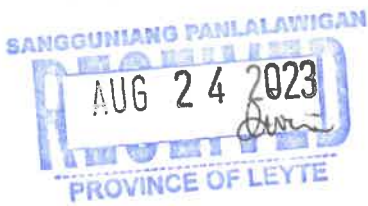


12

PROVINCE OF LEYTE  
Palo, Leyte

Item No.: 12  
Date: SEP 05 2023

**PROVINCIAL LEGAL OFFICE**



2<sup>nd</sup> INDORSEMENT  
August 24, 2023



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2 series of 2023 of the Sangguniang Bayan of Capoocan, 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, an exercise of the power to regulate establishments that pertain to funeral and burial services in relation to the public cemetery owned by the municipality as provided for under Section 447(4)(ix) and (5)(v) of the Local Government Code respectively. It is also noted that the penalties provided in the ordinance conforms to the standards provide for Section 447(1)(iii) of the Code.

**ATTY. JOSE RAYMUND A. ACOL**  
Asst. Provincial Legal Officer 

PLO

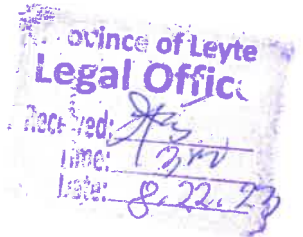


Republic of the Philippines  
**PROVINCE OF LEYTE**  
Tacloban City



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**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**



**1<sup>st</sup> Endorsement**  
22 August 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations, on the herein enclosed **ORDINANCE NO. 2, SERIES OF 2023 OF CAPOOCAN, LEYTE, ENTITLED: " CEMETARY CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE."**

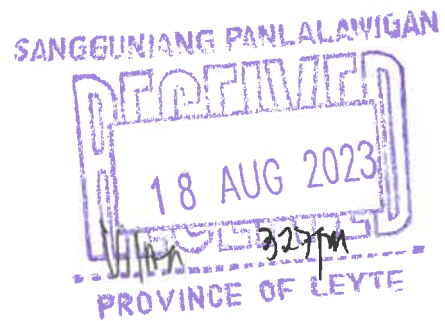
  
**FLORINDA JILI SUYVICO**  
Secretary to the Sanggunian

9  
SP RECORDS  
8222023



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Capoocan  
**Office of the Sangguniang Bayan**

✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138



August 11, 2023

**THE HONORABLE BODY**

Sangguniang Panlalawigan  
Legislative Building  
Capitol Grounds  
Tacloban City

Dear Gentlemen / Mesdames:

Good Day!


Submitting herewith, **ORDINANCE NO. 2, Series of 2023, "CEMETERY CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**, with the following attachments:

1. Minutes of the Public Hearing
2. Public Hearing Attendance
3. Certification that the proposed ordinance was posted at conspicuous places.
4. Certification that a Public Hearing was conducted regarding the proposed ordinance.

For your review and approval.

Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,

  
**JUDE N. DELA TORRE**  
*Secretary to the Sanggunian*



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Capoocan  
Office of the Sangguniang Bayan

✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138



SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 47<sup>th</sup> REGULAR SESSION  
HELD ON MAY 16, 2023 AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

**ORDINANCE NO. 2, Series of 2023**

**CEMETERY CODE OF THE MUNICIPALITY  
OF CAPOOCAN, LEYTE**

**SPONSOR: HONORABLE EMMANUEL D. ARBOSO**  
**CO-SPONSORS: HONORABLE VON LITO Q. VALLAR**  
**HONORABLE ALLAN B. EGANO**  
**HONORABLE FEDERICO P. CAROLINO, JR.**  
**HONORABLE FLORENCE R. CAROLINO-MISAGAL**

**WHEREAS**, Republic Act 7160 otherwise known as the Local Government Code of 1991 has provided additional meaning and direction for local governmental entrepreneurial activities specifically along the operation of local public utilities and facilities. The Code declares that *“the State shall guarantee and promote the autonomy of local government units to ensure their fullest development as self-reliant communities and make them more effective partners in the pursuit of national development and social progress”*. This is in furtherance to the constitutional mandate which provide that *“each local government unit shall have the power to create its own sources of revenue and to levy taxes”* to ensure their viability and self-sufficiency.

**NOW, THEREFORE**, be it ordained by the Sangguniang Bayan of the Municipality of Capoocan, Leyte in session duly assembled, that:

**SECTION 1. Establishment, Administration and Operation.** The Municipality of Capoocan, Leyte pursuant to the existing laws and legal procedures, shall have the authority to establish, maintain and operate a public cemetery within its territorial jurisdiction.

**SECTION 2. Scope of Operation.** Within its jurisdiction, the Municipality of Capoocan, Leyte shall have the power to administer, operate, impose and collect reasonable public cemetery fees and other charges for occupancy and the use of other facilities such as the Mortuary Chapel in the cemetery. **This Code shall be applicable to current and future public cemeteries owned and operated by the Municipal Government of Capoocan, Leyte.**

**SECTION 3. Definition of Terms.** As used in this Code the following terms shall be interpreted as follows:

a. **Cadaver Niche or Cemetery Tomb** – the concrete niches intended to accommodate cadavers inside coffins above ground interment. It shall be of three classifications: for adults, for children, and for infants or toddlers. Cadaver Niches maybe constructed along the perimeter lines of the cemetery which will serve as cemetery perimeter fence.

b. **Common Bone Depository** - a place which shall serve as a common depository area for unclaimed exhumed skeletal remains.

c. **Caretaker** – the personnel assigned at the Municipal Public Cemetery to take charge of the management thereat.

- d. **Tomb Occupancy Permit** – a permit granted after payment of a fee for the use of the cemetery tomb. The family or authorized representative will be notified six (6) months in advance before the expiration of the Contract.
- e. **Burial Permit** – a permit issued to the requesting party by the Sanitation Inspector as designated by the Municipal Health Officer.

**SECTION 4. Officers of the Municipal Public Cemetery.** The Officers of the Municipal Public Cemetery are as follows:

- a) **Cemetery Supervisor.** He shall have supervisory authority over all personnel who are involved in the operation of the cemetery. He is empowered to enforce the rules and regulations of the cemetery. The supervisor is under the direct control and supervision of the **Vice-Chairman of the Municipal Public Cemetery Committee.**
- b) **Cemetery Collector.** He shall have the authority to collect or receive payments for fees and other charges under the supervision of the Municipal Treasurer.
- c) **Municipal Public Cemetery Committee.** The Municipal Public Cemetery Committee is hereby created to be composed of the following:

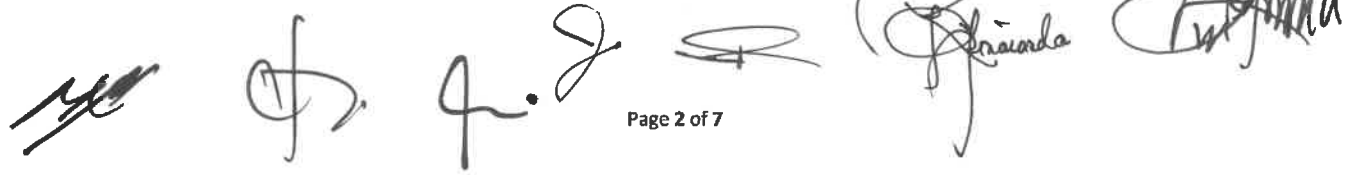
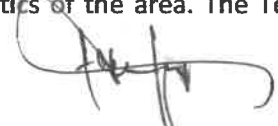
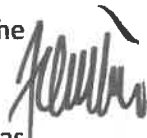
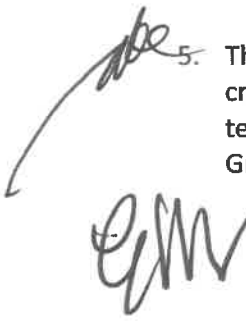
**Chairman:** Municipal Mayor  
**Vice-Chairman:** Municipal Treasurer/Municipal Civil Registrar  
**Members:**

- 1. Cemetery Supervisor
- 2. SB Committee Chairman on Trade, Commerce and Industry
- 3. Municipal Planning & Development Coordinator
- 4. Municipal Health Officer/Sanitation Inspector
- 5. Municipal Environmental and Natural Resources Officer
- 6. Municipal Engineer
- 7. Municipal Assessor



**SECTION 5. Functions of the Municipal Public Cemetery Committee.** The Municipal Public Cemetery Committee has the following functions:

- 1. To conduct periodic evaluation and **inventory** of the facility to determine the sanitation, orderliness and other relative issues on the cemetery management;
- 2. To recommend to the Sangguniang Bayan such measures or actions as maybe necessary in the resolution of problems, issues, concerns or measures in connection with the management of the cemetery;
- 3. The Committee is responsible to come up an approved design for the fiscal management of the cemetery operations;
- 4. The Municipal Public Cemetery Committee shall conduct a regular **quarterly** meeting or as often as necessary;
- 5. The Municipal Public Cemetery Committee shall create a Technical Working Group responsible for the crafting of the Cemetery Master Plan. The plan should be cohesive, optimizing land utilization with long-term sustainability, and it should improve the overall aesthetics of the area. The Technical Working Group shall be composed of the following:
  - a. Municipal Planning and Development Coordinator
  - b. Municipal Assessor
  - c. Sangguniang Bayan Member – Chairman, Committee on Ordinance and Legal Matters
  - d. MENRO
  - e. Municipal Surveyor
  - f. Project Development Officer



**SECTION 6:** The Municipal Mayor shall assign a cemetery caretaker to perform the following functions:

1. Monitor the construction of tomb/pantheon, making sure to report immediately to the Municipal Engineer any deviations on the specifications and designs as provided for under this Ordinance.
2. At all times, he/she shall maintain cleanliness and orderliness inside the public cemetery.
3. All applications and inquiries shall be immediately referred to the office of the Municipal Treasurer.
4. Perform such other duties and functions as may be prescribed by existing ordinances and ordinances that may hereinafter promulgated by the Sangguniang Bayan.

**SECTION 7.** The Municipal Treasurer or her authorized representative/s shall submit to the Municipal Mayor a quarterly progress report, and shall include the following:

1. Lots required and lots reserved
2. Number of cadavers buried
3. Expenses and collections
4. Suggestions and comments from the public
5. Performance evaluation of the caretaker
6. Other issues and concerns

**FISCAL MANAGEMENT**

**SECTION 8.** All rental charges or fees as set within this Code shall increase automatically by ten percent (10%) every five (5) years.

**SECTION 9.** The financial management which includes revenue collection, expenditures/disbursements and control shall be governed by the Existing Government Accounting and Auditing Rules and Regulation.

**SECTION 10.** All collection of fees and charges from the operation, management and administration of the Municipal Public Cemetery shall constitute a separate special account under General Fund.

**SECTION 11.** Burial Permit Fees and Other Fees. The burial permit fees and other fees enumerated herein shall be paid at the Municipal Treasurer's Office through the Municipal Civil Registrar's Office as follows.

**CAPOOCAN PUBLIC CEMETERY**

- **Construction of Tombs and Canopies, Mausoleums and Niches in Cemetery and Memorial Parks:**

**Cost/Square Meter**

Plane tombs, cenotaphs or monuments without backdrop wall, canopy or roofing,	
canopied tombs, whether partially or totally roofed over, per sq. m. of covered area	- 3.00
Semi-enclosed mausoleums, whether canopied or not, per sq. m. of built-up area	- 4.00
Totally enclosed mausoleums per square meter floor area	- 8.00
Multi-level interment niches per square meter of floor area per level	- 3.00

### CEMETERY CHARGES

**Section 12.01. Imposition of Fees.** There shall be collected the following rental fees for the rental of Municipal Cemetery lots.

	Rental Fee Per Year
(a) Rental fee for each burial lot	200.00
(b) For every additional layer thereof	100.00
(c) For inches	100.00

An advance payment of **Six Hundred Pesos (Php600.00) equivalent to a three-year lease period** shall be collected upon application for the use of cemetery lot.

**Section 12.02. Time of Payment.** The fee shall be paid to the Municipal Treasurer upon application for a burial permit prior to the construction thereon of any structure whether permanent or temporary, or to the interment of the deceased. Thereafter, the fee shall be paid within twenty (20) days before the expiration of the lease period.

The fee shall not be collected in a pauper's burial, upon recommendation of the Municipal Mayor.

**Section 12.03. Administrative Provisions.**

- (a) A standard cemetery lot shall be three (3) meters long and one (1) meter wide or three (3) square meters.
- (b) Except in cases allowed under existing laws and regulations, no person may be buried or interred, permanently or temporarily, other than in properly designated cemeteries or burial grounds.
- (c) In addition to the burial permit, a Certificate of Death issued by the attending physician or Municipal Health Officer, or, if no Medical Officer is available, by the Municipal Mayor, or any member of the Sangguniang Bayan, or by the Municipal Secretary shall be required. *(Section 91 of PD No. 856).*
- (d) Any construction of whatever kind or nature in the public cemetery whether for temporary or perpetual use, shall only be allowed after the approval of a permit issued by the Municipal Mayor, upon recommendation of the Municipal Health Officer.
- (e) The lease period shall be three (3) years. In case a lessee intends to renew the lease after its termination, he/she must inform the Municipal Treasurer within thirty (30) days before the expiry date of the lease, and shall pay the corresponding fees therefor.
- (f) It shall be the duty of the Municipal Treasurer to prepare and submit to the Municipal Mayor a list of the leases that are to expire five (5) days prior to the expiration date. The Municipal Treasurer shall send a reminder to the lessee of the expiration of his lease, **one month** prior to the expiration date of the lease.

*The Municipal Treasurer shall keep a register of leases of cemetery lots.*

**SECTION 13. Exemption.** All indigents duly certified by the Punong Barangay and the Municipal Social Welfare Officer, shall be exempted from paying the burial fees and can avail the use of Mortuary Chapel which is limited to five (5) days wake. ***This can be availed only at the Public Cemetery located at Sitio Atipolo.***



### CAPOOCAN MEMORIAL PARK

TYPES OF PAYMENT	FEES
<b>Burial Fees:</b>	
Exhumation for medico legal purposes	800.00
Exhumation for transfer	400.00

**SECTION 14. Apartment Type Occupancy Fee.** There shall be an Occupancy Fee for a single cadaver or cremated body, in the amount of **TEN THOUSAND (Php10,000.00) for a lease of ten (10) years** to be paid at the Office of the Municipal Treasurer. *There is an option to transfer to the common bone depository after the 10-year lease period, upon payment of exhumation fee, or renew lease annually at Php1,000.00 per year.*

**SECTION 15. Limitation.** A couple or husband and wife cadaver/bone remains is allowed in one cadaver niche. *This provision is applicable provided current occupant/cadaver has reached the 10-year contract and is already fully-decomposed.*

**SECTION 16. Mode of Collection.**

- 1) All fees and charges in the operation of the Municipal Public Cemetery shall be accompanied by Official Receipt issued by the authorized Revenue Collectors.
- 2) All collections made shall be liquidated daily by the authorized Revenue Collectors and shall be deposited immediately at the government official depository bank.

**SECTION 17.** All disbursement vouchers shall be signed by the Municipal Mayor, then by the Municipal Budget Officer on its appropriation, the Municipal Accountant for obligation and proper recording, and the Municipal Treasurer on the availability of funds.

**SECTION 18. Audit and Inventory.** There shall be quarterly audit and inventory of the cemetery operations.

**SECTION 19. Requirements of the Burial.** Burial using cadaver niche shall be covered with a Cemetery Lease Contract by immediate family or any authorized representative without which no burial shall be allowed. After the execution of the Contract, payment of the fees and other charges shall be complied with. In addition to the burial permit, a Certificate of Death issued by the attending physician or Municipal Health Officer, or, if no Medical Officer is available, by the Municipal Mayor, Municipal Secretary, or any member of the Sangguniang Bayan shall be required. ***Upon securing the Certificate of Death, the immediate family or any authorized representative shall go to the Municipal Civil Registrar's Office for the registration of death.***

**SECTION 20. Common Bone Depository.** Bones deposited therein shall remain perpetually and shall not be brought outside unless otherwise authorized by the Municipal Mayor through the Municipal Health Officer.

**SECTION 21. Area for Unclaimed/Unknown Corpse.** Designate area for unclaimed/ unknown corpse and only code will be engraved in the niche. Area for unclaimed/unknown corpse will not be publicized to avoid abuse of its usage.

**SECTION 22. Automatic Transfer of Bones after Ten (10) Years from Interment.** All buried cadavers shall automatically be transferred to Common Bone Niches after ten (10) years upon payment of the required fees. In cases when the body is still intact or not fully decomposed as duly certified by the Municipal Health Officer or his duly authorized representative, an extension for another five (5) years may be allowed upon payment of the fifty percent (50%) of the Occupancy Fee and the full payment of Exhumation Fee.

**SECTION 23. Abandonment of Perpetual Bone Niche Due to Transfer of Bone Remains.** The party or any authorized representative shall execute a waiver of assignment to other person within six (6) months otherwise it will be taken over by the Municipality.



**SECTION 24. Health and Sanitation.** For purposes of health and sanitation, the Municipal Public Cemetery shall undergo disinfection process which shall be conducted by the Municipal Health Officer or his authorized representative. The Municipal Health Officer has the sole authority to approve exhumation of cadavers and/or skeletal remains and all concerned must adhere to the provision of the Code on Sanitation of the Philippines regarding disposal of cadavers. ***A cadaver may also be exhumed even if it has not yet reached the period of years allowed for exhumation, only through order by the proper authority.***

Except in cases allowed under existing laws and regulations, no corpse shall be buried or interred, permanently or temporarily in places other than in property designated cemeteries or burial grounds. ***No burial shall be made in private lots pursuant to Presidential Decree No. 856 Promulgating the Code on Sanitation of the Philippines.***

**SECTION 25. Administrative Provisions.**

1. To provide better services and income, the Municipality may construct or may engage in a joint venture with other agencies/entities on the development and management of the public cemetery subject to an authority from the Sangguniang Bayan and an enactment of an ordinance appertaining thereto.
2. There shall be a Staffing Plan formulated by the Human Resource and Management Office to administer, man and operate the Municipal Public Cemeteries.
3. Any construction of whatever kind and nature in the Municipal Public Cemetery, whether for temporary or perpetual use, shall only be allowed after the approval of a permit issued by the Municipal Mayor upon the recommendation of the Municipal Building Official. All transactions made outside of the Municipal Treasurer and or constructions with unauthorized persons are hereby declared unlawful. Contract of lot lease forms shall be provided for by the Office of the Municipal Treasurer or Municipal Public Cemetery Committee.
4. No person shall exhume and transfer any cadaver and skeletal remains to any place outside of the cemetery without presenting to the caretaker a permit secured from the Municipal Health Office. Likewise, no person shall desecrate by way of tampering, destroying, excavating tombs, coffins, skeletal remains and the like for whatever purpose.
5. All resident Senior Citizens of Capoocan, Leyte can avail 20% discount of the cadaver niche only, **upon presentation of his/her Senior Citizen's Identification Card.**
6. Gambling, drinking of alcoholic beverages, smoking, disco and loud music/sounds are not allowed inside the premises of the Municipal Public Cemetery.
7. No stray animals shall be allowed in the Municipal Public Cemetery premises. The Cemetery Supervisor or his duly authorized representative is hereby empowered to catch such stray animals and impound them/turn-over to the barangay authorities.
8. **There shall be a record/database of all the lessees/occupants which includes all the pertinent dates and location at the cemetery. This will be required for the efficient collection of cemetery charges.**
9. **Compliance to Sanitation Code of the Philippines.**

**PENAL PROVISIONS**

**SECTION 26. Penalty for Prohibited Acts.** Any person or persons violating, or causing, inducing or abetting the violation of any prohibitory provisions of this Code and other applicable laws, ordinances and rules, shall upon conviction of the Court suffer the imprisonment of not more than six (6) months or a fine ranging from One Thousand Pesos (Php1,000.00) but not more than Two Thousand Five Hundred Pesos (PhP 2,500.00) Pesos.

