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Item No.: 10
Date: JUN 20 2023

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

SANGGUNIANG PANLALAWIGAN
14 June 2023
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE
2nd INDORSEMENT
June 5, 2023

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *9:00*
Date: *6.19.23*

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 07 series of 2023 of the City of Baybay, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160.

The Provincial Legal Office is of the opinion that since Baybay City is classified as a "component City", the creation of its own PDAO is within its authority as provided for in R.A. 10070. Furthermore, the power to enact such ordinance is provided for in Sec. 458 (5) (xiv) of the Local Government Code.

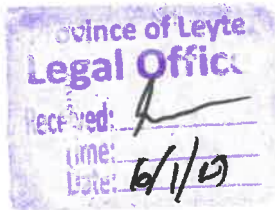
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer *[Signature]*



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
31 May 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **CITY ORDINANCE NO. 07, S. 2023** of the **CITY OF BAYBAY, LEYTE**, entitled: **AN ORDINANCE CREATING THE PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) IN THE CITY OF BAYBAY, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES.**

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

To: Sir,
It needs you countersign
below signature of *[initials]*
6-7-23



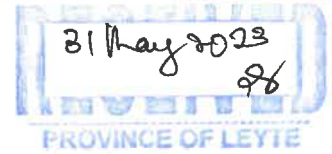


Office of the Sangguniang Panlungsod

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 @ panlungsodsangguniang@gmail.com

6TH SANGGUNIANG PANLUNGSOD

SANGGUNIANG PANLALAWIGAN



CITY ORDINANCE NO. 07, S. 2023
15th Regular Session

“AN ORDINANCE CREATING THE PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) IN THE CITY OF BAYBAY, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES”

Sponsored by: Hon. Jose Rommel A. Peñaranda

WHEREAS, the 1987 Philippine Constitution, in the Declaration of Principles and State Policies, mandates that the State shall promote social justice in all phases of national development;

WHEREAS, Article 13 of the same Constitution includes disabled persons as one of the priority sectors to be given access to essential goods and services at affordable cost and further provides that the State shall establish a special agency for disabled persons for their rehabilitation, self-development and self-reliance, and their integration into the mainstream of the society;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 states that “local government units shall ensure and support among other things, the preservation and enrichment of culture, promote health and safety, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order and preserve the comfort and convenience of the inhabitants”;

WHEREAS, National and Local Government agencies are directed to implement programs and services to ensure the full participation of Persons with Disabilities (PWDs) in all aspects of community life through Republic Act No. 7277, otherwise known as the Magna Carta for Disabled Persons, and later on amended by R.A. No. 9442, R.A. No. 10070 and R.A. No. 10754;

WHEREAS, Republic Act No. 10070, also known as an Act to Establish an Institutional Mechanism to Ensure the Implementation of Programs and Services for Persons with Disabilities in every Province, City and Municipality, mandates the creation of a Persons with Disability Affairs Office in all local government units;

WHEREAS, the Implementing Rules and Regulations (IRR) of RA 10070 signed on August 25, 2016 provides for the mechanism in the establishment of Persons with

Disability Affairs Office (PDAO) and the appointment of a PDAO Focal Person in every local government unit.

WHEREAS, in order to sustain and continuously carry out the task of monitoring, evaluation, data gathering, needs assessment, planning, establishment of production center, creation of job opportunities and advocacy in the City of Baybay; the need for establishing a Persons With Disability Affairs Office (PDAO) to serve as its structural organization for the implementation of the above-mentioned purposes is hereto recommended.

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its 15TH Regular Session duly assembled that:

SECTION 1. Title. This ordinance shall be known as the **PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) ORDINANCE OF BAYBAY CITY.**

SECTION 2. Legal Basis. This ordinance is based on the provisions of Republic Act No. 10070 entitled "AN ACT ESTABLISHING AN INSTITUTIONAL MECHANISM TO ENSURE IMPLEMENTATION OF PROGRAMS AND SERVICES FOR PERSONS WITH DISABILITIES IN EVERY PROVINCE, CITY AND MUNICIPALITY, AMENDING REPUBLIC ACT NO. 7277, OTHERWISE KNOWN AS THE MAGNA CARTA FOR DISABLED PERSONS, AS AMENDED, AND FOR OTHER PURPOSES".

