

DECLARING ORDINANCE NO. 09 DATED MARCH 17, 2025 OF THE MUNICIPALITY OF SAN MIGUEL, THIS PROVINCE ENTITLED "AN ORDINANCE PROHIBITING ACTS OF ONLINE SEXUAL ABUSE AND EXPLOITATION MATERIALS (ACSAEM) IN THE MUNICIPALITY OF SAN MIGUEL WITH CORRESPONDING PENALTIES, THEREAFTER PROVIDING A SUPPORTIVE ENVIRONMENT FOR THE SURVIVORS", INVALID IN PART UNDER SECTION 21 (C), ON THE PENALTY FOR THIRD OFFENSE

SPONSORS:

HON. HENRICH M. PIMENTEL, HON. GINES RICKY J. SAYAWAN, SR., HON. RAUL K. SALAZAR, HON. ANTONIO C. AZARCON, HON. JOEY S. PAMA, HON. MARGARITA G. GARAY, HON. VALERIO T. MONTESCLAROS, JR. AND HON. ANTHONY JOSEPH P. CANEDO

WHEREAS, Chapter 3, Article III, Section 468 Par. (a) No. 1 (i) of the Local Government Code of 1991 provides that, "the sangguniang panlalawigan shall review all ordinances approved by the sanggunians of component cities and municipalities and executive orders issued by the mayors of said component units to determine whether these are within the scope of the prescribed powers of the sanggunian and of the mayor";

WHEREAS, Ordinance No. 09 dated March 17, 2025 of the Municipality of San Miguel, this Province entitled "An Ordinance Prohibiting Acts of Online Sexual Abuse and Exploitation Materials (ACSAEM) in the Municipality of San Miguel with Corresponding Penalties, Thereafter Providing a Supportive Environment for the Survivors", was submitted to this Body for review and same was referred to the Committee on Laws and Justice and Human Rights, for appropriate action;

WHEREAS, after a careful review by the Committee to which the matter was referred, it was found that the Ordinance violated Section 516 of the Local Government Code of 1991, as the penalty provision for the third offense includes imprisonment of a minimum of six months but not more than one year, which is clearly an ultra vires provision. The local code only allowed the penalty of not exceeding six months., thereby declaring it as invalid in part; *thus, needs to be rectified*

WHEREAS, in view of the foregoing and on motion of _____, and seconded by _____;

NOW THEREFORE

BE IT RESOLVED by the Sangguniang Panlalawigan of Surigao del Sur to declare Ordinance No. 09 dated March 17, 2025 of the Municipality of San Miguel, this Province entitled "An Ordinance Prohibiting Acts of Online Sexual Abuse and Exploitation Materials (ACSAEM) in the Municipality of San Miguel with Corresponding Penalties, Thereafter Providing a Supportive Environment for the Survivors", invalid in part under Section 21 (c), on the penalty for third offense.

RESOLVED FINALLY: To furnish copies of this Resolution to Hon. Michael T. Corilla, Municipal Mayor and to the Sangguniang Bayan thru Hon. Reynaldo F. Demoto, Municipal Vice Mayor/Presiding Officer, all of the Municipality of San Miguel, this Province, for their information, guidance and appropriate action.