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Item No.: 11
Date: 07 FEB 2023

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

SANGGUNIANG PANLALAWIGAN
SP Records
JAN 31 2023
PROVINCIAL LEGAL OFFICE
PROVINCE OF LEYTE

Province of Leyte
Legal Office
Released: [Signature]
Time: 9:00
Date: 1-24-23

2ND INDORSEMENT
January 23, 2022

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 22-009 of the SB of Mahaplag, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, Health and Safety, authorized under Section 16 of the Code.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

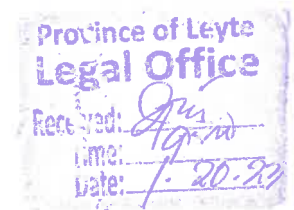
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Republic of the Philippines
PROVINCE OF LEYTE

-0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
20 January 2023



Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 22-009** of the **MUNICIPALITY OF MAHAPLAG, LEYTE,** "AN ORDINANCE PROHIBITING STRAY DOGS IN PUBLIC ROADS AND OTHER PUBLIC PLACES IN THE MUNICIPALITY OF MAHAPLAG, LEYTE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES", for review and recommendations.


FLORINDA JIL S. UYVICO
Secretary to the Sanggunian



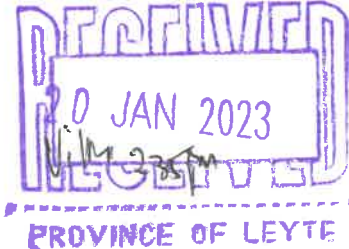
Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
-o0o-

Office of the Sangguniang Bayan

TRANSMITTAL

FLORINDA JILL S. UYVICO
Provincial Government Department Head
Secretary to the Sangguniang Panlalawigan
Office of the Sangguniang Panlalawigan
Province of Leyte
Tacloban City

SANGGUNIANG PANLALAWIGAN



Attention: Records Office

Madam:

Transmitting to your good office these duly approved ordinances of the Sangguniang Bayan of Mahaplag, Leyte, for review by the Sangguniang Panlalawigan of the Province of Leyte, as follows:

- 1. MUNICIPAL ORDINANCE NO. 22-008: AN ORDINANCE PROHIBITING MINORS FROM DRIVING ANY KIND OF MOTOR VEHICLES, PENALIZING ANY PERSON ALLOWING, CONSENTING, OR DIRECTING A MINOR TO DRIVE A MOTOR VEHICLE, AND IMPOUNDING THE SUBJECT VEHICLE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND FOR OTHER PURPOSES;**

Attachments:

- Attendance Sheet of Joint Public Hearing (Committee on Transportation and Communication and Committee on Health) held on December 5, 2022;
- Pictures of Joint Public Hearing by the Committee on Transportation and Communication and Committee on Health held on December 5, 2022;
- Affidavit of Publication (Leyte Samar Daily Express) dated January 9, 2022;
- Certificate of Posting dated January 19, 2022;
- Picture of Posting of the two Ordinances in at least three conspicuous places in the municipality.

- ✓ 2. MUNICIPAL ORDINANCE NO. 22-009: AN ORDINANCE PROHIBITING STRAY DOGS IN PUBLIC ROADS AND OTHER PUBLIC PLACES IN THE MUNICIPALITY OF MAHAPLAG, LEYTE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.**

Attachments:

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- Certificate of Posting dated January 19, 2022;
- Picture of Posting of the two Ordinances in at least three conspicuous places in the municipality.

Thank you and more power.

Respectfully yours,

ATTY. JASON E. ALONZO
Board Secretary



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
-o0o-



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MAHAPLAG, LEYTE HELD ON DECEMBER 19, 2022 AT THE SESSION HALL OF THE MUNICIPAL HALL, BRGY. POBLACION, MAHAPLAG, LEYTE.

