

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte



### **PROVINCIAL LEGAL OFFICE**

2<sup>nd</sup> INDORSEMENT November 13, 2023



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 23-20 series of 2023 of the Sangguniang Bayan of Burauen, 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 16 of the Code<sup>1</sup>.

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

<sup>&</sup>lt;sup>1</sup> 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 Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 09 November 2023 ovince of Leyte
Legal Office

Particle 119-23

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed ORDINANCE NO. 23-20, series of 2023 of the MUNICIPALITY OF BURAUEN, LEYTE, entitled: An Ordinance Mandating New Curfew Hours For Minors, Prescribing Procedures For Their Apprehension, For Other Purposes And Providing Penalties Therefor.

Provl. Govt. Asst Dept. Head



## Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen

Office of the Sangguniang Bayan

November 7, 2023

THE HONORABLE MEMBERS SANGGUNIANG PANLALAWIGAN PROVINCE OF LEYTE

Thru: FLORINDA JILL S. UYVICO

Secretary to the Sanggunian

**Province of Leyte** 

Palo, Leyte

Ladies/Gentlemen:

We are forwarding herewith 15 copies of <u>Municipal Ordinance No. 23-20</u>, series of 2023, of the Sangguniang Bayan of Burauen, Leyte, which is "THE NEW CURFEW ORDINANCE FOR MINORS IN THE MUNICIPALITY OF BURAUEN, LEYTE", for review and approval of that body.

Thank you and please acknowledge receipt hereof.

Very truly yours,

CHARITY C. BARBOSA
Board Secretary II
Acting SB Secretary





### Republic of the Philippines Province of Leyte Municipality of Burauen

### ICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 68<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BURAUEN, LEYTE, HELD AT THE MUNICIPAL SESSION HALL, EXECUTIVE AND LEGISLATIVE BUILDING ON OCTOBER 16, 2023

#### **MUNICIPAL ORDINANCE NO. 23-20 SERIES OF 2023**

AN ORDINANCE MANDATING NEW CURFEW HOURS FOR MINORS, PRESCRIBING PROCEDURES FOR THEIR APPREHENSION, FOR OTHER PURPOSES AND PROVIDING PENALTIES THEREFOR

> AUTHOR: HON. CIPRIANO R. RELATORRES, JR. Chairman, Committee on Education, Child Protection and Welfare

WHEREAS, presented for consideration by the august body is the MCPC and LCAT-VAWC Joint Resolution No. 2023-001, Series of 2023 of the 3rd Quarter Meeting of the Municipal Council for the Protection of Children (MCPC) and Local Committee Against Trafficking and Violence Against Women and Their Children (LCAT-VAWC), requesting the amendment of Municipal Ordinance No. 12-10, Series of 2012, otherwise known as "Municipality of Burauen Curfew Ordinance for Minors";

WHEREAS, Section 13, Article II of the 1987 Constitution provides that, "the State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs";

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that "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";

WHEREAS, Section 458 (a) of the same Code mandates the Sangguniang Bayan to "enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants xxx";

WHEREAS, Presidential Decree 603 (The Child and Youth Welfare Code) states that "the child is one of the most important assets of the nation and that every effort shall be exerted to promote his welfare and enhance his opportunities for a useful and happy life";

WHEREAS, Article 3.3 of PD 603 states "that every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society";

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WHEREAS, Article 3.8 of PD 603 states that, "every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development";

WHEREAS, pursuant to Republic Act No. 9344 or the Juvenile Justice and Welfare Act, the State likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development;

WHEREAS, pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the State recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting his/her reintegration;

WHEREAS, there is a need for this ordinance to adequately meet the needs of time in order to more aptly provide a measure for the general safety, health, morals and well-being of minors;

WHEREAS, the local statistics about minors being victims of crimes and their involvement in a number of juvenile violence and various criminal activities is quite alarming;

WHEREAS, in the interest of public order and safety, it is imperative to regulate the movement of minor children especially during night time to protect them from neglect, exploitation, abuse, cruelty and other conditions prejudicial and detrimental to their well-being and development;

WHEREAS, in view of the foregoing, the Municipal Government of Burauen deems it necessary to strictly implement the curfew hours for children and prescribe the proper and applicable procedures for their apprehension and custody pursuant to RA 9344, as amended;

