

Republic of the Philippines
SANGGUNIANG PANLALAWIGAN
PROVINCE OF NEGROS ORIENTAL

EXCERPTS FROM THE JOURNAL OF THE SANGGUNIANG PANLALAWIGAN SESSION ON:

Date: July 31, 2012 – 3:25 P.M.

Classification: Regular Session

RECORD OF ATTENDANCE:

HON. APOLINARIO P. ARNAIZ, JR.
Vice Governor & Presiding Officer
Present

PROVINCE OF NEGROS ORIENTAL
SANGGUNIANG PANLALAWIGAN
RECORDS SECTION
RELEASED
DATE: AUG 16 2012

- | | | | |
|-----------------------------|-----------|------------------------------------|-----------|
| HON. MELLIEMOORE M. SAYCON | - Present | HON. RODRIGO A. ALANANG | - Present |
| HON. LILAND B. ESTACION | - Present | HON. MIGUEL ANGEL D. TEVES | - Present |
| HON. PEVE O. LIGAN | - Present | HON. FRITZIE DARYL L. ZANORIA | - Absent |
| HON. EDMUND F. DY | - Present | HON. ERWIN MICHAEL L. MACIAS (PCL) | - Present |
| HON. SALETO J. ERAMES | - Present | HON. SCOTT WAYNE T. HUSAIN (SK) | - Present |
| HON. JESSICA JANE V. KOPPIN | - Present | HON. ARNOLFO A. TEVES, JR. (LNMB) | - Absent |
| HON. GEORGITA F. MARTINEZ | - Present | | |

RESOLUTION NO. 579

“Submitted for review before the August Body was Resolution No. 259, current series, of the Sangguniang Panlungsod of Bayawan, this province, enacting Ordinance No. 5, otherwise known as the ‘Sugar Industry Ordinance 2011 of Bayawan City’;

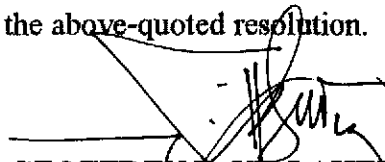
“Whereas, the aforementioned piece of legislation conforms to the provisions of the Local Government Code of 1991;

“On motion of Honorable Member Peve O. Ligan, seconded by Honorable Member Erwin Michael L. Macias and Honorable Member Jessica Jane V. Koppin, the Sangguniang Panlalawigan

“RESOLVES, To declare VALID Resolution No. 259, current series, of the Sangguniang Panlungsod of Bayawan, this province; and to furnish a copy hereof for their information.

“Approved.”

I hereby certify to the correctness of the above-quoted resolution.


GEOFFREY P. VILLAHERMOSA
Provincial Secretary


APOLINARIO P. ARNAIZ, JR.
Vice Governor of Negros Oriental
Presiding Officer

Copy For:
The Sangguniang Panlungsod
Bayawan City

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON MARCH 20, 2012 AT 2 O'CLOCK PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

Hon. Ismael P. Martinez		On Leave
Hon. Victoriano D. Alabastro		O.B. Cebu City
Hon. Ernesto T. Tijing		Present
Hon. Mark Anthony A. Duque		Present
Hon. Francis Floyd B. Araula		Present
Hon. Peter Paul F. Renacia	(Acting Presiding Officer)	Present
Hon. Alex D. Tizon		Present
Hon. Danilo G. Lamis		Present
Hon. Mark Fidencio L. Aurelia		Present
Hon. Sharlou F. Jamin		Present
Hon. Luis J. Sumalpong		Present
Hon. Jonas M. Trias	(ABC Vice President)	Present
Hon. Alsheiba M. Tanasan	(SK Fed. Pres.)	Present

RESOLUTION NO. 259

“Whereas, there is no doubt that for the past several years the sugar industry in the entire Philippines had significantly improve the economy of the country alleviating the financial status of so many Filipinos.

“Whereas, the sugar industry helped address the unemployment problem for the poor and illiterate people in the country not only to those working in sugar mills but especially the sugar farm worker, such as the “*tapaseros*” and other farm laborers.

“Whereas, in big agricultural areas in the country, studies showed that areas planted with seasonal crops such as rice, corn, cotton, sugar cane, cassava, sweet potatoes and other crops, the biggest earnings will come from the sugar cane plantation.

“Whereas, studies also proved that the presence of a sugar central in one locality would maximize the utilization of idle areas, be it flat or hilly terrain. Once these areas will be planted with sugar cane, it becomes productive and will improve local economy.