Any government official/s or employee/s or cemetery personnel found having involved in any illegal transactions or irregularities in the operation of the municipal public cemetery shall be penalized and dealt with accordingly, **subject to the decision of the Municipal Public Cemetery Committee.**

**SECTION 27. APPLICABILITY CLAUSE.** Any resolution, rules, regulations, ordinances or laws consistent with this Ordinance/Code shall continue to be in full force and effect.

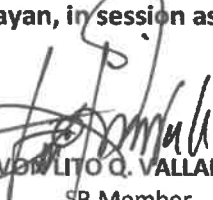
**SECTION 28. SEPARABILITY CLAUSE.** If for any reasons, part or provisions of this Code which shall be held to be unconstitutional or invalid, others parts or provision hereof which are not affected shall continue to be in full force and effect.

**SECTION 29. REPEALING CLAUSE.** All existing ordinances relative or covering the herein Municipal Public Cemetery Code prior to the enactment of same and other resolutions, and rules, regulations or parts thereof, inconsistent herewith are hereby repealed or modified accordingly.

**SECTION 30. EFFECTIVITY CLAUSE.** This Code shall take effect after its approval and following its publication in a newspaper of general circulation within the Province of Leyte.

ENACTED by the Sangguniang Bayan, in session assembled this 16<sup>th</sup> day of May 2023 at Capoocan, Leyte.

  
ENGR. ALLAN B. EGANO  
SB Member

  
VOLITO Q. VALLAR  
SB Member

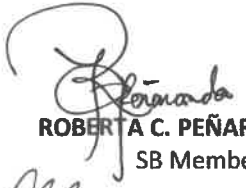
  
EMMANUEL D. ARBOSO  
SB Member

  
JOJO N. NEPOMUCENO  
SB Member

  
GRACIA G. PIGAR  
SB Member

  
REYNALDO R. NIMO  
SB Member

  
FEDERICO P. CAROLINO, JR.  
SB Member

  
ROBERTA C. PEÑARANDA  
SB Member

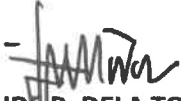
  
FLORENCE R. CAROLINO-MISAGAL  
Ex-Officio Member

  
JUNO ALLAN EVE B. APOSTOL  
Ex-Officio Member

Municipal Chapter President - *Liga ng mga Barangay*

President - *Pambayang Pederasyon ng mga Sangguniang Kabataan*

I HEREBY CERTIFY to the correctness of the foregoing ordinance and that the same was enacted on the date above stated.

  
JUDE R. DELA TORRE  
Secretary to the Sanggunian

ATTESTED:

  
ATTY. FEDERICO M. CAROLINO, SR.  
Municipal Vice-Mayor/Presiding Officer

APPROVED:

  
ATTY. FE CLAIRE P. CAROLINO-PARAGATOS  
Municipal Mayor

DATE: 5. 2. 23



Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Capoocan  
Office of the Sangguniang Bayan

✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138

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MINUTES OF THE SANGGUNIANG BAYAN OF CAPOOCAN, LEYTE IN ITS 46<sup>th</sup> REGULAR SESSION  
CUM PUBLIC HEARING HELD ON MAY 9, 2023 AT THE CAPOOCAN MUNICIPAL GYMNASIUM

**PRESENT:**

- |                                       |  |
|---------------------------------------|--|
| 1. Hon. Federico H. Carolino, Sr.     | Municipal Vice-Mayor/Presiding Officer   |
| 2. Hon. Allan B. Egano                | SB Member  |
| 3. Hon. Von Lito Q. Vallar            | SB Member  |
| 4. Hon. Emmanuel D. Arboso            | SB Member  |
| 5. Hon. Jojo N. Nepomuceno            | SB Member  |
| 6. Hon. Gracia G. Pigar               | SB Member  |
| 7. Hon. Reynaldo R. Nimo              | SB Member  |
| 8. Hon. Federico P. Carolino, Jr.     | SB Member  |
| 9. Hon. Roberta C. Peñaranda          | SB Member  |
| 10. Hon. Florence R. Carolino-Misagal | Ex-Officio Member<br><i>Municipal Chapter President - Liga ng mga Barangay</i>         |
| 11. Hon. Juno Allan Eve B. Apostol    | Ex-Officio Member<br><i>President-Pambayang Pederasyon ng mga Sangguniang Kabataan</i> |
| 12. Mr. Jude R. dela Torre            | Secretary to the Sanggunian  |

**GUESTS:**

- |   |                                  |
|---|----------------------------------|
| 1. Hon. Fe Claire P. Carolino-Paragatos           | Municipal Mayor                  |
| 2. Mr. Generoso Chino C. Abala                    | BFAR 8 Legal Assistant           |
| 3. LGU Department Heads, Unit Heads and employees |                                  |
| 4. PUBLIC   | <i>Refer to Attendance Sheet</i> |

\*\*\*\*\*

*The Regular Session cum public hearing was called to order by the Honorable Presiding Officer at 10:00 o'clock in the morning. It was followed by an Opening Prayer, singing of the Pambansang Awit, and singing of the Capoocan Hymn.*

*A quorum was confirmed by the SB Secretary with all members of the Sanggunian present.*

*Honorable Von Lito Q. Vallar welcomed the participants of the regular session cum public hearing. It was followed by a message from the Local Chief Executive, Honorable Fe Claire P. Carolino-Paragatos, then the participants were presented and acknowledged by Honorable Federico P. Carolino, Jr.*

**PRESENTATION AND OVERVIEW OF THE ORDINANCE**

❖ **ORDINANCE NO. 4, SERIES OF 2023, "AN ORDINANCE AMENDING BY ADDENDUM OF ARTICLE IV, ADMINISTRATIVE ADJUDICATION TO ORDINANCE NO. 4, SERIES OF 2021, OTHERWISE KNOWN AS, "THE MUNICIPAL FISHERY ORDINANCE OF CAPOOCAN, LEYTE"**

Hon. Arboso: An aton gobyerno in naghatag hin gahum ha Local Government Init pag-generar pinaagi han fees, charges and penalties hin usa nga ordinansa, pagbulig pag-generate hin pondo o makabulig pagdugang han income han aton munisipyo. Sayod man kita nga an aton bungto dependent ha

CERTIFIED TRUE COPY  
Date: \_\_\_\_\_  
[Signatures]

[Signatures]



1 National Tax Allotment or IRA han hadi. So, an Sangguniang Bayan, pinanguluhan ni Vice-Mayor Carolino,  
2 in nag-proponer hin mga ordinansa nga ha amon pagtuo, makakadugang gan income han aton munisipyo,  
3 para mapadayon an paghatag hin mga basic services as provided for in Section 17 han aton Local  
4 Government Code, ngan para liwat han General Welfare han aton Capooconans, pursuant to Section 16  
5 han aton Local Government Code. That is why nga aanhi kamo yana ginpatawag namon, kay after  
6 deliberations after the public hearing, kun ano man an makasaragbutan, ibabalik ha Sangguniang Bayan for  
7 third and final reading. Then, ultimately, after maapruban na, ipapadara na ngadto ha Sangguniang  
8 Panlalawigan of Leyte, for their review and approval. So, Mr. Chairman, I move that we recognize, our  
9 Municipal Agriculture Officer, Mr. Claudio Misa, para han pag-isplika han aton proposed nga addendum to  
10 Municipal Ordinance No. 4, Series of 2021.

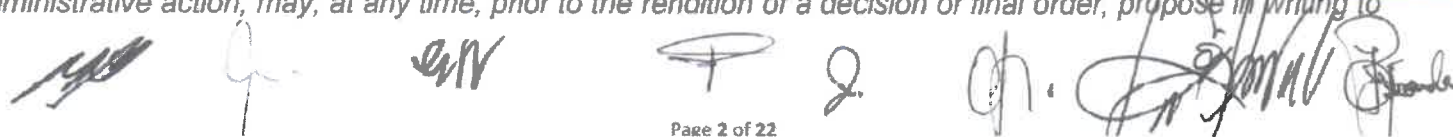
11  
12 MAO Misa: Maupay nga aga ha aton nga tanan. Ini nga aton Fishery Ordinance, kay ano nga  
13 nagkaada kita hin addendum, tungod nga nakita ini han mga SB Members naton pag-training han FLET,  
14 nga may ada mga provisions nga kinahanglan igdugang didto han aton Fishery Ordinance. Deritsuhon ke  
15 nala ngadi han Settlement Committee ngan han Adjudication Body, kun diin an panuyo hini, kun pananglitan  
16 mayda man madakop, diri na papaabton ngadto ha korte, kun mahihimo nga matutuhay dida pala ha  
17 Settlement Committee, tutuhayon na naton. Para gud masayod kita hini nga tanan, ihahatag ta kamo ngadi  
18 han aton representative tikang Bureau of Fisheries and Aquatic Resources, an aton Legal Assistant, hi Sir  
19 Chino.

20  
21 BFAR Rep: Maupay nga aga ha iyo nga tanan. Aanhi kita yana para mag-ayad han aton ordinansa.  
22 Kay han pagkanhi namon han training last month, nakita namon an iyo ordinance nga basi han aton  
23 department head dinhi, nakarawat kuno hira hin payments tikang han aton nadadakop. Basi han ordinance  
24 nga nakita namon, nakabutang didto an pag-penalize naton han aton mga fisherfolk nga naka-violate han  
25 aton local ordinance, nasiring nga *upon the discretion of the court*, so nakikita namon, basi han amon  
26 opinion nga mayda kita lapses han due process, kay ginpapabayad naton hira deritso. So, para safe ha  
27 aton nga tanan, mas maupay kun mag-add kita hin settlement nga provision didi han aton ordinance para  
28 diri kita mag-violate han due process. Usa gihapon ini nga question han amon pag-seminar ha Manila  
29 Central Office, nga an nahihitabo, diri la dinhi ha Capoocon, damo nga LGUs ha bug-os nga Pilipinas,  
30 nakarawat deritso han payment han penalties bisan an nakasurat dida han aton ordinance, *upon discretion*  
31 *of the court*. Gin-aadvise namon an amon ginkakadtuan nga LGU nga kun mahihimo, aydon naton an aton  
32 local ordinance. Ini hiya nga settlement, duduha ini kalain, mayda ini creation han adjudication committee,  
33 kun diin puede mag-create hin body an aton LGU, hi Mayor an magmamangulo hini. Tapos an settlement  
34 kun diin an mananabo, willing hira magpa-settle, diri na kita magkikinaso, kay kaibanan gihapon ini hiton  
35 resources han gobyerno. Kun willing hira mag-settle, mapirma nala hira hin offer of settlement, ma-  
36 empower an LGU through han ordinance pagkarawat han ira payment, pero this time, di na kita kailangan  
37 hin discretion of the court, kay naka-embody na ini hiya dida hiton aton ordinansa. Iton kaibahan hiton  
38 settlement nga adjudicative body, kun gusto naton maghimo hito, bagan magkakaada kita hin quasi-judicial  
39 body nga amo iton magde-decide, maghe-hear hini, an members hini amo an aton MLGOO, Municipal  
40 Administrator, Chief of Police, Fisherfolk Organization. Before kita hini maghimo nga body, kinahanglan  
41 anay hi Mayor maghimo hin rules and regulations. Pero an aton settlement, ma-suffice na ini hiya kun willing  
42 mag-settle iton nadadakop, puede na hiya through settlement conference la. Puede man ig-empower ni  
43 Mayor hi Municipal Agriculture Officer as Settlement Officer. For due process purposes, puede kita  
44 maghimo hin body para mag-hear kun diri willing makig-settle iton nadadakop, pero maghimo anay hin  
45 rules and regulations to govern hini nga body. Yana, iton composition hiton Settlement Committee,  
46 Municipal Mayor as chairperson, and members to be designated by the Mayor, an ma-stand as Settlement  
47 Officer, hi Municipal Agriculture Officer, support staff, ma-designate nala hi Mayor. Diri kita nasiring nga diri  
48 na puede magkaso, puede gihapon, pero *prior to the commencement of any criminal action in court for*  
49 *violation of the Fishery Law Ordinance*, puede hiya mag-opt to settle iton nadadakop, pero kun diri,  
50 nagmamamatigas, puede gihapon i-file ngadto ha MTC or ha BFAR, didto ha national law, or puede gihapon  
51 didi nala kun makag-create na hini nga body an aton LGU through kan Mayor. Adi naman an settlement  
52 offers, forms and criteria of settlement, amo na ini hiya, babasahon ta nala. Salamat. May pakiana?

53  
54 LCE: Maupay nga aga Sir. Mayda ako pakiana, page 2, paragraph 5, settlement, *Prior to the*  
55 *commencement of any criminal action in court for violation of the Fishery Law Ordinance the violation may*  
56 *be subject*, I think it's **"subjected"**, to an administrative settlement. So, Sir an karuyag signgon hini nga  
57 settlement is only optional not mandatory para hadton nadadakop ngan gusto igreklamo han Municipal  
58 Fishery Ordinance?

59  
60 BFAR Rep: Yes po Mayor. Ini hiya nga settlement, kun willing hiya mag-settle, puede naton hiya  
61 karawton, kun diri hiya willing mag-settle, iton nakadakop mayda option through han ordinance, pag-file ha  
62 MTC or ha BFAR kun gagamiton an national law or magkre-create hin body para diri na maghinirayo.

63  
64 LCE: Settlement Offers. Any person who receives a Notice of Violation, or is subjected to criminal or  
65 administrative action, may, at any time, prior to the rendition of a decision or final order, propose in writing to



1 the Settlement Officer or The Mayor, an offer of settlement. So, karuyag signgon, bisan adton naghe-  
2 hearing na didto ha korte, ha MTC in particular, puede hiya mag-manifest han iya intention in writing to the  
3 Mayor, diri ba an Municipal Mayor or an Settlement Officer, ma-encroach hin jurisdiction kay an una nga  
4 naka-acquire han jurisdiction over the subject matter, han jurisdiction over the person or the accused, is an  
5 court man?  
6

7 BFAR Rep: It meaning liwat hini Mayor, kun mayda na pending nga criminal case, tapos mayda  
8 gihapon niya pending didi ha ubos, an administrative case, puede hiya umagi hin settlement, pero an  
9 criminal case, diri na puede, an iya la settlement, an didi ha aton. Kay ini hiya nga case, separate an  
10 criminal ngan administrative.  
11

12 LCE: *Subject of a criminal action*, karuyag signgon mo, an waray pa ini didto ha court pero puede ha  
13 prosecution or ha police?  
14

15 BFAR Rep: Yes po Ma'am.  
16

17 LCE: Sir, gusto ko ma-klaro ini kay procedural law ini, apil pa gud an ngaran ko dinhi, mapakiana ito  
18 hira ha akon kun may mga grey areas. Siring ko pa man, once maipasa na ini, waray na obligasyon an SB  
19 hini, puro ini Executive. So, klaro na, ini nga criminal, diri pa ini adi ha MTC?  
20

21 BFAR Rep: Yes po.  
22

23 LCE: Kun di, adi ha police or ha prosecution?  
24

25 BFAR Rep: Yes po ma'am, an administrative puede pa ma-settle, iba an criminal. Ini nga subject to  
26 criminal, kun waray pa ma-file ha court, puede pa mag-settle.  
27

28 LCE: So, it imo karuyag signgon, administrative, ada pala, it's either ha court, ha administrative body  
29 or ha settlement committee?  
30

31 BFAR Rep: Yes po Ma'am.  
32

33 LCE: Ngadi kita ha page 2, *Criteria for Settlement Offer. (d) The level of cooperation of the offeror in*  
34 *the investigation or proceedings*, I think it's not the level of cooperation, it's the **degree of participation**,  
35 sugad hito an gingagamit ha legal parlance. Ha pagbasa ko hini ano, so naagi anay ha Settlement  
36 Committee, an Chairman hi Mayor.  
37

38 BFAR Rep: Usually, pareho ha Bureau of Fisheries, an Chairman, hi Director, pero mayda niya  
39 Settlement Officer, so an participation nala ni Director, ma-sign nala hiya, an ma-issue han order hi  
40 Settlement Officer.  
41

42 LCE: ***Failure to Settle. In event that the parties failed to agree on an Administrative Settlement, the***  
43 ***Settlement Officer shall endorse the filing of a criminal case to the Municipal Trial Court (MTC) or Regional***  
44 ***Trial Court (RTC) for violation of Fishery law Ordinance***". Alayon liwat kita ngadi paglaktaw ha page 3,  
45 ***paragraph 5, "If the sole respondent fails to appear, the Settlement Officer shall endorse the filing of a***  
46 ***criminal complaint to the court of competent jurisdiction***". So, endorsement, filing, deritso ngadto ha court?  
47 Stated ito dinhi. Kun nabasa liwat niyo, mayda liwat didi, ***Section 3, CREATION AND COMPOSITION OF***  
48 ***THE ADMINISTRATIVE ADJUDICATION BODY***. So, kanina, siring ko pa man, from the Settlement  
49 Committee, kun diri matuhay, deritso ha court, didi liwat, kun diri umaper an offeror, respondent, deritso ha  
50 court, so, at what point in time man nakaka-acquire an Adjudication Body hin jurisdiction over the subject  
51 matter, over the person or the accused, kay tikang pala ha settlement committee, deritso na man ha court?  
52 Waray man sumiring nga igkakada anay ha Administrative Adjudication Committee. San-o man  
53 magkakada hin turuhayon an Adjudication Body.  
54

55 MAO Misa: Siguro ha akon pagka-intindi, kun diri matuhay didi ha Settlement Committee, an  
56 Settlement Committee, ma-endorse ngadto ha Adjudication Body.  
57

58 LCE: Supposed to be.  
59

60 MAO Misa: So, amo ito an akon suggestion nga adi nga *failure to settle* ngan adi nga, "If the sole  
61 *respondent fails to appear*", magigin trabaho ini han Adjudication Body.  
62

63 LCE: So, kinahanglan ig-delete adton provision nga ngadto ha court, igkakada ha Adjudication  
64 Body?  
65





1 MAO Misa: Yes Ma'am.

2  
3 LCE: Puede hi Sir Jojo, puede liwat hi Sir an magbaton. Can you give us an instance or scenario,  
4 pananglitan may nadakop an FLET, puede hiya ikadi han ordinance or national law, di ba Sir? So, didto pala  
5 han kadakop, dadad-on ha Police, hino man an mapili? I-ordinance ta la ini, i-national law ta la ini.