SECTION 3. Rationale. Persons with Disabilities (PWDs) experience various kinds of restrictions in their abilities and are arguably the most disadvantaged sector in the society. Thus, the City Government of Baybay needs to consider the plight of the PWD sector as a priority concern. This ordinance provides a mechanism by which to uphold, promote, and protect the rights and welfare of Persons with Disabilities residing in the City, adopting measures for them to avail the privileges and incentives provided for by law, and ensuring that they are made more proactive, responsible, and productive stakeholders of society.

SECTION 4. Definition of Terms. For purposes of this Ordinance, the following terms shall mean:

- A. PDAO – shall refer to the Persons with Disability Affairs Office
- B. PWD – person with disability
- C. PERSONS WITH DISABILITY/IES (PWDs) – shall refer to those suffering from restrictions of different abilities, as a result of mental, physical and sensory disorder and/or any other handicap/conditions which include but not limited to the following:
 - 1. Visual Disability – one who has impairment of visual functioning even after treatment and/or standard refractive correction, and has visual acuity in the better eye of less than 6/18 for low vision and 3/60 for blind, or a visual field of less than 10 degrees from the point fixation. A certain level of visual impairment is defined as legal blindness. One is legally blind when your best corrected central visual acuity in your better eye is 6/60 or worse, or your side vision is 20 degrees or less in the better eye.
 - 2. Visually Impaired – one who has the inability to perceive light, to count fingers at a distance of three (3) meters in daylight, and with limitation to perform certain visual tasks such as reading, writing and mobility.

3. **Hearing Disability** – one who has moderate or worse hearing impairment in the better ear, that is, the permanent unaided hearing threshold level of the better ear of 41 or 31 decibels or greater in age under 15 years old.
4. **Hearing Impaired** – one who has inability to hear clearly and tell the difference between certain sounds and words (or can hear a little without hearing aid) and or the complete, partial loss of the ability to hear from one or both ears; with 26 decibels or greater hearing threshold, averaged at frequencies 0.5, 1.0, 2.0, and 4.0 kilohertz.
5. **Speech Impaired** – one who has speech difficulty ranging from inability to speak to the ability to speak but not sufficiently clear.
6. **Orthopedically Handicapped** – one who has a physical disability due to bones, joints, tendons and muscles defects such as post-polio, fracture.
7. **Mentally Challenged** – one who has mental retardation, a person who has significantly sub-averaged intellectual functioning resulting in or associated with concurrent adaptive behavior, in coping with any demand of daily life manifested through their sensory motor, communication, self-help, socialization, academic and vocational skills.
8. **Attention Deficit Hyperactive Disorder** – one who has a condition in the brain that makes it difficult to control their behavior.
9. **Persons with Autism** – one who has a lifelong developmental disability which typically appears during the first three years of life resulting from a neurobiological disorder that affects the functioning of the brain and interferes with the normal development in the areas of reasoning, social interaction and communication skills.
10. **Learning Disability** – one who exhibits disorders in perception, listening, reading, writing, spelling and arithmetic and/or any disorder in one or more of the basic psychological or physiological processes (perception, comprehension, thinking, etc.) involved in understanding or in using unspoken or written language.
11. **Mental Disability** – one who has disability resulting from organic brain syndrome (i.e. mental retardation, acquired lesions of central nervous system, or dementia) and or mental illness (psychotic or non-psychotic disorder).
12. **Psychosocial Disability** – one who acquired behavioral, cognitive, emotional or social impairment that limits one or more activities necessary for the effective interpersonal transactions and other civilizing processes or activities for daily living such as but not limited to deviancy or anti-social behavior.
13. **Emotionally Disturbed Person** – one who displays a significant behavior or psychological pattern that deviates from an arbitrary and relative social norm such as aggressive and acting out behavior or withdrawn behavior.
14. **Other Handicap** – one who has circumstances that may give rise to disadvantages, such as problems with cleft palate, harelip, etc.
15. **Multi-Disability** – one who has two or more disabilities such as those with mental retardation and blindness.
16. **Chronic Illness** – words to describe a group of health conditions that lasts a long time. It may get slowly worse over time or may become permanent or it

may lead to death. It may cause permanent changes to the body and it will certainly affect the person's quality of life.

17. Congenital Diseases – diseases existing at and usually before birth that may have a hereditary or non-hereditary cause.

