

10

Republic of the Philippines
PROVINCE OF LEYTE

Item No.: 10
Date: MAY 16 2023

05 May 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
May 3, 2023

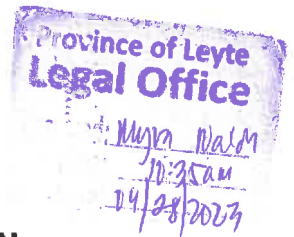
PROVINCE OF LEYTE
Legal Office
JRS
5-5-23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 154 of the SB of Matag-ob, 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, Health and Safety, Maintain Peace and Order, and Preserve the Comfort and Convenience of their Inhabitants"; authorized under Section 16 of the Code. Provided, That, the penalty of "Community Service", does not violate the prohibition under the 1987 Constitution, on INVOLUNTARY SERVITUDE.

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

(Handwritten signature and blue circular stamp)


Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
27 April 2023

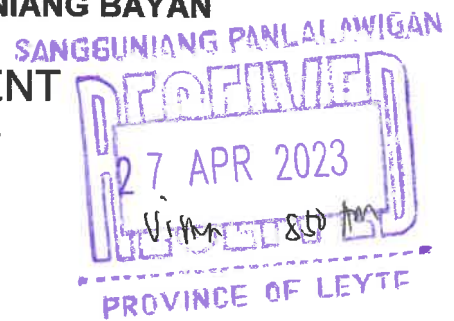
The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **MUNICIPAL ORDINANCE NO. 154 OF MATAG-OB, LEYTE.**


FLORINDA JILL S. UYVICQ
Secretary to the Sangguniah



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

-o-o-
INDORSEMENT
April 17, 2023



HONORABLE LEONARDO "SANDY" JAVIER
Vice-Governor
Presiding Officer
Sangguniang Panlalawigan of Leyte

Sir:

Respectfully forwarding to your good office the herein attached Municipal Ordinance No. 154 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE PROHIBITING ANY PERSON FROM ENGAGING IN DRINKING OF ALCOHOLIC AND INTOXICATING DRINKS, AND SMOKING DURING OFFICIAL AND SOCIAL FUNCTIONS AT ANY PUBLIC PLACES ESTABLISHMENT/FACILITY WITHIN THE MUNICIPALITY OF MATAG-OB, LEYTE.", subject to review by the Sangguniang Panlalawigan.

Respectfully yours,


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN
-o0o-

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that copy of Municipal Ordinance No. 154 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE PROHIBITING ANY PERSON FROM ENGAGING IN DRINKING OF ALCOHOLIC AND INTOXICATING DRINKS, AND SMOKING DURING OFFICIAL AND SOCIAL FUNCTIONS AT ANY PUBLIC PLACES ESTABLISHMENT/FACILITY WITHIN THE MUNICIPALITY OF MATAG-OB, LEYTE.", have been posted in three (3) conspicuous places within the municipality of Matag-ob, Leyte starting from April 5, 2023. It shall continue to be posted therein until the required three consecutive weeks shall have been complied with.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 17th. Day of April, 2023.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANGALAYANIGAN
RECEIVED
27 APR 2023
Vilma 8:40 AM
PROVINCE OF LEYTE

MUNICIPAL ORDINANCE NO. 154
(Proposed Municipal Ordinance No. 164)

AN ORDINANCE PROHIBITING ANY PERSON FROM ENGAGING IN DRINKING OF ALCOHOLIC AND INTOXICATING DRINKS, AND SMOKING DURING OFFICIAL AND SOCIAL FUNCTIONS AT ANY PUBLIC PLACES ESTABLISHMENT/FACILITY WITHIN THE MUNICIPALITY OF MATAG-OB, LEYTE.

Author: Honorable Orlando C. Viacrusis

Be it ordained by the Sangguniang Bayan of Matag-ob, Leyte in regular session assembled, that:

SECTION 1. DECLARATION OF POLICY. It is the policy of the Local Government of Matag-ob, Leyte to protect its citizenry from such activities inimical to their welfare and morals and to safeguard their rights by the maintenance of peace and order in every barangay in this Municipality.