NOW THEREFORE, on motion of Honorable Cipriano R. Relatorres, Jr., Chairperson, Committee on Education, Child Protection and Welfare, duly seconded by all Sangguniang Bayan Members present;

BE IT ORDAINED, by the Sangguniang Bayan of Burauen, Leyte, in regular session assembled, that:

SECTION 1 - Title. This ordinance shall be known as the, "THE NEW CURFEW ORDINANCE FOR MINORS IN THE MUNICIPALITY OF BURAUEN, LEYTE"

SECTION 2 - Definition of Terms. - As used in this ordinance, the following terms shall be defined as follows:

- 1. Curfew Hours means the hours from 10:00 PM to 4:00 AM the next morning. On the account of the Annual Town Fiesta, Christmas, and New Year Celebrations, curfew hours from November 27 to December 31 shall be from 12:00MN to 4:00AM. On Christmas Eve (December 24) and New Year's Eve (December 31) celebrations in the barangays, curfew hours shall be from 12:00MN to 4:00AM. On annual barangay fiesta celebrations, the celebrating barangay on vesper night shall have curfew hours from 12:00MN to 4:00AM.
- 2. Minor a child less than 18 years old.
- 3. Minor Violator a minor who violated this ordinance.

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- 4. Apprehension the act through which the minor is placed under temporary control and custody of the law enforcement officer, social worker, the Barangay Council for the Protection of Children (BCPC), and the Women and Children's Crisis Center.
- 5. Parent- means a person who is a biological parent, adoptive parent or a step-parent of a minor.
- 6. Guardian means:
  - a. A person who has been appointed by court as guardian of the minor.
  - b. A public or private agency with whom a minor has been placed for custody by a court.
  - c. A person in charge of the custody or who is taking care of a minor, whether relative or
  - d. A person who is at least 18 years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.
- 7. Barangay Council for the Protection of Children (BCPC) the barangay council tasked to implement the rules of this ordinance, counsel the minor, his/her parent/s or guardian/s, and to coordinate with proper government institution/s or agency for the general welfare of the minor found in violation of this ordinance.
- 8. Municipal Social Welfare and Development Office the office assigned to formulate and implement comprehensive programs and services to minors of this ordinance.
- 9. Law Enforcement Officer a government employee or official such as a person in authority, his/her agent as defined in Article 152 of the Revised Penal Code, a policeman or a barangay tanod who is responsible for prevention, investigation and apprehension of individuals suspected or found to have violated any provision of this Ordinance.
- 10. Child at Risk- refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to the following:
  - being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
  - being exploited including sexually or economically;
  - being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
  - coming from a dysfunctional or broken family or without a parent or guardian;
  - e. being out of school;
  - f. being a street child;
  - being a member of a gang;
  - living in a community with a high level of criminality or drug abuse;
  - living in situations of armed conflict.
- 11. Community-based Programs refers to the programs provided in a community setting developed for purposes of intervention and diversion.
- 12. Court refers to a family court or, in places where there are no family courts, any regional trial court.

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- 13. Intervention refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- 14. Best Interest of the Child refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- 15. Women and Children's Crisis Center as defined in this ordinance, is an emergency shelter for abused women and their children, children in need of special protection and children-at-risk. It refers to a non-restrictive center at which minors may wait, under visual supervision by a House Parent and Social Worker, to be retrieved by a parent. No minors waiting in such facility shall be handcuffed and/or secured (by handcuffs or otherwise) to any stationary object.
- 16. Emergency Shelter as defined in this ordinance, a place for people to live temporarily when they cannot live in their residence.
- 17. Emergency any situation that pose an immediate risk to health, life, property or environment requiring urgent intervention to prevent further damage or worst situation.
- 18. Public Place a place within the juridical boundaries of the municipality where the general public has access, including but not limited to, streets, highways, sidewalks, parking lots, vacant lots, and the common areas in and about churches, apartment buildings, hospitals, schools, shops and places of entertainment such as movie theaters and similar places and establishments.
- 19. Remain be present, dwell or stay, or refuse to leave the public place in spite of the order of the Apprehending Officer.
- 20. **Residence** house or dwelling.
- 21. Habitual Violator minor/s who repeatedly violate this ordinance a third time or more.
- 22. BCPC Certification of Attendance certification proving the attendance of the minor violator together with the parents/guardians to the BCPC seminar or counseling.
- 23. Displaying exhibiting/showing instrument such that it can be easily seen.

