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Republic of the Philippines PROVINCE OF LEYTE

Item No.: 12

Date: APR 1 8 2023

APR 1 1 2023 SP Records



PROVINCIAL LEGAL OFFICE



2nd Indorsement March 28, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-03of the SB of Calubi-an, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) of 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, Maintain Peace and Order, and Preserve the Comfort and Convenience of their Inhabitants, authorized under Section 16 of the Code.

ATTY. JOSE RAYMUND A. ACOL Asst. Provincial Legal Officer (12)

Republic of the Philippines
PROVINCE OF LEYTE
-0-

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

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1st INDORSEMENT 23 March 2023

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 2023-03** of the **MUNICIPALITY OF CALUBIAN**, **LEYTE**, for review and recommendations.

FLORINDA JIJU S. UYVICO Secretary to the Sanggunian

SP Records 32323



Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -oOo-

OFFICE OF THE SANGGUNIANG BAYAN

MS. FLORINDA JILL S. UYVICO

Prov'l. Govt. Dept. Head Secretary to the Sanggunian Province of Leyte Legislative Building Tacloban ,City March 23, 2023
SANGGUNIANG PANLALAWIGAN

DE AMAR 2023

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Dear Madam:

We are forwarding herewith Ordinance No. 2023-03 of the Sangguniang Bayan of Calubian, Leyte, entitled: "AN ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED/TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & BRGY. PETROLIO UNTIL BRGY. VILLALON, CALUBIAN, LEYTE" and its supporting attachments, for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte.

Kindly acknowledge receipt hereof.

Thank you.

Very truly yours,

NORMINDAR, RAAGAS SB Secretary



Reputlic of the Philippines Province of Leyte Municipality of Calubian -OoO-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON FEBRUARY 20, 2023 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

VICE MAYOR ANNA LOVE VELOSO-LAURENTE SB MEMBER JULLIAN MARC A. BATIANCELA

SB MEMBER NOEL G. EAMIGUEL SB MEMBER EUGENIO A. CHING, IR. SB MEMBER JULIA E. HALICHIC SB MEMBER ESTER P. LUBIANO

SB MEMBER BENJAMIN A. CALBITAZA SB MEMBER ALYZA F. NIERRAS

SB MEMBER LUCITA A. PALCONIT SK FED. PRES. REMAR L. BELTRAN

LIGA NG MGA BARANGAY PRES. ALFREDO M. CASAS

Presiding - SAllember - db - de -do-PROVINCE OF LEY

- do-

ABSENT:

iga ng mga Barangay Pres.

NONE

Ord. No. 2023 -03

AN ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED / TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY OTHER GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & BRGY. PETROLIO UNTIL BRGY. VILLALON, CALUBIAN, LEYTE & OR VICE VERSA.

BE IT ORDAINED, by the Sangguniang Bayan of Calubian, Leyte in a session assembled, that:

SECTION 1. TITLE: This ordinance shall be known as " ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED / TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY OTHER GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & PETROLIO UNTIL BRGY. VILLALON, CALUBIAN, LEYTE & OR VICE VERSA".

SECTION 2. RATIONALE. A It shall be also the basic policy of the municipality of Calubian, Leyte to regulate and implement traffic rules, policies & regulations for the convenience, security and protection of all concerned residents as provided under Section 447 (a)(5)(vi) of R. A. 7160.

- B. The Sangguniang Bayan of Calubian, Leyte is cognizant of the recent shooting incidents in the municipality which caused to the loss of lives of certain individuals, and the same is unresolved because, for one reason, the perpetrators can not be identified due to the wearing of closed/tainted helmets, bonnets and cloth coverings or gadgets on their faces.
- C. Section 447 of R. A. No. 7160 Powers, Duties, Functions and Compensation xxx provides that the Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall: xxx (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
- D. The Sangguniang Bayan of Calubian, Leyte has come up with a legislation to curtail this kind of serial fire arms shooting incidents and put the perpetrator (s) to pay a price of his / their crimes.

SECTION 3. DEFINITION OF TERMS.