6  
7 BFAR Rep: Puede i-file ha BFAR, gamit an national law, an Fishery Code, puede ha MTC gamit an  
8 Local Government Code or ha dinhi nala ha local body, depende han complainant.

9  
10 LCE: Pananglitan kun kontra, pasawayon, deritso ha national law, kun sangkay, didi la han  
11 municipal ordinance?

12  
13 BFAR Rep: Mayda gihapon ga instances ha BFAR, depende kasi, ini nga repeat offenders, diri na  
14 ginpa-file ha BFAR mismo, gin-dederitso nala ha criminal case para may kapresuhan. Pero an cases nga  
15 isolated, diri man hira habitual offenders, ginagamit naton an aton administrative code para penalty la, kay  
16 aton ini mga molopyo gihapon. Pero kun pareho ha BFAR, ka-walo na nadadakop, ginhihimo nala nga  
17 operating expenses an penalties, gindederitso na ha criminal case.

18  
19 Hon. Presiding Officer: Para ha akon, maghimo hin ordinansa nga ha Police pala, puede magsuru-  
20 swerte. Ako mismo nawuwurok, tama adto an siring ni Mayor, ano nga instance nga an usa nga an nadakop  
21 nga diri natutuhay dida han premiro nga committee, igkakadto ha usa nga committee? Kay nasiring man  
22 dida an premiro nga committee, kun diri matuhay, ipa-file ngadto ha court. Ngan nasiring nga failure to  
23 appear han complainant, idi-dismiss an kaso, pero an stand han committee, ig-iiskedyul for the second time,  
24 kun diri pa umulpot an agrabyado, an committee magde-decide sugad kun ano nga penalidad an ighahatag  
25 basi hiton ebidensya. Pero kun an ginrereklamo, diri na-atender, kiha dayon.

26  
27 Hon. Egano: This is with regards han proper filing hiton aton nadadakpan, kay ha akon pag-intindi,  
28 nasiring kanina nga, once ngani may nadadakop, na-depende han complainant kun hain hiya magpa-file,  
29 either ha local or ha national. So dinhi ha local committee, magproblema talaga it aton Mayor, kay puede  
30 mahimuan hin waray kagat it aton ginhihimo nga ordinansa, so dapat tanan nga violations, maagi  
31 permanente dinhi ha local committee. Ayaw ta sunda an desire han complainant because mayda kita  
32 ginhihimo nga ordinansa. So kun diri gud mase-settle dinhi ha LGU, I think that is the time pag-file to proper  
33 court. Tagan ta anay hin panahon pag-settle kay adi man naghihimo kita hin ordinansa. Also, iton aton  
34 manaragat, maglilipong ito hira kun hino gud iton magja-judge ha ira. Siring pa man ni Mayor kanina, what if  
35 kun kontra ko an nadakop, masiring ako dayon nga igkadto ito ha national law, so, waray ginsisiring nga in  
36 fairness. So, amo la ito Sir, an akon la recommendation, if there is a violation hin usa nga manaragat, ipaagi  
37 ta anay ha local committee before igkadto ha igbaw, kay adi man an ordinansa.

38  
39 Hon. Presiding Officer: Bangin kamo mapausa nga mayda ordinance o national law. Kun an usa nga  
40 nadakop patawan hin kiha ha ordinance, an penalidad, guruguti la, bangin ngani multa la, di man ha  
41 husgado, kapresuhan o multa, puede duha, puede usa la. Kun ha national law, durudako iton pataw, ha  
42 kapresuhan ngan ha kabayaran. Ini nga mga nadadakop, diri ini pakabuhi nga pangisda, this is survival.

43  
44 LCE: Sir, what if i-mandatory ta ini, pero may exemption han mga delinquent, kay kanina optional la,  
45 kay may be subjected man la. **Puede ba ito, i-mandatory ta, tapos subject han mga exemptions like**  
46 **nadakop na, may record na?**

47  
48 BFAR Rep: Yes, Mayor. Igkla-clarify ko la an amon stand, iton BFAR, we are only on advisory  
49 capacity, iton passing hin local ordinance, hi kamo iton bahala, bisan ano an iyo gusto ibutang dida, iyo ito,  
50 hi kami, advise la iton amon, diri kami mag-iimpose hiton gusto hiton konseho. Nahingadayan la ini namon  
51 kay mayda usa nga instance, ambot diin nga Region, nadakop hin local ordinance, deritso nira ginpabayad  
52 ngadto ha cashier, waray notice of violation, waray bisan ano, deritso kinarawat han bayad. Now, an  
53 gindakop, may anak nga abogado, ginkasuhan an cashier, *ano an iyo basis pagkuha hin bayad kay waray*  
54 *man kaso?* Amo ini an amon advise para ma-address naton an due process. Possible ito mahinabo, amo ini  
55 nga ha advisory capacity namon nga ma-aware iton LGUs, anyway, kun ano an iyo gusto igbutang ha  
56 ordinance, iyo ito pagbuot hiton konseho. Adi la kami kun may advise, amo la an amon mahahatag, pero  
57 iton pag-decide, iton pagbuot kun ano an iyo ibubutang dida, iyo na ito. Ha akon paghibaro, pag-file hiton  
58 kaso, discretion ito han complainant, diri ta ito puede pagbut-an. Pero kun gusto niyo magbutang dida hiton  
59 ordinance, iyo ito gihapon kanan konseho. Uutruhon ko, advisory capacity la iton kanan BFAR. Pagbulig la  
60 iton amon pero kun ano iton maupay, para ha mga tawo niyo, kami it nakikig-atubang, kamo it mas maaram  
61 hito.

62  
63 LCE: Sir, klaruhon ko la, kadakop niya, dadad-on nira Joryl ngadto ha Police, then hito dida, hino an  
64 ma-refer, an complainant or puede magsiring an offeror nga ma-avail la ako hin settlement.

1 BFAR Rep: Kay kun an aton ig-aapply nga balaud an aton ordinance, puede hiya mag-opt to settle,  
2 pero kun an complainant gusto talaga niya mag-file hin criminal case, diri kita makaka-decide. Pero kun  
3 mag-opt hira ha ordinance, dida pala ha Police, klaro naton nga an ira igpapasaka an local ordinance,  
4 puede hira mag-settle. Pero kun kontra han nakadakop, kaaway niya, gusto niya hin criminal case, diri ako  
5 hito makakabaton.

6  
7 Hon. Egano: Sir, follow-up question. For instance, may nadakop, tapos nagkamay-ada settlement ha  
8 LGU, then afterwards, nasulsulan an complainant, nag-file na ha national law, puede ba ito ma-disregard,  
9 mawaray bisa an settlement han LGU?

10  
11 BFAR Rep: Diri mawawarayan bisa an na-settle didi ha LGU, kay an una an na-settle dinhi ha LGU,  
12 an ira reklamo basi han Local Fishery Ordinance. Now, kun mag-file kita han national law, which is separate  
13 nga batas, puede gihapon hiya mag-file hin separate nga kaso didto ha national law, kay separate and  
14 distinct kasi ito hira. Puede kasi hiya mag-file hin duha nga kaso, local ordinance ngan national law.

15  
16 Hon. Egano: Ha akon foresight, waray power an aton ginhihimo nga ordinansa kay puede la gihapon  
17 hira kihaan. Na-settled na, ma-expect an aton violator nga okay na, ngayan in the next day, mayda na liwat  
18 hira another case, same violation, but different an ira pagbayad.

19  
20 BFAR Rep: Possible ito Sir, pero bisan diri kita mag-amend han aton balaud, mahihitabo gihapon ito,  
21 puede la gihapon hira mag-file hin duha nga kaso, national law ngan local ordinance. Now, an nakaupay la  
22 kun mayda kita, usa nala an puede ig-file, national law nala, kay separate and distinct ito hiya.

23  
24 Hon. Egano: Klaro, bisan pa siguro magkadi-ano pagpinaniguro didi ha Konseho paghimo hin  
25 ordinansa, waray la gihapon mahihitabo nga kaupayan, kay still, pa-faylan la gihapon hin kaso ha higher  
26 court. So, anon maupay Sir?

27  
28 BFAR Rep: Iton maupay nala, mayda kita gentleman's agreement, once ma-settled dinhi, diri na ma-  
29 file hin criminal case.

30  
31 MAO Misa: Mayda la ako suggestion kay ginpapanday ta pa man ini nga balaud. Kun mapwe-pwede  
32 mabutang dinhi ha ordinansa nga iton nagkakadakop dinhi ha aton, an aton ipa-file nga kaso, municipal  
33 ordinance, ayaw na ito nga national, kay kun igkadto naton ha national, amo ini an ak nakikita, national, hain  
34 mabayad han penalty? Aadto ha national, ira iton income, waray an LGU hito. So, suggestion la iton akon  
35 nga dapat mahibutang dinhi ha ordinansa, kun hino man iton madadakop han aton mga law enforcers, an  
36 ira ipa-file nga kaso, nakabase han Municipal Fishery Ordinance, katapos kun magkaada na hin settlement,  
37 kay amo man ini an gin-aayad ada, waray na, settled na, diri na magpa-file hin kaso, ayaw kita hiton "kay  
38 badaw kun kontra ko, ayaw kita hito," kay may desisyon na nga ginhihimo.

39  
40 Hon. Misagal: Good morning everyone. Na-agree ako han aton Municipal Agriculturist nga kun  
41 papagpili-on, mas maupay nga Municipal Ordinance, why? Naghinimo pa kita hin ordinansa nga ma-jump  
42 man la kita ha national law. Tama hiya, kay ginpapanday pa man ini nga aton ordinance, I also would like to  
43 suggest, addition han iya manifestation, pananglitan may nadadakop, ayaw na kita hito nga discretionary.  
44 Anon karuyag signgon han discretionary? The complainant or the apprehender may opt, mayda hiya  
45 pagpipili-an nga it's either local ordinance or municipal ordinance, di ngani national law. Kun tanggalon ta ito  
46 nga choices nga the complainant may opt, but mandatory, madadakop ka ngani, di na mag-iisip an  
47 complainant or apprehender, automatic an ma-apply ha imo nga balaud, an local law, an municipal  
48 ordinance. Then, pananglitan mag-utro pa hiya, depende kapira mag-utro, or pareho didi hiton definition,  
49 sumiring ngani kita nga habitual delinquent, it is a person kuno who within the period of 10 years tikang han  
50 iya release han iya conviction of serious crimes like physical injuries, robbery, falsification of documents or  
51 estafa, is found guilty of any of the said crimes, the third time or oftener. So, matatawag ka na nga habitual  
52 delinquent kun amo ini nga kaso, estafa, physical injuries, robbery, theft, kun makasala ka, katulo na within  
53 10 years. Pero ngadi kita ha recidivist, puropareho an iya thought kaso la, crimes nga under ha Revised  
54 Penal Code, pero tungod nga inin aton yana law nga ginte-take into consideration, special penal law or  
55 municipal ordinance, nakabutang didi nga if the person has previously served sentence for a crime that is  
56 not embraced in the same title of the Revised Penal Code, it is a crime aggravated by the circumstance of  
57 reiteration. Mapapahataas an iya penalidad, kun madakop hiya katulo or depende han pagkakasaragbutan  
58 yana nga adi kita ha pubic hearing, madakop hiya kaduha or ikatulo, pag-sobra na ngani hito, automatic,  
59 national law na an ig-aapply. **Amo ito an akon suggestion nga upon apprehension, kadakop hito nga**  
60 **violator, municipal ordinance, by way of amicable settlement, through hito nga aton ginhihimo nga**  
61 **adjudication committee, then failure to settle, that's the time nga kun ano man an mga applicable**  
62 **nga mga penalties or sanctions, then kun diri gud talaga hiya, depende han discretion han body.**

By: \_\_\_\_\_

Date: \_\_\_\_\_



1 Hon. Presiding Officer: Kinahanglan mahatag hin lista ngadto kan Mayor han mga nadadakop,  
2 sugad han siring ni Honorable Misagal, kun kakatulo na, national na. Nauyon ako han suggestion ni  
3 Honorable Misagal.

4  
5 BFAR Rep: Just in case maghimo kamo hini nga body, diri na magkikinadto ha BFAR, dinhi nala,  
6 tapos an iyo ig-aapply nga penalty, an kanan iyo ordinance. Kay kun mag-administrative case kamo ha  
7 BFAR, Php3,000.00 an minimum. Amo ngani ini nga amon suggestion nga mag-create kamo hin body, para  
8 kamo na mismo dinhi an maghe-hear. Kay kun isaka ta ito ha BFAR, criminal case, may kapresuhan an  
9 criminal case, kun ha BFAR, Php50,000.00 iton primero, impound pa an imo sakayan.

10  
11 MAO Misa: Mayda ko la ig-eexplain kay ano nga hi Joryl na iton nakapot han FLET. Tungod ini nga  
12 mayda man approved ordinance an munisipyo ngan Sangguniang Bayan nga nagkre-create han opisina  
13 han MENRO, Municipal Environment and Natural Resources Office, kun diin hi Sir Joryl an nagmamangulo  
14 hito. Usa nga function han MENRO, ira na an Coastal Resource Management, ginkuha na didi ha  
15 Agriculture Office. Kaparte han Coastal Resource Management, ada dida an monitoring, control and  
16 surveillance. Iton control and surveillance, amo ito an panakop. Ito nga trabahuon, ada na ito kanda Sir  
17 Joryl. Ha Municipal Ordinance naton, apil pa man an Agriculture Office, so amo ito nga dida hiton team han  
18 FLET, mayda ako duha nga staff nga ada pirmi ha ira naupod, pero an overall implementation han Coastal  
19 Resource Management nga programa han munisipyo, ada na ito ha MENRO, waray na ha DA, kun ha iyo  
20 pagtawag, actually, an amon opisina diri DA, Municipal Agriculture Office, an DA, national.

21  
22 Hon. Presiding Officer: Kun may nadadakop, ano iton nauuli, pukot o sakayan?

23  
24 BFAR Rep: Sir, basì ha national law, depende han gravity han violation. For example iton hulbot-  
25 hulbot, impounded talaga ito hiya kay illegal *per se*, impounded tanan. Pero kun an iya la violation like  
26 nangisda hiya, compressor, kun ano iton ada ha municipal ordinance, compressor la, an sakayan, ig-uuli  
27 hiya, Basta illegal *per se*, diri ibabalik, an pukot, depende, kun gudti an mata, diri ig-uuli kay nakakadakop  
28 han gudti nga isda. Pero kun may permit hiya ha LGU nga an iya gindadakop bolinao la, puede hiya  
29 gumamit hin para bolinao.

30  
31 Hon. Vallar: Mr. Chair, I hope we are all in agreement here that we are formulating an ordinance. We  
32 are trying to come up with a formula nga di na kita makadto ha national law, dinhi nala kita. Personally,  
33 nakikita nakon nga baga damo pa an aton angay klaruhon, kay an implication hini whether an aton ig-aapply  
34 nga law is an national law or ordinance law. We must also consider nga an aton ordinance law, naka-base  
35 hiya ngadto ha national law. Kun ig-aapply naton, masiring kita, nagsayop kita didi, pero an aton mga sayop  
36 waray dida han penal provisions han aton ordinance law, didto hiya han national law, now, hain man an  
37 kikihaan? Masiring kita adto kita mareklamo han aton Adjudication Body wherein gin-aapply naton an  
38 national law. I hope we are in agreement nga naghihimo kita hin ordinansa nga para mabaton ta an  
39 ginsisiring nira kanina nga *in fairness* or *due process* para han mga nagkakadakop. So, we are trying to  
40 create an Adjudication Body nga diri na kita makadto ha iba nga korte kundi, dinhi nala, amo ba an aton  
41 pagkaka-intindi? Nagkre-create kita hin Settlement Committee ngan Adjudication Body. Now, based han  
42 aton deliberations dinhi, damo an grey areas nga kinahanglan naton masabtan pa. So, with regards to that,  
43 if I may move to continue this public hearing on this ordinance, **AN ORDINANCE AMENDING BY**  
44 **ADDENDUM OF ARTICLE IV, ADMINISTRATIVE ADJUDICATION TO ORDINANCE NO. 4, SERIES OF**  
45 **2021, OTHERWISE KNOWN AS, "THE MUNICIPAL FISHERY ORDINANCE OF CAPOOCAN, LEYTE"**, for  
46 further deliberations and understanding fully what sections or rules are we going to include in this ordinance.

47  
48 The motion of Honorable Vallar was seconded by Honorable Pigar.

49  
50 Hon. Presiding Officer: Any objection to that motion?

51  
52 Hon. Carolino: Mr. Chairman, I'm not objecting the motion of Honorable Vallar, an akon la an  
53 suggestion ni Honorable Misagal kanina, na-agree ako hadto. Yana, aanhi kita pag-ayad hini nga ordinansa.  
54 An aton la problema, dida han nadadakop, kun ano an aton ipa-file, national or didi ha local ordinance. An  
55 suggestion ni Honorable Misagal kun pananglitan madakop na hin ika-tulo, automatic an aton igpapataw ha  
56 iya, an national law na. Hino an ma-identify nga ini nga nadakop, ika-tulo na kadakop? An MENRO or  
57 Treasurer's Office kay adto man nabayad.

58  
59 BFAR Rep: An aton FLET nagsa-submit ito hira han ira case files ngadto ha aton MENRO.  
60 Ngatanan nga ira nadadakop, an ira case list, ginsa-submit ngadto ha MENRO. Iton MENRO naman,  
61 mayda niya obligation paghimo hito nga case files nga database, para kun magdadakop ika-tulo na, ma-issue  
62 hin certification hi MENRO nga ini, ika-tulo na ini basì han records.

