Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

Item No.: 01

Date: 0 5 2023 DEC

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT November 28, 2023 Province of Leyte

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Date:

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No.2023-11 of the Sangguniang Bayan of Tanauan, 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), an exercise of the power essential to the promotion of the General Welfare, Health and Safety, authorized under Section 16ⁱ of the Code.

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

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 22 November 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed ORDINANCE NO. 2023-11 of the Municipality of Tanauan, Leyte; entitled: "AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF TANAUAN, LEYTE; CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO); AND PROVIDING FUNDS THEREFORE AND FOR OTHER PURPOSES."

FLORINDA JILLS. DYVICO Secretary to the Sanggunian

SP RECORDS 11222023



Republic of the Philippines Province of Leyte TANAUAN -oOo-



0771CE 07 THE SANGGUNIANG BAYAN

November 21, 2023

THE SECRETARY

Sangguniang Panlalawigan Province of Leyte Capitol Building Tacloban City

Sir/Madam:

Respectfully submitting herewith Ordinance No. 2023-11, "An Ordinance establishing and operationalizing the Barangay Human Rights Action Center (BHRAC) in every Barangay in the Municipality of Tanauan, Leyte; capacitating the Barangay Human Rights Action Officers (BHRAO); providing funds therefor and for other purposes".

Authored by: Hon. Cherry Anne T. Fiel
Co-authors: Hon. Archie Lawrence R. Kapunan
Hon. Jan Elmer V. Magdalaga
Hon. Mae Jane Angelie M. Morabe-Borais
Hon. Mark Efren E. Merilo
Hon. Paul Emmanuel R. Cinco
Hon. Josie M. Creer
Hon. Atty. Isagani S. Espada
Hon. Jasmin U. Borja
Hon. Ma. Martina L. Gimenez
Hon. Gil Mark L. Fiel

Trusting that you will accord this matter with your kindest attention.

Truly Yours,

ELEUTERIO T. LERIOS Sangguniang Bayan Secretary

Republic of the Philippines **Province of Leyte** Tanauan

000 SANGGUNIANG BAYAN SANGGURIANG PANLALAWIYAN

EXCERPT FROM THE MINUTES OF 66th REGULAR SESSION OF SANGGUNIANG BAYAN OF TANAUAN, LEYTE HELD ON OPTOBER 23, 2023 AT THE SB SESSION HALL, TANAUAN TOWN HALL, TANAUAN, LEYTE.

PRESENT:

HON. ARCHIE LAWRENCE R. KAPUNAN

HON. JAN ELMER V. MAGDALAGA

HON. MAE JANE ANGELIE M. MORABE

HON, JOSIE M. CREER

HON, ATTY, ISAGANI S. ESPADA

HON, JASMIN U. BORJA

HON. CHERRY ANNE T. FIEL

HON. GIL MARK L. FIEL

Municipal Vice-Mayor/Presiding Sangguniang Bayan Member

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ABSENT:

HON. MARK EFREN E. MERILO

HON. PAUL EMMANUEL R. CINCO

HON. MA. MARTINA L. GIMENEZ

Sangguniang Bayan Member

-do-

-do-/Liga Fed. Pres.

ORDINANCE NO. 2023 – 11

AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF TANAUAN, LEYTE; CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO); AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

Author: Hon. Cherry Anne T. Fiel

Co - authors:

Hon. Archie Lawrence R. Kapunan - Vice Mayor Hon. Jan Elmer V. Magdalaga Hon. Mae Jane Angelie M. Morabe Hon, Mark Efren E. Merilo Hon. Paul Emmanuel R. Cinco Hon. Josie M. Creer Hon. Atty. Isagani S. Espada Hon. Jasmin U. Boria Hon. Ma. Martina L. Gimenez

Hon. Gil Mark L. Fiel

BE IT ENACTED BY THE SANGGUNIANG BAYAN OF TANAUAN, LEYTE IN REGULAR SESSION ASSEMBLED THAT:

