan VI; and on the SW., along lines 5-6-7-1 by Panapaan V; and PANAPAAN V bounded on the NE., and SE., along lines 1-4 by Panapaan IV; on the SE., and SW., along lines 4-5-6-7-8 by Panapaan VI; on the SW., and NW., along lines 8-12 by Habay I; and on the NW., and N., along lines 17-21-1 by Panapaan III; and PANAPAAN VI bounded on the S. and SW., along lines 1-4 by Panapaan VII; on the W., along lines 4-7 by Habay II; on the N. and NW., along lines 7-11 by Panapaan V; on the NW., along lines 11-12 by Panapaan IV and on the NE., along lines 12-1 by Niog III; PANAPAAN VII, bounded on the NE., along lines 1-2 by Niog III; on the SE., along lines 2-3 by Real II; on the S. and W., along lines 3-12 by Panapaan VIII; on the NW., along lines 12-21 by Habay II on the N., along lines 21-23-1 by Panapaan VI; and PANAPAAN VIII, bounded on the SE., and S., along line 1-11 by Real II., on the NW along lines 11-18 by Habay II; on the NE., and N., along lines 18-26-1 by Panapaan VII."

It is significant to note that **none of the barangays created by virtue of Provincial Ordinance No. 24-S-90 was named "Governor P.F. Espiritu".**

WHEREAS, on 2 January 1991, the Commission on Elections held a meeting attended by five of its six commissioners and passed Minute Resolution No. 91-0005 of even date approving the recommendation of the Law Department of the Comelec to hold the plebiscite for the proposed creation of the barangays above-mentioned on 13 January 1991 in all of the mother barangays subject of Provincial Ordinance No. 24-S-90. A copy of Comelec Minute Resolution No. 91-0005 is attached hereto as **Annex "E"** and shall be deemed part of this Resolution.



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WHEREAS, in compliance with Comelec Minute Resolution No. 91-0005, a plebiscite was held in all of the barangays of the then Municipality of Bacoor. The results of the said plebiscite were as follows:

"The number of voters who cast their votes	22,054
Total number of affirmative votes	21,810
Total number of negative votes	244
Percentage of affirmative votes	99.89%
Percentage of negative votes	1.11%"

Attached as **Annex "F"** is a copy of the Narrative Report dated 16 January 1991 signed by Mr. Daniel V. Balnado (Election Registrar-III) which shall be deemed a part of this Resolution.

WHEREAS, the foregoing exposition of facts based on the extant official records of the Sangguniang Panlungsod conclusively proves that the official name of the eight (8) barangays carved out of the former Barangay Panapaan by virtue of Provincial Ordinance No. 24-S-90 and ratified by a whopping 99.8% of the voters who participated in a plebiscite officiated over by the Comelec were "Barangay Panapaan 1", "Barangay Panapaan 2", "Barangay Panapaan 3", "Barangay Panapaan 4", "Barangay Panapaan 5", "Barangay Panapaan 6", "Barangay Panapaan 7", and "Barangay Panapaan 8" and not "Barangay P.F. Espiritu".

WHEREAS, despite the clear intention of the electorate of the eight barangays carved out of the former Barangay Panapaan to retain the name of their barangay as "Panapaan" and not "PF Espiritu", Section 11 of Republic Act No. 10160 (also known as the "Charter of the City of Bacoor") provides that:

"SEC. 10. Composition. - (a) The sangguniang panlungsod, the legislative body of the City, shall be composed of the city vice mayor as the presiding officer, the twelve (12) regular sanggunian members, the president of the city chapter of the liga ng mga barangay, the president of the panlungsod na pederasyon ng mga sangguniang kabataan and the three (3) sectoral representatives, as members, who shall come from the following sectors: one (1) from the women sector; and, as shall be determined by the sangguniang panlungsod within ninety (90) days prior to the holding of the local elections, one (1) from the agricultural or industrial workers sector; and one (1) from the other sectors, including urban poor, indigenous cultural communities or persons with disabilities.

(b) The regular members of the sangguniang panlungsod and sectoral representatives shall be elected in the manner as may



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be provided by law: *Provided*, That for purposes of representation in the sangguniang panlungsod, six (6) regular members shall be elected from each of the following districts by barangay, each district comprising a compact, contiguous and adjacent territory:

Bacoor West – Alima, Aniban, Aniban II, Aniban III, Aniban IV, Aniban V, Banalo, Camposanto, Daang Bukid, Digman; Dulong Bayan, Habay I, Habay II, Kaingin, Ligas I, Ligas II, Ligas III, Mabolo I, Mabolo II, Mabolo III, Maliksi I, Maliksi II, Maliksi III, Niog I, Niog II, Niog III, **P.F. Espiritu I, P.F. Espiritu II, P.F. Espiritu III, P.F. Espiritu IV, P.F. Espiritu V, P.F. Espiritu VI, P.F. Espiritu VII, P.F. Espiritu VIII**, Real I, Real II, Salinas I, Salinas II, Salinas III, Salinas IV, San Nicolas I, San Nicolas II, San Nicolas III, Sineguelasan, Tabing Dagat, Talaba I, Talaba II, Talaba III, Talaba IV, Talaba V, Talaba VI, Talaba VII, Zapote I, Zapote II, Zapote III and Zapote IV.