SECTION 2. SCOPE OF POLICY. This Ordinance shall be legal and effective within the territorial jurisdiction of Matag-ob, Leyte.

SECTION 3. DEFINITION OF TERMS. When used in this ordinance, the following terms shall be construed as follows:

- The terms beer, liquor or alcoholic beverages, whether distilled or fermented, such as but not limited to gin, brandy, whisky, beer or other locally fermented wines such as tuba, basi and the like.
- Public Place shall refer to all places accessible to the public such as parks, public playgrounds, waiting shed, sidewalk, public road, alley, other open space outside of residential perimeter fences and other places considered to be a public place under the law.
- Sari-sari Store or similar establishment shall refer to establishment not licensed as restaurant, panciteria, hotel, or bar.

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MUNICIPAL ORDINANCE NO. 154
(Proposed Municipal Ordinance No. 164)
Author: Honorable Orlando G. Viacrusis

April 11, 2023

HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

HON. MARTIN LUTHER P. VELARDE
SB Federation President

HON. RODOLFO N. SUNIR
Haga ng mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member



HON. ROMEO N. ALBARIDA
SB Member

HON. ARLEVIO T. ALMOROTO
SB Member

HON. JOEL V. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

d. Social Functions – a gathering of number of person of people.

SECTION 4. PROHIBITED ACTS.

1. No person shall be allowed to drink and smoke and/or bring beer, liquor, or alcoholic beverages to the dance floor in any social function whether or not while in the act of dancing.

2. The selling and/or serving of beer, liquor, or alcoholic beverages of any kind by a sari-sari store or similar establishment, or by a restaurant, panciteria, hotel or bar, whether licensed or not, to a minor/s is hereby PROHIBITED unless the owner, proprietor, manager and/or person in charge thereof can prove/justify to the fact that said minor/s is under instruction by his/her parents, guardian or person exercising parental authority or supervision over the minor/s, to buy or purchase beer, liquor or alcoholic beverages for the satisfaction of the parents, guardian or person concerned and the allegation/s is corroborated by the minor/s.

SECTION 5. EXEMPTIONS.

1. Minor/s who is/are under instruction to buy/purchase beer, liquor or alcoholic beverage of any kind by his parents, guardian or other person/s exercising parental authority or supervision over the said minor/s.

SECTION 6. PENALTIES AND FINES. Any person found violating any provision of this ordinance shall be penalized as follows:

First Offense – fine of P300.00 or community service of Five (5) hours community service

Second Offense – fine of P500.00 or community service of Eight (8) hours

Third Offense – fine of P1,000.00 and/or imprisonment of Five (5) days or both such fine and imprisonment at the discretion of the court.

SECTION 7. POLICY IMPLEMENTORS.

1. Matag-ob PNP
2. Municipal Mayor
3. Officials
4. Barangay Tanod within their respective Barangay
5. BFP who shall help in the dissemination of information for the effective implementation of this ordinance

SECTION 8. POLICY IMPLEMENTATION PROCEDURES.

a. Due process of law shall always be observed by all policy

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MUNICIPAL ORDINANCE NO. 154
(Proposed Municipal Ordinance No. 164)

Author: Honorable Orlando G. Viacrusis
April 11, 2023

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODOLFO N. SUNIR
Ligtang mga Barangay President

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member



HON. ROMEO N. ALBARIDA
SB Member

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HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

implementation at all times.