1 Hon. Presiding Officer: Moved and duly seconded, there being no objection, because the statement  
2 of Honorable Carolino is just an observation or clarification, there being no objection, the motion is carried.  
3 An pakiana, hino an makakahatag kun kapira na kadakop?  
4

5 MENRO Rivas: Pag-start ko pag-operation han FLET, naghimo ako hin database. Last month, nag-  
6 submit ako hin list of violators kan Mayor, bale monthly, nahatag ako hin report kan Mayor. An plano ko kasi  
7 hito nga violators, kun tatagan ako hin pondo, mapabulig ako ha LGU, tatagan ko ito hira hin livelihood para  
8 ma-change an ira pakabuhì nga illegal, by next year ko unta ito nga proposal. Makikig-coordinate ako kan  
9 Sir Jojo ngan ha iba pa nga national agencies nga makakahatag hin pondo.  
10

11 Hon. Carolino: Siring pa, nagpapanday pala kita ano, kun pananglitan matuhay na ini, amo pala an  
12 pag-take effect, ma-count kita hin 1,2,3, an violations han una, quits na, amo ba?  
13

14 MENRO Rivas: An plano ko, an una nga mga nadakop, ig-uupod ko ha database or depende kun  
15 ano an pagkasargutan naton kun back to zero.  
16

17 BFAR Rep: Sir an imo question kun san-o ma-take effect an habituality, siempre, ma-take effect ito  
18 kun san-o mapasa an aton ordinance, diri hiya retroactive, prospective.  
19

20 Hon. Misagal: I agree with the contention of our Legal Adviser from BFAR. Under han aton criminal  
21 law, waray retroactivity, puro ito prospective. May exemption ito kun makakapaubos han pataw kay pirmi  
22 kita pro-respondent. Bisan ito hira nakasala, mayda gihapon kita pag-ugop ha ira. The moment mag-take  
23 effect an aton ordinance, dida ma-start ito nga pag-count han violations, ngan klaklaruhon ko, kay may  
24 loophole gihap an akon suggestion, kun ka-tulo na hira, ano ito, kadakop or ma-sentensyahan? So,  
25 suggestion ko yana, an intention nakon pag-suggest kanina, an kadakop, bisan waray mag-prosper,  
26 ada kita matikang pag-count. The moment madakop ka ka-tulo, mag-certify an aton MENRO or an  
27 body nga nagdadakop, automatic an ipapataw an national law.  
28

29 MLGOO Ferrera: Point of clarification kaparte han membership, membership la, waray ngadi  
30 ka-plastar kun hino an Chairman han Adjudication Body, but makita naton nga an MLGOO is one of  
31 the members. As far as I can remember, didi la kami ha PLEB mayda function, pero didi, I do not  
32 know kun ano an aton basehan.  
33

34 BFAR Rep: Suggestion pala ito hiya hin creation of body. Ito hiya nga body, just in case diri mag-opt  
35 to settle an respondent. Body ito hiya, bale lilima ito hira nga ma-decide.  
36

37 MLGOO: An didi ha Adjudication Body, waray hiya proceedings kun mag-aano? Ma-clearance pa  
38 ako ha opisina kun I can be a member of this body.  
39

40 BFAR Rep: Ma-approved anay an ordinance, tapos to follow nala an rules and regulations.  
41

42 Hon. Vallar: We had already agreed, I already moved a motion, it has been approved. We will take  
43 into considerations all the suggestions. I hate to say this, with due respect to everybody, that our ordinance  
44 is not yet ready, so, we're going to present it again. As I have said, I already moved a motion and it has  
45 been approved, therefore, I would like to schedule a committee hearing on Ordinances and Legal Matters,  
46 inviting our Municipal Agriculturist, our MENRO, our MPDO and of course, the Legal Officer from BFAR. I  
47 know that we have to expedite the promulgation of this because this is very important, that's why I would like  
48 to schedule the committee hearing on Friday, May 12, 2023 at 9 o'clock in the morning. In the meantime,  
49 we will just close first the discussion on this and we will move on to the other ordinances that we will be  
50 presenting today.  
51

52 Hon. Misagal: Mr. Chair, I would like to move for a 15-minute recess.  
53

54 The motion of Honorable Misagal was seconded by Honorable Nimo, without any objection from the  
55 August Body and was thereby declared approved by the Honorable Presiding Officer.  
56

57 RECESS: 12:10 PM  
58

59 Hon. Carolino: Mr. Chairman, the fifteen minutes recess is already consumed, we will resume our  
60 public hearing. We will tackle MUNICIPAL ORDINANCE NO. 5 Series of 2023 LOCAL CHILDREN'S  
61 CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE.  
62

63 Hon. Presiding Officer: The 15-minute recess having lapsed, the session is hereby reconvened.  
64  
65

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RESUME: 12:35 PM

❖ ORDINANCE NO. 5, SERIES OF 2023, "LOCAL CHILDREN'S CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"

GAD FP Lacandazo: I was tasked to present Municipal Ordinance No. 5. Series of 2023 or the Local Children's Code of the Municipality of Capoocan, Leyte. I will be skipping some contents in the draft ordinance, I will be discussing important details of the ordinance. For the *General Provisions*, *This ordinance shall be known as Local Children's Code of the Municipality of Capoocan, Leyte. The coverage would be, this ordinance shall be applicable within the territorial jurisdiction of the Municipality of Capoocan, Leyte. It shall apply to all Local Government Units, Schools, Organizations and all persons concerned specially on children. It is hereby declared policy of the Municipality of Capoocan, Leyte to defend the rights of the children to survived and assistance provided every child with proper care nutrition equal access to quality education and special protection against all forms of rights, abuse, cruelty, exploitation and discrimination as well as other forms of conditions prejudicial to their development. It recognizes the vital role of the youth in nation building and encourages their achievement in public and crime affairs. This ordinance was made under the principles that the Local Government of Capoocan recognizes the rights of children and acknowledges the fact that exercise of these rights will ensure their development into exemplary citizen of the country; that the best interests of the children shall be paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principles of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child; that the State shall intervene on behalf of the child when parent guardian, teacher or person-having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination.* This ordinance has been created solely to protect these children. Who are these children? These are the children below 18 years old. Kun kikitaon niyo an mga statements hini nga proposed ordinance, some of it has already been implemented in the municipality, such as providing them with assistance whenever mayda na reklamo during mayda mga child abuses nga cases. Also, for their education, the Department of Education has been implementing programs and services related to children for their improvement. *Section 8. ESTABLISHMENT OF DATA BANK FOR CHILDREN.* This portion, an iba hini, waray pa kita na-establish nga databank for children, pero kun kanan Day Care children, mayda kita hito. And of course, stated didi nga an aton BCPC or the Barangay Council for the Protection of Children would take part, dako nga part para magkamay-ada kita hini nga databank. Kay kun ini nga databank available ha aton office for those who will be using this databank, mas magigin maupay an aton pag-implementar han mga programs and services, and of course makaka-create kita hin aton waray pa ka-create nga mga programa. If ever ini nga ordinance ma-approve na hiya, trabahuon ini, diri la han opisina, kundi han barangay gihapon.

Hon. Misagal: Sir, with regards to the databank, bisan pa gad diri pa ini ma-approve, puede na ig-incorporate naton yana nga tidara-un nga PRA yana nga May, June. Ig-orient ngan ig-educate kami parte hini nga databanking. Maupay it mayda data kay diri kita makakasabot han aton intervention nga bubuhaton or programs kun waray kita ginbabasehan nga data. In addition gihap Sir, Section 11, nagsarit ako han proponents hini nga ordinance, ngadi kita ha Section 11, under gihapon han same article, an Survival and Development, *Number 7, Sustain advocacy on the implementation of RDC Resolution No. 9 S 2007 Enjoining Local Government Units (LGUs) to provide child development workers with a minimum honorarium of P2,000.00 per month.* So, mapakiana ako yana, maupay ini nga avenue kay adi an mga Kapitan, at the same time, adi an SB, kun mahimo, **increasan naton an Php2,000.00 per month, kay as you can see, ito nga mga Day Care Workers**, labaw pa han basic clerical nga trabahuon hiton opisina, kay yaya ka na, teacher ka pa, paragluto ka pa during hiton feeding. Just imagine you are compensated just Php2,000.00 per month. Pipira an school days? 22 days. So, Php2,000.00 divided by 22, waray nag-syen intawon an ira adlaw, tag-Php90.00 la. In fairness to the Day Care Workers, ginpapabay-an ko nala kay naawod ako pagsugo, kay pira la an Php2,000.00 to Php3,000.00 compensation para ha ira. Mayda man an LGU ginhatag kada December di ba Sir Rexan? Tig-pira?

GAD FP Lacandazo: PhP1,500.00.

Hon. Misagal: Suggestion ko liwat, increasan liwat kun makaya han budget, pero yana, pamati ko, diri na, hit succeeding years. Just imagine, kamo daw pagbinantay, correct me if I'm wrong, danay an Day Care Center naton, nahihimo nga birilinan hin bata. So, amo ito, hangyo ko gihap ha mga barangay, ig-take into consideration naton an ira honorarium.

GAD FP Lacandazo: Actually, based han mga activities wherein mga taga-MSWDCs kun nagko-convene, dadamo nga munisipyo, mga barangays, which is on pa naabot hin PhP1,000.00 an monthly nga

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*[Handwritten signatures and initials]*

1 sweldo han mga Day Care Workers han barangay. An iba nga LGUs nagpro-provide hira, many years ago  
2 na, hin monthly honorarium gihapon, gawas han BLGU. In the GAD fund, allowable didto an pag-provide hin  
3 honorarium for those who are working in gender-related activities. Hopefully, with the approval and  
4 allocation of funds from our Budget Officer, whether diin man ito niya igcha-charge, ha MS man, or MCPC  
5 or ha GAD, siguro it's high time ano on the side of the LGU nga maghatag liwat kita han aton counterpart for  
6 the Day Care Workers kay pira la ba iton Php700.00 an bulan, knowingly nga an bata nga ginpapanbutang  
7 dida, may mga magtig-a an ulo, mga buotan hin duro. Although, generally, ginhimo iton Day Care School to  
8 cater para han mga working nga mga mothers, while working han 8 to 5, 8 to 4, or halfday, mayda  
9 mabibilinan nira, pero diri la ito kabilin-bilin la, may mga socialization ito nga ginhihimo, through pag-  
10 eskwela hiton kabataan, pagporma han ira mga characters. Kun mahimo ini nga ordinance, siguro mapwe-  
11 pwersa na an LGU to provide honorarium as counterpart han LGU para han serbisyo nga ginahatag han  
12 mga Day Care Workers. And also, in the barangay, hopefully, iyo gihapon ito makita nga necessary nga ma-  
13 consider paghatag hin dugang nga amount han ira nakakarawat yana. Makita unta niyo an mabubuhat hito  
14 nga welfare ngada han aton mga Day Care Workers.

15  
16 Hon. Carolino: In connection han manifestation ni Honorable Misagal, Sir Rexan kun mahinum dum  
17 ka, pag-release ngani naton han financial assistance han Barangay Tanod, nag ka-istorya kita han may  
18 lobby nga ma-increase, waray la kita nagmention hin amount kun pira an ig-iincrease, ngada han mga  
19 Day Care Workers. Amo ngani nga gin-apil ko nala liwat an mga Barangay Tanods nga madugngan  
20 gihapon an ira financial assistance, kay ha kada usa ka tuig, kaka-usa la ito hira matatagan, so, matatagan  
21 pa gud la hira hin Php1,000.00, gamay hin duro, ha bulan pala ngani, an Php2,000.00 an bulan, Php90.00,  
22 asay pa iton usa ka tuig, Php1,000.00 divided by 366 days, Php3.00 nala ada. Sir Rexan, buligan ta liwat,  
23 pero daan na kita nag-storya nga an Day Care Workers, yana nga tuig, ma-increase talaga.

24  
25 GAD FP Lacandazo: Sige Honorable Carolino. Siguro gihapon ano, same is true gihapon hadin mga  
26 tanod nga hihimuan hin ordinance providing hin mga cash incentives every December. Ini nga cash  
27 incentive nga ginahatag ha ira yearly, iba ito nga benefit nga ira nakakarawat. An aton unta ginpro-propose  
28 nga magkamay-ada kita dinhi ha LGU, an ira monthly provision of honorarium, in addition han ira  
29 nakakarawat ha barangay.

30  
31 Hon. Presiding Officer: Maupay ito nga suggestion, pero hino an ma-present during hiton budgeting?  
32 An iyo opisina or kan Mayor?

33  
34 GAD FP Lacandazo: An office han MSWDO kay adto an mga legal basis pag-provide hito, aside hini  
35 nga aton hihimuon nga ordinance. We will be coordinating with other LGUs how they came up hito nga  
36 honorarium nga ginpro-provide han LGU. Siguro kay nagtitikang pala kita, based han aton NTA, an budget  
37 ha office, although stated didi, bangin di pa gud maa-achieve an Php2,000.00. If ever man nga mag-vouch  
38 an aton Budget Officer nga mag-budgte hin sugad hito, well and good. An aton hihimuon nga ordinance  
39 would be one of the basis to have the allocation from the LGU para han aton mga Day Care Workers.

40  
41 Hon. Misagal: Sir, ini nga Php2,000.00 para la ini han 21 barangays? 21 times 2, that is  
42 Php42,000.00 per month times 12, Php504,000.00 in a year. Puede.

43  
44 Hon. Egano: **I am one with the manifestation of Honorable Misagal which is to increase the**  
45 **honorarium of our Day Care Workers**, because if we evaluate deeper, diri ma-suffice iton Php2,000.00  
46 every month compared hiton ira basic needs, because mahal na kaupay an mga paplitan. So, it is very  
47 necessary nga tagan ta gud hira hin increase, para liwat mag-maupay an ira performance ngada hiton aton  
48 mga kabataan.

49  
50 Hon. Misa: Maupay nga kulop ha aton nga tanan. Dugang la ini nga storya para an mga SB ma-  
51 inspire pa paghatag han dugang nga benepisyo para han mga Day Care Workers. Usa ako nga anak han  
52 Day Care Worker han Talisay. Waray pa ako hadto mag-Kagawad, hi Mama na-operahan hin goiter. 23  
53 years hiya nag-Day Care Worker. An didto na hiya ha Manila, nagpapa-opera hiya, tumawag hiya, *Ma, may*  
54 *nahatag ba an LGU ha imo nga bulig para han imo pagpa-opera?*, siring niya, waray. Ini gin-iistorya ko la ha  
55 iyo para kamo ma-inspire pa kamo nga tagan niyo hin dugang nga benepisyo an mga Day Care Workers.  
56 Nagka-goiter an akon Mama, pagbinantay, pagtinutdo han mga kabataan, 23 ka tuig, waray ngani nahita bis  
57 guti.

58  
59 GAD FP Lacandazo: Salamat hito nga concern. Makabirido hunahunaon nga almost half or one-  
60 fourth han iya life, gingugol as Day Care Worker. Pero, siring ko pa man, as we go along hini nga mga  
61 programa ngan serbisyo nga hihimuon, not only para ha mga children, apil gihapon an pag-provide hin  
62 additional services, benefits, han mga tawo behind han pag-promote, pag-protect hini nga mga children. Di  
63 naton papabay-an kay concern gihapon ito han aton mga municipal officials, ngan naka-provide hin better  
64 lives para han mga barangay volunteers, anytime matatanggal hira kung di nira hin. An aton mga barangay  
65 officials. I think next move nala ito hiya kun papano ito hira naton mare-regularize.

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Hon. Egano: I suggest nga magkamay-ada health insurance an aton mga Day Care Workers, kay an aton mga kabataan, adto nagtitikang an ira foundation. So, kun an aton mga Day Care Workers diri maupay an ira mga foundation para ira mga kalugaringon, I'm pretty sure nga diri gihap hira makakahatag hin maupay nga services. So, I suggest nga magkamay-ada hira health insurance.

GAD FP Lacandazo: Personally, an akon nakikita, at least na man la para magkamay-ada hira kusog to go further hiton ira binubuhay para han mga kabataan, I don't know kun acceptable hiya, why not make them as Job Order from LGU?

Hon. Misagal: Oo, ha iba nga ordinance. Diri la Day Care Workers, diri la BHW, diri la mga Tanods, actually han yana nga year, nag-propose an Zone I nga ig-implement na, ini nga national law, mayda liwat something, nagpipinadara hira hin surat nga an mga barangay volunteers kuno, ig-enroll ha mga social programs han gobyerno, which is the PAG-IBIG, SSS or GSIS, PhilHealth, mga sugad. Tapos han yana na, nag-budget kami hito para ira, kay kun natikangan hadto nga time han akon pagka-Kapitan, 2013, yana unta, eligible na hira mag-pension ha SSS. Gin-findings nga diri ngayan hira allowed mag-SSS kay an SSS, kanan private entity, waray man iba nga insurance, diri man hira puede ha GSIS. Sana maghatag an aton government hin just compensation ha ira. Iba hiya nga ordinance, diri dinhi.

GAD FP Lacandazo: Moving on, ipapan-discuss ko la an mga salient areas nga kinahanglanon i-discuss today. *Section 23. Providing Children's Safety on Motorcycles Act of 2015 (RA10666): Act providing for the safety of children aboard motorcycles.* Didi kita han aton computer cafes, as soon as ma-approved ini nga aton ordinance, hadi pa ini nga akon gusto, we will be printing out tarpaulins para mag-post ha mga tindahan, ha mga computer cafes, at least kun maka-violate hira, no room to say nga di hira maaram kay ha tanan nga establishment naka-post ito nga mga balaud. Iton bata nga offender, diri hiya naabot tigda hin pagigin offender, may mga reasons kay ano nga nagigin offender hiya, such as ginsusugo an bata pagpapalit hin sigarilyo, beer, tapos pagdako niya, oriented na hiya. Another thing gihapon dinhi, ito nga mga computer cafes nga nahihimo nga tool hin pornography, pagigin illegal gambler, and the rest nga diri kaupayan. So, hopefully, as we pass through hini nga aton ordinance, ma-correct ta na hinay-hinay an nakasanayan nga di maupay. On the penalties of this ordinance, I think we will be discussing further with the proponents kay may mga violations talaga diri naton ipe-penalize tutob la pagbayad hin amount. Siguro may mga violations nga mapwe-pwede nga an settlement sugad la han paghatag han kwarta, pero such as ginva-violate na nira an mga dagko nga butang, such as child abuses, sexual child abuse, physical child abuse, siguro waray ito hira room to be settled down. Diri la naton i-generalize an aton first offense, second offense ngan third offense, siguro igse-separate ta la an mga violations nga puede naton matagaan hito nga first offense, second offense ngan third offense.

