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Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

## **PROVINCIAL LEGAL OFFICE**



2<sup>nd</sup> INDORSEMENT December 27, 2023

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-01 of the Sangguniang Bayan of Sta. Fe, 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 under Section 444 (b)(vii)<sup>i</sup> of the Local Government Code.

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

Section 444. The Chief Executive: Powers, Duties, Functions and Compensation. 
(b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall:

(vii) Carry out such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

#### Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1<sup>ST</sup> INDORSEMENT 20 December 2023

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed MUNICIPAL ORDINANCE NO. 2023-01 of the MUNICIPALITY of STA. FE, LEYTE, entitled: An Ordinance Implementing Pre-emptive And Forced Evacuation When Disaster Or An Emergency Has Been Declared In The Municipality Of Santa Fe And Danger Of Loss Of Lives And Properties Became Imminent, Providing Penalties For Violations Therefor, And For Other Purposes.

FLORINDA JILLS. JYVICO
Secretary to the Sanggunian





# SANGGUNIANG BAYAN SECRETARY

#### **INDORSEMENT**

RESPECTFULLY FORWARDED to the Sangguniang Panlalawigan of the Province of Leyte, Tacloban City, the herein attachment Municipal Ordinance No. 2023 – 01 (Series of 2023) of the Sangguniang Bayan, this Municipality entitled "An Ordinance Implementing Pre-Emptive and Forced Evacuation when Disaster or An Emergency has been declared in the municipality of Santa Fe, Leyte and Danger of Loss of lives and Properties become imminent, providing penalties for violations therefor, and for other purposes", duly approved by said August Body on February 13, 2023, hereby recommending your appropriate favourable action.

JULIUS XERXES M. OBENQUE Sangguniang Bayan Secretary Designate

#### Copy Furnished:

- The Municipal Mayor
- The Municipal Disaster Risk Reduction and Management Office
- The Municipal Treasurer's Office
- The PNP Station Commander
- All in Sta. Fe, Leyte



#### SANGGUNIANG BAYAN SECRETARY

# **CERTIFICATION OF POSTING**

#### TO WHOM IT MAY CONCERN:

This is to certify that copies of Municipal Ordinance of the herein attached "Municipal Ordinance No. 2023 – 01 (Series of 2023) of the Sangguniang Bayan, this Municipality, entitled "An Ordinance Implementing Pre-Emptive and Forced Evacuation when Disaster or An Emergency has been declared in the municipality of Santa Fe, Leyte and Danger of Loss of lives and Properties become imminent, providing penalties for violations therefor, and for other purposes", duly approved and/or enacted by said August Body on February 13, 2023, has been posted in at least three (3) conspicuous places in the municipality. One copy was posted at the bulletin board at the lobby of the municipal hall, one at the HRMO and one at the Municipal Gymnasium.

ISSUED this 15th day of February 2023 at Santa Fe, Leyte.

JULIUS XEXXES M. OBENQUE Sangguniang Bayan Secretary Designate





#### SANGGUNIANG BAYAN

THE 28th REGULAR SESSION OF THE 12TH SANGGUNIANG BAYAN OF SANTA FE, LEYTE, HELD AT THE SB SESSION HALL, SANTA FE, LEYTE ON FEBRUARY 13, 2023.

MUNICIPAL ORDINANCE NO. 2023 - 01 Series of 2023

AN **ORDINANCE IMPLEMENTING** PRE-EMPTIVE AND **FORCED** EVACUATION WHEN DISASTER OR AN EMERGENCY HAS DECLARED IN THE MUNICIPALITY OF SANTA FE AND DANGER OF LOSS OF LIVES AND PROPERTIES BECOME IMMINENT, PROVIDING PENALTIES FOR VIOLATIONS THEREFOR, AND FOR OTHER PURPOSES

SPONSOR: HON. AMIEL P. ENAGE

#### **CO-SPONSORS:**

HON. RODEL L. AJETO

HON. RICARDO D. FAJARDO

HON. ALVIN D. PETILLA

HON. LARRY S. ARUTA

HON. GENY R. ESMERO

HON. BELEN C. CHUCA

HON. AGNES A. CHUCA

HON. MAE JO A. LANTAJO

HON. EDGARDO R. SALCEDA

WHEREAS, Section 2 (a) of RA 10121, otherwise known as the "Philippine Disaster Risk Reduction and Management Act of 2010" declares as a state policy "to uphold the people's constitutional rights to life and property by addressing the root causes, of vulnerabilities to disasters, strengthening the country's institutional capacity for disaster risk reduction and management and building the resilience of local communities to disasters including climate change impacts".