For clarity in coverage, the term Persons with Disability/ies (PWDs) does not distinguish age, race, creed or religious belief, political affiliation, economic, or social status. In addition, PWDs who are also Senior Citizens can have two memberships of the two sectors and may be issued two identification cards as a consequence thereof. Provided, however, that they can only invoke their rights to avail of the benefits, privileges, and incentives provided by law using only one of the two at the time of the availment.

SECTION 5. Role of Local Government Unit of Baybay City. Pursuant to Section 1 of Republic Act No. 10070, amending Section 40 of Republic Act No. 7277, the City Government shall have the following roles, to wit:

- A. It shall promote the establishment of organizations of persons with disabilities (PWDs) in the Barangay level and a federation association for the City.
- B. It may enter into joint ventures with organizations and associations of PWDs to explore livelihood opportunities and other undertakings that shall enhance the health, physical fitness, economic, and social well-being of PWDs.
- C. It shall organize and establish Persons with Disability Affairs Office (PDAO).

SECTION 6. Creation of Persons with Disability Affairs Office (PDAO). There shall be established a Persons with Disability Affairs Office (PDAO) in the City of Baybay which shall be attached to the City Social Welfare and Development Office (CSWDO). The office shall be manned by a sufficient number of employees to ensure the delivery of services to the sector. Preference must be given to qualified persons with disabilities. There shall be no discrimination against a qualified disabled person with regards to job application procedures, hiring, promotion or discharge of employees, employees' compensation, job training, and other terms and conditions of employment.

The appointment to the position of the Head of PDAO shall be subject to the qualification requirements as approved the by Civil Service Commission.

The City Mayor shall appoint a PDAO Officer who shall act as the head of the office. The CSWDO, through its focal person, is task to manage and oversee the operations of PDAO, pursuant to the mandate under RA No. 10070. The City Government may appoint such number of PDAO personnel as are necessary to carry out the functions and objectives of PDAO, subject to fund limitations. For reasons of economy and expediency, interim appointments may be resorted to, and may be drawn from any department or office now existing within the City Government.

SECTION 7. Functions of PDAO. The PDAO shall carry out the following functions, viz:

- A. Formulate and implement policies, plans, and programs for the promotion of the welfare of PWDs in coordination with the City Government and/or National Government Agencies (NGAs);
- B. Coordinate the implementation of the provisions of Republic Act No. 7277 otherwise known as the Magna Carta for Disabled Persons, as amended by Republic Act No. 9442 and Republic Act No. 10070; Batas Pambansa Bldg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level;

- C. Represent PWDs in meetings of the city development council and other special bodies in the city;
- D. Recommend and enjoin the participation of non-government organizations (NGOs), people's organizations (POs) and/or civil society organizations (CSOs) in the implementation of all disability-related laws and policies;
- E. Gather and compile relevant data on PWDs, in coordination with the Barangay Councils and the CSWDO;
- F. Disseminate information including, but not limited to, programs and activities for PWDs, statistics on PWDs, including children with disability, and training and employment opportunities for PWDs;
- G. Submit reports to the Office of the City Mayor on the implementation of the programs and services for the promotion of the welfare of PWDs;
- H. Ensure that the policies, plans and programs for the promotion of the welfare of PWDs are duly funded by the City Government or other entities, private or public;
- I. Monitor fundraising activities being conducted for the benefit of PWDs;
- J. Seek donations in cash or in kind from local and foreign donors to implement and approved work plan for PWDs, in accordance with existing laws and regulations; and
- K. Perform such other functions as may be necessary for the promotion and protection of the welfare of the PWDs

SECTION 8. Organizational Structure of the PDAO. The PDAO shall have at least four (4) personnel on a permanent status.

Head of PDAO/PDAO Officer

- A. Who shall be responsible in overseeing the management and operations of PDAO
- B. Represent persons with disabilities in meetings of local government councils and other special bodies and
- C. Submit reports to the City Mayor on the implementation of programs and services for the promotion of the rights and welfare of persons with disabilities in the areas of jurisdiction.