MLGOO Ferrera: An aton Commission on Women and Children of the DSWD and DILG, in mayda Annual Child Training of the Local Government Units and awarding of top performers, unfortunately, an Capoocan waray makakuha han Child-Friendly Local Government Award. An areas nga ginkikita amo an child welfare, particularly on survival, protection, development, participation and governance. If you noticed, an aton Children Code, nakahan-ay ini hiya dida han aton mga articles. Among han indicators is the passage by the local Sanggunian of the Local Children Code. So, an akon pasalamat nga anhi ako hini nga public hearing para maipasa na finally an Capoocan Children Code. Dida hito, ginkikita han audit an presensya or provision han Local Code for Children kaparte han Early Years Act, RA 10410, Children's Safety on Motorcycles Act, RA 10666, Children's Emergency Relief and Protection Act, RA 10821, National Mental Health Policy, RA 11036, Masustansyang Pagkain Para sa Batang Pilipino, RA 11037, Kalusugan at Nutrisyon ng Mag-Nanay, RA 11148, Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act under RA 9231, Special Protection of Children in Situations of Armed Conflict, RA 11188. Maupay kay medyo na-cover tanan didi han aton Children's Code. So, kun ako an papakianhan kun mayda ba kamo probisyon ha iyo Children's Code kaparte han mga Republic Acts? Kikitaon ko, so far, na-capture ini tanan, except nga waray ako kumita hin probisyon regarding han Masustansyang Pagkain Para sa Batang Pilipino. And also, there is a provision didi han Kalusugan at Nutrisyon ng Mag-Nanay or RA 11148, waray la citation, an akon, i-cite nala ha aton ordinance nga ini hiya in gin-gutlo in compliance to the respective RAs nga enumerated ko kanina. **Akon suggestion is to include Masustansyang Pagkain Para sa Batang Pilipino, kay in particular han nutritional needs han children, an elementary, kay an na-capture la didi, an didi la han infants, diri an school children which is covered under Masustansyang Pagkain Para sa Batang Pilipino. And adto naman nga concern kaparte han Kalusugan at Nutrisyon ng Mag-Nanay Act, is simply to cite didi ha page 6 of 21, to cite hini nga RA, para compliant kita. Also, page 11 of 21, particularly Section 24, change "provincial" to "municipal". Section 27, page 12 is by citing RA 9231. Page 13, citing RA 11148, didi ha Section 31, Rights of Children rescued for Reasons Related to Armed Conflict. Section 33, bage na-enumerate didi, i-specify naton an municipality and barangay. Didi liwat ha page 16, Section 35, in cooperation with the LYPC, LYPO and MCPCs. Tapos didi han Article 6, page 19, ORGANIZATION OF THE LOCAL GOVERNMENT TO STRENGTHENING OF MUNICIPAL**

By: \_\_\_\_\_  
Date: \_\_\_\_\_



1 **COUNCILS FOR THE PROTECTION OF CHILDREN**, since ordinance ini hiya, of long term an effect, diri  
2 naton ngaranan, an position la an aton ibutang kay this will last for years from now.

3  
4 *The Regular Presiding Officer relinquished his chair due to important matters to attend to. Honorable*  
5 *Allan B. Egano was nominated and elected as the Temporary Presiding Officer.*

6  
7 MLGOO Ferrera: **Please include a child representative, an bag-o naton nga reglamento**  
8 **nasiring, MCPC should have a child representative.** For now Mr. Chair, amo la po adto an akon  
9 observations.

10  
11 GAD FP Lacandazo: The salient and important details of the ordinance has been summarized, na-  
12 discuss na man, we can go to the question and answer portion.

13  
14 Temp. Presiding Officer: If there is a clarification or suggestion, puede na kamo magpakiana.

15  
16 S. Ibanan: An aton gindi-discuss about the rights of children, an amon concern ha Municipal Health  
17 Office, what if the mother is not compliant han rights han aton children? Like ha immunization pala, ha  
18 prenatal pala, mga basic services regarding han health han children, ano ba an aton maibubulig para more  
19 hira nga magin compliant ha needs han usa ka bata han mga programs han Department of Health, sugad  
20 man han LGU.

21  
22 GAD FP Lacandazo: I think from the start pala, in-depth advocacy han MHO, house to house.

23  
24 S. Ibanan: As of now, mayda kita Chikiting Ligtas, we do master Isiting, house to house visit, kun ano  
25 pa, still mayda la gihapon non-compliant nga mga parents. Ano ba an aton mabubulig ha LGU nga part?

26  
27 GAD FP Lacandazo: I think ini nga Municipal Ordinance is a concerted effort, MSWDO, MHO,  
28 POPCOM and the rest nga mga agencies. Siguro, kita la gihapon an susuktan kun mag-aano kita. Under  
29 *Section 7, page 6, MOTHER AND CHILD CARE: The Municipal Government of Capoocan through the*  
30 *Municipal Health Office shall provide technical assistance, updates, and augmentation support in line with*  
31 *the implementation of programs and services anchored to the survival and development rights of the child*  
32 *as follows. Stated didi an mga programs and services, Women's Health and Safe Motherhood Program,*  
33 *Child Health and Nutrition Program, An pakiana mo Ma'am Sha, how to at least ma-achieve ta an 99%,*  
34 *siguro ada ito ha iyo nga mga move as partner in this ordinance kun how.*

35  
36 S. Ibanan: Waray ba kita mga incentive ha mga compliant mothers? Ginbubuhat na namon tanan.

37  
38 GAD FP Lacandazo: You know well ha mga taga-MHO kun mayda kita ipro-propose nga other  
39 ordinance para ini hira ma-urge para mag-avail hini nga mga programs, aton ini urusturyahan.

40  
41 Temp. Presiding Officer: Are you satisfied of the answer?

42  
43 S. Ibanan: Yes, Sir. Thank you Sir Rexan.

44  
45 Hon. Misa: An akon pakiana, adi ha Article V, ha mga prohibited acts, an iya penalty, duro la ada  
46 kahamubo, dugngan ta ini.

47  
48 Hon. Vallar: Sir Arnel, pira an imo gusto i-suggest nga penalty? An nakabutang didi, *not less than*  
49 *One Thousand Pesos (P1,000.00) and not more the Five Thousand Pesos (P5,000.00).*

50  
51 Hon. Misa: PhP5,000.00 minimum kay guti la kayo ini nga PhP1,000.00.

52  
53 Hon. Vallar: **Well-noted, pero as per information, an aton allowable penalty for these**  
54 **prohibited acts is only PhP2,500.00 maximum, based on the Local Government Code.**

55  
56 GAD FP Lacandazo: Ha local ordinance, pero depende han kabug-aton han binuhat han offender,  
57 for example, sexually abused an usa nga bata, of course, as a Social Worker, diri ako hito mapili nga justice  
58 han usa nga bata. As we assess han usa nga panhitabo ha usa nga bata, unless mga minimal nga mga  
59 offenses such as computer cafes, no physical violence. Pero kun dagko na nga binuhatan like sexual  
60 abuse, physical abuse, phsycological abuse, I prefer nga didto nga ha national law sumubay.

61  
62 Temp. Presiding Officer: Meaning, depende han weight han violation nga nabuhat han offender. So,  
63 ini nga PhP1,000.00 to PhP5,000.00, this is only for violations not considered as heinous crimes. Kun, diri  
64 madara PhP5,000.00, that is imprisonment.

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1 GAD FP Lacandazo: An akon pagkakaintindi, ini Municipal Ordinance will pave way para magin  
2 child-friendly kita puhon, not only nga maka-collect kita hin dako, pero an aton ginko-consider dinhi an  
3 welfare, security and safety han aton kabataan. Irregardless kun may ma-collect kita gamay ha mga minor  
4 violations, an aton paramount concern is an ira welfare. I suggest kun puede pa ini naton ma-revise, i-  
5 distinguish an mga violations nga puede naton masuktan hin money, and of course, mayda gihapon ini ka-  
6 presuhan para han mga gudti nga violations.

7  
8 Temp. Presiding Officer: Nabaton ba an imo pakiana?

9  
10 Hon. Misa: Sir, amo ako nakayakan kanina nga duro la kahamubo an aton mga penalidad kay kun  
11 diri ngani naton sagaron an penalidad, diri magmamaan an mga tawo nga nagamit hin kabataan,  
12 halimbawa, child labor. Kun aton pahamubon ini, magtitikadamo la ito. Kun nagpapahalaga kita han aton  
13 kabataan, bug-aton ta an aton balaud. Ini, kaya ini hin duro han dagko nga mga tawo, example mga  
14 computer shop, Php1,000.00 la, pero kun sagaron ta kun diin tutob, bangin pa hira di na magbuhat.

15  
16 MLGOO Ferrera: Sir, an imo gin-sample, ada ito ha page 18, letter (h) Computer shops/Internet  
17 Cafes. Kun diri hiya mamati han penalidad, tuod an siring ni Konsehal kanina nga tutob la talaga  
18 Php2,500.00 basi han Local Code, beyond that, diri na, pero if you noticed dida hini nga Article V,  
19 Prohibited Acts, nasiring nga puede patawan hin penalidad and cancellation of business permit for the third  
20 offense. So, kun di pa hiya makuntento han Php2,500.00 nga penalidad, puede pasadhan han munisipyo  
21 an iya computeran.

22  
23 Hon. Carolino: In connection han suggestion han aton gentleman nga Php5,000.00, diri gud ito  
24 puede matabo kay di kita puede maglapos subay han aton Local Government Code, up to Php2,500.00 gud  
25 la kita. Sakto liwat an siring ni Sir Joel nga kun ika-tulo na ini hiya mag-violate, puede na pasiradhan.

26  
27 PB Blorencia: Maupay nga kulop ha aton nga tanan. Under Article V, nabasa ko tanan an prohibited  
28 acts, pero ma-suggest ako kay didto ha amon, rampant ini nga mga illegal nga pasuyop, an gingagamit  
29 didto mga bata, waray didi ma-include. Actually, mayda na ngani kita bata nga nadakpan. Ito nga mga  
30 illegal nga truck, an nagpapa-ih, mga bata. Mayda kita usa nga biktima didto, ada pa ngani ito siguro, may  
31 kaso pa. Akon isa-suggest nga ma-include dinhi nga ordinance, waray man ito didi maapil ha prohibited  
32 acts.

33  
34 Temp. Presiding Officer: Kapitan, kindly specify what is that *paihi* so that others can understand.

35  
36 PB Blorencia: Iton ginsisiring namon didto nga paihi, activity ito han mga parag-gasolina nga  
37 kinakawat iton mga diesel tikang dida hiton mga tanker without katugutan hiton mga tag-iyang hiton mga  
38 trucking. Ginbabaligya ito han mga driver ngadi hiton namamaligya hin ginalon. Ito nga mga driver,  
39 nagpapa-ih ito hira, illegal nga pagsuyop dida hiton mga tanke han mga truck, ginre-retail liwat didi hiton  
40 mga negosyante. An gingagamit nira mga bata, may usa na nga bata nga nadakpan didto ha amon, may  
41 kaso na ngani, 14 years old, umundang na pag-eskwela ito nga kabataan kay an bata kun nakakakita na  
42 ngani hin kwarta, nagigiyan na hira, naundang pag-eskwela, aadto na pag-inukoy hito nga payag-payag nga  
43 kun mag-raid, apil an bata. So, I suggest nga ig-include dinhi, specific, ito nga mga paihi.

44  
45 Temp. Presiding Officer: Noted Ma'am.

46  
47 GAD FP Lacandazo: Duduha an akon nakikita nga puede naton ig-improve para maundang ini nga  
48 paihi, number one, siguro maghino hin ordinance an barangay. Di ba illegal gihapon ito hira dida nga nagpa-  
49 park? An bata nagigin biktima through hini nga mga illegal parking dida nga mga trucks, nga diin nagagamit  
50 gihapon ini hira pagbaligya hito nga mga gasolina. Siring ko pa man, ini nga mga bata can be considered  
51 Children At Risk, kay an environment diri healthy para ira. As I see it, an mga bata are the victims, territory  
52 pa man ito dida han Lemon ano, why not create an ordinance prohibiting pagtinambay dida.

53  
54 PB Blorencia: Sir, kadamo na kami hito nga higayon, magpapatrolya, mga barangay tanods ngan  
55 officials dida hito nga paihian, actually nag-report na kami hito ha Pulis, nasiring man la hira, *protektado*  
56 *kami hito nga mga CIDG, Police*, adi man may record man kami, so kami nga mga barangay officials, waray  
57 kami nahihimo.

58  
59 GAD FP Lacandazo: Hino an protektado Kap?

60  
61 PB Blorencia: Ito nga mga nagpapasuyop ito nga mga negosyante dida ha Lemon, amo ito an ira  
62 baton, protektado hira han CIDG, protektado hira hin Police, kay kada semana, gin-aaruan kuno hira hin  
63 buwis, *siring ta nala*.

64  
By: \_\_\_\_\_

Date: \_\_\_\_\_



1 Hon. Carolino: As Chairman of Peace and Order and Public Safety, Kap, hino nga CIDG an naaro?  
2 Hino nga CIDG an ira gintatagan? Hino nga Police an ira tinatagan?  
3

4 PB Blorechia: Amo ito Sir kay di nasumat han mga ngaran, amo kuno ito, an maaram la kuno hito, hi  
5 Mario Alcala ngan hi Benjie Capanal, iton ada ha bukid, untouchable kuno hira kay protector kuno nira iton  
6 CIDG ngan Police. Gin-report ko ito kan Sir Gatela, kumadto dayon ito hi Sir Gatela han nakanhi pa, nasina  
7 hi Sir Gatela kay gin-aapil-apil kuno hiya. Diri la parte han kabataan, parte hiton mga illegal didto ha amon,  
8 di kami nakakasugpo.  
9

10 Hon. Carolino: Mr. Chairman, in connection han concern ni Barangay Captain Blorechia, may I  
11 request the presence of our Chief of Police, kay puede ito naton yana or buwas kadtuo, as Chairman of  
12 Peace and Order and Public Safety.  
13

14 Temp. Presiding Officer: While waiting for our Chief of Police, any questions or suggestions?

15  
16 PB Arpon: Maupay nga kulop. Ha amon inin wifi, disturb gihapon ini Sir. Ig-upod an computer shop  
17 ngan wifi.  
18

19 GAD FP Lacandazo: Well-noted Kapitan. Part gihapon han aton provisions didi han aton local  
20 ordinance, actually ito nga wifi, an iya panuyuan, maupay, access to information. Since an eskwelahan  
21 yana, more on research, for educational purposes. For sure my violation iton mga operator hito nga mga wifi  
22 kay naka-state didi nga diri hira for children from 7 to 5 PM, unless may papel from the teacher nga ini hira  
23 may ada research, and apil hini pag-monitor kun nagre-research ba gud man, an tag-iya or an manager hito  
24 nga computer shop.  
25

26 PB Arpon: How many times kami masiring ha ira nga na-violate hira? Until such time kami nga diri  
27 na kami ma-issue hin barangay business permit?  
28

29 GAD FP Lacandazo: Number one ngadi nga nakabutang, an distance han computer café ngada han  
30 eskwelahan. So, kun waray hiya pakasunod hito nga distance, 200 meters away from schools, ura mismo,  
31 diri ito hira allowable.  
32

33 Temp. Presiding Officer: Sir, also from the chapel or from the church, there is a distance nga ginre-  
34 require para hito nga mga gaming computer shop. Based on the Code, mayda didi mga penalidad, first  
35 offense, mayda suspension of their business permit. Kay during hiton iyo licensing, makuha ito hira hin  
36 barangay clearance for business permit, didto pala, puede niyo makita if they are violating certain  
37 provisions, so kun naka-violate hira, you should not issue a business permit.  
38

39 PB Pingal: Good afternoon everyone. Akon la isa-suggest nga, siguro waray dida an parents ngan  
40 children below 18, nga nag-aabandon nga kag-anak han iya anak nga diin nakakagbuhat hin diri maupay.  
41 Kay didto ha amon 13 years old, maaram na mangawat, nakakaabre, may dara-dara nga kutsilyo. Na-  
42 request ako nga diri la kita ma-focus liwat han child kay responsabilidad man liwat ito han kag-anak. An  
43 parents hugas-kamay, ginkakadi la ha amon, amo iton akon nga mamayda gihap penalty an parents nga  
44 nag-aabandon, puede ba ito dida?  
45

46 GAD FP Lacandazo: An mga minor nga nakakasala han mga law han Philippines, they are  
47 considered Children in Conflict with the Law. Ini nga mga kabataan nga in conflict with the law, an 15 years  
48 old below 18 years old, puede na hira makihaan. Pero, since na-base kita han aton RA 9344, an Juvenile  
49 Justice and Welfare Act, bisan ako nga Social Worker, I don't know kun dapat na ito hiya ig-revise kay  
50 nowadays, an kabataan, hi-tech na an panhuna-huna. Siring pa man, ito nga mga balaud, they are made for  
51 the purpose nga bisan hira naka-violate, gintatagan la gihapon hin tsansa han aton gobyerno nga mabag-o,  
52 kay an aton huna-huna, they are children and diri pa matured an ira panhuna-huna. Later on, I think, an  
53 aton LGU, may programa ka-parte hito nga mga CICL. An sinisiring ni Kapitana nga an mga kag-anak, aton  
54 liwat mapanagot, actually, an mga pangawat, puede man talaga naton kihaan an kag-anak, kay di pa puede  
55 kihaan an mga bata. Under ha RA 9344, civil liability ada ha kag-anak, puede gihapon criminal liability, kun  
56 an anak an mag-reklamo. Pero siring pa man, an aton balaud is conservative, ginuhuna-huna gihapon  
57 naton an pamilya, an pagkabug-os. Puhon, an aton Balay Darangpan will be catering clients nga mga CICL  
58 and CAR or Child at Risk.  
59

60 Hon. Carolino: Sir Rexan, ano kuno an maupay naton buhaton han mga kabataan nga magsamok  
61 dida ha sementeryo, ipapatawag an mga kag-anak or dadakpon ito nga mga bata?  
62

63 GAD FP Lacandazo: Anon klase nga mga magsamok?  
64

SANGGUNIANG BAYAN OFFICE  
CERTIFIED TRUE COPY  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

1 SI Nivera: Kasi pirmi nala po pag may naglulubong, pag may nasingadto ha sementeryo,  
2 nagsusunod-sunod ba hira, masamok hira. One time naki-lubong ako, may pumakiana nga diri taga-dinhi ha  
3 aton, *anon binubuhat han LGU?* Mostly pa gud hito, mga 4Ps beneficiaries.