(Page 2 of 6, Ordinance No. 2023-11 of the 16th SB of Tanauan, Leyte, October 23, 2023)

WHEREAS, Article II, Section 11 of the 1987 Constitution of the Philippines declares that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, The 1987 Philippine Constitution likewise mandates Congress to give highest priority to the enactment of measures to protect and enhance the rights of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good as provided in Article XIII, Section 1;

WHEREAS, The Commission of Human Rights, pursuant to its constitutional mandate has institutionalized the implementation of the Barangay Human Rights Action Center (BHRAC), empowering the people at the grassroots level in promoting and protecting human rights, and bringing its services closer to the people;

WHEREAS, human rights violations, especially violence against women and children which continue to be committed with impunity, must be given the highest priority in the protection and promotion of human rights in the municipality of Tanauan, Leyte;

WHEREAS, the municipality of Tanauan, Leyte should lead the way and serve as a model in the promotion and protection of the dignity of human persons and the full respect for human rights;

SECTION 1. TITLE. This Ordinance shall be known as the "Barangay Human Rights Action Center Ordinance of 2023"

SECTION 2. COVERAGE. This Ordinance shall cover all Barangays in the Municipality of Tanauan, Leyte.

SECTION 3, DEFINITION OF TERMS AND PHRASES. Whenever used in this Ordinance, the following terms shall mean:

- a) BHRAC stands for Barangay Human Rights Action Center and refers to the program of the Commission on Human Rights for the nationwide mobilization for human rights protection and advocacy at the barangay level.
- b) **BHRAO** stands for Barangay Human Rights Action Officer and refers to the person selected and trained to provide and implement the BHRAC programs.
- c) Commission of Human Rights (CHR) the independent body created under the 1987 Constitution of the Philippines whose principal mandate is to investigate, on its own or on a complaint filed by any person, all forms of human rights violation involving civil and political rights.
- d) Complaints Referral- refers to the primary task of the BHRAO to receive and monitor complaints of alleged human rights violations and their referral to the nearest CHR regional or sub-office for investigation.

- e) **Human Rights Violations** refer to all forms of violations involving civil and political rights.
- f) **Civil Society** the aggregate of the non-governmental organizations and institutions that manifest the interests of citizens or individuals and organizations in a society that are independent of the government.
- g) Human Rights Education Center refers to the Commission on Human Rights Education Center that conduct seminar, trainings, symposia, and similar activities for all sectors and disseminates information/materials which reach out to the grassroots level, likewise, it conducts continuing research activities for the promotion and enhancement of human rights in the country.

SECTION 4. THE BARANGAY HUMAN RIGHTS ACTION CENTER. Immediately upon the effectivity of this Ordinance, there shall be created in every barangay in the municipality of Tanauan, Leyte the Barangay Human Rights Action Center (BHRAC).

SECTION 5. THE BARANGAY HUMAN RIGHTS ACTION OFFICER. The BHRAC shall be headed by the Barangay Secretary who, in addition to his/her duties and responsibilities shall act as Barangay Human Rights Action Officer (BHRAO). The BHRAO shall be appointed by the Barangay Chairman with the concurrence of the majority of the members of the Sangguniang Barangay in a resolution passed for the purpose unless the Barangay Chairman with the concurrence of the Sangguniang Barangay shall appoint a full-time BHRAO.

- a) No person may be appointed as BHRAO unless he/she is a resident of the barangay for at least five (5) years, not less than twenty-one (21) years old, at least a senior high school graduate, a person of probity and integrity, and must not be engaged in partisan political activity once appointed. He/ She must be committed to the cause of human rights and willing to undergo BHRAO training. The annual salary or allowance of the BHRAO shall be determined by the Sangguniang Barangay in an Ordinance enacted for the purpose.
- b) The BHRAO herein appointed and trained shall receive a proper deputation, be certified and shall be issued an identification card from the CHR.
- c) The BHRAO may be removed from office by the Barangay Chairman, upon approval of the majority of the members of the Sangguniang Barangay present in a session duly called for that purpose upon written complaint for cause and upon due process, on the grounds of commission of a violation of human rights, loss of confidence, and or non-performance of his/her duties and responsibilities.