- A. Motorcycle (motorbike, bike, or trike (if three-wheeled)) is a two or three-wheeled motor vehicle steered by a handlebar from a saddle-style seat. It is motorized two-wheeled vehicle used for transporting one or two riders, which is capable of the same speed as that of an automobile and can be licensed for public use;
- B. Motorcycle bonnets or bonnets- a covering of the face used by motorcycle riders against dust and protection from crashes on the roads; It is a protective cover is made of high quality material, which is resistant to dirt and does not affect motorcycle engine speed.;
- C. Motorcycle Helmet is a type of helmet used by motorcycle riders. Motorcycle helmets contribute to motorcycle safety by protecting the rider's head in the event of an impact. They reduce the risk of head injury by 69% and the risk of death by 42%. Their use is required by law in many countries. Motorcycle helmets consist of a polystyrene foam inner shell that absorbs the shock of an impact, and a protective plastic outer layer;
 - D. Closed Helmets- are type of helmets which are closed and has no opening at the front;
- E. Tainted helmets- are those type of helmets with tainted glass or blurred on the front side of the helmet;

SK Fed. President **SB Member** EUGENIO A. CHING, JR. SB Member

A. BATIANCELA

BENJAMIN'A. CALBITAZA SB Member SB Member MARC

motorcycle riders that comply with the specifications issued by the Dept. of Trade & Industry (DTI);

G. Cloth covering or mask - a cloth protection from dirt, dust or virus;

H. Traffic - Movement if cars, motorcycles, trucks, vans, jeepneys, and other motor vehicles along a street, roads, highways or passages, subways, overpass, etc.;

I. Local Roads- refer to provincial roads, municipal and barangay roads;

J. Barangay Roads- refer to other public roads within the barangay and not covered in the definitions of provincial, municipal and city roads;

K. Citation ticket - is issued for the apprehended violator corresponding the amount of fines/ penalty imposed in this ordinance;

L. Traffic signs or signages- are those given symbols or written words in relation to traffic rules & regulations;

M. Municipal Streets - these are the streets or roads within the Town Proper such as San Juan Street, Sta. Felomina Street, San Roque St., Abuno St., San Isidro St., Majait., Seaside St., San Juan Extension and Agas Avenue;

N. Citations Tickets- shall be issued to the apprehended violators corresponding to the fines/

penalty imposed in this ordinance by the duly authorized PNP Officer of Calubian, Leyte;

O. Ord. No.2013- 02 of Calubian, Leyte is known as "The Motorcycle Helmet of Municipality of Calubian, Leyte, Proving Penalties Therefore and for Other Purposes"; O. Ord. No.2013- 02 of Calubian, Leyte is known as "The Motorcycle Helmet Ordinance of the

P. Rider of Motorcycle- a person driving on a motorcycle;

Q. Riding in Tandem – two persons, one driving a motorcycle and the other one, back riding the same motorcycle, either related or not related with each other;

R. Muffler - a device to deaden noise especially : one forming part of the exhaust system of an automotive vehicle or motorcycle; and

S. Metro Calubian - for purposes of this ordinance, comprises the barangays of Cristina Garganera, Veloso, Mahait, Obispo, T. Poblacion, Espinosa, Cabalquinto, F.E. Marcos and Gutosan.

SECTION 5. RESTRICTIONS. Rider or Riding in Tandem of Motorcycles with Closed Reliness & Bonnets, or clothings and any other gadgets that cover his or their faces are hereby prohibited or a restricted to enter and pass through Brgy. Nipa & Brgy. Petrolio until Brgy. Villalon and or vice versa.

SECTION 6. OFFICIAL PASS OF ENTRY & EXIT OF RIDERS OR RIDING IN TANDEM OF MOTORCYCLES. Upon taking out or stripping off of Helmets or Motorcycle Helmets, Bonnets or Motorcycle Bonnets or clothings and or gadgets of Riders or Riding in Tandem of Motorcycles covering his or their faces, an official printed pass for entry & exit duly signed or countersigned by the PNP Personnel delegated for the purpose at Brgy. Nipa & Brgy. Petrolio until Brgy. Villalon, Calubian, Leyte and or vice versa shall now be given & granted. The design and content of the official pass shall be provided by the Calubian Municipal Police Station personnel who are assigned / detailed at the designated checkpoints mentioned in this ordinance.