### SECTION 3 – Prohibited Activities.

- 1. Any parent or guardian who permits their children or ward to loiter, roam, meander, wander or sleep in any public place from 10:00 o'clock in the evening until 4:00 o'clock the next morning without a justifiable reason.
- 2. Any minor who remains in a public place during curfew hours.
- 3. Any parent or guardian of a minor who knowingly permits, or due to insufficient control, allows a minor to remain in public places within the municipality during curfew hours.

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4. Any owner, manager or operator of any videoke bar, internet café, operators of PISO-WIFI, billiard/pool, convenience store and other business establishments within the Municipality of Burauen who knowingly allows or causes a minor to be in their place of business between 10:00 PM to 4:00 AM.

SECTION 4 - Exceptions. Under the following circumstances, children of minor age shall not be covered by these rules:

- The child is involved in an emergency situation. This includes unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term also includes, but is not limited to, fires, calamities, disasters, automobile accidents or other similar circumstances.
- b. The child is engaged in non-hazardous or non-disabling employment activities or enrolled in a class and is returning home from such activities or class without detour or stop.
- c. The child is on the sidewalk directly abutting the place where he resides.
- d. The child is attending an activity sponsored by a school, or civic organization, or by a public organization or agency, or by a similar organization or entity, provided the activity is supervised by adults and the child is going to or returning home from such an activity without detour or stop.
- e. The child is on an errand and has in his possession a written permission to do so from his/her parent or guardian. The ID and the contact number of the parent/guardian must be attached to the written permission for verification.
- f. The child is accompanied by his/her parent/s or guardian/s on occasions of legal holidays, special holidays, fiesta celebrations sponsored by the municipality or by the barangay, and other special family occasions such as birthdays and anniversaries where children usually participate.

SECTION 5 - Enforcement Procedure. Minors caught believed to be violators of this curfew ordinance by law enforcement officer, shall be apprehended subject to the procedure provided in Section 21 of Republic Act No. 9344 or the Juvenile Justice and Welfare Act of 2006, to wit:

- "SEC. 21. Procedure for Taking the Child into Custody". From the moment a child is taken into custody, the law enforcement officer shall:
  - (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
  - (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
  - (e) Properly identify himself/herself and present proper identification to the child;
  - (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;

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- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of this Act;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
  - 1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
  - 2. That the parent/s or guardian/s of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
  - 3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parent/s or guardian/s, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

SECTION 6 - General Duties of Parents or Guardians (Article 46 of PD 603). Parents shall have the following general duties toward their children:

- (1) To give him affection, companionship and understanding;
- (2) To extend to him the benefits of moral guidance, self-discipline and religious instruction;
- (3) To supervise his activities, including his recreation;
- (4) To inculcate in him the value of industry, thrift and self-reliance;

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- (5) To stimulate his interest in civic affairs, teach him the duties of citizenship, and develop his commitment to his country;
- (6) To advise him properly on any matter affecting his development and well-being;
- (7) To always set a good example.

### SECTION 7 - Admonition to Parents/Guardians (Article 61 of PD 603).

- (1) Whenever a parent or guardian is found to have been unreasonably neglectful in the performance of his duties toward the child, he shall be admonished by the Department of Social Welfare or by the local Council for the Protection of Children referred to in Article 87 of PD 603.
- (2) Whenever a child is found delinquent by any court, the father, mother or guardian may be judicially admonished.

### SECTION 8 - Obligations and Liabilities of Parents or Guardians.

- (1) The parent/s or guardian/s who are in actual custody or living together with the child are under obligation to supervise the conduct and activities of the child and see to it that the latter is already in their home before and during the curfew hours for children.
- (2) The duty to enforce curfew hours shall devolve upon the parents or guardians and the local authorities. It is therefore incumbent upon the parents or guardians to strictly implement the observance and compliance of this ordinance on their minor children, otherwise, they shall be subject to and be liable under the provisions of the preceding sections and hereunder.
- (3) In the event that the minor has committed another act punishable by law, and/or has caused damage to persons or property by virtue of his/her being out of the residence, in the violation of this ordinance, the parents or guardians of the said minor shall be civilly or criminally liable, if applicable under the premises of or as provided under the Civil Code, the Revised Penal Code, Presidential Decree No. 603 (Child and Youth Welfare Code), as Amended, and Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

SECTION 9 - If Parents, Guardians or Nearest Relatives Cannot Be Located or Refuse to Take Custody of the Child.