Three (3) technical/administrative staff who will perform the following tasks:

- A. Planning and formulation/development of programs concerning mainstreaming the disability perspective in the local government unit's projects and activities and development of disability specific programs
- B. Monitoring and implementation of the provisions of this ordinance, Batas Pambansa Blg.344 or otherwise known as the Accessibility Law, and such other relevant laws at the local level
- C. Assist in a day-to-day operation of the office and maintain an updated database on disability and ensure its availability.

Technical and administrative staff maybe appointed by phases or according to plan.

SECTION 9. Position Description of the Head of PDAO. The Head of PDAO shall perform the following duties and responsibilities:

- A. Manage and oversee the efficient operations of the PDAO and general supervision of its personnel;
- B. Develop, promote and monitor the implementation of policies, plans, programs, and services for the development of persons with disabilities in coordination with the City Government and/or other National Government Agencies (NGAs);
- C. Ensure representation of persons with disabilities in the city's local development council and other special bodies;
- D. Build the capacity of non-government organizations (NGOs), people's organizations (POs) and/or Civil Society Organizations (CSOs) interested to participate in the implementation of all disability-related laws, policies and programs;
- E. Establish coordination with the City Government and ensure the inclusion of disability concerns in all local government programs, activities, and services;
- F. Network with local, national and/or international organizations and establish partnerships on disability programs and resource mobilizations; and
- G. Develop and submit to the City Mayor an Annual Work and Financial Plan.

SECTION 10. Positions and Qualifications Standards. The position titles and corresponding minimum qualification standards for the PDAO Officer and his/her staff shall be in accordance with the staffing standards of the City Government as per recommendation by the City's Human Resources and Management Office.

SECTION 11. Publication and Posting Requirements. The PDAO positions shall be subject to the publication and posting requirements under Republic Act No. 7041 otherwise known as "*An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor, and for Other Purposes*". All vacant positions shall be posted and announced in three (3) conspicuous places and published in the CSC Bulletin of Vacant Positions and official website of the City Government for at least fifteen (15) days. The announcement should indicate full details about the vacancy (position title, item number, the full qualification standards required, and the work station).

Compliance with Republic Act No. 10524, An Act Expanding the Position Reserved for PWD, amending for the purpose the 3rd sentence of Section 5 in Title 2, Chapter 1 of Republic Act 7277, as amended, otherwise known as "*Magna Carta for Persons with Disability*", shall be observed and included in the publication. Qualified women with disabilities shall be encouraged to apply.

SECTION 12. Nomination of Head of PDAO. Upon publication of the position, the City Mayor, shall instruct the City Local Government Operations Officer (LGOO) of Baybay, the City Social Welfare and Development Officer, and the President of the local federation/association of persons with disabilities to prepare for a general assembly of persons with disabilities, which shall be conducted on the last day of the posting period.

The general assembly shall nominate at least three (3) qualified applicants for consideration by the Local Personnel Selection Board (PSB) and the City Mayor. The Human Resource Management Officer shall document the proceedings of the General Assembly.

The purpose of the general assembly is to ensure the participation of persons with disabilities in the recruitment process in compliance with Article 4.3 of the UN Convention on the Rights of Persons with Disabilities, and to express the City Government's

recognition of the importance of Persons with Disability Affairs Office in the development of the disability sector.

The general assembly for PDAO shall be open to all persons with disabilities, with or without organizational membership, representatives of civil society organizations working on disability within the LGU, and parents or representatives of children with disabilities. The convenors shall spearhead the conduct of the general assembly with the assistance of the CSWD and shall be responsible in inviting the participants.

However, this provision does not preclude other individuals to apply for the position even if he/she is not a person with disability or he/she is not a member of any organizations involving persons with disabilities, provided that he/she has the minimum qualifications set forth by the City Government.

SECTION 13. The convenors shall then submit the names of the nominees to the Local PSB to comply with the usual hiring and recruitment process such as submission of requirements, interview and short listing in case nominees exceed the least number. PWDs should be represented within the PSB by an employee with disability to be a part of the deliberations. In case there is no employee with disability, the assembly may include nominating a member of the PWD organization as an observer to the deliberations. In short listing or ranking of nominees for appointment, gender balance must be observed.

Upon completion of the requirements and processes set by the Local PSB, the names of shortlisted nominee with ranking shall be submitted to the City Mayor for consideration. The City Mayor shall appoint the head of PDAO within thirty (30) days upon submission of the recommended nominees of the Local PSB.