SECTION 7. SUPPLEMENTARY CLAUSE. The following further enhance the implementation of this ordinance, to wit:

A. Riders or Drivers of the motorcycles shall also o SECTION 7. SUPPLEMENTARY CLAUSE. The following are basic supplementary provisions to

A. Riders or Drivers of the motorcycles shall also observe traffic rules and regulations as imposed by the Calubian PNP Personnel while within the vicinity or premises between the municipal roads of Brgy. Gutosan to Brgy. Obispo, Calubian, Leyte and or vice versa.

B. Riders or Drivers of motorcycles can not operate if they are under the influence of liquor or narcotic drugs while within the vicinity or premises between the municipal roads of Brgy. Gutosan to Brgy. Obispo, Calubian, Leyte and or vice versa.

C. Riders or Drivers of Motorcycles shall likewise observe the Specified Places where parking is prohibited and other related provisions pursuant to R. A. 4136 :

1. Parking prohibited in specified places- No driver shall park a vehicle, or permit it to stand, tether attended or unattended, upon a highway in any of the following places:

i. Within an intersection;

ii. On a crosswalk;

iii. Within six meters of the intersection of curb lines;

iv. Within four meters of the driveway entrance to any fire station;

v. Within four meters of a fire hydrant;

vi. In front of a private driveway;

vii. On the roadway side of any vehicle stopped or parked at the curb or edge of the highway; viii. At any place where official signs have been erected prohibiting parking.

- 2. Driving or parking on sidewalk- No person shall drive or park along any sidewalk, path or alley not intended for vehicular traffic or parking; 2. Driving or parking on sidewalk- No person shall drive or park a motor vehicle upon or
 - 3. Obstruction of Traffic No person shall drive his motor vehicle in such a manner as to obstruct or impede the passage of any vehicle, nor, while discharging or taking on passengers or loading or unloading freight, obstruct the free passage of other vehicles on the highway;
 - 4. There shall be no "double parking" on any streets within the Metro Calubian; and

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ESTER P. LUBIANO \$8 Member

EUGENIO'A. CHING, JR. SB Member

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D. Inspection & Calubian PNP Duty - It shall be the duty of the Calubian Chief of Police to designate or assign Policemen to enforce the inspection of individuals whose identity can not be identified or ascertained, by asking them their valid IDs and or proof of identities. In line thereto, two (2) official PNP Checkpoints shall be established, one located at Brgy. Gutosan, Calubian, Leyte and the other one, located at Brgy. Villalon, Calubian, Leyte.

E. Traffic Volunteers - Civilian Duty for Traffic is hereby enjoined especially those Barangay Tanods within Metro Calubian. Barangay Tanods, to include Brgy. Nipa, Bgy. Gutosan and Brgy. Villalon shall volunteer only to duty in their respective barangay jurisdiction;

- F. Speed Limit There is hereby a speed limit imposed to the following areas:
 - 1. Along the highway in front of the Calubian Central School, CNVS-TESDA, CNHS and MSH Academy 20 kph. max. speed;
 - Within the Town Proper comprising the barangays of T. Poblacion, Cabalquinto, Espinosa, Mahait, Garganera & Veloso - 20 kph. max. Speed;

G. Riders or drivers of motorcycles are prohibited likewise to use motorcycles with cracked, damaged, altered and loud mufflers installed in their respective vehicle from Brgy. Nipa & Brgy. Petrolio to Brgy. Villalon, Calubian, Leyte and or vice versa, in order to avoid unwanted sounds and noise pollution within the premises of the barangays mentioned;

SECTION 8. PENALTY CLAUSE. A. Any person or persons caught in violation of this ordinance, in whole or in part, shall be penalized as follows:

First Violation

: Fine of Five hundred pesos (P 500.00);

2. **Second Violation** : Fine of One thousand pesos (P 1,000.00);

Third or More Subsequent Violations: Fine of Two thousand pesos (P 2,000.00) and imprisonment of one (1) month or upon discretion of the court.