“Whereas, with the high cost of living at present throughout the country, coupled with the increase in tuition fees, the planting of sugar cane might be able to address this predicament.

“Whereas, the sugar industry in the Philippines is recently experiencing a very unhealthy condition because of the effect of climate change, the high cost of farm inputs, high cost of farm labor and low price tag of sugar. Not to mention illegal importation from unscrupulous traders.

“Whereas, there is a need to save the sugar industry in the whole country to address increasing unemployment problem and to help thousands of small time sugar cane planters send their children to school.

“Wherefore, on motion of Honorable Ernesto T. Tijing and duly seconded by Honorable Aurelia, the Council

“RESOLVED, To enact, as it hereby enacts the following ordinance, to wit:



ORDINANCE NO. 5

SUGAR INDUSTRY ORDINANCE 2011 OF BAYAWAN CITY

SECTION 1: Title of the Ordinance

- a) Sugar Industry Ordinance 2011 of Bayawan City.

SECTION 2: Policy


- a) It shall be the duty of the state to protect the interest, rights and privileges of all the inhabitants of Bayawan City including the planters, *tapaseros*, farm laborers or anybody who is making a living from the Sugar Industry in the Philippines.

SECTION 3: Definition of terms

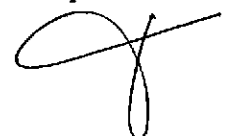
- a) Sugar cane planter - refers to those individual or group of individual who plants and invest in sugar cane production. The term includes individual who purchase standing canes from actual sugar cane planter.
- b) Cane cutter /loader or *tapaseros* - farm laborers who cut and load canes to a hauling unit to be milled in a sugar central
- c) Diligent *Tapasero* – a farm laborer who cut and load canes to a hauling unit to be milled in a sugar central who manage his working time diligently who does not drink intoxicated liquors, smoke cigarette or gamble during working days.
- d) Regular Cane Field – a cultured sugar cane field with an average yield of seventy (70) tons per hectare.
- e) Quality cane field – a well-cultured sugarcane field that have a yield of eighty (80) tons or more per hectare.
- f) Farm Tent - A tent installed within the sugar cane field, which will serve as the temporary residing place of the *tapaseros*, were they can rest, sleep, and cook their food during the duration of cutting and loading all the canes in the farm.
- g) Bunkhouse – a farmhouse constructed by the cane owner in the farm to be use as residence of the *tapaseros* during the duration of cutting and loading all the canes in the farm.
- h) Amelioration – a certain percentage taken from the sugar proceed of every planter by the sugar mill, which will be given back to the planter after milling of which the planter is obliged to follow SRA Law to give back to the farm workers the total amount of the amelioration earned.

SECTION 4: Scope

- a) Every milling season, starting cy 2011-2012, it is preferable that sugar cane planters and sugar cane cutter/loader(*hereinafter referred as "tapaseros"*) must have proof of their working agreement such as but not limited to a duly notarized work contract. Said work contract must be accomplished before any group of *tapaseros* or *tapasero* can start cutting the canes of the sugar cane planter.
- b) The agreement must include the agreed price per ton of cane cut and loaded to the hauling unit. It must also state the day, time, venue, and system of their pay day(*suma*).
- c) The group of *tapaseros* or *tapasero* engaged by the sugar cane planter is obliged to finish the entire sugar cane field of the owner which is the subject of the agreement on or before the agreed date.
- d) It is contrary to law for a group of *tapaseros* or *tapasero* to accept engagement from other sugar cane planter without completing the previous engagement.



