Rem No.:_
Date:_28

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT November 20, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 17 S. 2023 of the Sangguniang Bayan of Barugo, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), a valid exercise of authority mandated under Section 16ⁱ of the Code.

ATTY. JOSE RAYMUND A. ACOL
Asst. rovincial Legal Officer G

Section 16. General Welfare. - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

Republic of the Philippines
Province of Leyte
OFFICE OF THE SANGGUNIANG PANLALAWIGAN



Endorsement 16 November 2023

Legal Office

Legal Office

Legal Office

Limes 1220

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed ORDINANCE NO.

17 s 2023 of the Municipality of BARUGO, Leyte; entitled, "AN ORDINANCE REGULATING THE PRESENCE OF STRAY ANIMALS IN PRIVATE AND PUBLIC PLACES WITHIN THE MUNICIPALITY OF BARUGO, LEYTE, AUTHORIZING FOR THIS PURPOSE THE ESTABLISHMENT AND OPERATION OF AN ANIMAL POUND AND PROVIDING FUNDS THEREFOR."

FLORINDA JUL STUYVICO Secretary to the Sanggunian

SP RECORDS 11162023



Office of the Sangguniang Bayan

HON. LEONARDO "SANDY" JAVIER, JR.

Vice-Governor/Presiding Officer Sanggunian Panlalawigan Province of Leyte

THRU:

FLORINDA JILL S. UYVICO

Secretary to the Sanggunian

Province of Leyte

Sir:

Respectfully submitted to your good office for review/approval the herein ORDINANCE NO. 17, S. 2023, ENTITLED "AN ORDINANCE REGULATING THE PRESENCE OF STRAY ANIMALS IN PRIVATE AND PUBLIC PLACES WITHIN THE MUNICIPALITY OF BARUGO, LEYTE, AUTHORIZING FOR THIS PURPOSE THE ESTABLISHMENT AND OPERATION OF AN ANIMAL POUND AND PROVIDING FUNDS THEREFOR.

Anticipating your favorable action on this matter.

Very respectfully yours,

November 15, 2023

SANGGUNIANG PANLALAWIDAN

PROVINCE OF LEYTE

DANILO V. AVOROVE SB Secretary



Office of the Sangguniang Bayan

CERTIFICATION OF PUBLIC HEARING

THIS IS TO CERTIFY that on June 13 — September 19, 2023 a Public Hearings were conducted related to the proposal to pass <u>AN ORDINANCE REGULATING THE PRESENCE OF STRAY ANIMALS IN PRIVATE AND PUBLIC PLACES WITHIN THE MUNICIPALITY OF BARUGO, LEYTE, AUTHORIZING FOR THIS PURPOSE THE ESTABLISHMENT AND OPERATION OF AN ANIMAL POUND AND PROVIDING FUNDS THEREFOR.</u>

This certification is issued this 15th day of November 2023, for whatever legal purpose it may serve.

DANILOV. AVOROU SB Secretary







Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE MEETING OF THE 11TH SANGGUNIANG BAYAN OF BARUGO, AN LEYTE ON ITS 61St REGULAR SESSION HELD ON THE 26TH DAY OF SEPTEMBER 2023, AT THE MUNICIPAL SESSION HALL, LEGISLATIVE BUILDING, BARUGO, LEYTE.

Present:

Hon. Josephine C. Tiu

Municipal Vice Mayor Presiding Officer

Hon. Eduardo C. Calzita Hon. Nikkos Rhet V. Astorga

SB Member GROVINGE

Hon. Jeffrey P. Cañezal Hon. Jesus B. Cabanacan Hon. Domingo E. Adrales SB Member SB Member

Hon. Jake Andrian C. Gerona

SB Member SK Fed. President

Hon. Marl Oscar A. De Guzman

ABC President

Absent: Hon. Don A. Dehayco

SB Member (SL) SB Member (OB)

Hon. Wayne B. Avestruz Hon. Clinio A. Balais

SB Member (SL)

ORDINANCE NO. 17, S. 2023

(Sponsor and Author: Atty. Jesus B. Cabanacan)