4  
5 A. Hondolero: Tinuod ito nga magsamok, maaringasa katapos nangangaro. Pero ako, bisan ano nga  
6 pagpinanaway ko, diri nanunuod.

7  
8 GAD FP Lacandazo: Siguro at our end ha DSWD, we will conduct home visitation. Concerted ini nga  
9 effort.

10  
11 Temp. Presiding Officer: Are there any more questions, suggestions?

12  
13 PB Bersales: **Ma-suggest la ako kan Kapitana ha Lemon kaparte han paihi, kun puede butangan hin**  
14 **CCTV** dida kay nasiring man la nga protektado han Police, CIDG, para di na magpaligoy-ligoy nga mayda  
15 kami tinatagan kada semana. Una, igkla-klaro ko la, labi na ako kay ako an tag-iyan tuna dida bawbaw,  
16 bangin makasiring nga protector ako.

17  
18 *Capoocan Municipal Police Station Acting Chief of Police, PMaj Herbert M. Prias arrived to attend*  
19 *the public hearing as invited.*

20  
21 Hon. Carolino: I move to suspend the rule in attendance due to the presence of our Chief of Police,  
22 Chief Prias.

23  
24 The motion of Honorable Carolino was seconded by Honorable Nimo, without any objection from the  
25 August Body and was thereby declared approved by the Temporary Presiding Officer.

26  
27 Hon. Carolino: Sir, mayda didi concerned citizen, an usa niya nga concern about hini nga paihi hini  
28 nga diesel or gasoline. Ginkadto na kuno nira han mga barangay officials han Lemon, an siring hito nga  
29 mga tawo, nahatag kuno hira hin CIDG ngan ha mga Police, so, karuyag signgon diri hira madadakop,  
30 untouchable kuno hira, how true ini Chief nga ginsisiring han aton Barangay Captain han Lemon, ano  
31 katuod?

32  
33 COP Prias: Maupay nga kulop. Before I assumed as Chief of Police ha Capoocan, Leyte, I think, it is  
34 a long-time problem han Capoocan ito nga paihi. Bisan ako mismo nakakabati ako nga mayakan nga  
35 naghahatag ha CIDG, naghahatag ha Police, siguro an ira sinisiring nga Police, an Chief of Police hadto,  
36 diri ako. Ito nga problema, maiha na ito dida. Mayda kuno na-protekta ha ira, dinhi ha Capoocan, mga  
37 politician, mga CIDG. Hino an Kapitan dida Lemon? Ma'am, ito nga problema dida, unang-una, ikaw ito an  
38 maghihimo hin move, himuan ngani ito nimo hin paagi, magbuburublig kita para maundang an problema.  
39 Kay ito dida, harap-harapan ito dida nga paihi. Ako, pulis ako, oo, naamin ako nga hira nahatag hin pulis,  
40 pero an problema, kostumbre na ito dida, maiha nan duro nga panahon nga natatabo dida nga lugar, an  
41 barangay mismo, waray hira ginhihimo nga move, pinapabay-an ta la nga sugad hito an natatabo dida. Ha  
42 Police, naghihinay-hinay la kami hito amon move dida, kay maaram ako, damo an amon masasagasa nga  
43 kun hino la nga mga tawo. Maiha na ito dida nga problema ha Ansubas, waray pa ako dinhi ka-assign,  
44 mobile pa ako, buot ipasabot, ginburubalyuan na ito dida, damo na an nakatagamtam hito dida.

45  
46 PB Blorencia: Naghimo na kami hito hin paagi Sir. Actually, napakadto na ako hito ha Region, ha  
47 Police, an siring ha akon, gatasan kuno ito dida han CIDG, mag-aano man ako? Pamamatayon nala ngani  
48 kami hiton tag-iya, waray kami nahihimo Sir, kay mayda man mga koneksyon.

49  
50 COP Prias: Amo ito an aton problema, siring ko pa man, hinay-hinay kita hiton aton kiwa, siring pa  
51 man nimo, konektado ha CIDG, kami, lowest unit kami. Kun an LGU mismo maghimo hin paagi nga  
52 maundang ito dida, undang ito. Diri pira la an magi-os, pira man la kami. Anytime, puede kami maiwas dinhi,  
53 kun mayda kami masagasaan, kapira man la pagliwan hin Chief of Police, dapat an LGU an kumiwa, LGU  
54 an maghimo hin paagi nga maundang ito dida, pagburublig kita. Masiring nga trabaho han Police, trabaho  
55 namon, pero usa la kami ka pitik dida, iwas kami. CIDG, higher headquarters ito namon, dapat LGU mismo  
56 an maghimo hin paagi nga maundang ito dida nga paihi. Hi ako, damo an akon impormasyon nga nakukuha  
57 nga diri la CIDG, mayda pa iba, so, amo la iton akon mayayakan nga maiha na ito dida nga problema, damo  
58 nan Chief of Police nga nakanhi, waray ito dida maiwas. Maaram ako nga maaram kita, an akon la mare-  
59 rekomenda to the LGU, create a strategy, hin rekomenda nga maundang ito dida nga pihi. We are just  
60 a mere police of Capoocan.

61  
62 PB Blorencia: Diri la diesel ngan gasoline, pati nga cooking oil, steel bar, mga tubong hin manok.  
63 Nalilipay ako kay riko na an mga taga-Lemon, pero ha illegal nga paagi. An tag-iya han trucking malulugi,  
64 an amon Petron nagsara na. Bisan anon amon paniguro nga ma-solve ito dida, waray kami nahihimo  
65 tungod hito nga mga connection.

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By: \_\_\_\_\_  
Date: \_\_\_\_\_



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COP Prias: Mayda na kami hito gindakop dida, pero an concern nga tawo, nga grupo, nga ginkakawatan han diesel nakada, siring ko, balik kamo para ma-paylan hin kaso, waray naman bumalik, buot ipasabot hira mismo nga tag-iyá, aware hira hito dida, bangin an tag-iyá, diri maaram, an nagsaragbot nala an mga driver nira. Bisan ito nga mga tubong, tikang ha Ormoc nga tubong, ginka-storya ko an Manager, nasiring man la nga kakada-on kuno namon Sir, papanginanuon namon, ginfollow-up namon, waray naman kami batuna, buot ipasabot, hira mismo, huna-huna ta nga biktima, maaram hira nga ginsusugad hira han ira mga empleyado.

PB Blorechia: Kun sugad hito Sir nga may madadakpan dida, kinahanglan pa an tag-iyá or kita mismo an nakadakop an magpre-press hito ha ira kay pangawat man ito.

COP Prias: An tag-iyá man an ginkawatan, ig-coordinate naton, hira an mag-file hin kaso. Hi kita, igo la kita magigin witness. Two times na nga nakadakop kami dida, waray man concern nga nanginginano, waray complainant. Nakasiring ako nga waray ini gamit, an akon marerekomendar, ito nga mga truck, pagbawalan, nahihimo pa ngani ito hira nga hazard ha kalsada.

MASSO Tagnipes: Usually iton paihi, diri illegal per se kay it's between employer and employee, kun magreklamo an employer, amo na ito nga time madadakop naton an driver, an nagpasuyop, nahihimo la ito nga illegal kun ito nga ginsuyop, idi-distribute na, kahuman ibabaligya utro.

Temp. Presiding Officer: Maiha ako ha Bureau of Fire Protection, trabaho ito namon pagpinanakop hito nga illegal dispensing of fuel. Ito nga pasuyop, that is a form of illegal dispensing. Dapat mag-dispense ka ngani hin flammable liquid, adto ka gasoline station, so meaning diri naton puede masiring nga that is not illegal, illegal hiya kay waray niya dispensing device. An maupay siguro hito, maghimo an barangay hin resolution regarding hini nga dispensing of flammable liquids or magbutang kamo hin "no parking". Usa ako nga biktima dida, tumigda pagtalabok an ten-wheelers, waray mag-signal. Maupay ini nga ma-address naton, ma-resolve naton hin maupay nga paagi.

MLGOO Ferrera: Usa nga solution an CCTV, ikaduha, mga placards, ngan mayda kita sinisiring nga road clearing during the time of Duterte, thorough passage of an ordinance, I don't know kun mayda kita sugad. Aw mayda, kitaon ta didto an mga provision, kay ito nga 4-lanes, aragi-an la, diri parkingan.

PB Blorechia: Sir Joel, napakadto ako ha DPWH, nagpakiana ako didto kun puede ba kami mga barangay officials magbutang hin "no parking"? Siring nira, hira kuno iton mabutang. Diri man kami puede magbutang-butang kun diri tikang ha ira. Sige ako ha amon public address nga, *ayaw kamo dida pag-parking*, igo la ngani ako ginpapalingkod ha lingkuran, adi na liwat, di na man nanunuod tungod hiton demand hiton ira bursa.

MLGOO Ferrera: Folow-up kun hain na ito nga mga "no parking" signs. Para ha mga kabataan, enforce Curfew Ordinance.

Temp. Presiding Officer: I suggest nga i-black and white an imo request, himo kam hin resolution nga mabutangan kamo hin signs, ipasa ha DPWH.

PB Bersales: Sir parte han barangay resolution, siguro tikang ha munisipyo, kay highway ito. Burublig kita.

Hon. Carolino: Maghimo anay an barangay, diri resolution, barangay ordinance, tapos ipasa ngadi ha SB.

Temp. Presiding Officer: So Kap, buhata an angay mabuhat para ma-resolve ito nga problema didto ha imo barangay, burublig la kita, adi an aton Chief of Police, then adi an legislators, andam kami bumulig hito nga problema. Any other concern?

Hon. Pigar: Mr. Chairman, if there are no more reaction or suggestion, I move for the approval of **MUNICIPAL ORDINANCE NO. 5, Series of 2023, "LOCAL CHILDREN'S CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**, for second reading today.

**CERTIFIED TRUE COPY**  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

The motion of Honorable Pigar was Honorable Carolino and Honorable Villar without any objection from the August Body and was thereby declared approved by the Temporary Presiding Officer.

Hon. Pigar: I move to calendar the same for third and final reading next regular session.

1 The motion of Honorable Pigar was seconded by Honorable Carolino and Honorable Vallar, without  
2 any objection from the August Body and was thereby declared approved by the Temporary Presiding  
3 Officer.

4  
5  
6 ❖ **ORDINANCE NO. 2, Series of 2023, "CEMETERY CODE OF THE MUNICIPALITY OF**  
7 **CAPOOCAN, LEYTE"**

8  
9 Hon. Vallar: Maupay nga kulop ha aton nga tanan. We will be treating Ordinance No. 2, series of  
10 2023, the Cemetery Code of the Municipality of Capoocan, Leyte. Diri ta na tag-usa-usahon tanan nga  
11 provisions, instead makadto nala kita han essentials. We are promulgating an ordinance, kay ano? Mayda  
12 kita existing ha Atipolo, and then we will be opening an aton liwat bag-o nga cemetery didi, an previous  
13 naton nga cemetery didi ha Buri, ha Zona Uno, pero iba an iya classification kay didi ha Buri, apartment type  
14 hiya puro, unlike ha Atipolo, mayda pa traditional nga paglubong, an ginkukutkot, tapos ginbubutangan hin  
15 tombs. You are aware han pamaagi han aton daan nga sementeryo, maaram na kita, we already have an  
16 ordinance for the utilization of the cemetery, only now, an aton problema dida, crowded na hiya, damo nan  
17 duro an nakalubong, so usa ito nga aton igta-tackle. One of the essentials that we are going to discuss  
18 today is an aton Public Cemetery Committee, nga amo an magpro-provide han aton implementation or an  
19 aton procedures han aton paglubong han aton departed loved ones. The Public Cemetery Committee amo  
20 iton magkre-create han procedures ngan hin Technical Working Group, nga amo liwat an maghihimo han  
21 Master Plan han aton cemetery. As I have said earlier, an aton sementeryo dida, napupuno na, waray na  
22 ngani hiya paggigi-usan. During our discussions, because I am also part of the Technical Working Group,  
23 I'm also a member. Nagkaada kami hin ocular, gin-istadihan ito nira Sir Querube, MPDO and Engineering,  
24 to create a plan, but then an aton pinakamaupay nga mahimo is magkaada kita hin bag-o nga lugar didi ha  
25 Atipolo. That would be part hiton aton paghihimuon. Usa liwat namon nga na-discuss during one of our  
26 Technical Working Group meeting is to come up with a separate municipal cemetery didto ha coastal area.  
27 As I have said, we won't go over han aton sections. Kitaon ta nala kay mayda man kita copies, if ever there  
28 will be vague provisions nga diri gud niyo naiintindihan, i-raise ta nala later on in open forum, so that we will  
29 not consume much time. Primarily, an akon nala ipre-present ha iyo, an didi nala ha bag-o nga aton ig-  
30 ooperate yana nga sementeryo. An procedures naton didi han daan, amo la gihap, diri ta na ito hiya babag-  
31 ohon, an aton concern yana, an didi nala han bag-o nga mag-oopen. Most probably, iton usa gud nakon  
32 nga igdi-discuss ha iyo, an fees didi hiton aton bag-o nga sementeryo. You must all know nga didi hiton aton  
33 bag-o nga sementeryo, mayda na ito hiya daan lubnganan, mayda na mga pantson. Iton aton bubuhaton  
34 kun mayda iglulubong ngada, an aton nala pagbutang nala, pagsulod ngan pagtuok, waray na kamo  
35 proproblemahon. Kay mayda naman nga daan mga bangon, mabayad kita hin equivalent fees for the  
36 construction of those niches. I'm only giving you the summaries, kun mayda kamo pakiana han mga  
37 provisions, ipakiana niyo. Ini nga aton gindi-discuss yana, this is for the interest of our constituents,  
38 remember nga kita, nagre-represent han aton constituents. So, whatever there is nga importante gud ha  
39 mga tawo, kailangan naton i-raise, because we are making an ordinance. Once this ordinance has been  
40 approved, waray kita mahihimo kundi i-follow naton ini nga aton ordinance. Now, usa nga provision dida, an  
41 aton fees han paglubong dida han bag-o nga sementeryo is PhP10,000.00. Pero, siring ko pa man, ito nga  
42 PhP10,000.00, waray na kamo bubuhaton, pagbutang nala niyo, pagtuok nala, an pag-cover hito kay open  
43 pa man ito, LGU na an ma-trabaho, mayda kita personnel nga magtrabaho pag-cover. Nakakita na kamo  
44 didto? So, amo ito, Php10,000.00, an didi, same pa rin, PhP200.00, pero kamo an maghihimo han panston.  
45 Usa liwat hito nga provision hito dida, waray reservation, first come, first serve, pero an magbubuot, diri an  
46 maglulubong, an committee, kun hain kamo ibubutang, diri kita puede mag-pili. Ito nga PhP10,000.00, that  
47 would be good for 10 years. After 10 years, you will receive notices, there will be an option nga an aton mga  
48 bukog, igbabalhin ngadto han common bone depository, option ito niyo, but then, kun diri niyo gusto igkadto  
49 an iyo bones ha common bone depository, puede kita mag-renew annually, ma-extend kita, mabayad kita  
50 PhP1,000.00 per year for our extension. LGU an magbabalhin, kun diri ka ma-renew, diri kamo mabayad  
51 han pagbalhin, after 10 years ito. An burial the same pa rin, an process han burial, maaro kita hin permit,  
52 amo la gihapon nga pamaagi. An Public Cemetery Committee, mag-aassign na ito hin mga personnel nga  
53 magma-man han aton mga sementeryo, kay diri la ini paturapak nga pagbutang, kay sugad han nahitabo  
54 didto, waray kasunod an plano, haros di na ngani kita makaagi. But then, we are planning kun ano pa gud  
55 iton maupay didto buhaton. Usa nga essential dinhi an exhumation. Exhumation, karuyag signgon,  
56 kukuhaon an patay dida han ginlubngan, diri ta ito ig-aallow without the approval from the Sanitary  
57 Inspector, mayda ito dida provision, if you have read that. Balik kita ngadto han aton bag-o nga sementeryo,  
58 diri puede maglubong hin duha nga patay ha usa nga apartment, diri puede sharing, tig-usa la, bisan hin-o,  
59 bisan asawa, tag-usa gud la, within a span of 10 years. After 10 years, kukuhaon, puede liwat butangan hin  
60 iba. If ever mayda magbi-build hin mausoleum, maagi na kita ha Engineering Department, mayda fees nga  
61 kaakibat according to the Building Code of the Philippines. Diri na kita puede nga masinog nga matindog  
62 ako didto hin balay, maaro na kita hin permit, diri sugad han una. Amo la ito an essentials dida, so, open  
63 the floor for your concerns or any questions regarding our Cemetery Code.