- (1) If parents/guardians or nearest relatives cannot be located or refuse to take custody, the child may be referred to any of the following:
  - a. Duly registered non-government or religious organizations
  - b. Barangay Official or a member of the Barangay Council for the Protection of Children

### SECTION 10 - Community Involvement/Participation.

The community or any person which has any information on the presence of any minor in any public place during the imposition of the curfew hours must report and call the attention of the barangay for proper enforcement of this ordinance.

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It is the duty of the community to foster a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental and spiritual well-being as well as assist the State in combating and curtailing juvenile delinquency and in rehabilitating wayward children.

### **Education and Other Public or Private Establishments**

All establishments, institutions and other public and private establishments shall conduct their programs and activities wherein minors are involved within a period of time that will be finished before the start of the curfew hours. Otherwise, the presence of, or the written authority from the parent/s or guardian/s of the minor shall be required for the attendance/participation in such activity or program.

#### **Business Establishments**

- (1) Business establishments operating beyond curfew hours or twenty-four (24) hours shall not allow entry of minors within curfew hours, except, if accompanied by their parent/s or guardian/s.
- (2) Refusal or failure to comply with the immediately preceding paragraph shall cause the revocation of business permit of the establishment and closure of its operation without prejudice to the provisions of Republic Act 7610, or PD 603, as amended, or other laws, or this Municipal Ordinance, as may be applicable under premises for the owner, manager or person entrusted with the operation of said erring business establishment. Further, the LGU of Burauen shall provide posters to be attached to the entrance of business establishments operating beyond 10:00 PM or open 24/7, prohibiting the entry of minors during curfew

### SECTION 11 - Establishment of Women and Children's Crisis Center.

The LGU shall establish a center to accommodate children who violated this curfew ordinance and could no longer return or be returned home due to the distance of residence. The said facility shall adhere to the guidelines of DSWD for the purpose of standardization. Moreover, the LGU shall create a task force composed of, but not limited to, social workers, house parents and security guards who will man the operation of the center while clients are being processed for reintegration to their families and communities.

#### SECTION 12 - Compensation of Social Workers.

Social workers on duty beyond prescribed office hours, shall be compensated according to Civil Service Commission (CSC) guidelines and in compliance with accounting and auditing rules and regulations.

### SECTION 13 - Procedure for Apprehension of Minor Curfew Hours Violators.

The following penalties shall be imposed on the child, his/her parents or guardians if found to be in violation of this ordinance:

As stated in this ordinance, during curfew hours, the Law Enforcement Officer has to immediately ascertain whether or not the presence of minor in a public place is in violation of this ordinance. If he/she finds that the circumstances of the minor falls within the exceptions, he/she shall be required to go home as long as the child is living in the población area. However, if minor is living

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outside the poblacion area, he/she is given an option to stay overnight at the center for his/her safety and protection.

If the minor is found in violation of this ordinance, the Law Enforcement Officer shall refer the minor violator to the Women and Children's Crisis Center of the MSWDO within eight (8) hours after apprehension. After data gathering conducted by a Social Worker of the Municipal Social Welfare and Development Office and Women and Children Protection Desk of the Burauen Municipal Police Station, physical examination shall be performed by a designated nurse/medical officer from the Municipal Health Office.

If the minor is residing within the poblacion area, the social worker shall issue summons directing the parent/guardian to fetch the minor within two (hours) from receipt thereof. The summons shall be served by the apprehending officer to the latter in coordination with the BCPC.

If the minor is residing in low land barangay, the social worker shall issue summons directing the parent/guardian to fetch the minor within four (4) hours from receipt thereof. The summons shall be served by the apprehending officer to the latter in coordination with the BCPC.

If the minor resides in an upland barangay, the social worker may, at his or her option, issue summons or call the BCPC of the relevant barangay, informing the BCPC of the minor's infraction and directing them to have the parent/guardian fetch the minor at the soonest possible time. The minor shall be placed under overnight custody at the Women and Children's Crisis Center in accordance with Article 3(10) of PD 603 which states that "every child has the right to the care and protection of the State, particularly when his parents fail or are unable to provide him with his fundamental needs for growth, development, and improvement".