Co-Sponsors: Atty. Don A. Dehayco, SB Member

Hon. Wayne B. Avestruz, SB Member

Hon. Eduardo C. Calzita, SB Member Hon. Nikkos Rhet V. Astorga, SB Member

Hon. Clinio A. Balais, SB Member Hon. Jeffrey P. Cañezal, SB Member Hon. Domingo E. Adrales, SB Member

Hon. Marl Oscar A. De Guzman, ABC President

Hon. Jake Andrian C. Gerona, SK Federation President

AN ORDINANCE REGULATING THE PRESENCE OF STRAY ANIMALS IN PRIVATE AND PUBLIC PLACES WITHIN THE MUNICIPALITY OF BARUGO, LEYTE, AUTHORIZING FOR THIS PURPOSE THE ESTABLISHMENT AND OPERATION OF AN ANIMAL POUND AND PROVIDING FUNDS THEREFOR.

WHEREAS, Section 16 of RA 7160, otherwise known as the Local Government Code of 1991, provides that every local government unit shall exercise the powers which are essential to the promotion of the general welfare, and shall, among others, promote health and safety within its territorial jurisdiction;

WHEREAS, RA 9482, or the Anti-Rabies Act of 2007, provides a system for the control, prevention of the spread, and eventual eradication of human and animal Rabies and established the need for responsible pet ownership;

WHEREAS, Section 6 of RA 8485, otherwise known as The Animal Welfare Act of 1998, as amended, provides that It shall be unlawful for any person to torture any animal, to neglect to provide adequate care, subject any dog or horse to dogfights or horse fights, kill or cause or procure to be tortured or deprived of adequate care, sustenance or shelter, or maltreat or use the same in research or experiments not expressly authorized by the Committee on Animal Welfare of the Department of Agriculture; and

WHEREAS, this Ordinance seeks to address incidents of animal bites and stray animals in public places in the interest of public safety and health and to promote responsible pet ownership.

BARUGO PADAYON AN GUGMA!

Municipal Hall, Poblacion District I Burgos St., Barugo, Leyte 09423386298/09458857038 lgu.barugo@yahoo.com

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<u>Page 2</u> <u>Ordinance No. 17. 2023</u>

NOW THEREFORE, be it ordained by the Sangguniang Bayan in regular session assembled:

SECTION 1. This ordinance shall likewise be known as the 2023 ANTI-STRAY ANIMALS' ORDINANCE OF BARUGO, LEYTE.

SECTION 2. DECLARATION OF PRINCIPLES. – The Municipality of Barugo, Leyte, fully supports the declared policy of the State to protect and promote the right to health of the people.

SECTION 3. PURPOSE. – The purpose of this ordinance is to address incidents of animal bites and stray animals in public places in the interest of public safety and health and to promote responsible pet ownership. To this end, the Municipality of Barugo shall:

- a. Ensure that all Dog are properly immunized, registered and issued a corresponding Dog tag for every immunized and registered Dog.
- b. Strictly enforce animal Impounding activities and field control to eliminate Stray animals.
- c. Ensure that animals are leashed or confined within the premises of the Owner's house or Owner's fenced surroundings.
- d. Allocate funds to augment the implementation of this Ordinance, particularly on the financing of supplies and human and animal vaccines needed for immunization.
- e. Ensure the enforcement of Section 6 of Republic Act No. 8485 or "The Animal Welfare Act of 1998".
- f. Enact additional local ordinances that will support the National Rabies Prevention and Control Program that should include the regulation of non-medical treatment alternatives that deal with wounds caused by animal bites, such as "tandok."
- g. Prohibit the trade of Dogs for meat.
- h. Establish and maintain an animal Pound where Impounded animals shall be kept, in accordance with Section 8 herein.
- i. Prohibit the use of electrocution as a euthanasia procedure.
- j. Collect the fines imposed under Section 14 and Section 15 hereof.