A temporary appointment may be issued by the city mayor, in case the chosen nominee does not possess the appropriate career service eligibility, subject to Civil Service Law and Rules. The Human Resource Management Officer shall post a notice announcing the appointment issued by the City Mayor in three (3) conspicuous places in the agency within fifteen (15) days from signing.

SECTION 14. Advisory Board. An Advisory Board to PDAO is hereby created to review and provide guidance to the direction and operation of the Office. This Board shall be composed of the following, viz:

- A. The Sangguniang Panlungsod Chairperson of the Committee on Social Welfare as Chairperson of the Board;
- B. The Department Head, City Social Welfare and Development Office (CSWDO);
- C. The Department Head, City Health Office (CHO);
- D. The City Legal Officer;
- E. The Department Head, City Engineer's Office (CEO);
- F. The Department Head, City Budget Office (CBO);
- G. The Department Head, City Planning and Development Office (CPDO);
- H. The President, Baybay Chamber of Commerce and Industry (TCCI);
- I. The President of the Liga ng mga Barangay, or its authorized representative;
- J. The President of Baybay City Federation of Persons with Disabilities (TCFPWD), or its authorized representative;
- K. The City Schools Division Superintendent, Department of Education (DepEd);

SECTION 15. Office Location. The PDAO herein created shall be located preferably within the City Hall compound, in any of its buildings or in a new building that may be constructed in the future. For purposes of greater accessibility and convenience to PWDs, it can also be located in the downtown Baybay City, when office space is available.

SECTION 16. The Role of the Barangays. It shall be the responsibility of the Barangay, through their respective Barangay Health Workers (BHWs), to assist the PDAO in making a comprehensive listing and profile of all PWDs in their respective barangays, including its regular updating, and to allocate and facilitate release of barangay funds accruable to the PWDs in accordance with DSWD Administrative Order No. 13 Series of 2008, in support of barangay PWD association's plans and objectives; and furthermore, to assist PWDs in accessing the benefits, privileges and incentives provided by law.

SECTION 17. The Role of the Private Sector. The Private Sector — NGOs, the private institutions and individuals, the business community, and the civil society organizations (CSOs) — are hereby encouraged to help and support the plans and objectives of PDAO. Private Sector helping any PWD association, or any of its members, shall coordinate with the PDAO head for records and other purposes.

SECTION 18. Budgetary and Financial Requirement. Salaries and wages of personnel, and maintenance and other operating expenses (MOOE) for PDAO shall be drawn from the General Fund. The City Government shall ensure that the necessary fund from any available local revenues is allocated for the implementation of this Ordinance for the benefit of PWDs in the City of Baybay. Section 4 of RA 10070 mandates that LGUs shall ensure that the necessary fund from any available local revenues is allocated for the implementation of the PDAO activities for the benefit of PWDs. For the succeeding years of implementation, PDAO funding shall be included in the City's Annual Plans and Budget. The fund shall be used exclusively for the PDAO, including but not limited to its operational costs, implementation of programs that will promote and alleviate the welfare of the PWDs, and the provision of basic services.

SECTION 19. Separability Clause - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 20. Repealing Clause - All ordinances, rules, and regulations or parts thereof in conflict with this ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this ordinance shall not be impaired.

SECTION 21. Effectivity Clause - This ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Enacted: April 20, 2023
Baybay City, Leyte, Philippines.

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


SIMOUNE L. ASTORGA
SP Member




DR. FULTON IKE C. ARRADAZA
SP Member


JOSE L. BACUSMO
SP Member


FILEMON F. AVILA
SP Member

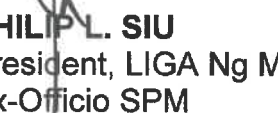

CARMEN L. CARI
SP Member



RAMON RONALD J. VELOSO
SP Member


ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


DOMINIC JUNIE F. MURILLO
SP Member


JORGE V. REBUCAS
SP Member


PHILIP L. SIU
President, LIGA Ng Mga Barangay
Ex-Officio SPM


MARK MICHAEL O. UNLU-CAY
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN C. ENARIDO-VIDALLON
SR Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 5/29/23



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Magsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