- d) In case of temporary vacancy, the Barangay Chairman shall assign any qualified Barangay Official or employee who shall assume the role of BHRAO. In case of permanent vacancy due to refusal to assume office, failure to qualify, death, removal from office, voluntary resignation, or permanent incapacity to discharge the functions of the office, the successor shall be chosen in accordance with the regular procedures for hiring.
- e) The BHRAO shall hold office in the Barangay Hall.
- f) The BHRAO/Barangay Secretary or anyone assigned by the Barangay Chairman shall undergo specialized training on human rights and the operation of BHRAC.

SECTION 6. DUTIES AND RESPONSIBILITIES OF BARANGAY HUMAN ACTION OFFICER. The BHRAO shall have the following duties and responsibilities:

- a) As training and information officer:
 - 1) Installing and maintaining Barangay bulletins and other information and updates on human rights matters.
 - 2) Distribution or training and information materials and information releases.
 - 3) Education of communities through seminars on human rights to make them human rights advocates and defenders.
- b) As coordination and referral officer:
 - 1) Maintaining barangay directories of services/programs.
 - 2) Receiving and giving feedback on referrals actions.
 - 3) Implementation/coordination of services at the barangay level.
- c) As Human rights Complaint Officer:
 - 1) Receiving and monitoring complaints of human rights violations.
 - 2) Assisting complainants in securing legal services and financial assistance from the CHR.

The BHRAO may also organize and mobilize an advisory group within the barangay composed of representatives from church, school, barangay-based sectoral organizations, barangay-based Private Organizations and Non-Government Organizations, and local media.

SECTION 7. GUIDELINES AND PROCEDURES. The following guidelines and procedures shall be observed in the filing of a human rights complaint with the BHRAO:

a) Any person can go to the BHRAO to file a complaint.

b) The BHRAO interviews the complainant to determine whether the subject of the complaint is a human rights violation or a common crime.

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- c) If the complaint is not a human rights violation, hence does not fall under CHRs jurisdiction, the BHRAO forwards it to the Lupon ng Tagapamayapa or the Police, as the case may be; if it does, BHRAO shall assist the complainant to accomplish the prescribed forms and shall request him/her to submit evidence/supporting documents.
- d) The BHRAO accompanies the victim to the Municipal Legal Officer or Public Attorney's Office for preparation and execution of affidavit.
- e) The BHRAO shall transmit the complaint together with supporting documents to the CHR Regional Field Office or Sub-Office whichever is nearer.

SECTION 8. BARANGAY HUMAN RIGHTS ACTION COMMITTEE. A committee is hereby created to be known as Barangay Human Rights Action Committee to be headed by the Barangay Chairman as Committee Chairman, the Barangay Kagawad who is the Chairman of the Committee on Peace and Order or Committee on Justice and Human Rights, and one representative each from the Church, Academe, and People's Organization as members. The Committee has the power to review the recommendation of the BHRAO in the filing of the complaint for human rights violations before the Commission on Human Rights (CHR).

SECTION 9. STAKEHOLDERS AND THE OVERSIGHT COMMITTEE. The BHRACs shall have the following stakeholders and partners;

- a) The Commission on Human Rights (CHR)
- b) The Department of Interior and Local Government (DILG)
- c) The Office of the Mayor
- d) The Chairman of the Committee on Justice and Human Rights of the Sangguniang Bayan
- e) The Liga ng mga Barangay President
- f) Representatives from the Police and People's Organizations and Non-Government Organizations operating in the municipality, which shall compose the Oversight Committee of the BHRACs.
- g) The Oversight Committee shall be chaired by the Municipal Mayor.

The Oversight Committee shall ensure consistency in the work to be performed by the BHRACs and the BHRAOs, with the CHR providing technical support. The Oversight Committee shall, among other, formulate and draft the Barangay Human Rights Action Plan and Barangay Human Rights Education Program with the end in view of mainstreaming human rights in the works of the barangay.