SECTION 4. DEFINITION OF TERMS. - As used in this Ordinance, the following terms shall mean:

- a. ANIMAL/PET OWNER refers to any person who has possession in terms of title or proprietorship or has actual control of an animal.
- b. ANIMAL POUND refers to a fixed enclosure complete with personnel and facilities for the temporary keeping of stray animals found within the municipality, to be hereinafter referred to as the "Municipal Pound."
- c. CONCERNED OFFICIALS refers to barangay officials, health workers, police officers or government veterinarians.

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<u>Page 3</u> Ordinance No. 17. 2023

- d. DOMESTICATED ANIMAL refers to any animal species which are tamed and within the household of residents.
- e. LARGE ANIMAL refers to any animal weighing at least One Hundred Fifty-One (151) kilograms and above.
- f. PRIVATE PLACES refers to private real properties owned by another owner.
- g. SMALL ANIMAL refers to any animal weighing One (1) kilogram or less but not to exceed One Hundred Fifty (150) kilograms.
- h. STRAY ANIMAL refers to any animal such as dog, cat, poultry, horse, goat, cow, carabao, wildlife, exotic and endangered species and the like at loose or elsewhere wandering in public places within the town without being accompanied by its owner.
- i. WILDLIFE refers to any animal species which naturally evolves or establishes its population in the wild without human aid or intervention.

SECTION 5. PROHIBITED ACTS.

- a. No person shall allow his/her animal to wander elsewhere in any public places within the municipality without the company of its owner.
- b. It shall be unlawful for any person to keep to keep an unregistered, unvaccinated and unsecured dog or other domesticated animal within his or her territorial domain.
- c. It shall be unlawful for any personnel of the Municipal Pound to maltreat, torture, poison, or inflict suffering or harm to any impounded animal.
- d. It shall be unlawful for any person to oppose, resist, or interfere with Municipal Pound personnel from performing a duty mandated of such personnel to perform pursuant to the provisions of this Ordinance.
- e. It shall be also unlawful to bring pets during the conduct of fiestas, public gatherings and programs and the like.

SECTION 6. REGISTRATION AND OWNERSHIP. – Any person, including juridical entities, who is a pet-owner, custodian, keeper, and/or possessor of any animal categorically related and/or scientifically classified to belong to the family of dogs (kennel) and other domesticated animals within the territorial jurisdiction of the Municipality of Barugo, Leyte, shall register said domesticated pets with the Municipal Agriculture Office (MAO). Registration procedure shall be as outlined in the Implementing Rules and Regulations of this Ordinance.

SECTION 7. RESPONSIBILITIES.

a. Pet Owners

- (1) Have their Dog regularly vaccinated against Rabies and maintain a registration card which shall contain all vaccinations conducted on their Dog, for accurate record purposes.
- (2) Submit their Dogs for mandatory registration.

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<u>Page 4</u> <u>Ordinance No. 17. 2023</u>

- (3) Maintain control over their Dog and not allow it to roam the streets or any Public Place without a leash.
- (4) Be a responsible Owner by providing their Dog with proper grooming, adequate food and clean shelter.
- (5) Within Twenty-Four (24) hours, report immediately any Dog biting incident to the Concerned Officials for investigation or for any appropriate action and place such Dog under observation by a government or private veterinarian.
- (6) Assist the Dog bite victim immediately and shoulder the medical expenses incurred and other incidental expenses relative to the victim's injuries.
- b. Municipal Agriculture Office (MAO)
 - (1) Ensure the availability and adequate supply of animal Anti-Rabies vaccine at all times.
 - (2) Undertake free Anti-Rabies Vaccination of Dogs giving priority to high-risk depressed areas.
 - (3) Maintain and improve animal Rabies surveillance system.
 - (4) Establish and maintain Rabies free zone in coordination with the Barangays.
 - (5) Strengthen the training of field personnel and the Information Education and Communication (IEC) activities on Rabies prevention and control and responsible pet ownership.
 - (6) Formulate minimum standards and monitor the effective implementation of this Ordinance.
- (7) Encourage collaborative activities with the Rural Health Unit (RHU), School Heads, NGOs, POs and other concerned sectors.
- c. Rural Health Unit (RHU)
 - (1) Ensure the availability and adequate supply of DOH pre-qualified human Anti-Rabies vaccine at all times and shall coordinate with other agencies and concerned NGOs for this purpose.
 - (2) Provide Post-Exposure Treatment at the minimum expense to individuals bitten by animals suspected of being rabid which will consist of the initial vaccine and immunoglobulin dose.
 - (3) Provide Pre-Exposure Treatment to high-risk personnel, such as, but not limited to, laboratory staff, veterinarians, animal handlers, vaccinators and other persons working with Rabies virus for free.
 - (4) Coordinate with the Municipal Agricultural Office (MAO) in the development of appropriate health education strategy to inform the public on Rabies prevention and control and responsible pet ownership.
 - (5) Develop and maintain a human Rabies surveillance system.
 - (6) Encourage collaborative activities with the Municipal Agricultural Office (MAO) School Heads, NGOs, POs and other concerned sectors.
- d. Local School Districts
 - (1) Strengthen Rabies education program through school health teaching.