B. Citations Tickets- shall be issued to the apprehended violators corresponding to the fines/ penalty imposed in this ordinance by the duly authorized PNP Officer of Calubian, Leyte. The payment of the amount corresponding the penalty shall be made at the Office of the Municipal Treasurer of the municipality.

SECTION 9. REPEALING CLAUSE - Section 5 of Ord. No. 2013-02 of Calubian, Leyte, also known as "The Motorcycle Helmet Ordinance of the Municipality of Calubian, Leyte, Proving Penalties Therefore and for Other Purposes " is hereby repealed in compliance of this ordinance. All other ordinances or resolutions, local issuances or rules inconsistent with the provisions of this ordinance are hereby repealed, revoked and or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE- If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby, shall continue to be in full force & effect.

SECTION 11. EFFECTIVITY- This Ordinance shall take effect immediately upon approval from the Honorable Sangguniang Panlalawigan of Leyte.

UNANIMOUSLY APPROVED, this 20th day of February 2023 at Calubian, Leyte upon motion of SB Member Jullian Marc A. Batiancela; duly seconded by SB Member Benjamina A. Calbitaza.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

NORMINDA'R. RAAGAS SB Secretary

ATTESTED:

Mun. Vice Mayor & Presiding Officer

APPROVED:

MARCIANO Murl. Mayor

SB Member BENJAMIN

Page 3

CASAS

ESTER P. LUBIANO B Member

SK Fed. President

EUGENIO A. CHING, JR. SB Mem

WARC A BATIANCEL

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Republic of the Philippines Province of Leyte Municipality of Calubian -OoOOFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Mun. Ordinance No. 2023-03, otherwise known as "AN ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED/TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY OTHER GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & BRGY. PETROLIO UNTIL BRGY. VILLALON, CALUBIAN, LEYTE", has been posted in the Bulletin Board at the Office of the Sangguniang Bayan of Calubian, Leyte & other conspicuous places in the municipality since March 14, 2023 and still remain posted for three (3) consecutive weeks.

Given this 16^{th} day of March , 2023 at Calubian, Leyte.

CERTIFIED CORRECT:

NORMINDA R. RAAGAS SB Secretary



Republic of the Philippines Province of Leyte Municipality of Calubian

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Office of the Sangguniang Bayan



SB Committee Report No. 2023-10 A Feb. 20, 2023

SUBMITTED BY : COMMITTEES ON TAX & ORDINANCE & LAW ENFORCEMENT & PEACE & ORDER

SUBJECT

: Prop. Ord. No. 2023-03 entitled " ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED / TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY OTHER GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & PETROLIO

UNTIL BRGY. VILLALON, CALUBIAN, LEYTE & OR VICE VERSA".

SPONSORED BY: HON. BATIANCELA, EAMIGUEL, HALICHIC, CHING & CALBITAZA

SUBMITTED TO: HON. ANNA LOVE VELOSO- LAURENTE, MUN. VICE MAYOR & PRES. OFFICER

The undersigned Chairman, Vice Chairmen & Members of the Committee on Tax & Ordinance and Committee on Law Enforcement & Peace & Order hereby submit to the Honorable August Body, the following committee findings:

- 1. The Prop. Ord. No. 2023- 03 is entitled " ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED / TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY OTHER GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & PETROLIO UNTIL BRGY. VILLALON, CALUBIAN, LEYTE & OR VICE VERSA ".
- 2. The Sangguniang Bayan of Calubian, Leyte is cognizant of the recent shooting incidents in the municipality which caused to the loss of lives of certain individuals, and the same is unresolved because, for one reason, the perpetrators can not be identified due to the wearing of closed/ tainted helmets, bonnets and cloth coverings or gadgets of their faces;
- 3. The Sangguniang Bayan of Calubian, Leyte has come up with a legislation to curtail this kind of serial fire arms shooting incidents and put the perpetrator (s) to pay a price of his / their crimes;
- 4. Section 447 of R. A. No. 7160 Powers, Duties, Functions and Compensation xxx provides that the Sanaguniana Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall: xxx (ii) Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;
- 5. A Public Hearing was held/ conducted for the passage of the proposed ordinance on Feb. 6, 2023 at 2:00 p.m. at the Calubian Sports Complex, in which some Barangay Officials , NGOs, dept. heads & other concerned persons representing some offices of the unit had attended;
- 6. During the Public Hearing, traffic rules and regulations were likewise discussed, like those of minors driving during school days, the use of large sound mufflers of motorcycles which caused noise pollution and disturbance at night and conduct of seminars for all drivers of motorcycle for hire and pedicabs for hire;
- 7. Also, presented during the Public Hearing, essential suggestions that there must be installed CCTV Cameras & Police checkpoints at strategic places in the barangays, and the activation of Barangay Tanods to monitor & report any unwanted incidents in their respective barangays; and
- 8. Majority of the participants present during the Public Hearing favorably supported and favored the approval of the said ordinance;