PRESENT:

- HON. MYRA P. SOLIS - Municipal Vice Mayor/Presiding Officer
- HON. ARLENE O. GIGANTO - Sangguniang Bayan Member
- HON. CARMELITO C. ALONZO - Sangguniang Bayan Member
- HON. JEFFREY M. RELEVO - Sangguniang Bayan Member
- HON. REYNALDO M. KANEN - Sangguniang Bayan Member
- HON. GLENN H. BARTOLINI - Sangguniang Bayan Member
- HON. HARLIN O. GONZAGA - Sangguniang Bayan Member
- HON. OSCAR S. REALES - Sangguniang Bayan Member

ABSENT:

- HON. AIDA L. DIZON - Sangguniang Bayan Member
- HON. JOSE T. AMARADO II - Ex officio Sangguniang Bayan Member
President, Sangguniang Kabataan Federation
- HON. GOMERCINDO V. RAMOS JR. - Ex officio Sangguniang Bayan Member
President, Liga Ng Mga Barangay

(Handwritten signatures and initials on the right margin)

MUNICIPAL ORDINANCE NO. 22-009

AN ORDINANCE PROHIBITING STRAY DOGS IN PUBLIC ROADS AND OTHER PUBLIC PLACES IN THE MUNICIPALITY OF MAHAPLAG, LEYTE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

WHEREAS, there is an increasing incidence of vehicular accidents caused by stray dogs in public roads and other public places in the Municipality of Mahaplag causing serious physical injuries, destruction of properties, and even causing death, thereby endangering the safety of the motoring public;

WHEREAS, there are also reports of several occurrence of accidental biting by stray dogs to humans especially children, causing serious danger to public health and safety due to the possible transmission of the rabies virus;

WHEREAS, public roads are also littered with rampant dog manures from stray dogs without any concern from the dog owners;

WHEREAS, it is imperative for the local government to act and to put a stop to the culture of complacency over dogs roaming stray in or along public roads and other public places in order to protect the general public against potential road and vehicular accidents, promote public health and safety, and ensure the general welfare of the inhabitants of this municipality pursuant to the General Welfare Clause of RA 7160 otherwise known as the Local Government Code of 1991, to wit:

“Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or

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incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdiction, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among the residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.”

NOW, THEREFORE, the foregoing premises considered, be it ordained by the Sangguniang Bayan of Mahaplag, Leyte in a Regular Session assembled, that:

Section 1. TITLE - This ordinance shall be known as “**An Ordinance Prohibiting Stray Dogs in Public Roads and Other Public Places in the Municipality of Mahaplag, Leyte, Providing Penalties for Violations Thereof and for Other Purposes.**”

Section 2. SCOPE AND APPLICATION - This ordinance shall be applied to all persons within the territorial jurisdiction of the Municipality of Mahaplag, Leyte.

Section 3. PURPOSE OF THE ORDINANCE – This Ordinance is enacted for the following purposes:

- a. To curb the incidents of road accidents involving stray dogs hit by motorcycles and other vehicular accidents caused by stray dogs;
- b. To promote road safety and protect all motorists from the dangers of potential road and vehicular accidents caused by stray dogs roaming in or along public roads;
- c. To curb the incidence of accidental biting by dogs to humans and prevent the transmission of rabies virus;
- d. To promote responsible dog ownership; and
- e. To minimize the littering of dog manures in public roads and other public places.

Section 4. DEFINITION OF TERMS – When used in this ordinance the following terms shall be defined as follows:

- a. **Dog** – refers to any domesticated carnivorous mammal that typically has a long snout, an acute sense of smell, nonretractable claws, and a barking, howling, or whining voice;
- b. **Stray dog** – refers to any dog that is wandering at large, lost, has escaped from proper/intended place, or roams around without fixed direction or purpose. A dog in public places tied to a leash connected to a fixed unmovable object and/or under the control and company of any person of sufficient age and discretion shall not be considered as stray dog.
- c. **Leash** – a strap or cord for restraining and guiding a dog;
- d. **Person** – a human being regarded as an individual and one who is recognized by law as the subject of rights and duties;
- e. **Registered Owner** – the person whose name appear or is reflected on the Official Record of the concerned Barangay Local Government Unit as the owner of the dog.

