Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

June 23, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-01 of the Municipality of Hindang, 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 the Ordinance is within the municipality's power to regulate the use of its parks and establish rules and regulations regarding its administration under Section 447(4)(iv) and (5)(v) of the Local Government Code.

ATTY. JOSE RAYMUND A. ACOL
Assa Provincial Legal Officer

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 22 June 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 2023-01** of the **MUNICIPALITY** of **HINDANG**, **LEYTE**, entitled: AN ORDINANCE REGULATING THE OPERATION OF HINDANG SEASIDE PARK ESTABLISHING ITS RULES AND REGULATIONS AND IMPOSING PENALTIES AND SANCTIONS FOR VIOLATIONS THEREOF.

FLORINDA JULYSY UYVICO Secretary to the Sanggunian



Republic of the Philippines Province of Leyte MUNICIPALITY OF HINDANG -oOo-

OFFICE OF THE SANGGUNIANG BAYAN

29 May, 2023

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SANGGUNIANG PANLALAWIGAN

JUN 2 2 2023

PROVINCE OF LEYTE

HON. LEONARDO M. JAVIER, JR.

Vice Governor/Presiding Officer Sangguniang Panlalawigan Province of Leyte

THRU: FLORINDA JILL S. UYVICO

Secretary to the Sangguniang Panlalawigan Province of Leyte

Sir:

I am submitting herewith to your office Sixteen (16) sets of ORDINANCE No. 2023-01 of the Sangguniang Bayan, Hindang, Leyte, RE: "An Ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof", for review and approval of this Body.

Anticipating your favorable action on the matter.

Thank you.

ANNABEL A MABALE Secretary to the Sanggunian



Republic of the Philippines Province of Leyte MUNICIPALITY OF HINDANG

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OFFICE OF THE SANGGUNIANG BAYAN PROVINCE OF LEYTE

EXCERPT FROM THE MINUTES OF THE SANGGUNIANG BAYAN OF

HINDANG, LEYTE, IN ITS REGULAR SESSION HELD ON JANUARY 31, 2023 AT

ORDINANCE NO. 2023-01

THE SB SESSION HALL

Authored by Hon. Mikhael Anne Gelo D. Aboyme

AN ORDINANCE REGULATING THE OPERATION OF HINDANG SEASIDE PARK ESTABLISHING ITS RULES AND REGULATIONS AND IMPOSING PENALTIES AND SANCTIONS FOR VIOLATIONS THEREOF

EXPLANATORY NOTE

The Municipality of Hindang has a new park situated alongside the New Hindang Port Terminal, Brgy. Tabok, Hindang, Leyte. The said park is now famously known as Hindang Seaside Park and is visited by the locals, tourists and visitors from neighboring towns. The Seaside Park has facilities and amenities, especially for the children and for the family, wherein they can enjoy, rest, relax and dine after a day of tedious activities from home and work.

Therefore, it is imperative that the Sanggunian Bayan shall take action to safeguard, preserve, and uphold the park's excellent physical state. Establishing rules and regulations thereof for the usage of the seaside park's facilities would also guarantee that everyone using them, including visitors and tourists as well as residents of Hindang, is equally safeguarded.

BE IT ENACTED by the Sangguniang Bayan of Hindang, Leyte, in its regular session assembled this date, that:

SECTION 1. DECLARATION OF POLICY.

- a. The municipality shall promulgate steps for the seaside park's maximum benefit because it is recognized that it will serve as a place for both family recreation and community gathering.
- b. The seaside park must be overseen and developed by the municipality through administrative and management measures.
- c. The improvement and growth of the park should be supported by private institutions, government and non-government organizations, and civic organizations.
 - **SECTION 2. DEFINITION OF TERMS.** The following terms or phrases shall mean:
- a. Seaside Park shall refer to the park situated at the reclamation area alongside the Hindang Port Terminal overseen and controlled of the Municipality of Hindang.

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- b. Park Facilities shall include but not be limited to playgrounds, gardens, stage, lights and light posts, benches and tables, comfort rooms, sheds, monuments, water fountains, markers and other areas or parts of the seaside park.
- c. Seaside Vendors refers to stall owners and operators of seaside park stalls that are owned, controlled, and supervised by the Municipality of Hindang.
- d. Stalls are permanent structures located at the seaside park that is rented out by the Municipality of Hindang to business owners for the sale of their goods, services and or merchandise.
- e. Event is any celebration, activity or gathering open to the general public or for private function which involves the use of parks or facilities.
- f. Visitor is any person or group utilizing the park for recreation or leisure.
- g. Program is a series of activities, courses or events designed to provide recreational, cultural, educational, leisure or other opportunities done in any public park.
- h. Tourists are people both from other places as well as from the locality who visit the park.
- i. Transient Vendors refers to any person who either as principal or agent engages in a temporary or transient business either in one locality or in traveling from place to place buying or selling goods, wares, or merchandise.
- Itinerant Vendors are any person whether as owner, agent, consignee or employee. whether or not a resident of the municipality who engages in or conducts an itinerant business. Itinerant vendors shall consist of mobile vendors, stationary vendors or peddlers.
- k. Vandalism shall refer to any defacement or destruction of structure or symbol, or any act that willfully and negligently damages property. Vandalism shall also mean those undesirable and unlawful acts of making graffiti, spray painting, cutting of flowers or trees, breaking of light bulbs, placing glue or chewing gums on benches and other similar behaviors.