WHEREAS, the General Welfare Clauses of the Local Government Code of 1991 authorizes Local Government Units (LGU's) to " exercise the powers necessary, appropriate, or incidental to is efficient and effective governance and those which are essential to the promotion of the general welfare";

WHEREAS, the same Code mandates Punong Barangays [Section 389 (b)(6)], and Municipal Mayors [Section 444 (b)(vii)], to carry such emergency measures as may be necessary during and in the aftermath of man-made and natural disasters and calamities;

WHEREAS, DILG Memorandum Circular No. 2012-35 dated 21 February 2012 enjoins local legislative councils to enact Ordinances for the implementation of preemptive and forced evacuation when disaster or an emergency has been declared and danger of loss of lives and properties is imminent within their areas of jurisdiction;



#### SANGGUNIANG BAYAN

Continuation: Municipal Ordinance No. 2023-01 Dated February 13, 2023

page 2 of 6

**WHEREAS**, The Local Chief Executive, pursuant to the general welfare clause of the Local Government Code, is empowered to exercise such powers and perform such duties and functions for the general welfare of the municipality and its inhabitants.

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Santa Fe that;

**Section 1.** It is the declared policy of the municipality to protect the lives and properties of its residents at all times and whenever possible mitigate the effects of manmade and natural disasters within the locality.

# Section 2. DEFINITION OF TERMS (As used in the Ordinance)

- 2.1 "Disaster" means the result of a natural or man-made event which causes loss of life, injury and property damage, including but not limited to natural disasters such as landslide, typhoon, flood, high winds, earthquakes and other weather-related events and man-made disasters, including but not limited to nuclear power plant incidents, hazardous material incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related thereto.
  - 2.2 "Imminent Danger" -means immediate threat of harm.
- 2.3 "Evacuation" -means an operation whereby all or part of a particular population is temporarily relocated, whether individually or in an organized manner, from an area in which a disaster or emergency has been declared and is considered dangerous to the health and safety to the public.
- 2.4 "Forced Evacuation" -means an evacuation ordered as a resort when a disaster or emergency has been declared and danger of loss of life is imminent, and conditions exist that critically imperil or endanger the lives of those in a defined area.
- 2.5 "Evacuees" -people who are withdrawn from a dangerous place or circumstance and brought to a center/place for care, safety and protection.
- 2.6 "Evacuation Center/Place" a place where evacuees are brought before, during and after calamities/disasters such as but not limited to typhoon, flood, landslide, earthquake or fire for care, safety and protection.
- 2.7 "Hazard" -a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage.
- 2.8 "Public-Official" -is any person who, by direct provisions of law, popular election or appointment of competent authority, takes part in the performance of public functions in the government, duties as an employee, agent or subordinate official or any rank or class who is charged with the implementation of this ordinance.
- 2.9 "Pre-Emptive" -an order from competent authority to forcibly evacuate residents to an appropriate evacuation destination to forestall their exposure to an imminent disaster.

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#### SANGGUNIANG BAYAN

Continuation: Municipal Ordinance No. 2023-01 Dated February 13, 2023

page 3 of 6

3.0 "Casualty"- a person who is either injured, dead, or missing during an emergency or disaster.

Section 3. EARLY WARNING SYSTEM - the early warning information are regularly relayed to the Barangay Disaster Risk Reduction and Management Committee (BDRRMC) through the existing Radio Communications Network and through the official social media accounts and to the Municipal Disaster Risk Reduction and Management Council (MDRRMC), through the MDRRMC meeting particularly for Tropical Cyclones, and social media portal for Heavy Rainfall Warnings.

There are initially three (3) different siren warnings for the flood prone barangays as an EWS material during Heavy Rainfall Warnings (red, orange, and yellow)

Yellow- watch and stay updated (no sound),

Orange- be prepared, voluntary evacuation (siren with interval)

Red - forced evacuation (continuous siren)

Section 4. FORCED EVACUATION - if upon the assessment or determination of the MDRRMC, pre-emptive and forced evacuation of local residents is already necessary, said council shall immediately recommend such fact to the Municipal Mayor.

On the basis of such recommendation, the Municipal Mayor shall immediately declare the implementation/enforcement of pre-emptive and forced evacuation which shall be guided by the following factors:

- a. Conditions for Evacuation
- b. Chain of Command
- c. Evacuation Procedures
- d. Emergency Standards
- e. Early Warning System

However, immediately after the declaration of pre-emptive and forced evacuation but before actual implementation/enforcement thereof, the Municipal Government shall see to it that the local residents are informed in local dialect of the need for them to evacuate and that there is no other alternative way to ensure their safety; through all possible means and media, both traditional and non-traditional.