- f. **Public Roads** – all streets, roads, bridges, highways and other thoroughfares constructed and maintained by the national government or by any local government unit; and
- g. **Public Places** – for purposes of this ordinance, refers to outdoor spaces available for the public or where a crowd of people would gather, that are accessible or open to the public or places for collective use, regardless of ownership, such as, but not limited to, public plazas, playgrounds, sports ground or centers, church grounds, health/hospital compounds, transportation terminals, market, parks, walkways/sidewalks, entrance ways, and the like.

Section 5. REGISTRATION OF DOG OWNERSHIP – All persons in the Municipality of Mahaplag are required to register all their dogs that are at least two (2) months old in their respective Barangay Local Government Unit for purposes of identification, recording of ownership, vaccination, among others.

The Registry of Dog Ownership in the barangay shall include, but is not limited to, the following data:

- a. Name of dog owner;
- b. Signature of dog owner;
- c. Photocopy of a valid identification card of the dog owner;
- d. Name of the dog;
- e. Date of birth of the dog;
- f. Picture of dog;
- g. Breed of the dog;
- h. Color/s or Markings of dog; and
- i. Gender of dog.

Section 6. PROHIBITED ACTS – The following acts shall be prohibited:

- a. It shall be unlawful for any person of legal age to own, keep, or nurture within the premises of his/her residence or establishment any unregistered dog.
- b. It shall be prohibited for any person of legal age to allow, consent, permit, or by negligence cause his/her dog to roam stray in public roads and other public places.

Section 7. PRIMA FACIE EVIDENCE AGAINST THE REGISTERED OWNER OF THE STRAY DOG – The registered owner of a stray dog that is caught in public roads or other public places in violation of this Ordinance shall be presumed as the owner of the said dog. The fact of registration of ownership of the stray dog shall be a prima facie evidence that such registered owner allowed, consented, permitted, or by negligence caused the said dog to roam stray in public roads or other public places, for purposes of attributing liability under this Ordinance against the said registered owner.

Section 8. PENAL PROVISION – Any violation of this Ordinance shall be penalized as follows:

VIOLATION	PENALTY		
	FIRST OFFENSE	SECOND OFFENSE	THIRD AND SUCCEEDING OFFENSES
1. Any person of legal age who own, keep, or nurture within the premises of his/her residence or establishment any unregistered dog.	Fine of ₱350.00 or imprisonment for 10 days, or both at the	Fine of ₱1,000.00 or imprisonment for 20 days, or both at the	Fine of ₱2,000.00 or imprisonment for 30 days, or both at the

	discretion of the court	discretion of the court	discretion of the court
2. Any person of legal age who allowed, consented, permitted, or by negligence caused his/her dog to roam stray in public roads and other public places.	Fine of ₱350.00 or imprisonment for 10 days, or both at the discretion of the court	Fine of ₱1,000.00 or imprisonment for 20 days, or both at the discretion of the court	Fine of ₱2,000.00 or imprisonment for 30 days, or both at the discretion of the court

Section 9. DUTIES OF BARANGAY OFFICIALS AND BARANGAY TANODS – The Barangay Officials and Barangay Tanods are hereby authorized to apprehend stray dogs roaming around in public roads and other public places in their respective barangays and immediately issue Citation Tickets to the registered owner of the apprehended stray dog.

Section 10. CITATION TICKETS – Each Barangay Local Government Unit shall provide their respective Citation Tickets to be issued to the Registered Owners of apprehended stray dogs. Each Citation Ticket shall be signed by the Barangay Captain and it shall have a Control Number.

Section 11. LIABILITY UNDER THE ANIMAL WELFARE ACT OF 1998 – Owners of apprehended dogs who shall neglect to provide adequate care, sustenance or shelter, kill, torture, or maltreat their dog shall be liable under RA 8485 otherwise known as the “Animal Welfare Act of 1998”.