SECTION 3. ADMINISTRATIVE PROVISIONS

- a. The seaside park shall be managed by the General Services Office (GSO) of the Municipality of Hindang whose functions include the following:
 - a. Evaluation and inventory of Seaside Park and its facilities.
 - b. Overseeing the cleanliness and maintenance of the seaside park.
 - c. Recommend projects for the improvement and development of the seaside park in coordination with the Municipal Tourism Council.
 - d. Report untoward incidents that resulted to damage of property for proper documentation.
 - e. Enforcing the provisions of this ordinance.

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- b. There shall be designated Seaside Park Administrator to oversee the activities, operations and maintenance of the seaside park and its facilities.
- c. GSO through the Seaside Park Administrator, shall submit a status report within the first month after the effectivity of this ordinance and shall submit a monthly monitoring report to the Municipal Mayor and furnish a copy to the Committee on Tourism, Beautification, Culture and Arts of the Sanggunian Bayan.

SECTION 4. RULES AND REGULATIONS. The following conditions in this provision shall govern the use of the seaside park and its facilities:

- a. Visitors and tourists are expected to abide by all local rules observed in the Municipality of Hindang as well as their initiative to help preserve the seaside park and park facilities.
- b. The general public may use the seaside park as long as it is kept clear and unconstrained, but it may not be utilized or occupied for any activity other than leisure and recreation.
- c. Pets are allowed in the seaside park, however, any unwanted discharge by the pets is responsibility of the visitors/tourists/owners bringing the said pets.
- d. Attires that constitutes indecent exposure is prohibited on the premises of the seaside park.
- e. Temporary erection of booths and stalls is hereby allowed only for official activities sponsored by the municipality during special occasions such as founding anniversaries, local fiestas, trade fairs, etc.
- f. Transient vendors and itinerant vendors such as ice cream vendors, street food carts, etc. may be allowed to operate in a specific assigned area of the seaside park, provided that they pay applicable fees and taxes for the exercise of their occupation or business, and provided further that they shall not set up permanent or semi-permanent stalls or structures within their assigned area for the advancement of their trade.
- g. Existing rules and regulations shall be observed during the conduct of any events or activities in the seaside park and its facilities.
- h. The seaside park has designated areas where smoking is permitted. Signage and cigarette waste bins will be available in these areas of the seaside park.

SECTION 5. PROHIBITED AND REGULATED ACTS. The following acts are considered as prohibited and shall constitute a violation of this ordinance, to wit:

- a. Possession or discharge of any explosives, weapons, firearms, air guns or firecrackers or throwing stones are strictly prohibited.
- b. Committing of any form of vandalism, damaging, misusing, removing and or putting anything that desecrate and alter the physical appearance on any park facilities.
- c. Smoking in non-smoking areas.

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- d. Engaging in disorderly behavior or creating disturbance in the public is strictly prohibited, including performing or attempting to perform acts that tend to offend or violate public morals and customs.
- e. Deposition of any article or waste of any kind in any area of the Seaside Park and improper disposal of waste products.
- f. Defecating and urinating under the trees, walls, playground and other structures including landscapes or anywhere within the seaside park.
- g. Using the seaside park in engaging in illegal drug activities.
- h. Cutting, chopping or destroying plants, trees or any ornamental plants or flora for landscaping and beautification of the seaside park without authority or causing acts that tend to destroy their original setting.
- i. Gambling or playing any games of chances.
- j. Blocking of water fountains and sprinklers including throwing of items such as coins, stones and etc.
- k. No person shall park any motorized and unmotorized vehicles in any part of the seaside park except in designated parking areas.
- No person shall wash, clean, polish or repair any vehicle inside the premise of the seaside park.

SECTION 6. STALL MANAGEMENT. The following conditions in this provision shall govern the use of stalls in the seaside park, including the manner of operation that seaside vendors should adhere.