In particular, the CHR shall extend technical assistance to BHRACs in the conduct of orientation, seminar, and capacity-building programs, and provide prototype human rights educations materials for the purpose. It shall also cause and facilitate the investigation of all human rights violations referred to it by the BHRACs. It shall assist in the monitoring of BHRAC program and recommend policies to the Oversight Committee in furtherance of institutionalizing the BHRACs and the BHRAOs.

The DILG shall assist the CHR in giving technical assistance to BHRACs and BHRAOs in mobilizing BHRAC activities.

SECTION 10. APPROPRIATION OF FUNDS. All Sangguniang Barangay in the Municipality of Tanauan, Leyte shall allocate funds for the creation and operationalization of the BHRACs. For this purpose, they shall conduct regular reviews of their human rights plan of action for inclusion in the annual budget appropriation of each barangay.

All barangays in the Municipality shall allocate from their annual barangay budget a sufficient amount to be determined by the Barangay Chairman and by the Sangguniang Barangay for the exclusive use and operation of the BHRACs, including reasonable salaries or allowances for the BHRAOs subject to the required accounting and auditing procedures.

SECTION 11. SEPARABILITY CLAUSE. If for any reason/s, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

12. REPEALING CLAUSE. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 13. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation or its posting in conspicuous places in both the municipal hall and barangay hall in all barangays of the municipality.

ENACTED: 23 OCTOBER 2023.

ERTIFIED TRUE AND CORRECT:

ELEUTERIO T. LERIOS SB Secretary

ATTESTED:

HON. ARCHIE LAWRENCE R. KAPUI

Vice Mayor/Presiding

HON. JAN ELMAV. MAGDALAGA

HON.

CREER

SB Member

HON. JASMIN (U) BORJA

SB Member

HON. MAE JANE AMGELIEM. MORABE

8B Memb

HON. ATT V. ISAGANI S. **ESPADA**

SB Member

HON. CHERRY FIEL

SB Member

GIL MARK L.

SB Member/SK Fed. Pres.

APPROVED BY:

GINA E. MERILO

Municipal Mayor Date NOVAMBER 14, 2013 ... Attachment for SP

1 Republic of the Philippines 2 Province of Leyte 3 **TANAUAN** 4 -000-5 16th SANGGUNIANG BAYAN 6 7

MINUTES OF THE PUBLIC HEARING

September 29, 2023

Presidencia Lobby, Tanauan Town Hall, Tanauan, Leyte

L. PRELIMINARY

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In attendance were the main author - Hon. Cherry Anne T. Fiel; and co-authors - Hon. Paul Emmanuel R. Cinco, Hon. Engr. Jan Elmer V. Magdalaga, Jasmin U. Borja and Hon. Josie M.

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Also in attendance were representatives from the different Offices of the local government of this municipality, representatives from the Tanauan PNP, Barangay Chairpersons, and the MLGOO.

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II. PRESENTATION OF THE FOLLOWING PROPOSED ORDINANCES

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A. A Proposed Ordinance Establishing and Operationalizing the Barangay Human Rights Action Center (BHRAC) in every Barangay in the municipality of Tanauan, Leyte; Capacitating the Barangay Human Rights Action Officers (BHRAO) and Providing Funds therefor and for Other Purposes.

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Author:

Hon. Cherry Anne T. Fiel

Co-Authors: 16th Sangguniang Bayan Members

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B. A Proposed Ordinance Creating the Tanauan, Leyte Human Rights Action Center (TLHRAC) under the Office of the Municipal Mayor and Defining its Powers and Functions.

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Author: Hon. Cherry Anne T. Fiel

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Co-Authors: 16th Sangguniang Bayan Members

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III. OPEN FORUM

The MLGOO inquired as to the difference of the functions to be performed by the BHRAO and the functions of the Lupon ng Tagapamayapa and whether the Barangay Secretay will automatically be appointed as the concurrent BHRAO, considering that the previous practice was that the BHRAO was either 1) elected through a Barangay Assembly; or 2) the Chairman of the Committee on Human Rights, if the Barangay Council has the said Committee.