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- (2) Assist in the Dog mass immunization campaigns in the community.
- (3) Encourage collaborative activities with the Municipal Agricultural Office (MAO), Rural Health Unit (RHU). NGOs, POs and other concerned sectors.
- (4) Integrate proper information and education on responsible pet ownership in the relevant subjects in the Elementary and High School levels.

SECTION 8. ESTABLISHMENT OF ANIMAL POUND.

- a. There shall be established an animal pound in the municipality to be officially named as Barugo Animal Pound and to be referred to hereinafter as the Municipal Pound.
- The Municipal Pound shall exclusively function as temporary lockdown for all seized stray animals.
- c. The pound shall be situated at a definite site within the Municipality, with an environment not harmful to animal health and safety, this to be determined and designated for by the Municipal Mayor pursuant to the town's subsisting zoning plan.
- d. The Municipal Pound shall be administered by the Municipal Agricultural Office (MAO) and shall consist of facilities necessary to properly carry out the purposes and functions of an animal pound.
- e. Funds necessary for the establishment and operation of the Municipal Pound shall be appropriated in the Municipal government's annual budget and/or any supplemental appropriation as the case may be, subject to the pertinent provisions of RA 7160, otherwise known as the Local Government Code of 1991, and other applicable laws, rules and regulations.

SECTION 9. AUTHORITY TO SEIZE AND IMPOUND. - Authority is hereby granted to the following local government personnel to seize and cause the impoundment of any stray animal right at the instance of its sighting:

- a. The Municipal Agriculture Officer or any officer or staff under his office;
- b. Deputized enforcers to be determined by the Office of the Mayor:
- Barangay officials or Tanod;
- d. Philippine National Police (PNP) Personnel.

SECTION 10. IMPOUNDMENT. - All stray animals shall be seized and impounded at the Municipal Pound until such time that the same are properly released to its lawful claimant. Impoundment and release of any such animal/s shall be pursuant to the following guidelines:

- Impoundment period shall not exceed five (5) days including Saturdays and Sundays, except when impoundment for more than the prescribed period is necessarily called for by medical reasons, in which case the animal owner of such impounded animal shall be duly advised.
- All animals impounded pursuant to the preceding paragraph shall be fully entitled to proper custody, care. shelter and sustenance.













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- Animals which have died within the impoundment period shall be disposed of according to proper veterinary and health procedures. The Municipal Pound shall not take any responsibility whatsoever for any animal death, except when such death can be proven to have been due to neglect or deliberate cruelty on the part of the staff concerned.
- d. No wildlife, exotic or endangered animals seized while wandering in public places shall be subject to impoundment but, right upon capture, be forthwith committed for proper care and custody to the Department of Environment and Natural Resources (DENR), except: that when upon capture such wildlife is found to have been exhibiting symptoms of communicable diseases, then same shall be euthanized pursuant to the pertinent provisions of Administrative Order No. 21, Series of 1999, otherwise known as the Code of Conduct in the Euthanasia for Pets/Companion Animals and Slaughter of Animals for Food.
- e. No bomb-sniffing, drug-sniffing or any police dogs shall for any reason be subject to impoundment.
- Any animal owner may opt to voluntarily commit an animal for temporary custody at the Municipal Pound for a period not to exceed ten (10) days, subject to payment of the prescribed fees.