- a. In order for the seaside vendors to operate, the required permits from the national and municipal governments must be complied with and renewed appropriately. The LGU has the right to revoke its permit to operate the stall if compliance is not fulfilled.
- b. Seaside vendors should observe proper food handling and sanitation to avoid food contamination that could lead to foodborne diseases.
- c. As part of attaining food safety, all stall personnel are required to wear mask, hairnet and gloves in handling food at all times.
- d. Operating of any forms of videoke are strictly prohibited. However, seaside vendors are allowed to put up their own sound & entertainment system in their premises provided that it will not disturb its adjacent stalls and its customers.
- e. No stalls in the seaside park should remain open past midnight on, Mondays, Tuesdays, Wednesdays, and Thursdays (12:00 a.m.). On Fridays, Saturdays and Sundays, however, seaside vendors are allowed to operate their stalls until 2:00 o'clock AM.
- f. Selling of cigarettes and liquors to minors are strictly prohibited.

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- g. Seaside vendors are not allowed to build or put anything that will obstruct or cover the view of their adjacent stalls or anything extraneous to the seaside park. That includes, but not limited to, any kind of permanent structures, unauthorized streamers, and other marketing collateral.
- h. Seaside vendors are only allowed to put temporary umbrellas, tables and chairs in their designated area of operation.
- i. On Fridays, Saturdays and Sundays, seaside vendors are free to utilize the stage at the seaside park for the sole purpose of providing entertainment for their customers with the following conditions:
 - a. All performers are required to wear shoes and attire that will not constitute indecent exposures.
 - b. AUDIENCE PARTICIPATION. Visitors and guests are prohibited to perform with the performers or band to avoid incidents that could hamper the peace and order of the seaside park.

Other event than that shall require fees and permit from the Office of the Municipal Mayor.

j. Seaside vendors should always adhere with the municipality's waste management programs such as proper disposal and segregation of waste.

SECTION 7. PARKING MANAGEMENT. The following conditions are made to provide secure space for the service vehicle of seaside park's visitors and tourists:

- a. Motorcycles and vehicles should only be parked at designated parking areas of the seaside park at all times. There are two (2) areas for parking available: the free parking and pay parking area.
- b. There should be NO OVERNIGHT PARKING allowed for all parking areas of the seaside park.
- c. The Municipality of Hindang shall impose parking fees for every motor vehicle parked at designated pay parking area of the seaside park. The following parking fees shall be imposed:

VEHICLE TYPE	PARKING FEE	
Motorcycle	Fixed rate of Php 50.00	
Light Vehicles (Cars, SUVs & Pick-up)	Fixed rate of Php 100.00	

- d. The Municipal Treasurer or his/her authorized representative is hereby empowered to collect herein the parking fees stated in this ordinance and to regulate the operation of the said parking area
- e. Seaside vendors shall be permitted to park one (1) vehicle at the pay parking area for free provided that the said vehicle has a gate pass from the Seaside Park Administrator or from the Municipal Treasurer's Office.

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f. The area near the children's playground and pathway near the benches in the seaside park shall be off-limits to any type of vehicle and shall be cordoned to avoid untoward incidents involving pedestrians.

SECTION 8. COMFORT ROOM MANAGEMENT. There shall be fees collected for the use of the municipal owned comfort rooms located at Hindang Seaside Park, the following fees shall be as follows:

Туре	Fee	
Urinate "Pag-ihi"	Php 5.00	
Defecate "Pagdumi"	Php 10.00	

SECTION 9. ACTIVITIES REQUIRING SPECIAL PERMITS. While the use of the seaside park is free, the conduct of any event shall require a permit from the office of the Municipal Mayor that is endorsed by the Park Administrator prior to the use of the seaside park to enable the municipality to take necessary security measures, in cases where the event is likely to cause peace and order concerns.

Some of the following programs and activities that require special permits are:

- a. Special events, such as club gatherings, picnics, weddings, demonstrations, theatrical or entertainment performances and concerts, or any gatherings involving group of 50 or more people.
- b. Commercial activities
- c. Erecting any type of permanent or temporary art.
- d. Posting of signages, banners, posters or notices or any advertising devices.
- e. Use of seaside park's stage for private events and gatherings shall require permit from the Office of the Municipal Mayor with the following rental fee condition shall be imposed for electricity and maintenance purposes:
 - a. One Thousand Five Hundred Pesos (Php1,000.00) for the first four (4) hours
 - b. Two Hundred Fifty Pesos (Php250.00) for the succeeding hours.

SECTION 10. PENAL PROVISION. Any person or group of people who violate any of the provisions of this ordinance will be issued a ticket and fined the following:

OFFENSE	PENALTY
First offense	Php 500.00 or community service for one (1) day
Second offense	Php1,000.00 or community service for five (5) days
Third offense	Php2,500.00 or community service for 10-15 days depending on the
	gravity of the offense committed.

SECTION 11. SEPARABILITY CLAUSE. If any section or portion of this ordinance is declared unconstitutional or invalid by a competent authority, the other sections or provisions hereof which are not affected shall continue to be in full and effect.

