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Item No.: 11
Date: MAY 16 2023

Republic of the Philippines
PROVINCE OF LEYTE

SANGGUNIANG PANLALAWIGAN PROVINCIAL LEGAL OFFICE
05 May 2023
PROVINCE OF LEYTE

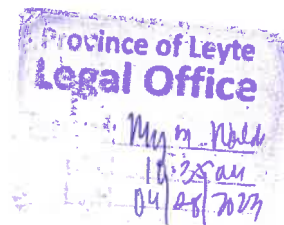
2nd INDORSEMENT
May 3, 2023

Province of Leyte
Legal Office
Date: 5.5.23

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 155 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, authorized under Section 16 of the Code. In relation with Section 444 (b), (vii) and Section 447 (a), (l) (iv) thereof.

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

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. 155 OF MATAG-OB, LEYTE.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



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

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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. 155 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE MUNICIPALITY AND A DANGER OF LOSS OF LIVES BECOMES IMMINENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES.", 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

SANGGUNIANG PANGALAWIGAN

RECEIVED
27 APR 2023

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. ROMEO N. ALBARIDA
SB Member

EXCERPTS FROM THE MINUTES OF THE 15TH REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE LEGISLATIVE SESSION HALL ON APRIL 11, 2023.

MUNICIPAL ORDINANCE NO. 155
(Proposed Municipal Ordinance No. 169)

AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE MUNICIPALITY AND A DANGER OF LOSS OF LIVES BECOMES IMMINENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES.

HON. RODOLFO N. SUÑIR
League of Barangay President

HON. ARTEMIO T. ALMOROTO
SB Member

Author: Honorable Orlando C. Viacrusis

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

WHEREAS, it has been a national policy under Section 2 (a) of RA 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" to uphold the people's constitutional rights to life and property by addressing the root causes of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts;

WHEREAS, the local government units (LGU's) are authorized under Section 16 of the Local Government Code of 1991, otherwise known as the general welfare clause, to "xxx exercise the powers necessary, appropriate, or incidental to the promotion of the general welfare";

WHEREAS, Punong Barangays (Section 389 (b) (6), Municipal Mayors (Section 444(b) (viii), and Governors (Section 465 (b)(vii) are all mandated under the Local Government Code of 1991 to carry such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. JOEL N. DENGY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member

HON. EDUARDO E. TOLEDO
SB Member

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MUNICIPAL ORDINANCE NO. 155
(Proposed Municipal Ordinance No. 169)

Author: Honorable Orlando G. Viacrusis

April 11, 2023



HON. POMPO 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

WHEREAS, LGU's through their local Sanggunian are enjoined under DILG Memorandum Circular No. 2012-35 dated 21 February 2012 to cause the enactment of local ordinances for the implementation of forced evacuation as a resort when a disaster of emergency has been declared and danger of loss of lives is imminent within their areas of jurisdiction;

WHEREAS, the Municipal Government of Matag-ob, Leyte, is highly concerned with and committed at protecting the lives of its constituents at all times and at mitigating the effects of man-made and natural disasters within the locality;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Matag-ob, Leyte that:

SECTION 1. It is hereby declared the policy of the Municipality of Matag-ob, Leyte to protect the lives of its constituents at all times and whenever possible at mitigating the effects of man-made and natural 'disasters within the locality;

SECTION 2. Definition of Terms. When used in this ordinance, the foregoing terms shall be construed as follows:

2.1 "Disaster" - means the result of a natural or man-made event which causes loss of life, injury and property damage, including but not limited to natural disasters such as hurricane, tornado, storm, flood, high winds, earthquake, fire, landslide and other weather related events, and man-made disasters, including but not limited to hazardous materials incidents, explosion, civil disturbances, public calamity acts of terrorism, hostile military action and other events related thereto;

2.2 "Imminent Danger" - means an immediate threat of harm;

2.3 "Evacuation" - means an operation whereby all or part of a particular population is temporarily relocated, whether individually or in an organized manner, from an area in which a disaster or emergency has been declared and is considered dangerous for health or safety of the public;

2.4 "Forced Evacuation" - means an evacuation ordered as a resort when a disaster or emergency has been declared and danger of loss of life is imminent, and conditions exist that critically imperil or endanger the lives of those on a defined area;

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODOLFO N. SUNIR
Liga ng mga Barangay President

HON. RICARDO L. GIVA
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HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO F. TOLEDO
SB Member



HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
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HON. ORLANDO G. VIACRUSIS
SB Member

SECTION 3. Training and Orientation on Disaster Risk Reduction and Management. The Municipal Disaster Risk Reduction and Management Office (MDRRMO) shall organize and conduct training and orientation on the possible natural hazards, man-made, vulnerabilities and climate change risks as well as knowledge management activities on disaster risk reduction and management within the locality at least once during summer as declared by the Philippine Atmospheric and Astronomical Services Administration (PAGASA).

Section 3.1 Trainings, orientations, activities and information dissemination shall be intensified as necessary as possible at the onset of the rainy season declared by PAGASA.

Section 3.2 In the conduct of the aforementioned trainings and orientations, the MDRRMO shall also highlight in BISAYA, the RA 10121 otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC No. 2012-35 dated 21 February 2012 regarding the Guidelines in Ensuring Public Safety during Man-Made and Natural Disaster, this Ordinance; and other laws, rules and regulations on disaster risk reduction and management.

Section 3.3 MDRRMO is encouraged to conceptualize posters, newsletters, brochures and pamphlets regarding disaster risk reduction and management and cause the same to be posted at the conspicuous places of the municipality and/or, if possible, disseminate through radio and TV advertisements.