By: \_\_\_\_\_  
Date: \_\_\_\_\_



1 Hon. Nimo: Nasiring kanina nga an bayad PhP10,000.00, pano kun senior citizen, mayda discount?  
2

3 Hon. Vallar: Mayda ito didi provision, mayda hiya 20% nga discount an senior citizen. An senior  
4 citizen nga mapatay, an immediate family, makaka-avail hin 20% discount.  
5

6 MLGOO Ferrera: Nasiring kanina nga after 10 years, igbabalhin, ako gusto ko nga permanente na.  
7

8 Hon. Vallar: Kun gusto mo diri igbalhin, didto ka gihapon hito nga apartment, you have to renew, but  
9 then, you have to pay PhP1,000.00 annually. An cremated bodies, igkakada ito ha columbarium, waray pa  
10 ito yana, but then, usa ito nga gindi-discuss han Technical Working Group.  
11

12 MLGOO: Didto, mayda kami parehas hito nga condominium type, pero after 10 years, igkakadto ha  
13 gutiay la nga nitso, within the cemetery gihap, tig-usa-usa, perpetual na.  
14

15 Hon. Vallar: Dinhi, common bone depository gud la, waray pa kita hito, but anyway, we will take that  
16 suggestion kay on-going pa man, especially an Technical Working Group nga aanhi, nga magkaada hito.  
17 Those suggestion, we will take into consideration, anyway, mayda man kita Public Cemetery Committee  
18 and the Technical Working Group, to tackle those issues. Anyway, we are already looking for another area  
19 nga mas haluag, mas maupay.  
20

21 PB Balote: An imo siring kanina didi han bag-o nga cemetery, malubong, mahatag hin PhP10,000.00  
22 hin 10 years, pag-abot hin 10 years, ma-renew, up to 10 years liwat, ma-additional hin PhP10,000.00?  
23

24 Hon. Vallar: An renewal is 1 year only, annually, not necessarily nga pag-renew mo, 10 years  
25 deritso, 1 year la an extension.  
26

27 PB Balote: Waray na ito iba nga tatagan?  
28

29 Hon. Vallar: Waray na kun nag-renew ka.  
30

31 PB Balote: Waray na ito kakadtuan nga iba?  
32

33 Hon. Vallar: Oo.  
34

35 PB Balote: Ha coastal, mapakain man kun diri puede an kinutkot ha bag-o? Kay didi, puede la itudto  
36 han kamposantero, aadto ka didto ha igbaw kay waray ka kwarta, diri tatagan hin maupay nga pwesto.  
37 Yana kay waray na naagi-an, hadto naagi-an pa, yana may mga pantson na. Kun sarabuton la, bisan  
38 PhP30,000.00, nabayad kami. Inin aton kamposantero, kun may kwarta ka, tatagan ka hin maupay nga  
39 pwesto, adi man, sayod man ito, naglubong ako han akon bayaw, nasingadto ako iya, nagpadalunot, aadi  
40 didi ha may simbahan, ha may kapilya. Siring ko, sunod, kay puro man kita tikadto, mahatag ako hin  
41 PhP50,000.00, dida ako may gate ibutang. Kay papoder-poder man, ayaw kita hito, kaluy-i ta intawon an  
42 mga pobre.  
43

44 Hon. Carolino: Amo ngani nga aanhi kita yana kay basi naton ini maayad. Actually, an didi ha old  
45 cemetery, mayda ito plano, although nga waray kasunod. An imo sinisiring nga dalan didto, diri unta ito dida  
46 dapat butangan. Yana, kay nabutangan na man, pag-abot hiton 10 years, ito nga natalapas, puede na ito  
47 kuhaon, igkakadi ha depository na. An didi naman liwat ha new, nasiring ka kun puede pagkutkot, diri puede  
48 pagkutkot kaya da nan mga cubicle. An imo liwat siring nga mabayad ka hin PhP20,000.00, diri liwat puede,  
49 di man kakarawton kay PhP10,000.00 man la for 10 years, renewable PhP1,000.00 per year, kun gusto  
50 mag-renew, pero kun diri gusto mag-renew, kukuhaon, igkakadto ha depository, para malubngan liwat hin  
51 iba.  
52

53 PB Pingal: Good afternoon. An akon pakiana, didi hiton Section 14, kun an patay nga lawas, within  
54 10 years, waray pa hiya mag-decompose, obligado ba nga ibalhin hiya ngadto ha bone depository?  
55

56 Hon. Carolino: Depende ha imo kay mayda man naton option kun ire-renew nimo o diri. Diri ngani  
57 ma-renew, ikakadto ha bone depository, pero kun willing ma-renew, puede ma-renew, mabayad hin  
58 PhP1,000.00 kada tuig.  
59

60 PB Pingal: Halimbawa, patay na, malubong, ito nga PhP10,000.00 payment ba ito o puede  
61 staggard, PhP1,000.00, PhP1,000.00?  
62

63 Hon. Vallar: One-time payment ito Ma'am.  
64

SANGGUNIANG BAYAN  
CERTIFIED TRUE COPY  
By: \_\_\_\_\_  
Date: \_\_\_\_\_

1 Hon. Misa: Maupay nga kulop ha aton nga tanan. Puede ba paki-explain further and Section 13?  
2 Ngan puede ba naton paubsan ito nga PhP10,000.00? Mabug-at man ito kaupay, diri ito kaya han mga  
3 pobre.

4  
5 Hon. Vallar: Section 13 states that, "Exemption. All indigents duly certified by the Punong Barangay  
6 and the Municipal Social Welfare Officer, shall be exempted from paying the burial fees and can avail the  
7 use of Mortuary Chapel which is limited to five (5) days wake. This can be availed only at the Public  
8 Cemetery located at Sitio Atipolo". So, an indigency, diri puede maka-avail didi han bag-o, adto la gihapon  
9 han daan. Now, with regards han PhP10,000.00, Mr. MPDC will answer that question for you.

10  
11 MPDC Procia: Maupay nga kulop ha aton nga tanan. Gusto ko ini kamo mabaro, labi na an mga  
12 barangay officials, sayod kita nga we are IRA or NTA reliant. Iton DBM, iton national government is  
13 encouraging all LGUs belonging to the 4<sup>th</sup> down to the 6<sup>th</sup> class municipalities to engage into Local  
14 Economic Enterprise. Diri karuyag signgon liwat nga wawad-on naton an aton pag-ugop ngada han kadam-  
15 an. Salit, ito nga ginpro-proponer naton pagtindog hin bag-o nga sementeryo, that is a local economic  
16 enterprise hiton munisipyo nga magkakaada kita hin income. Just imagine, Capoocan is only earning more  
17 or less, PhP5,000,000.00 a year, am I right Treasurer? So, yana, naghihinay-hinay kita. Kun an question  
18 nga papan man la adton kablasanon nga waray gin-aakos? That is why mayda kita public cemetery nga  
19 gintutugutan ngani didto hin bisan an pagkutkot. Ngani yana, kami nga TWG, although, mayda pa ito ngadto  
20 iwag, ngadto ha luyo, lugaring diri na kampante to put-up hin additional nga maglulubong kay mas delikado.  
21 We suggest nga rather to look for another site kun magastos na man la kita, and that is for everybody,  
22 tutugutan didto paglubong bisan kutkot la, mga kablasanon, adto didto, no cost will be entailed,  
23 automatically free hiya, as long as certified nga indigent. Just imagine iton PhP10,000.00, if we prefer nga  
24 baga maupay gud nga pantson, don't know kun PhP10,000.00 an gagastuhon paghakot hin baras, suhol  
25 hiton labor, nga tanan nga magagastos nimo. Iton didi, ito nga PhP10,000.00, ada na nga tanan, aton  
26 pagpwesto nala. Just imagine, PhP10,000.00, waray ngani mag-100 an kada bulan. Kuro-computan namon  
27 ha opisina, an iya total amount, di pa ngani makakasukli han iya nagastos. At least makakabulig kita, bisan  
28 diri maka-meet han iya necessary nga expenditures, nga makabulig kita pag-generate hin local income. Kun  
29 waray gin-aakos, they can prefer han aton public cemetery nga daan. Iton iparalit han bag-o nga cemetery  
30 site, still aada pa. Adi man iton aton Municipal Assessor, mabiling hin other site, kontra mag-iinupay han  
31 daan nga ma-entail hin dako nga kantidad, mabiling nala kita hin bag-o nga sementeryo para di na  
32 magginasto hin dako.

33  
34 Hon. Vallar: Thank you very much for that insight. Gin-consider namon an costing hito, gin-compare  
35 namon kun pira an magagasto kun kamo la mismo an maghihimo, so more or less, ada hito nga rate.

36  
37 S. Ibajan: "SECTION 15. Limitation. A couple or husband and wife cadaver/bone remains is allowed  
38 in one cadaver niche." Example, 10 years na po siya, didi kita ha old cemetery, only the wife and the  
39 husband an puede ibutang after 10 years, or puede po ba an other relatives basta may consent han family?

40  
41 Hon. Vallar: Immediate family members, puede.

42  
43 S. Ibajan: "SECTION 25. Administrative Provisions (3) Any construction of whatever kind and nature  
44 in the Municipal Public Cemetery, whether for temporary or perpetual use, shall only be allowed after the  
45 approval of a permit issued by the Municipal Mayor upon the recommendation of the Municipal Building  
46 Official." According hini nga Cemetery Code, an allowed la nga measurement is 3 meters by 1 meter, what if  
47 an patay is bata, waray niya ma-consume an 3 by 1 nga kadakuon, puede po ba mag-construct nga ma-  
48 eksakto niya an kadakuon, masarit pa ba ha Municipal Engineering Office? As long as diri hiya nakaka-  
49 endanger han health han mga visiting people ha cemetery.

50  
51 Hon. Vallar: Amo ito nga makuha pa hin permiso nga malikayan na an nahihinabo han una nga  
52 bisan la diin natindog. Ini yana, everytime nga may igitindog, kinahanglan gud magkaada hin approval para  
53 maiwasan ta na an pagkasaramok. An aton hini nga magmaupay kay sugad han siring kanina ni Kap Pepe  
54 nga na ngani hiya nakakakadto kay an aton plano, waray kasunod.

55  
56 S. Ibajan: Sir, iton 3 by 1, standard ito nga size? Guti-ay la nga portion an na-occupy tungod nga  
57 baby, puede ba an sobra mabutangan hin something, pero an ig-ooccupy la dida, ito la nga kadak-on.

58  
59 Hon. Vallar: Oo, kay embedded man didi, puede i-maximize.

60  
61 Temp. Presiding Officer: Regarding han size, diri puede magpagamay kay makaka-apekto hiton  
62 spacing, bisan pa guti an ibutang dida, amo la gihapon, ima-maximize para may uniformity.

63  
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1 Hon. Misa: Yana, maa-approve naman ini nga aton ordinansa, nakabutang did ha provision nga  
2 mayda la mga sanction an mga official, personnel nga masasabtan nga may illegal, hino ba an komitiba hini  
3 Sir nga puede namon daupan, pirmi na man lan ini nga may padalunot.

4  
5 Hon. Vallar: An Public Cemetery Committee, adi ha Section 4 Letter C, Municipal Public Cemetery  
6 Committee, Chairman naton an Municipal Mayor, an aton Vice-Chairman, an aton Municipal Treasurer and  
7 our Municipal Civil Registrar, an members, Cemetery Supervisor, SB Committee Chairman on Trade,  
8 Commerce and Industry, Municipal Planning & Development Coordinator, Municipal Health Officer and  
9 Sanitation Inspector, Municipal Environmental and Natural Resources Officer, Municipal Engineer and  
10 Municipal Assessor. So, for concerns regarding anything, didto naton ipre-present ha ira.

11  
12 Temp. Presiding Officer: Parte han manifestation han padalunot, puede man kita magpakiana han  
13 aton caretaker, how true ito nga padalunot?

14  
15 CT Hondolero: Ito nga padalunot, diri ito tinuod nga nahatag hira kay ako, diri ako nangangaro ha ira  
16 nga tagi ako para mabutang kamo hito dida nga pwesto. Danay may nahatag hin syen, *toy, adin imo iparalit*  
17 *hin buyo ngan tabako*, pero iton masiring nga mahatag hin dako, buwa ito, nga ibutang ako dida nga pwesto  
18 kay tatagan hin dako. Pasalamat ka ngani nga ito dida nga pwesto ginhatag ko ha imo kay huruharani, pero  
19 masiring ka nga naghatag ka ha akon, buwa ito.

20  
21 Temp. Presiding Officer: I think nakanhi ka kanina han pag-manifest ni Barangay Captain.

22  
23 CT Hondolero: Oo, an kan Bata Pepe, waray ito bisan singko nga ginhatag ha akon, han kan Mano  
24 Sam. An ira didto pwesto nga pangpang, ginsingnan ko la hira nga inin pangpang, dako man gud an iyo  
25 gagastuson hito, bahala kamo, ito pwesto ito dida, kun maayon kamo, inayon man hira. An nagtrabaho hito  
26 hi Nick, diri ako.

27  
28 Temp. Presiding Officer: Based han manifestation kanina, pagpakiana, mayda pwesto, adto hirayo.

29  
30 CT Hondolero: Mayda ginlubong nga kutkot, ito nga kutkot, adto gud ito didto ibubutang, area gud ito  
31 didto hin kutkot la. Diri man nga ma-pwesto hira dida harani nga dida la hira magkukutkot, mayda man  
32 pwesto han kanan kutkot la.

33  
34 Temp. Presiding Officer: Hopefully, ini nga modus, diri unta tinuod. Aton ini bantayan ini nga modus,  
35 para in fairness hiton kadam-an, ma-kwartahan ka, mawaray, paprehas matatagan hin area. Ayaw naton  
36 nga bakay kwartahan ka, didi ka. Actually, I am also a victim hito dida, during han akon Ate namatay. Naaro  
37 ako hin lugar, waray ako tatagi. Ako an nagbuot nga dida ha ligid iglubong kay waray man ako tatagi. So,  
38 dapat mabag-o ini nga padurudalunot.

39  
40 Hon. Nimo: Mr. Aldrin, mayda gad ako pakiana. Mayda nakaabot ngadi ha amon nga storya nga  
41 nasiring nga ikaw daw danay kuno an nakontrata paghimo hin pantson, pira man an imo sukot paghimo hin  
42 pantson?

43  
44 CT Hondolero: Usahay, kay ano nga nakarawat ako hin pakyaw, totally, diri ito para ha akon, pero  
45 para ito ha mga tawo nga nangungukoy dida ha sementeryo nga makabulig ako ha ira para iparalit nira hin  
46 pagkaon. An aro hito nira, usahay Php9,000.00, mahangyo, Php8,500.00, kun waray kwarta, Php7,500.00.

47  
48 Hon. Nimo: Ito nga imo aro nga Php9,000.00, labor, materials na ito?

49  
50 CT Hondolero: Labor, materials na ito.

51  
52 Hon. Nimo: Ibabalik ko kanina kan Kons Arnel kay kanina an gin-propose nga Php10,000.00, usa la  
53 ka libo an diperensya. Kun para ha akon, adi nala ako didi kay mahuruhusay pa. Pero, Mr. Chairman, di ba  
54 ginbabawal iton pangontrata hin usa nga empleyado?

55  
56 Temp. Presiding Officer: Bawal, kay you are an employee hiton gobyerno. Anyway, ito nga mga  
57 kabataan nga magsamok, maaram ka hito nga dida la nangungukoy, that is our problem kanina. Hain man  
58 iton mga balay hito dida?

59  
60 CT Hondolero: Ada ito sakob hin sementeryo nangungukoy.

61  
62 Temp. Presiding Officer: So, maaram ka nga bawal pag-ukoy dida?

63  
64 CT Hondolero: Diri ako maaram nga bawal ito dida, kay pag-ulpot ko ngada, nakada na ito hira dida  
65 nangungukoy.

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Hon. Vallar: Let's stick first to the Code, we are not investigating, just for information la. It was brought up kun pira an sukot niya, an amon purpose is to compare the cost. Are there any questions?

MASSO Tagnipes: Di ba nag-propose gihapon kita hadto nga why not kita na an mag-construct, upod na an payment.

Hon. Vallar: It was discussed during our Technical Working Group meeting, but then ginpra-process pa ito, para maiwasan ta liwat nga bisan la hin-o an nakontrata. Might as well, LGU na an mag-kontrata, madudugang pa ito han aton income, it will form part of our Local Economic Enterprise also. As we move along, those ideas, ite-take naton para pa naton mapaupay paq-manage han aton sementeryo.

PB Biorecia: Based han akon nakita ha Davao, an ira sementeryo alphabetical para madali pamiling oras panagkot.

Hon. Vallar: We will look into that also, adi man an Technical Working Group. It's a good suggestion, but we will be required to come up with a bigger area.

PB Bersales: Akon kapamilya, oras hin panagkot, nasiring nga di nala kuno ako makadto kay baga man kuno ito nga sementeryo hin waray tawo.

Hon. Vallar: Upod ito han mga points of discussion, an parte han operations han aton sementeryo nga magmahapsay.

Engr. Agang: Regarding hadton pakiana han Kapitan han Lemon, amo ito yana nga mayda na approval han Engineering, kay kun mayda iglulubong, mahimo man kami hin Master Plan, itutudlok kun hain, kay incase may mamiling, adto kita han bantay han sementeryo. Makadi ha munisipyo pagbayad, deritso kamo tatagaan hin location kun hain iglulubong. Mayda kita hihimuon nga mapa didto han daan nga sementeryo.

MT Niegas: Mas maupay liwat kun magkaada kita hin directory, para an mga manaragdok, maaram hira kun hain.

S. Ibjan: For the information of everybody, ha sementeryo, damo an nagkakawara, ano ba an aton action? Kay bis ako, nagbubutang ako hin silhig, pero pagbalik ko, waray na, talagudti gad la. May mga nitso nga buho na kay ginbabatak hin bato, ano ba an aton puede mabuhat? An dalan, masi-ot na, waray na agi-an, which is true, nakadto pala ako last Saturday.

MPDC Procia: Gin-discuss na ito namon ha committee, likewise ha Technical Working Group, ito nga mga problema. Ngan usa liwat namon nga na-discuss, gusto ko liwat ig-remind yana an staffing plan or staffing pattern nga usa ito didto, kun di ako nagsasayop, it forms part of the functions of the caretaker. Usa pa liwat nga problema, kanina, na-discuss na naton, an nangungukoy dida sakob han sementeryo. I thought ngani nga na-solbar na ito, dida la ako kabaro han na-apply hiya hin zoning ha opisina, usa nga requirement kun makuha ka hin zoning ha opisina an imo right to use the land nga tax declaration or any proof of property, siring ko, kan kanay ito tuna? Kanan sementeryo. Natural, baga daw la ako hito ma-tolerate nga ma-issue hin zoning, kanan munisipyo tuna, it will give a green light nga okay ngayan magbalay ha sementeryo. So, an akon ginbuhat, that time, sige pa an validation, gin-rekomendar ko hiya nga maka-avail han pabahay, ngan mas maupay nala, nag-avail hiya. I was thinking hiya la adto, yana ngayan, nagtikadamo naman. Kasagaran nga problema, an kabataan, that's correct, mayda ngani dida babaye nga nagdadara-dara hin sundang, ada ito hira sakob hin sementeryo, I think we can deal with that, and it will form part dida kun ano nga mga personales an kinahanglanon, kay an akon request hadto to come up with staffing plan para dida ha semeneteryo. I also suggest Mr. Chair, nga for the information han publiko to come up with a flow chart nga igdi-distribute ha mga barangay once this ordinance is approved kay may bag-o na kita nga sistema yana. So, I suggest nga ig-include naton as an integral part of the ordinance, the flow chart han paglubong ngan an staffing plan.

Temp. Presiding Officer: That was a bright ideas by our MPDO, so noted Sir. Dako an bulig hito kun mapakadto kita ha coastal barangay, di na hira mamromorblema kun mapakadi hira ha munisipyo kun mapakain hira, mag-aram na hira hiton flow hiton pag-process hiton paglubong. Another nga mga pakiana? Suggestions?

MLGOO Ferrera: Adton sinisiring ni Sir nga flow chart, might as well i level up ta ito into a Citizen's Charter para mas kumpleto hiya.

PB Candaza: An akon pakiana an didi ha bag-o, madig-on ba kay bangin bumatsak?

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1 Engr. Agang: Diri ito mabagsak, buhos ito, diri ito substandard.

2 MCR Loteyro: Reminder la ako, dapat an aton ginlulubong, naka-rehistro an Death Certificate.

3 Hon. Carolino: Kun pananglitan diri naka-rehistro, diri malulubong?

4 MCR Loteyro: Puede gad iglubong. An akon la ginre-remind kay mayda man gud naglulubong,  
5 katima na paglubong, diri na gin-aareglar an Death Certificate. So, nalubong, pero waray Death Certificate  
6 nga na-rehistro. Amo la iton akon concern nga ma-rehistro.