The main author explained that the provision on the manner of selection of the BHRAO and the temporary appointment of the Brgy. Secretary as such was based on the Joint Memorandum Circular presented by the CHR and the DILG. Hon. Fiel further explained that the Secretary is designated only as the BHRAO in the event that the Barangay has no sufficient fund yet to create the said position and provide for its corresponding salary.

As to the inquiry of the MLGOO on the differences in the functions of the BHRAO and the Lupon ng Tagapamayapa, the main author emphasized that the BHRAO's function is exclusive to

concerns and complaints involving human rights, otherwise, the same will be handled by the Lupon ng Tagapamayapa.

The Chairperson of Brgy. Sacme inquired as to where can they possibly get the fund for the salary of the BHRAO and the main author answered that they will still coordinate with the CHR for any suggestions so that the appropriation will still be within the guidelines of the COA.

The Chairman of Brgy. Solano also asked as to how much would be the salary of the BRHAO and the Chairman of Brgy. Pasil asked if it is possible that their salary will be on a per session basis, to which Hon. Magdalaga answered that since under the proposed ordinance, the creation of the position and salary of the BHRAO is through a Barangay Ordinance, then it is up to the Barangay Council to decide and stipulate the amount and the manner of giving the salaries or wages of the BHRAO. Hon. Cinco added that the Council just have to make the necessary considerations so that the salary will be commensurate to the work done and to the availability of funds of the Barangay.

The Chairperson of Brgy. Pasil also inquired on what can the secretary do to handle the human rights cases when the said secretary has no knowledge on human rights to which the main author explained that the Secretary or the BHRAO will be capacitated through trainings and seminars to be provided either by the LGU and DILG in coordination with the CHR. The representative from the Tanauan PNP also added that they also extend and provide trainings and information drive in the barangay in relation to human rights issues.

The Chairperson from Brgy. Sacme again asked if there can be a provision in the Ordinance to provide financial assistance to indigent victims of human rights violations to which Hon. Creer suggested to await the response or coordination with the CHR in order to raise the concern if they can request for subsidy from their Office in relation to the implementation of the propsed ordinance.

Having no further queries or comments, the Public Hearing was adjourned at 11:25 in the morning.

CERTIFIED TRUE AND CORRECT:

ATTY. MIAMOR D. NATIVIDAD

BOARD SECRETARY

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33 ATTESTED:

35 HON. CHERRY ANNE T. FIE

36 MAIN AUTHOR

PUBLIC HEARING

A PROPOSED ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF TANAUAN, LEYTE, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICER (BHRAO), AND PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES.

A PROPOSED ORDINANCE CREATING THE TANAUAN, LEYTE HUMAN RIGHTS ACTION CENTER (TLHRAC) UNDER THE OFFICE OF THE MUNICIPALITY MAYOR AND DEFINING ITS POWERS AND FUNCTIONS.

SEPTEMBER 29, 2023 (FRIDAY) 9:00 AM at Presidencia Lobby

ATTENDANCE

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NAME	DESIGNATION	BARANGAY	SIGNATURE
1. DON INCO G. TODILYN	Pung Bay	Buy. Ar- Court	
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Republic of the Philippines Province of Leyte TANAUAN -000-

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CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that ORDINANCE NO. 2023-11, "An Ordinance establishing and operationalizing the Barangay Human Rights Action Center (BHRAC) in every Barangay in the Municipality of Tanauan, Leyte; capacitating the Barangay Human Rights Action Officers (BHRAO); providing funds therefor and for other purposes", have been posted in the bulletin boards at the following: Entrance of the Municipal Hall, Office of the Sangguniang Bayan, and Public Market beginning November 15, 2023 and shall remain posted for a minimum of three consecutive weeks.

This certification is issued in compliance with the pertinent provisions of R.A. 7160.

Issued: November 15, 2023

ELEUTERIO T. LERIOS

Sangguniang Bayan Secretary