In all cases, the apprehending officer shall issue a citation ticket and the social worker shall turn over the said citation ticket together with the minor to his/her parent/guardian. A copy of the citation shall be given to the BCPC for proper recording.

Furthermore, if the minor, in addition to the violation of this curfew ordinance has committed an offense or is committing another act punishable by law or other ordinance, in which case said apprehension shall now be governed by the provisions of PD 603 (Child and Youth Welfare Code), as amended.

However, should there be more than 10 minors apprehended during curfew hours and referred to the MSWDO, some of them may have to stay overnight at the Women and Children's Crisis Center of the MSWDO regardless of the distance of the minor's place of residence. The parent/s or guardian/s of the minors and a member of the BCPC, shall be informed/summoned the following morning to fetch the child at the center.

SECTION 14 - Penalties. Violations of this ordinance shall be penalized as follows:

1<sup>ST</sup> OFFENSE - The minor violator, together with his/her parent/guardian shall undergo counseling at the MSWDO the following morning, except for Saturdays and Sundays. Counseling shall resume the following Monday. The minor will then be referred to the Barangay Council for the Protection of Children for proper recording on the Registry of Child At Risk (CAR) and Children In Conflict with Law (CICL) and for counseling by the BCPC. The BCPC shall issue a Certification of Attendance to the violator and his/her parent/guardian to be presented to the Punong Barangay for recording as a requirement under 2<sup>nd</sup> Offense of this Section.

2<sup>ND</sup> OFFENSE - The minor violator, together with his/her parent/guardian shall undergo counseling at the MSWDO the following morning, except for Saturdays and Sundays. Counseling shall resume the following Monday. The minor will then be referred to the BCPC for proper recording on the Registry of CAR and CICL.

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Further, the parent/guardian shall be required to attend a Parent Education Seminar. The BCPC shall coordinate with the Municipal Population Officer for scheduling and for performing the seminar. The parent/guardian shall render community service for eight (8) hours. The community service shall be facilitated and supervised by the BCPC. The BCPC shall issue a Certification of Attendance to the parent/guardian to be presented to the Punong Barangay for recording as a requirement under 3rd Offense of this Section. Moreover, within ten (10) days from apprehension, the parent/guardian shall plant two (2) trees in their barangay for which Certificate of Compliance shall be issued and forwarded by the BCPC to the Punong Barangay.

3<sup>RD</sup> OFFENSE — The minor violator, together with his/her parent/guardian shall undergo counseling at the MSWDO the following morning, except for Saturdays and Sundays. Counseling shall resume the following Monday. The minor will then be referred to the BCPC for proper recording on the Registry of CAR and CICL.

Further, the minor violator together with his/her parent/guardian shall undergo an Intervention Program facilitated and supervised by the BCPC. Monthly progress report shall be submitted by the BCPC to the MSWD Office for monitoring. Certification of Compliance or Certification of Non-Compliance shall be submitted by the Chairman of BCPC to the MSWDO. In case of Non-Compliance, the BCPC shall set another conference with the parents/guardians and the minor to discuss the problem and agreement has to be made. This shall be monitored by the MSWDO.

Within ten (10) days from violation of this ordinance, the parents or guardians shall plant five (5) trees in their barangay for which Certificate of Compliance shall be issued by the BCPC and then to be presented to the Punong Barangay for proper recording. In addition, the parents/guardians shall be penalized with a fine of Two Thousand Pesos (**P 2,000.00**), to be paid at the Municipal Treasurer's Office.

SUCCEEDING OFFENSE/S — Habitual violator/s of this ordinance together with his/her parent/s or guardian/s shall be turned over to the Municipal Social Welfare and Development Office for counseling. Parents or guardians shall be penalized with a fine of Two Thousand Five Hundred Pesos (\$\mathbb{P}\$ 2,500.00) or imprisonment of a maximum of two (2) months within the sound discretion of the court.

SECTION 15 – Sanctions for Failure or Refusal to Render Community Service. In the event, that the parent/guardian fails or refuses to perform the required community service, he/she shall be deemed to have violated his/her duties as a parent/guardian as provided under Section 6 hereof and shall be liable to pay a fine of One Thousand Pesos (P 1,000.00) for each failure or refusal to render/perform the required community service. The fine shall be paid at the Municipal Treasurer's Office.