7 Hon. Nimo: Ma'am, so puede gihapon late registered?

8 MCR Loteyro: Oo, pero damo na an proseso. Dapat may negative certification tikang ha PSA, kun  
9 waray, diri hiya male-late registration. Ikaduha, kinahanglan niya hin joint affidavit pagpamatuod nga ito hiya  
10 namatay didto kun diin nga lugar nga nasasakupan han Capoocan. Reminder liwat nga an aton la  
11 ginkakarawat nga Death Certificate, adton namatay ha sulod han munisipyo han Capoocan. Kun diin  
12 namatay like Ormoc, adto hiya ha Ormoc igre-rehistro.

13 SI Nivera: Good afternoon everyone, para po han pag-process han iyo Death Certificate, before  
14 maghimo hin Death Certificate, ginpapaaro anay kamo hin Permit to Embalm, mayda dinhi nagsho-short  
15 cut, pero ginpapasaylo ko kay mabalik, mapasaha na liwat, pero maupay kun masunod han proseso. Dapat  
16 mayda Permit to Embalm kay diri nga tanan nga nagkakamatay puede embalsamaron, kay bangin ito may  
17 sakit nga Hepa. Magsunod kita han Permit to Embalm, anyway, nabaton man ako bisan ako hain. An Permit  
18 to Exhume, di ba danay nagbubuho kita didto? Danay naglulugaring nala, di nananarit, katima, masabot  
19 ako, human na. Kay danay di pa sakto an 10 years, 9 years, nagkutkot na kita didto, magkakasakit iton  
20 mga tawo. Mayda man kita DSWD, danay may naglulubong, igo la gintahuban, adi hi Aldrin matawag ha  
21 akon, *Mana, mag-aano ako?* Kun waray kwarta, danay mag-imbulsa ako kay bangin manimaho ngadto, ako  
22 an tatawag.

23 Hon. Vallar: That will form part han aton proseso nga ig-iinform ha kada barangay. We will come up  
24 with that. No more questions, clarifications?

25 Hon. Peñaranda: Puede ba maglubong ha private-owned lot? Kay since nineteen forgotten na ngani,  
26 mayda kita dinhi pamilya nga naglulubong didto han ira kalugaringon nga tuna, nangaro gihapon hira hin  
27 permit from Department of Health, nga tanan nga mga proseso ira ginhiro pero natutugutan gihapon hira  
28 paglubong didto han ira kalugaringon nga tuna, instead nga didi ha sementeryo, puede ba ito?

29 Hon. Vallar: Adi ito ha Section 24, nasiring didi, *"Except in cases allowed under existing laws and  
30 regulations, no corpse shall be buried or interred, permanently or temporarily in places other than in  
31 property designated cemeteries or burial grounds."* So, diri kita allowed bisan diin la paglubong. Mayda kita  
32 hito dinhi, they have already been summoned by the Department of Health, naghatag hin notice ha ira  
33 pagpakuha hito.

34 SI Nivera: Parte han mga private cemeteries, basi han PD 856, *Sanitation Code of the Philippines*,  
35 ha Chapter 19, diri kita allowed kun diri kita magsunod han requirements han mga private burials. Damo  
36 dinhi an private burials, but waray nakapasar bisan usa. An kan Ma'am Mayet Porciuncula, gin-transfer na  
37 ha Jaro. Tanan nga private burial, gin-submit ko na ha Department of Health. Siring han Department of  
38 Health, anytime, puede kuno bulldozon, kaya kita nga may mag private cemetery, balhin nala kita ngadto ha  
39 public cemetery. Puede kamo mag-query ha Department of Health parte hito nga private burials.

40 Hon. Vallar: So, if there are no more questions, clarifications, I move to approve on second reading,  
41 ORDINANCE NO. 2, Series of 2023, "CEMETERY CODE OF THE MUNICIPALITY OF CAPOOCAN,  
42 LEYTE".

43 The motion of Honorable Vallar was seconded by Honorable Carolino and Honorable Nimo, without  
44 any objection from the August Body and was thereby declared approved by the Temporary Presiding  
45 Officer.

46 Hon. Vallar: I move to calendar the same for third and final reading next regular session.

47 The motion of Honorable Vallar was seconded by Honorable Nimo, without any objection from the  
48 August Body and was thereby declared approved by the Temporary Presiding Officer.

49 Honorable Reynaldo R. Nimo gave his closing remarks.

50 By: \_\_\_\_\_  
51 Date: \_\_\_\_\_  
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**ADJOURNMENT**

Honorable Carolino moved for the adjournment, duly seconded by Honorable Peñaranda, without any objection from the August Body and declared so, by the Temporary Presiding Officer.

ADJOURNED AT 4:00 PM

  
JUDE R. DELA TORRE  
Secretary to the Sanggunian

**ATTESTED:**

  
ATTY. FEDERICO H. CAROLINO, SR.  
Vice-Mayor / Presiding Officer

  
ENGR. ALLAN B. EGANO  
SB Member/Temporary Presiding Officer

  
VON LITO C. VALLAR  
SB Member

  
EMMANUEL D. ARBOSO  
SB Member

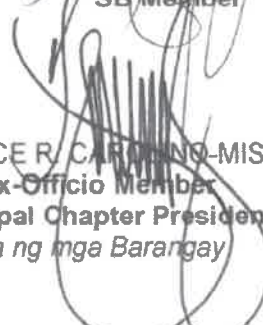
  
JOJO N. NEPOMUCENO  
SB Member


  
GRACIA G. PIGAR  
SB Member


  
REYNALDO R. NIMO  
SB Member

  
FEDERICO P. CAROLINO, JR.  
SB Member

  
ROBERT A. C. PENARANDA  
SB Member

  
FLORENCE R. CAROLINO-MISAGAL  
Ex-Officio Member  
Municipal Chapter President  
Liga ng mga Barangay

  
JUNO ALLAN EVE B. APOSTOL  
Ex-Officio Member  
President  
Pambayang Pederasyon ng mga Sangguniang Kabataan

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**PUBLIC HEARING ATTENDANCE (MAY 9, 2023)**

**ORDINANCE NO. 2, S. 2023 "CEMETERY CODE OF THE MUNICIPALITY OF CAPOCCAN, LEYTE"**

**ORDINANCE NO. 4, S. 2023 "AN ORDINANCE AMENDING BY ADDENDUM OF ARTICLE IV, ADMINISTRATIVE ADJUDICATION TO ORDINANCE NO. 4, SERIES OF 2021, OTHERWISE KNOWN AS, "THE MUNICIPAL FISHERY ORDINANCE OF CAPOCCAN, LEYTE"**

**ORDINANCE NO. 5, S. 2023 "CHILDREN'S CODE OF THE MUNICIPALITY OF CAPOCCAN, LEYTE"**

NAME	ADDRESS/OFFICE	SIGNATURE
1. ELVIRA C. BLOPECIA	BLGU - LEMON	
2. Jonathon P. Beamay	BLGU - TALAMAN	
3. JOSE M. BALOTE	BLGU - LIBERTAD	
4. JOHN KWIS	MENTA	
5. IRVON C. LUMAAD	BLGU SAN JOAQUIN	
6. MARIAN P. VOLLNER	BLGU TALAMAN	
7. LEDO Y L. LOWATUN	EMILIADON GRAN	
8. Christian M. Villamor	POTOT	
9. CHARLIE ROSENDAL	BLGU LIBERTAD	
10. ANTONIO ROSAL	CRP. LEYTE	
11. ANACORITA S. OMBANEO	Brgy. San Pedro	
12. TICON M. JUNTO	BLGU POTOT	
13. ELIZABETH FERNANDEZ	BRGY. STO. NINO	
14. Ameliana B. Candaza	Brgy. Mangunan	
15. ALFONSO N. PINGAL	BRGY. BALUANO	
16. ROSENDA D. PINGAL	Balud Capococan	
17. Jerry H. Hernandez	Cebu City	
18. Roberto R. Busajos	TOLIBAT	
19. Yelma P. Balote	Mangunan	
20. ANITA P. BALOTE	Capococan	
21. ROXAN V. CANAZA	6AD / MUDO	
22. JERONIMO M. MATEO	PRICI PATA	
23. ROSIE Q. QUILA	PB SAN JOAQUIN	
24. MAORY D. LICUANAN	KAGAWAD	
25. LINDA C. MARIAN	KAGAWAD	
26. HONORATO ALDUN	POB. ZONE II	
27. JOEL P. FERREN	MUGOS	
28. NOEL V. MALABAT	POB. BRGY. KAGAWAD	
29. MANVIC P. MALIBAN	Palup. Secretary	
30. REYNALDO R. NIMO	POB. ZONE II	
31. MELCHOR A. JUAN	Brgy. KAGAWAD TOLIBAT	
32. DOBATO S. AROPO	KAGAWAD	
33. JOJO N. NEPOMUCENO	SB MEMBER	
34. TERRIKA M. BALOTE	BLGU - NAGAYASAN	
35. ANITA A. BALOTE	IBAGUIBAN	
36. JESAVE I. WITENO	MUGOS	
37. JACINTA P. ABILAN	BLGU - CUNASTAN	
38. VAN UP	SM	
39. ROSALDO M. MARIAN	BLGU	
40. REYNALDO T. LUMAAD	PB STO NINO	
41. ROSALDO S. TABADA	POB. ZONE II KAGAWAD	
42. JOSE R. IMPAS	BALUGO	
43. GERRY R. IMPAS	BALUGO KAGAWAD	
44. JIMIE A. DAVID JR	BAO	
45. JESPERIAN DUM	BLGU - SAN JOAQUIN	





**PUBLIC HEARING ATTENDANCE (MAY 9, 2023)**

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ORDINANCE NO. 5, S. 2023 "CHILDREN'S CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"

NAME	ADDRESS/OFFICE	SIGNATURE
46. ARNEL MISA	TALISA	
47. Clark Lindoy Nistor	Talisa	
48. ARPON Neneji	UISA	
49. RYMUEL V. BALDONADO	PXLUD	
50. JUAN C. MACAMBIA	PI NAMOPAN	
51. X. G. COLUMBILLO	POB. ZONE 1	
52. DARWIN FAROLA	POB. ZONE 1	
53. HILARIO G. OVEDAN JR	CULASIAN	
54. ROY CAROLINO	M-O	
55. VIGETA D. PILANDE	Pinansagan	
56. Fe Claire Cordia Pangalos	Mayor	
57. CLAUDITE DIAMON RIMADITAN	CULASIAN	
58. JUDYLENE G. ARELOS	CULASIAN	
59. RUBY MDE PEONILLOS	POB. 1	
60. MARY MAY D. AVIS	POB - 2	
61. RYAN GARIANO	BTAR - 3 TZE	
62. GARRY ADILAN	LGU	
63. GENER GORY	MENRO	
64. GERMANO CHINO C. Abala	BTAR 8 - Legal Sect.	
65. STEFANI M. PILANDE	SBO/UMU	
66. Delima Rioo Jr.	SBO/UMU	
67. S. NAADAT	EXMO	
68. LEYARD MEGADO	MDC	
69. RAMIL V. BUSTILLO	BLGU SEC.	
70. ARMENA SUAN BALMED	DN	
71. RIZ SANTAGO	LEU	
72. Carpin, Minchore	Libertad	
73. Imelda Amado	SBO/UMU	
74. Jay d. Tabuara	SBO	
75. CESAR H. RAMOS II	PRAD	
76. FLORENCE C. MISALAN	APC	
77. Irena Helen P.	SBO/UMU	
78. YANNEL P. CARRASCA	FROM OPERATIONAL	
79. Jessie Nedruca		
80. Cepiano Lianza	Lemon	
81. UM ANIMAN, MEYAN	MNMS	
82. Frederic M. Naadub	SBO	
83. JOY M. MERCUTIA	SBO	
84. Rebath Celam		
85. DINA BADO	SWMO	
86. AARON MARCO	SWMO	
87. HOW GARIANO		
88. Odan Pilande	Phimo	
89. Janel Petalunga		
90. REE-JEAN D. MORA		



**PUBLIC HEARING ATTENDANCE (MAY 9, 2023)**

**ORDINANCE NO. 2, S. 2023 "CEMETERY CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**

**ORDINANCE NO. 4, S. 2023 "AN ORDINANCE AMENDING BY ADDENDUM OF ARTICLE IV, ADMINISTRATIVE ADJUDICATION TO ORDINANCE NO. 4, SERIES OF 2021, OTHERWISE KNOWN AS, "THE MUNICIPAL FISHERY ORDINANCE OF CAPOOCAN, LEYTE"**

**ORDINANCE NO. 5, S. 2023 "CHILDREN'S CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**

NAME	ADDRESS/OFFICE	SIGNATURE
91. DANE SYMONS ALMUNO	Carbal-an	[Signature]
92. GRACIA PIGAR	PINAMOPUAN	[Signature]
93. SHAREL E. IBRAJAN	CAPONCANA MTA	[Signature]
94. WENEFRECK C. NIVENA	WASAT	[Signature]
95. Rica P. Nivagal	(balud)/MTO-Well	[Signature]
96. R. TACON VES	MASAD	[Signature]
97. PUNKS HENBERT M. PAND	PMP	[Signature]
98. BONITA FINEA	MDDO	[Signature]
99. Rogell Hubert Pulutuan	BPLO	[Signature]
100. MELDRID C. PINERO	BPLO	[Signature]
101. MELIDA F. AVORTS	BPLO	[Signature]
102. Aylene d. Forsaulo	MCRD	[Signature]
103. PEARL A. RAMOS	CMHO	[Signature]
104. Cheryl X. Mejares	CMHO	[Signature]
105. MARIO S. ABQUJUES	HR	[Signature]
106. Thelma Q. Lagerra	HRMD	[Signature]
107. STEPHY JOY M. SORIANO	HRMD	[Signature]
108. MARICEL C. DULFO	MTD	[Signature]
109. NERISSA M. ESCAROT	MTD	[Signature]
110. Prudencia Comenz	MTD	[Signature]
111. Avegail A. Delina		[Signature]
112. F. PANTOR CR.		[Signature]
113. STACY P. DELAS SANTOS	MTD	[Signature]
114. VERDETE ANN U. NIVAGA	MTD	[Signature]
115. Ruby K. Canamaqu	MTD	[Signature]
116. LORILEE R. PIORUA	MCRD	[Signature]
117. Rogelio B. Penaranda	S.B.	[Signature]
118. Jude R. dela Torre	SB	[Signature]
119. PAUL BAHUA	SR	[Signature]
120. MARIAN JOY M. OBENA	LEMON	[Signature]
121. MARITES ANTONIO	LEMON	[Signature]
122. MARGOL GRUYA L	LEMON	[Signature]
123. MILAROSE AYENTU	LEMON	[Signature]
124. CARLMAE MERCOLITA	LEMON	[Signature]
125. JOMAR CLAY M. OBENA	LEMON	[Signature]
126. MARCELINE M. VERNE	POTOT	[Signature]
127. PERILLUS RODOLFO M.	POTOT	[Signature]
128. ROLANDO B. TONALS	POTOT	[Signature]
129. RANDALL DELA PEÑA	PINAMOPUAN	[Signature]
130. ANTONIO DY JR.	PINAMOPUAN	[Signature]
131. LORETO L. NAADAT	CAPOOCAN POB. 2021	[Signature]
132. Edwin G. Agud	MDDO	[Signature]
133. Carolyn R. Glom	SBO	[Signature]
134. Federico H. Carolino Sr	VM	[Signature]
135. PETERMANNA L. BOMBO	VM	[Signature]





Republic of the Philippines  
PROVINCE OF LEYTE  
Municipality of Capoocan  
**Office of the Sangguniang Bayan**  
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138

# CERTIFICATE OF POSTING


TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT COPIES OF **ORDINANCE NO. 2, Series of 2023, "CEMETERY CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**, WERE **POSTED** AT THE **FOLLOWING LOCATIONS IN THE MUNICIPALITY:**

- 1. Capoocan Municipal Hall Bulletin Board**  
Municipal Lobby
- 2. Pinamopoan Fish Port**  
Barangay Pinamopoan, Capoocan, Leyte
- 3. Waiting Shed**  
Barangay Balud, Capoocan, Leyte
- 4. Waiting Shed**  
Market Place, Poblacion Zone II, Capoocan, Leyte

This certifies further that notice of public hearing were also sent to the different barangays of the Municipality of Capoocan, Leyte for proper and effective information dissemination.

Done this 7<sup>th</sup> Day of August, 2023.

  
**JUDE R. DELA TORRE**  
Secretary to the Sanggunian

Noted by:

  
**ATTY. FEDERICO H. CAROLINO, SR.**  
Municipal Vice-Mayor






**Republic of the Philippines**  
**PROVINCE OF LEYTE**  
**Municipality of Capoocan**  
**Office of the Sangguniang Bayan**  
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com  
☎ 09976874138

## CERTIFICATION

TO WHOM IT MAY CONCERN:

This is to certify that a Public Hearing was conducted last **May 9, 2023** at the **Capoocan Multi-Purpose Gymnasium** regarding **ORDINANCE NO. 2, Series of 2023, "CEMETERY CODE OF THE MUNICIPALITY OF CAPOOCAN, LEYTE"**.

Done this 7<sup>th</sup> Day of August, 2023.

  
**JUDE R. DELA TORRE**  
Secretary to the Sanggunian

Noted by:

  
**ATTY. FEDERICO H. CAROLINO, SR.**  
Municipal Vice-Mayor



Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF CAPOOCAN**

*Office of the Sangguniang Bayan*

# **NOTICE OF PUBLIC HEARING**

**GIN-AABI-ABI AN NGA TANAN NGA  
TUMAMBONG HIN PUBLIC HEARING YANA  
NGA MAYO 9, 2023, ALAS NOYBE HIN AGA HA  
CAPOOCAN MUNICIPAL GYMNASIUM,  
POBLACION ZONE 1, CAPOOCAN, LEYTE.**





Republic of the Philippines  
Province of Leyte  
**MUNICIPALITY OF CAPOOCAN**

*Office of the Sangguniang Bayan*

*AN MASUNOD AMO AN ATON PAG-UURUSTORYAHAN:*

- 1. MUNICIPAL ORDINANCE NO. 2, S. 2023  
“CEMETERY CODE OF THE MUNICIPALITY  
OF CAPOOCAN, LEYTE.**
- 2. MUNICIPAL ORDINANCE NO. 5, S. 2023  
“LOCAL CHILDREN’S CODE OF THE  
MUNICIPALITY OF CAPOOCAN, LEYTE.”**