SECTION 11. NOTICE OF IMPOUNDMENT.

- a. Within twelve (12) hours starting from the time an animal was committed for impoundment at the Municipal Pound, the personnel-in-charge shall locate and identify its animal owner, after which notice of impoundment shall forthwith be issued and served to such person.
- b. When no animal owner shall have been located and identified with the impounded animal the same shall ipso facto be deemed abandoned, thus be properly disposed in accordance with the pertinent provisions of Section 12 and Section 13 of this Ordinance.
- c. The personnel-in-charge of the Municipal Pound shall, from time to time, make a list of all impounded animals thereat, complete with corresponding identifiable description to include kind, breed, color, and other unique markings, if any there be, and post such list at designated public posting boards within the municipality.

SECTION 12. REDEMPTION.

- a. An animal owner may, at any time within the regular working hours after due receipt of the notice of impoundment issued pursuant to Section 11 (a) of this Ordinance but not to exceed 5 days after impoundment, redeem an impounded animal right upon payment of the necessary fees and incidental charges.
- b. Whenever an animal owner, after due notice, deliberately refuses or neglects to redeem an impounded animal within the allowable period herein prescribed, she/he shall be made to pay a fine corresponding to P200.00 for each day of default, or render community service equivalent to one (1) day for each day of default.

SECTION 13. DISPOSTION. -- The following rules shall govern the disposition of animals impounded at the Municipal (Pound:

- a. Unclaimed animals at the Municipal Pound shall ipso facto be deemed abandoned, thus become eligible for adoption and may be released to any interested party after the lapse of five (5) days from the time of impoundment, provided: that such animal does not exhibit symptoms of any communicable disease.
- b. Whenever no interested party may opt to adopt, the Municipal Agricultural Office (MAO) shall have the right to cause such abandoned animal to be sold at a public auction.





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- c. Abandoned animals exhibiting symptoms of any communicable diseases shall forthwith be euthanized pursuant to the pertinent provisions of Administrative Order No. 21, Series of 1999, otherwise known as the Code of Conduct in the Euthanasia for Pets/Companion Animals and Slaughter of Animals for Food.
- d. No abandoned animal shall be euthanized without the approval of the Municipal Agriculture Office (MAO).
- e. Abandoned animals eligible for adoption shall, before its release to any interested party, be administered with anti-rabies vaccine. Deliberate omission or neglect on the part of the personnel-in-charge at the Municipal Pound to perform this responsibility shall subject such person to administrative and/or criminal sanctions.

SECTION 14. FEES.

- The Office of the Municipal Treasurer is hereby authorized to collect and issue corresponding receipts in the following amounts as legal fees in connection with the use of the Municipal Pound:
 - (1) P50.00 for every day of impoundment or custody for small animals;
 - (2) P200.00 for every day of impoundment or custody for large animals; and
 - (3) P200.00 fine for each day of default after the lapse of five (5) days within which an animal owner is allowed to redeem an impounded animal.
- b. Fees and other proceeds collected and accumulated in connection with the enforcement of this Ordinance shall be held in trust by the municipality to be allocated only for the procurement of vaccines and other priority purchases of the Municipal Pound or other activities or programs relative thereto. Allocation and disbursement of said funds shall be done in accordance with the pertinent provisions of Chapter 2, Title V of RA 7160 or the Local Government Code of 1991 and other applicable laws, rules and regulations.