- e) It is likewise contrary to law for a sugar cane planter to engage the services of a group of *tapaseros* or *tapasero* or to instigate a group of *tapaseros* or *tapasero* to violate their contract knowing of previous unfinished contract.
- f) After completing the contract with the sugar cane planter, the latter must issue clearance to the group of *tapaseros* or *tapasero* that the contract is completed. The said clearance will allow the group of *tapaseros* or *tapasero* to accept engagement from other sugar cane planter.
- g) A sugar planter desiring to engage the services of a group of *tapaseros* or *tapasero* must secure from the group of *tapaseros* or *tapasero* the abovementioned clearance before engaging their services or proof that they have no pending obligation to any planter.
- h) In an instance where a sugar cane planter can show proof that group of *tapaseros* or *tapasero* working in another sugar cane field has pending obligation to him, the sugar cane planter/s where the group of *tapaseros* or *tapasero* is currently working, shall immediately send back the group of *tapaseros* or *tapasero* to the complaining sugar cane planter where they still have pending obligation.
- i) It is unlawful for the sugar planter to continue the services of the group of *tapaseros* or *tapasero* despite knowledge of previous unfinished contract from other sugar cane planter.
- j) A group of *tapaseros* or *tapasero* is the only working people that control their time to suit their convenience to earn more. They can start working early dawn if they wish and rest from 10:00 am to 2:00 pm cause it is very hot and then work again as they want cause the atmosphere by that time is conducive for working.
- k) The price of sugar every year nationwide is unstable because of climate change, the Law of Supply and Demand, and other factors. The daily earnings of the *tapasero* should be based on the prevailing price and should conform to the approved daily minimum wage at Php. 160/day.
- l) In a flat terrain where hauling trucks can penetrate, in a regular cane field having an average yield of seventy (70) tons per hectare, a diligent *tapasero* can get a minimum output of one and one half (1 ½) tons daily. Assuming a rate of Php. 120/ton, the *tapasero* can earn a daily output of Php. 180/day.
- m) In a flat terrain where hauling trucks can penetrate, a quality cane field with an average yield of eighty tons (80) or more per hectare, a diligent *tapasero* can get a minimum output of two (2) tons per day. Assuming a rate of Php. 120/ton, the *tapasero* can earn a daily output of Php. 240/day.
- n) For flat terrain where cane-hauling trucks can navigate and for hilly cane field where hauling units cannot navigate, the price will depend on the agreed negotiation between the group of *tapaseros* and the sugar cane planter.
- o) Cut canes should be loaded by the group of *tapaseros* or *tapasero* to the waiting hauling truck / trucks on the same day it was cut. Unless for reason beyond the control of the group of *tapaseros* or *tapasero*, cut canes that were not loaded on the same day it were cut, they are obliged to load it early in the morning the following day.
- p) Sugar cane planters should provide group of *tapaseros* or *tapasero* with farm tent or bunkhouse as shelter during cane cutting operation, water container and kettle to cook their food.
- q) Medical assistance should be provided by the sugar cane planter to the *tapaseros* during operation such as medicines for fever, headaches, cough, wounds. Sugar cane planter may opt to enroll group of *tapaseros* or *tapasero* to Public Health Insurance of Negros Oriental (PHINO) or accident insurance.
- r) Sugar amelioration proceeds should be given to the last centavo to the group of *tapaseros* or *tapasero* as well as other sugar cane workers yearly.



SECTION 5: Penal Clause:

- a) First Offense – The planter and the *tapaseros* are obliged to follow the provision of the contract and copy of the result of the complaint will be sent to the different planters and *tapaseros* in the brgy where the incident happened for information.
- b) Second Offense – The planter and the *tapasero* are obliged to follow the provision of the contract and copy of the result of the complaint will be sent to the different planters and *tapaseros* in Bayawan City for their information.
- c) Third and Succeeding Offenses – The planter and the *tapaseros* are obliged to follow the provision of the contract and copy of the result of the complaint will be sent to all Brgy. Captain, planters and group of *tapaseros* in Bayawan City for their information.

SECTION 6: Separability Clause.

If for any reason/s any clause, sentence, provisions or section of this ordinance is declared invalid or unconstitutional, other parts or provisions hereof which will not be affected shall continue to be in full force and effect.

SECTION 7: Effectivity.


This ordinance shall take effect after posting for two (2) weeks in at least three (3) conspicuous places in Bayawan City and publication in a newspaper of general circulation in the province for two (2) weeks.

“Enacted.”

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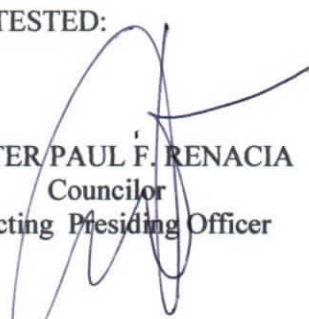
I hereby certify to the correctness of the foregoing resolution.

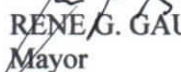
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JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:

APPROVED: APR 11 2012


PETER PAUL F. RENACIA
Councilor
Acting Presiding Officer


RENE G. GAUDIEL
Mayor

Copy For:

- The Honorable Provincial Board, Dumaguete City