WHEREFORE, we shall look forward for the approval of this committee report and recommend for the approval of the proposed ordinance, Ord. No. 2023-03 entitled "ORDINANCE PROHIBITING THE ENTRY OF RIDER OR RIDING IN TANDEM OF MOTORCYCLES WITH CLOSED / TAINTED HELMETS & BONNETS OR CLOTHINGS AND ANY OTHER GADGETS THAT COVER HIS OR THEIR FACES UPON ENTERING BRGY. NIPA & PETROLIO UNTIL BRGY. VILLALON, CALUBIAN, LEYTE & OR VICE VERSA".

EUGENIO A. CHING, JR.

Vice Chairmon

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Memher

CALBITAZA BENJAMIN

BATIANCELA

Member

Chair man



Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -000-



OFFICE OF THE SANGGUNIANG BAYAN

FEBRUARY 6, 2023
CALUBIAN SPORTS COMPLEX

ATTENDANCE SHEET OF PUBLIC HEARING ON MUN. ORDINANCE NO. 2023-03 OF CALUBIAN, LEYTE

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Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -oOo-



OFFICE OF THE SANGGUNIANG BAYAN

FEBRUARY 6, 2023 CALUBIAN SPORTS COMPLEX

ATTENDANCE SHEET OF PUBLIC HEARING ON MUN. ORDINANCE NO. 2023-03 OF CALUBIAN, LEYTE

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Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -000OFFICE OF THE SANGGUNIANG BAYAN



FEBRUARY 6, 2023 CALUBIAN SPORTS COMPLEX

ATTENDANCE SHEET OF PUBLIC HEARING ON MUN. ORDINANCE NO. 2023-03 OF CALUBIAN, LEYTE

NAME	DESIGNATION/ POSITION	ADDRESS	SIGNATURE
1. Mendie M. Lucemo 2. Margie H. D. Jacob	Dray secretary	Indad Cul byte	A
3. Gerando S. Pagina 4. MIRA SUMAND	OIC-FRONT	Calubian, left	MHODalgapho
5. FELY D LEVIDICA	Bray. Kagawad	Igang OBISPD	
6. ELISEU C. BETACHE 78 THE MENONS M SVYUN 8. FHOLENA V. CINTES	SIR CLORE II	Town City	1
9. Francine alnipa Bostav 10. Marganita R. Dala	She chamman	Corvyton calupian	PARIA
11. Richiz duntilla 12. HIMPOD T. FIJI	P. barangay	F.E. MARCOS	Hire.
13. ESTER P. CHEMED 14 CHARLOND MAS JANO	3 B Menter	Crum on lour	of north
15. Normindz A. Pragg	SB Sce.	SB SB	Mordon
17. FIJOTHO, CHING JR 18.KAREM T. OMANG	9 B	F. E MARCOS	A A
19. Rechelle Dacallor 20. JRICKU J. ABILAR	DRIVER	CHISTINA CALILLYTE	The state of the s
21: PRECIUS, RYAN L. 22. Induta & arungeny	PHN CHARMAN	Rifu Calubian	Sign.
23. Cristal 1. 741000 24. Gena J. Magay 25 Jenzy B. Mobb	Bray. Knowed	Brogge Cristaia Cal. Leyt	Couled Se.
26. Laly U. Borres 27. 51 MGON W. QUEBER	" TREASURER " Treasurer PROY - Kapten	Bray larmy Cal, Luste Mrs. Patrag Cal. Custe - UK CALPATONOLITHE	Mala
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