SECTION 15. CONSTITUTION OF COMMITTEE. - The Local Chief Executive through an appropriate order shall constitute an Anti-Stray Animals Committee which shall supervise and monitor the implementation of this ordinance whose members shall be but not limited to:

- a. Municipal Mayor Chairman;
- b. Municipal Administrator Co-Chairman
- c. Chairman of the Committee on Agriculture of the Sangguniang Bayan Vice-Chairman:
- d. Municipal Agriculture Officer Member
- e. ABC President Member;
- SK Federation President Member:
- g. Chief of Police Member;
- h. Agricultural Technologist from the Office of the Municipal Agriculture Member;
- Two (2) Personnel from the Municipal Health Office Members:
- Two (2) Representatives from the Accredited CSOs Members.

SECTION 16. IMPLEMENTING RULES AND REGULATIONS (IRR). - The Local Chief Executive and the committee as specified under preceding section shall formulate Implementing Rules and Regulations (IRR) for the effective and efficient implementation of this ordinance. The Municipal Agriculture Officer shall submit a draft IRR to the said committee for its review within Sixty (60) calendar days from the effectivity of this Ordinance. The committee shall approve the IRR within thirty (30) days thereafter.





Municipal Hall, Poblacion District I Burgos St., Barugo, Leyte 09423386298/09458857038 lgu.barugo@yahoo.com









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SECTION 17. PENALTY CLAUSE. - Violation of any of the provisions of this Ordinance shall subject the violator to the following fines as penalties:

- a. Nine Hundred and Fifty Pesos (P950.00) for first offense:
- b. Two Thousand Pesos (P2, 000.00) for second offense; and
- c. Two Thousand Five Hundred Pesos (P2, 500.00) for third and subsequent violations

SECTION 18. FUNDING. - Funds in the amount determined by the Local Chief Executive for purposes of implementing this ordinance shall be included in the annual budget submission to the Sangguniang Bayan.

SECTION 19. REPEALING CLAUSE. - All resolutions, ordinances and executive issuances, or provisions thereof, which are inconsistent with any of the provisions hereof are hereby accordingly repealed, amended and/or modified.

SECTION 20. SEPARABILITY CLAUSE. - Should any provision of this ordinance be subsequently declared unconstitutional or ultra vires, the rest of the provisions not so declared shall remain to be in full force and effect.

SECTION 21. EFFECTIVITY. - This ordinance shall take effect upon its approval.

RESOLVED FURTHER, to furnish copies of this Ordinance to the Local Chief Executive of Barugo. Leyte, the Municipal Local Government Operations Officer, the Human Resources Management Office Department Head, the PESO Labor and Employment Officer III, and to the Honourable Members of the Sangguniang Panlalawigan of Leyte for their information and approval.

APPROVED by the majority, this 26TH day of September, 2023 in Barugo, Leyte.

We hereby certify to the correctness of this foregoing Ordinance.

SB Secretary

HON. EDUARDO C. CALZITA

SB Member

HON. NIKKOS RHET V. ASTORGA

SB Member

HON. JEFFREY P.

SB Member

HON. JESUS B. CABANACAN

SB Member









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HON. DOMINGO E. ADRALES

SB Member

HON. JAKE ANDRIAN C. GERONA
SK Federation President

HON. MARL OSCAR A. DE GUZMAN

ABC President

ATTESTED BY:

Municipal Vice Mayor
Presiding Officer

APPROVED BY:

HON. ARON C. BALAIS, MD, FPCEM

Municipal Mayor



Office of the Sangguniang Bayan

CERTIFICATION OF POSTING

THIS IS TO CERTIFY that Ordinance No. 17, S. 2023, RE: "AN ORDINANCE REGULATING THE PRESENCE OF STRAY ANIMALS IN PRIVATE AND PUBLIC PLACES WITHIN THE MUNICIPALITY OF BARUGO, LEYTE, AUTHORIZING FOR THIS PURPOSE THE ESTABLISHMENT AND OPERATION OF AN ANIMAL POUND AND PROVIDING FUNDS THEREFOR was posted in three (3) conspicuous places in the Municipality of Barugo, Leyte from October 3 — October 17, 2023 in compliance with the provisions of RA 7160, otherwise known as Local Government Code of 1991.

This certification is issued this 15th day of March, 2023, for whatever legal purpose this may serve.

DANILOV. AVORQU