# Section 5. CONTINGENCY PLAN FOR TYPHOON, FLOODING AND RAIN INDUCED LANDSLIDE, FIRE AND EARTHQUAKE.

5.1 This contingency plan is intended for all public officials and DRRMC members that will play a role in warning, mitigation, preparedness and emergency response when an impending hazard/s threatens the municipality.

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#### SANGGUNIANG BAYAN

Continuation: Municipal Ordinance No. 2023-01 Dated February 13, 2023

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- 5.2 One of the response clusters identified in the DRRM response framework is a Camp Coordination and Camp Management (CCCM), which is also included in the Barangay Contingency Plans for the Tropical Cyclone, Flooding and Earthquakes.
- 5.3 Camp Management Teams shall be on standby in the designated evacuation centers/sites to monitor and provide services and necessary materials such as but not limited to beddings, blankets, clothing, foods and medicines to the evacuees in times of disasters or calamity.
- 5.4 The Camp Manager will take charge of the list of the evacuees for assessing and monitoring the site including the distribution of relief goods.
- Section 6. EVACUATION PLAN It shall be incumbent upon the Barangay Risk Reduction Management Committee (BDRMMC) to prepare an Evacuation Plan in their respective localities or areas of jurisdiction prior to hazard.

The Local Government Unit (LGU) shall work out a Permanent Evacuation Center to be utilized in case of emergencies/disasters; and should allocate funds.

In extreme cases, the Local Government Unit shall have the authority to negotiate with owners of buildings with strong/safe structures to be made as temporary evacuation centers.

ENLISTMENT OF ASSISTANCE OF OTHER GOVERNMENT Section 7. AGENCIES -In declaring the implementation/enforcement of pre-emptive and forced evacuation, the Municipal Mayor may also enlist the assistance of the member of the AFP, PNP, BFP, Department Heads assigned within the municipality; as well as the accredited volunteers, civil society organizations and private sectors/groups with the capability and training in such emergency situation.

Every Barangay may implement temporary evacuation plans. Public School Classrooms maybe used as temporary evacuation center and duplicate key of rooms may be availed of the Barangay Captain for accessibility, and should closely coordinate with the DEPED school head and the school DRRM coordinators

All emergency measures adopted shall be a coordinative and collaborative effort between the Local Government and the assisting agencies

Section 8. MANNER/MANAGEMENT OF FORCED EVACUATION - In the event that local residents refuse to leave their homes even after notice/order or, after evacuating, go back to their homes/affected areas without an order issued to this effect, the municipal government as well as the members of the mobilized units of the PNP, AFP, BFP may use such physical force that is commensurate under the circumstances, without the discrimination and with conscious attention to the needs of vulnerable sectors such as children, women, the elderly and persons with disabilities, with the end view that lives are safely secured.

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#### SANGGUNIANG BAYAN

Continuation: Municipal Ordinance No. 2023-01 Dated February 13, 2023

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Once the Pre-Emptive and forced evacuation has commenced priorities shall be given to the following:

- a. the sick and elderly people
- b. differently abled people
- c. pregnant women and children, especially the orphan
- d. indigenous people

The Barangay will be using a waiver for those who disobey the verbal instructions of the BDRRMC to evacuate. That person shall be released from any liabilities of any casualty attributed to his disobedience.

Section 9. TRAINING AND ORIENTATION ON DISASTER RISK REDUCTION AND MANAGEMENT – The Municipal Disaster Risk Reduction and Management Office (MDRRMO) shall organize and conduct trainings and orientations on the possible natural hazards, vulnerabilities and climate change risks as well as knowledge management activities on disaster risk reduction and management within the locality at least during summer as declared by the Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAG-ASA).

The foregoing trainings, orientations, activities, and information dissemination shall be intensified and made once a year or at the discretion of the MDRRMC.

During the aforesaid trainings and orientations, the MDRRMO shall also discuss and highlight the local dialect (waray-waray) RA 10121, otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010; DILG MC No. 2012-35 dated 21 February 2012 regarding the guidelines in Ensuring Public Safety During Man-Made and Natural disasters; this Ordinance and other laws, rules and regulations and disaster risk reduction and management.

The MDRRMO shall conceptualize posters, newsletters, brochures and pamphlets regarding disaster risk reduction and management and cause the same to be posted at the conspicuous places of the Municipality and/or, if possible, disseminate through social media.