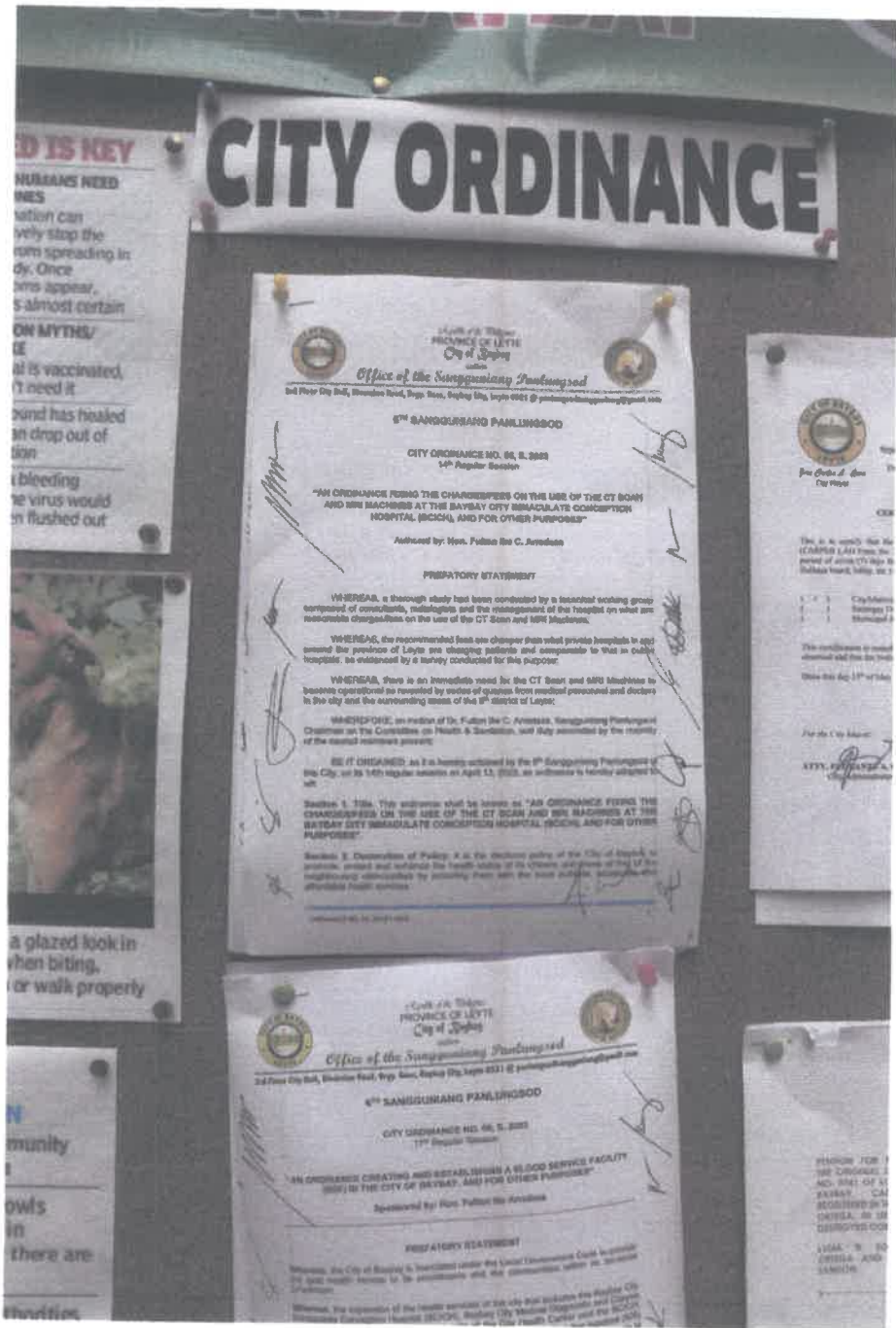
CERTIFICATION

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the **City Ordinance No. 07 s. 2023** "AN ORDINANCE CREATING THE PERSONS WITH DISABILITY AFFAIRS OFFICE (PDAO) IN THE CITY OF BAYBAY, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES". was posted in the bulletin board at Legislative Building and published by the EV Mail.

Issued this 30TH day of May 2023, at Baybay City, Leyte.


ATTY. VIVIAN E. VIDALLON
SP Secretary



NEW BAYBABY CITY HALL BULLETIN BOARD



BAYBAY BUS TERMINAL



BAYBAY TRICYCLE TERMINAL