- b. Human rights and human dignity of violators shall be observed by the policy enforcers.
- c. Apprehending officials must have proper identification when executing an arrest. Arbitrary detention or solitary confinement shall never be practiced or imposed on the violator.
- d. Immediately after the arrest, the violator/s shall be turned over by the apprehending officer/s to the Punong Barangay, or to the Barangay Kagawad on duty at the Barangay Hall, of the place where the violator/s of this Ordinance was arrested.
- e. The personal circumstances of the violator/s and the surrounding circumstances of the arrest shall be entered in the Book of Entry or Barangay Blotter/journal of the Barangay concerned and or the Matag-ob Police Station as the case may be.
- f. Thereafter, the violator/s will be brought to the Police Station for custodial investigation and/or detention preparatory to the filing of a complaint/information in Court.
- g. Arrest should be executed in courteous, humane and civil manner.
- h. Policy implementor/s is strictly prohibited from inflicting physical and psychological harm to the violator/s before, during and after the execution of the arrest unless the violator resist arrest, hence, the implementor may use methods to effectively enforce this ordinance against the violator.
- i. The doctrine of hot pursuit also applies in this Ordinance.
- j. Once the complaint/information is dismissed by the Court on the ground of lack of interest or negligence to prosecute the case on the part of the arresting officer, a corresponding administrative action may be filed against the Barangay Official/s concerned and/or the Matag-ob Police officer assigned to the case pursuant to the strict and effective enforcement of this Ordinance.
- k. In any event, a resident or residents of the barangay concerned where the violation of this Ordinance was committed shall have the right to file a complaint/information in Court against the violator of this Ordinance only if there is a clear showing that no such complaint/information was filed by the arresting officer despite the completion of the processes involved in the book of entry or barangay blotter of the barangay concerned and/or the custodial investigation of the Police

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SK Federation President

HON. ROMEO P. N. SUNIR
Liga ng mga Barangay President

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SB Member

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MUNICIPAL ORDINANCE NO. 154
(Proposed Municipal Ordinance No. 164)

Author: Honorable Orlando G. Viacrusis
April 11, 2023



station.

SECTION 9. PUBLIC INFORMATION POLICY.

- a. Upon enactment of this Ordinance, an extensive public information drive shall be conducted by all implementing agencies of the policy for its observance and proper implementation.
- b. This Ordinance shall be posted in every barangay unit of this Municipality, police headquarters, courts and all public places in addition to the posting of its copy in at least two (2) conspicuous places in the Municipal Hall.

SECTION 10. REPEALING CLAUSE.

All ordinances, resolutions, local executive orders and/or administrative regulations which are inconsistent with or contrary to any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 11. SEPARABILITY CLAUSE.

In the event or for any reason/s, any part/s, sections/s or provision/s of this Ordinance shall be held or declared be unconstitutional or invalid, the remaining part/s thereof which are not affected thereby, shall continue to be effective and in full force. a

SECTION 12. EFFECTIVITY CLAUSE

This Ordinance shall take effect fifteen (15) days after its posting and publication at any conspicuous places in the Local Government of Matag-ob, Leyte.

ENACTED this 11th. Day of April 2023.

AYES: 10
NAYES: 0

I HEREBY to the correctness of the foregoing Municipal Ordinance No. 154 series 2023, duly enacted by the Sangguniang Bayan of Matag-ob, Leyte.

ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian

ATTESTED:

HONORABLE ROMEO N. ALBARIDA SB Member
HONORABLE ARTEMIO T. ALMOROTO SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

HON. EDUARDO E. TOLEDO
SB Member

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SK Federation President

HON. RODRIGO N. SUÑIR
Liga ng mga Barangay President

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SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member





HONORABLE JOEL N. DENOY ^{UENO} HONORABLE EVANGELINE C. CARNO
SB Member SB Member

HONORABLE ORLANDO G. VIACRUSIS ^{Orlando} HONORABLE EDUARDO E. TOLEDO
SB Member SB Member

HONORABLE PAOLO ANTONIO C. LAURENTE ^{Paolo} HONORABLE RICARDO L. GIVA ^{Ricardo}
SB Member SB Member

HONORABLE RODOLFO N. SUÑIR ^{Rodolfo} HONORABLE MARTIN LUTHER P. VELARDE ^{Martin}
Ex-Officio Member, LnB President Ex-Officio Member, SK Federation President

HONORABLE VINCENT LYNBERN P. TACOY ^{Vincent}
Municipal Vice-Mayor
Presiding Officer

APPROVED:

HONORABLE BERNANDINO G. TACOY ^{Bernandino}
Municipal Mayor

24 APR 2023

Date Signed

HON. ROMEON N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member