SECTION 4. FORCED EVACUATION.

Section 4.1 Upon the recommendation of the MDRRMC (Municipal Disaster Risk Reduction and Management Council), the Municipal Mayor shall immediately declare the implementation/enforcement of forced evacuation which shall include but shall not be limited to the following:

- a. The designated area where vehicles provided by the municipal government are waiting to transport local residents to the identified evacuation centers;
- b. Evacuation centers or such places where the evacuated local residents will be temporarily taken;
- c. The necessity of the evacuated residents to stay in the aforesaid evacuation centers until there is another issuance declaring

HON. MARTIN LUTHER P. VELARDE
SK Federation President

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Liga ng mga Barangay President

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SB Member

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MUNICIPAL ORDINANCE NO. 155
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Author: Honorable Orlando G. Viacrusis
April 11, 2023





that the imminent danger within the affected area is no longer there; and;

d. Measures, ensuring the safety of local residents in the evacuation areas.

Section 4.2 Immediately after the declaration of forced evacuation but before actual implementation/enforcement thereof, the municipal government shall see to it that the local residents are informed in local dialect of the need for them to evacuate and that there is no other alternative way to ensure their safety;

SECTION 5. ENLISTMENT OF ASSISTANCE OF OTHER GOVERNMENT AGENCIES. In declaring the implementation/enforcement of forced evacuation, the member of the PNP, AFP and BFP assigned in the affected locality may be enlisted by the Municipal Mayor.

Section 5.1 All emergency measures adopted shall be a coordinative and collaborative effort between the Municipal Government, PNP units and BFP units, AFP.

SECTION 6. REFUSAL OF LOCAL RESIDENTS to Leave Their Homes or After Evacuating, Go Back Therein Without an Order Allowing Them To Do So. In the event that local residents leave their homes or, after evacuating, go back to their homes/affected areas without an order issued to this effect, the municipal government as well as the members of the mobilized units of the PNP, AFP and BFP may use physical force that is commensurate under the circumstances, without discrimination and with conscious attention to the needs of vulnerable sectors such as children, women, the elderly and persons with disabilities, with the end view that lives are safely secured;

SECTION 7. Refusal of Local Residents to abide by the declaration of forced evacuation or after evacuating, go back to their respective homes, without an order allowing them to do so. In the event that local residents refuse to leave their homes insists on going back to their homes/affected areas without an order issued to this effect by the municipal government, the members of the mobilized units of the PNP, AFP, BFP, MDRRMC, and BDRRMC may use such physical force that is commensurate under the circumstances, without discrimination and with conscious attention to the need of vulnerable sectors such as children, women, elderly and person with disabilities, to safely secure their lives.

HON. MARTIN LUTHER P. VELARDE
SK Federation President

HON. RODOLFO N. SUNIR
Liga ng mga Barangay President

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SB Member





SECTION 8. PENALTY CLAUSE. Any person who refuses to comply with a forced evacuation order issued by the Municipal Mayor or those who will return to their homes without an order allowing them to do so during disasters will be penalized:

- a) Fine – P500.00 to P2,500.00
- b) Imprisonment of 5-30 days at the discretion of the court.

SECTION 9. 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.

SECTION 10. REPEALING CLAUSE. All ordinances inconsistent herewith are hereby repealed and/or modified accordingly.


SECTION 11. 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. 155 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

HONORABLE JOEL N. DENOY SB Member
HONORABLE EVANGELINE C. CARNO SB Member

HONORABLE ORLANDO G. VIACRUSIS SB Member
HONORABLE EDUARDO E. TOLEDO SB Member

HONORABLE PAOLO ANTONIO C. LAURENTEHONORABLE RICARDO L. GIVA
SB Member SB Member


HON. MARTIN LUTHER P. VELARDE
SK Federation President


HON. ROBERTO N. SUNIR
Liga ng mga Barangay President

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(Proposed Municipal Ordinance No. 169)

Author: Honorable Orlando G. Viacrusis
April 11, 2023



HONORABLE RODOLFO N. SUÑIR
Ex-Officio Member, LnB President

HONORABLE MARTIN LUTHER P. VELARDE
Ex-Officio Member, SK Federation President

HON. ROMEO N. ALBARIDA
SB Member

HON. ARTEMIO T. ALMOROTO
SB Member

HON. JOEL N. DENOY
SB Member

HON. EVANGELINE C. CARNO
SB Member

HONORABLE VINCENT LYBBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

APPROVED:

HONORABLE BERNARDINO G. TACOY
Municipal Mayor

24 APR 2023

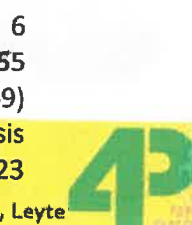
Date Signed

HON. RICARDO L. GIVA
SB Member

HON. PAOLO ANTONIO C. LAURENTE
SB Member

HON. EDUARDO E. TOLEDO
SB Member

HON. ORLANDO G. VIACRUSIS
SB Member






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

THIS IS TO CERTIFY that copy of Municipal Ordinance No. 155 s. 2023 of the Sangguniang Bayan of Matag-ob, Leyte, entitled: "AN ORDINANCE IMPLEMENTING FORCED EVACUATION AS A RESORT WHEN A DISASTER OR EMERGENCY HAS BEEN DECLARED IN THE MUNICIPALITY AND A DANGER OF LOSS OF LIVES BECOMES IMMINENT, PROVIDING PENALTIES THEREFOR AND FOR OTHER PURPOSES.", 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