SECTION 16 – Sanctions to BCPC for Failure to Implement, Gross Negligence and Dereliction of Duty with this Ordinance.

Any member/s of the BCPC who fails or intentionally neglects his/her duties and responsibilities under this ordinance shall be penalized as stated in Section 60 of the Local Government Code of 1991 or RA 7160, that, "An elective local official may be disciplined, suspended, or removed from office on any of the following grounds: xxx (c) Dishonesty, oppression, misconduct in office, gross negligence, or dereliction of duty;".

SECTION 17 - Non-Resident Offenders.

In cases where the minor-violator, is a resident of another municipality/city, the provisions under of offense of this ordinance shall be observed for first violation, in coordination with the Municipal Social Welfare and Development Office of the said municipality/city and the Barangay Office/Official

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through the Barangay Council for the Protection of Children (BCPC) where the place of residence of the minor is in question. The minor shall be turned over to the Women and Children's Crisis Center of the MSWDO of this municipality while the Social Worker of the MSWDO and in coordination with the law enforcement officer, shall exert all efforts to get in touch with the parents/guardians of the minorviolator in coordination with the Municipal Social Welfare and Development Office of the municipality/city where the child resides.

SECTION 18 - Separability Clause. If any provision of this ordinance or the application of such provision to other persons or circumstances is declared invalid, the provisions thereof not affected shall remain in full force and effect.

SECTION 19 - Repealing Clause. All ordinances, resolutions, executive orders, rules and regulations and other issuances or parts thereof found to be inconsistent with the provisions of this ordinance are hereby repealed, modified, or amended accordingly.

SECTION 20 - Effectivity. This ordinance shall take effect upon approval.

ENACTED and APPROVED, this 16th day of October 2023 in regular session assembled.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

CHARITY C. BARBOSA

Board Secretary II Acting SB Secretary

ATTESTED:

Vice Mayor Presiding Officer

(absent)

HON. VINCENT G. ENERLAN

Sangguniang Bayan Member

HON. CIPRIANO R. REI Sangguniang Bayan Member

ORRES, JR.

HON. HERMENIA C. CAMASIN

Sangguniand Bayan Member

HON. DEATER R. SENO

Sanggun ang Bayan Member

Sangginian Bayan Member

HONDRYAN R. CINCO

Sangguniang Bayan Member

HON. ROSERT S/DEL PILAR

Sangguniang Bayan Member

HON. OSCA

Sangguniang Bayan Member

ORDINANCE NO. 23-20, SERIES OF 2023, OCTOBER 16, 2023

Page 11 of 12

HON. FE S. RENOMERON

LnB President/Ex-Officio SB Member

HON. FRANCES JOHN R. FERNANDEZ SK Federation President/ Ex-officio Member

APPROVED:

HON. JUANITO E. REXOMERON

Date: 10/25/23



## Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen

Office of the Sangguniang Bayan

### **CERTIFICATE OF POSTING**

### TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 23-20, series of 2023 of the Sangguniang Bayan of Burauen, Leyte, entitled, "The New Curfew Ordinance for Minors in the Municipality of Burauen, Leyte", has been posted in four (4) conspicuous and publicly accessible places of the municipality from October 17, 2023 to October 31, 2023 in compliance to Section 59, paragraph (b) of the Local Government Code of 1991.

Burauen, Leyte, November 6, 2023.

CHARITY C. BARBOSA
Board Secretary II

Acting SB Secretary II

ATTESTED:

HON. NOEL P. ALPINO





### **CERTIFICATE OF PUBLIC HEARING**

### TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a Public Hearing for Municipal Ordinance No. 23-20. Series of 2023 of the Sangguniang Bayan of Burauen, Leyte, which is "The New Curfew Ordinance for Minors in the Municipality of Burauen, Leyte", was conducted on October 6, 2023, 1:00 o'clock in the afternoon at the Burauen Community Center, Burauen, Leyte.

Burauen, Leyte, October 26, 2023.