Section 12. APPREHENSION OF STRAY DOGS AND ISSUANCE OF CITATION TICKETS TO REGISTERED OWNERS – The Barangay Officials and Barangay Tanods shall apprehend the stray dogs caught in the act of roaming around in public roads and other public places in their respective barangay, issue Citation Ticket to its registered owner, and return the apprehended dog, in the following manner:

- a. Upon apprehension of the stray dog, it shall be the duty of the Barangay Officials and Barangay Tanods to record the details of the apprehended stray dog in a logbook kept for that purpose;
- b. Thereafter, they shall verify the identity of the registered owner of the apprehended stray dog based on the Registry of Dog Ownership recorded in the barangay;
- c. Thereafter, the barangay shall issue a Citation Ticket against the registered owner of the apprehended stray dog indicating therein the appropriate penalty of fine; and
- d. The apprehended stray dog and the Citation Ticket shall be delivered personally to the registered owner or to any person of sufficient age and discretion residing in the residence of the registered owner.

Section 13. NO CONTEST PROVISION - Any person who is apprehended or cited for violation of this Ordinance and who does not wish to contest the violation and is willing to pay voluntarily the fine imposable upon him/her prior to the filing of the formal charges with the proper court, shall be allowed to pay the appropriate penalty of fine in their respective Barangay Treasurer to avoid being criminally prosecuted within ten (10) days from apprehension. Otherwise, the case shall be prosecuted in court. In the event that the apprehension is held during a Saturday, Sunday, or holiday, the voluntary payment of fine shall be made on the next following working day. All proceeds from the payment of the herein penalty imposed shall accrue to the General Fund of the concerned Barangay Local Government Unit.

Section 14. LIABILITY OF REGISTERED DOG OWNER FOR ACCIDENTS AND DOG BITING – The registered dog owner shall be the person criminally and civilly liable for any vehicular or road accidents and accidental biting caused by the his/her dog.

Section 15. COMPREHENSIVE ANTI-RABIES VACCINATION – The Municipal Agriculture Office is hereby authorized to conduct comprehensive anti-rabies vaccination program for all dogs in the Municipality of Mahaplag.

Section 16. SEPARABILITY CLAUSE - If any provision or section of this ordinance is declared unconstitutional or invalid by a competent court, the other sections or provisions not affected thereby shall continue to be in force and effect.

Section 17. REPEALING CLAUSE - All ordinances, regulations, executive orders, or local rules and regulations which are inconsistent or contrary to the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 18. EFFECTIVITY - This Ordinance shall take effect after fifteen (15) days from the approval by the Municipal Mayor, posting in at least three (3) conspicuous places in the Municipality of Mahaplag, and its publication in the newspaper of general or local circulation.

ENACTED on this 19th day of December 2022 in Mahaplag, Leyte.

APPROVED BY THE SANGGUNIANG BAYAN MEMBERS:

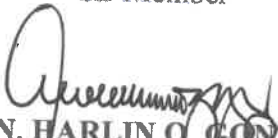

HON. ARLENE O. GIGANTO
SB Member

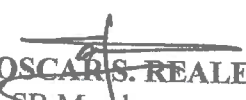

HON. CARMELITO C. ALONZO
SB Member


HON. JEFFREY M. RELEVO
SB Member


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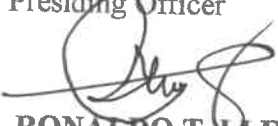

HON. OSCARS. REALES
SB Member

CERTIFIED TRUE AND CORRECT:


ATTY. JASON L. ALONZO
Board Secretary

ATTESTED BY:

HON. MYRA P. SOLIS
Municipal Vice Mayor/ Presiding Officer

APPROVED BY:

HON. RONALDO T. LLEVE
Municipal Mayor
Date of Approval: DEC 22, 2022