Bacoor East – Bayanan, Mambog I, Mambog II, Mambog III, Mambog IV, Mambog V, Molino I, Molino II, Molino III, Molino IV, Molino V, Molino VI, Molino VII, Queens Row Central, Queens Row East and Queens Row West." (Emphasis supplied.)

WHEREAS, though only an ordinance, Provincial Ordinance No. 24-S-90 remains good law and is considered a special law that specifically dealt with the creation and naming of the various barangays comprising the Municipality of Bacoor. Section 11 of RA 10160, on the other hand, is a general law that dealt with the composition of the Sangguniang Panlungsod and not with the names of the various barangays comprising the newly created City of Bacoor. Be that as it may, there is an apparent confusion in the interpretation of the provisions of Section 10 of Provincial Ordinance No. 24-S-90 and Section 11 of RA 10160 regarding the official name of the eight barangays that used to be part of the former Barangay Panapaan.

WHEREAS, Section 1 of Rule 63 of the 1997 Rules of Civil Procedures (also known as the "Rules of Court") provides that "(A)ny person interested under a deed, will, contract or other written instrument, whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, before breach or violation thereof, bring an action in the appropriate Regional Trial Court **to determine any question of construction or validity arising, and for a declaration of his rights or duties, thereunder.** xxx" (Emphasis supplied.)

WHEREAS, resolving the question on what should be the official name of the said barangays affect public interest in myriad of ways: the validity of warrants and other court processes where the wrong name of the said barangays were



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used may be questioned before a court of law, the propriety of using public funds in the printing of letterheads or in the construction of welcoming arches maybe wasted if it is later found that the wrong name of the said barangays was used in the said official forms or in the said infrastructures.

WHEREAS, notwithstanding the apparent confusion on the official name of the barangays in question, it is beyond cavil that the late Gov. Espiritu was an exemplary public servant whose official achievements are worthy of emulation and whose name remains unsullied to this very day. In view thereof, the Sangguniang Panlungsod is of the opinion that the city government must actively promote the perpetuation of the memory of Governor Espiritu to serve as a reminder to the youth and to future generations what true public service means.

NOW THEREFORE, upon unanimous motion of the Body, **BE IT RESOLVED AS IT IS HEREBY RESOLVED** by the Sangguniang Panlungsod of the City of Bacoor in regular session duly assembled to respectfully recommend to the City Mayor, Hon. Lani Mercado-Revilla, to promulgate an Executive Order which would provide the following:

- a) Direct the City Engineer to assist the Punong Barangay of Barangay Panapaan 1 to 8 to reconstruct its respective welcoming arches such that the words written on it would read as follows:

"Barangay Panapaan 1:
Birthplace of Gov. Pedro F. Espiritu"

- b) Form a team comprised of educators, scholars and historians who would conduct a thorough study of the life and times of Governor Espiritu so that his exploits could be taught in all the schools now operating within the City of Bacoor; and
- c) Coordinate and consult with the descendants of Governor Espiritu and discuss the various ways by which they wish to immortalize the name and achievements of their illustrious forefather.

RESOLVED FURTHER, to respectfully recommend to the City Mayor to instruct the City Legal Officer to study the propriety or necessity of filing a Petition for Declaratory Relief under Section 63 of the Rules of Court with the proper Regional Trial Court to determine questions of construction arising from the seemingly conflicting provisions of Section 10 of Provincial Ordinance No. 24-S-90 and Section 11 of RA 10160.



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RESOLVED LASTLY, to furnish the Office of the City Mayor, Mr. Luciano C. Espiritu, and all government offices and agencies concerned with copies of this Resolution.

UNANIMOUSLY APPROVED this 3rd day of October 2016 at the City of Bacoor during the 13th regular session of the 3^d Sangguniang Panlungsod of the City of Bacoor.

I hereby certify that the foregoing Resolution was duly passed in accordance with law and that its contents are true and correct.

Certified by:


CATHERINE SARINO-EVARISTO
City Vice Mayor / Presiding Officer

Attested by:


ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:


LANI MERCADO-REVILLA
City Mayor