CHARIFY C. BARBOSA
Board Secretary II
Acting SB Secretary

ATTESTED:

HONDEL PALPING Municipal vice-Mayor





### OFFICE OF THE SANGGUNIANG BAYAN

### MINUTES OF THE PUBLIC HEARING ON THE NEW CURFEW ORDINANCE FOR MINORS IN THE MUNICIPALITY OF BURAUEN, LEYTE

DATE: October 6, 2023

TIME: 1:00 PM

VENUE: Burauen Community Center

AGENDA: Proposed ordinance on new curfew hours for minors in the Municipality of Burauen,

Leyte

### SB MEMBERS PRESENT:

Hon. Cipriano R. Relatorres, Jr. - Chairman, Committee on Education, Child Protection and

Hon. Hermenia C. Camasin

Hon. Oscar A. Cagara

Hon. Fe S. Renomeron

SB Secretariat

### MSWDO PERSONNEL PRESENT:

Ms. Helen R. Lomahan - MSWDO

Mr. Kenneth Tibre - SWO

**MSWDO Staff** 

PARTICIPANTS: (please see attached attendance sheet)

### PUBLIC HEARING:

The public hearing started at 2:00 in the afternoon. It started with invocation and followed by singing of the Philippine National Anthem and Burauen Hymn.

Hon. Cipriano R. Relatorres, Jr., the SB committee chairman on Child Protection gave his opening message, overview of the event and brief talk about the COVID-19 related ordinance since it was mentioned on the LCAT-VAWC resolution that proposed the enactment of the curfew ordinance. The said ordinance is of no use anymore since the virus is no longer as dangerous as it has been.

Hon. Relatorres then introduced the proposed ordinance to the participants and discussed the provisions one by one.

After which, the open forum started and the Punong Barangay, Jun Cinco of Dist. IX asked the process if a barangay tanod apprehends a minor violator. Hon. Relatorres answered they can turn-over them to the police. Ms. Lomahan added to present them first to BCPC of the same barangay for proper recording and procedure.

Punong Barangay Lita Quimbo of Brgy. Arado asked where should they plant fruit bearing trees? Hon. Relatorres answered that the barangay should identify areas for planting fruit bearing trees. Non-fruit bearing trees are also allowed.

Hon. Relatorres asked the youth representatives if they agree to the curfew time of 10:00PM to 4:00AM. They all agreed.

In relation to the temporary custody of apprehended curfew violators in the Women and Child Crisis Center, Hon. Relatorres assured the public that the children will be safe and well taken care of.

Punong Barangay Quimbo asked on fiesta celebrations in the barangays, can they also adjust the curfew hours to 12:00MN to 4:00AM?

Hon. Relatorres said yes. They can start the curfew hours at 12:00MN.

A youth representative asked when is the implementation of the curfew ordinance?

Hon. Relatorres told them, upon approval and hopefully before the fiesta celebrations.

A representative from Brgy. Villa Patria a far flung barangay asked what to do with the minor violator if the apprehension is within their barangay knowing that they are far from the town proper to refer the child?

The MSWDO Ms. Helen Lomahan answered that the BCPC should be responsible with the intervention program and the necessary procedures for they are trained with their responsibilities on child protection.

A youth participant from Dist. 2 asked, what if the minor violator is homeless (palaboy)?

Ms. Lomahan answered, that the BCPC of the concerned barangay should identify the minor and of his/her residence and should refer him/her to the BCPC of the barangay where the minor resides. They should also assess the situation why the child is wandering on curfew hours.

After which, Hon. Oscar Cagara clarified to the public how a child can be considered homeless and the relevance of the Sanggunian to take into consideration such circumstances in crafting ordinances.

Ms. Lomahan, expound and discussed the procedures of penalties to the violators and their parents/guardians.

The participants agreed on the penalties and were satisfied with the answers of the facilitators.

Hon. Fe S. Renomeron gave her closing message and thanked all the participants for lending their time and effort to attend the public hearing.

#### ADJOURNMENT:

Hon. Cipriano R. Relatorres, Jr., moved the hearing adjourned at exactly 4:10PM.

Prepared by:

CHARITY C. BARBOSA

Board Secretary II Acting SB Secretary

**CONCURRED:** 

HON. CIPRIANO R. RELATORRES, JR.