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SECTION 12. EFFECTIVITY. This ordinance shall take effect after posting in three (3) consecutive weeks of publication by way of posting copies of the bulletin board of the Municipal building and in at least two (2) conspicuous places in the municipality of Hindang, Leyte.

ENACTED this 31st day of January, 2023 by this Sanggunian in its regular session held for the purpose at the SB Session Hall, this Municipality, with the following votes:

Yes (9)

No (0)

Abstain (0)

JOSE NAPOLEON D. MONTERO SB Member

LEONIDA A. CAVITE

SB Member

(On leave) **ROMULO D. BASAÑEZ**

SB Member

BENEDICTÓ . YANOLA

SB Member

SERAFIN A. CAVERO

S& Member

SORIANO B. DELALAMON

SB Member

SALVADOR E. BAÑEZ, JR.

SB Member

ABSALON A. BARDOS

LIGA Pres-Dx Officio Member

JESSA MO SK Federation Pr & Officio Member

CERTIFIED TRUE & CORRECT:

ANNABEL A. MABALE Secretary to the Sanggunian

ATTESTED:

ELPÍDIO B. CABAL, JR.

Municipal Vice Mayor Presiding Officer

APPROVED:

Municipal Mayor

PUBLIC HEARING on the proposed ordinance, RE: "An ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof"

Name	Barangay	Gender Male Fei	0
Angelian Lopez	Capudlo enn	Ŧ	- Aloper
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Coursen J. jiran	Pob e	7	4p/
VICTORIANO A. DELOKMON	BM DOZX	m	PT
MUC PLOMED N. ARASO LA	POB 1	M	48

PUBLIC HEARING on the proposed ordinance, RE: "An ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof"

Name	Barangay		der Signature Female
IMBOY CIRISTINO	1004001	M	
ILLETALO	TAPOU	*	abelebajo
JELEN WWANDAC	TAROLL	†	Moder
SHAUE PMANDRAS	TABOK	M	
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PUBLIC HEARING on the proposed ordinance, RE: "An ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof"

Name	Barangay	Gender Male Female	- 0
MARNEN JOSCENTA. SALAG	WEARE POBZ.	H	6
MARY JEAN BALIÑA	TABOK	<u> </u>	Sup-
Mitting Gran C. Jakhua	Pab 2	<u> </u>	el wan
Stanlie C. Tabiolo	Mabagon	<u> </u>	J.
Tarun, Artyn C	In Vicente	Ŧ	Jfarum
Ryan Jey R. Esterba	<u>lob. 1</u>	m	Gal.
Michelle Amado	Habagon	<u> </u>	1. foods
June Rino Sancher	Talook	M	Paris .
April Mae Phaco	Bon toc	<u></u>	Thing.
John Justine Cristino	Bontoe	M	
James A. Almene	Malongon	M	Jahrein
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Ana Mane Berin	Bontoc	F	Beun.
CAREON CARREON	TAGOIDI	F	Ju .
Cecil Tongput	TAGBIBI	ŧ	97
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Evelyn Abendja	Andon	F	E Asengia

PUBLIC HEARING on the proposed ordinance, RE: "An ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof"

Name	Barangay	Gender Male Female	Signature
ETHEN R CAG	XLX TROOK		A
JOVANIE B. BOOM	har DaGISIAI	Male	652
RUEL XI. RECRETO	XHAHAW - PB	<u> </u>	OUR
Onguina B. Barlo	Capudlo San - PB	F	Barlo
Primo A. Sarra		F	(John
Cresencia M. No	to han Mahilum PB	<u> </u>	Ø
	HAASW - PB	4	
Rosela P. Baliña	e Bulacan Kaguwar	F	Amalia
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Republic of the Philippines Province of Leyte MUNICIPALITY OF HINDANG -oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that ORDINANCE NO. 2023-01 of the Sangguniang Bayan, Hindang, Leyte, RE: "An Ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof", had been correspondingly posted in three (3) conspicuous places of the Municipality as prescribed under the Local Government Code of 1991 otherwise known as Republic Act 7160.

GIVEN this 29th day of May, 2023 at Hindang, Leyte, Philippines.

ANNABEL A. MABALE Secretary to the Sanggunian



Republic of the Philippines Province of Leyte MUNICIPALITY OF HINDANG

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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a PUBLIC HEARING was actually conducted last December 07, 2022 relative to ORDINANCE NO. 2023-01 of the Sangguniang Bayan, this Municipality, RE: "An Ordinance regulating the operation of Hindang Seaside Park establishing its rules and regulations and imposing penalties and sanctions for violations thereof", as prescribed under the Local Government Code of 1991.

THIS CERTIFICATION is issued in compliance with the requirements as provided for under Republic Act 7160.

GIVEN this 29th day of May, 2023 at Hindang, Leyte, Philippines.

ANNABE ... MABALE Secretary to the Sanggunian

Encl: a/s