SB Member

HON. HERMENIA C. CAMAS

Member

HON. OSCAR A GARA

SB Member

HON. FESTRENOMERON

SB Member



## Republic of the Philippines PROVINCE OF LEYTE Burauen

Office of the Sangguniang Bayan

September 26, 2023

BCPC CHAIRMEN AND SECRETARIES
REPRESENTATIVES FROM:
ELEMENTARY SCHOOLS;
SECONDARY SCHOOLS;
LGBTQIA+ COMMUNITY;
PYAP BURAUEN CHAPTER;
BCPC CHILD REPRESENTATIVES ASSOCIATION;
BURAUEN MPS;
MUNICIPAL HEALTH OFFICE;
MUNICIPAL SOCIAL AND WELFARE DEVELOPMENT OFFICE;
BUSINESS SECTOR; AND
INTERESTED PARTIES AND OTHERS CONCERNED;
ALL OF BURAUEN, LEYTE

Subject: Notice of Public Hearing for the Proposed "NEW CURFEW ORDINANCE FOR MINORS IN THE MUNICIPALITY OF BURAUEN, LEYTE"

Ladies and Gentlemen,

Relative to the proposed Amendment on Minor Curfew Ordinance of the MCPC and LCAT-VAWC Resolution No. 2023-001 of the LGU-Burauen, the Sangguniang Bayan would like to invite you to attend the Public Hearing, on Friday, October 6, 2023 at 1:00 o'clock in the afternoon at the Burauen Community Center. Your participation on the said event will be highly appreciated.

Thank you for your usual cooperation.

Very truly yours,







### Republic of the Philippines PROVINCE OF LEYTE Municipality of Burauen

### OFFICE OF THE SANGGUNIANG BAYAN

## ATTENDANCE SHEET PUBLIC HEARING ON AMENDED MINOR CURFEW ORDINANCE OCTOBER 6, 2023

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### MUNICIPALITY OF BURAUEN

SEQ. NO.	BARANGAYS	NAME OF PUNONG BARANGAYS	SIGNATURE of Receiver of Communication	Date
1	Abuyogon	PERIDA, RODRIGO R.	Acorda	19-13-23
2	Anonang	RENOMERON, CARMELITA A.		012-73
3	Arado	QUIMBO, ANGELITA E.	1 Howard 8	4701
4	Balao	GOYONE, FERDINAND O.	for the way	
5	Balatson	ESTRELLA, ROBERTO	( hate)	
6	Balorinay	PLAZO, VIRGEL S.		
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11	Cadahunan	OGSIMER, JONATHAN D.	Localina	9-27-23
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21	Dumalag	CAGARA, ROSENDO JR. A.		
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25	Hapunan	AGRAVA, JOSEFINA E.	Harva	
26	Hibunawan	RELATORRES, MA. HAZEL E.	mille	
27	Hugpa East	AGRAVA, RODOLFO V.	Lord.	
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30	Kagbana	GLORIA, ROGELIO G.	0 60	1
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33	Laguiwan	BRITON, MELECIO C.	M. & Bylow	
34	Libas	ORONOS, SESENIO P.	Club	
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36	Logsongan	ALMODEN, CRISILDA	Crasilda a: almoden	
37	Maabab	MORANO, ARTURO C.	by Alex	
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55	San Jose East	ALERE, ANTOLIN O.	intali o. China
56	San Jose West	CAANDE, ABRAHAM C.	Kagawad Kemma R. Alafa
57	San Pablo	PELEÑO, TEODORICO D.	2710
58	Tabuanon	SINTASAS, SALVACION M.	( San Jasas)
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77	District 9	CINCO, ISIDORO JR. J.	1

# MUNICIPALITY OF BURAUEN Office of the Sangguniang Bayan \*\*\*

No.	NAME  GILBERT LAGARTO (LGBTQIA+Com)	BARANGAY/ AGENCY	SIGNATURE of Receiver of Communication	DATE
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## MUNICIPALITY OF BURAUEN Office of the Sangguniang Bayan

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2	(Nicey Burger Junction)	District 1	Tuh.	9/24/20
_	JOVELYN C. TORENO	District 2	A	1/1/2/2
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4	EDGAR M. RUDAS, JR	7.	e trons	9/28/2
_	(Kuya Jun's Gotohan)	District 2		1
5	MARIA ANNABELLE R DEDDOG	District 2	e Bogar	9/28/23
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7	(Wenggay Eatery)		4	9/08/29
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8	ANACLITA S. REGERO		Petronio	9/20/22
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- 1	ETHEL B. ROBEDILLO	District 5	ax.	1/28/23
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1	ELYSSA MAE CALVADA	District 8	Mamaria	09/28/23
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