Section 10. PENALTY CLAUSE – Any private individual/person or public official mandated to implement this Ordinance if found to have not complied with any provisions of this Ordinance shall be subject to a fine of P2,500.00

Section 11. REPEALING CLAUSE – Any ordinance, order, memorandum, rule and regulation which is inconsistent with the provision of this ordinance is hereby modified or repealed accordingly.

Section 12. SEPARABILITY CLAUSE – If for any reason, any section or provision of this ordinance is declared illegal or unconstitutional, the other sections or provisions hereof which are not affected shall continue to be in full force or effect.

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#### **SANGGUNIANG BAYAN**

Continuation: Municipal Ordinance No. 2023-01 Dated February 13, 2023

page 6 of 6

Section 13. EFFECTIVITY - This ordinance shall take effect after three (3) consecutive weeks from its approval and publication by ways of posting copies on the bulletin board in the Municipal Building, Public Market, and all Barangay Halls

ENACTED: This 13th day of February 2023 during the 28th Regular Session of the 12th Sangguniang Bayan at the Sangguniang Bayan Session Hall, Santa Fe, Leyte.

Let copies of this Ordinance be furnished to the Office of the Municipal Mayor Hon. Amparo H. Monteza, to the Municipal Disaster Risk Reduction and Management Office of this LGU, and to all others concerned for their guidance and appropriate action.

This ordinance is approved unanimously.

ATTESTEDIAPPROVED:	
And Con	HON. EDGARDOR. SALCEDA
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SB Member	SB Member
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HON. AGNES A. CHUCA

SB Member

HON. MAE JO'A! LANTAJO

SK Federation President / SB Member

I HEREBY CERTIFY to the correctness of the foregoing resolution.

JULIUS XERXES M. OBENQUE Secretary to the Sangguniang Bayan Designate

ATTESTED BY:

HON. EQUARDON. TOREROS

Municipal Vice-Mayor **Presiding Officer** 

APPROVED BY:

HON. AMPARO H. MONTEZA Local Chief Executive/Municipal Mayor

Date of Approval: 3-3-23



# REPUBLIC OF THE PHILIPPINES MUNICIPALITY OF SANTA FE PROVINCE OF LEYTE -000-

Title of Meeting: Public Hearing

AGENDA: An Ordinance Implementing Pre-emptive and Forced Evacuation when Disaster or an Emergency has been declared in the Municipality of Santa Fe and Danger of Loss of Lives and Properties became Imminent, Providing Penalties for Violations therefor, and for other Purposes

Date: December 13, 2022

Venue: Liga ng mga Barangay Hall

Time: <u>10:00 am</u>

NAME	DESIGNATION	OFFICE/AGENCY	SIGNATURE
CESAA C. DUQUE	P. PARCEY	MRGT CORPES	/ =-
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# REPUBLIC OF THE PHILIPPINES

#### MUNICIPALITY OF SANTA FE

#### PROVINCE OF LEYTE

# Title of Meeting: Public Hearing

AGENDA: "AN ORDINANCE IMPLEMENTING PRE-EMPTIVE & FORCED EVACUATION WHEN DISASTER/AN EMERGENCY HAS BEEN DECLARED IN THE MUNICIPALITY OF SANTA TO A DANGER OF LOSS OF LIVES & TROPERTIES DECOME IMMINENT, PROVIDING PENALTIES, FOR VIOLATICAL THEREPOR, Date: January 20, 2023

AND FOR OTHER PURPORES!

Venue: Barangay San Isidro Gymnasium

Time: 9:00 AM

	NAME	DESIGNATION	OFFICE/AGENCY	SIGNATURE
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# REPUBLIC OF THE PHILIPPINES MUNICIPALITY OF SANTA FE PROVINCE OF LEYTE

# Title of Meeting: Public Hearing

AGENDA: "AN OPPHISHOE IMPLEMENTING THE - EMPTIVE & FORDS BLACKMITCH WHEN DISCASTER/AN EMPRESHICY PLAS FOREN DECLARED IN THE MUNICIPALITY OF SANTA FE & DANGER OF LOCK OF LUVES & PROPERTIES BECOME IMMINENT, PROVIDING PRINCIPES, FOR MOLATIONS THERETOK, + FOR OTHER DATA. IGNITION 20 2022

Date: <u>January 20, 2023</u>

Venue: Barangay San Isidro Gymnasium

Time: <u>9:00 AM</u>

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# REPUBLIC OF THE PHILIPPINES MUNICIPALITY OF SANTA FE PROVINCE OF LEYTE

Title of Meeting: Public Hearing

AGENDA: "An Ordinance Implementing Pre-emptive and Forced Evacuation when Disaster or an Emergency has been declared in the Municipality of Santa Fe and Danger of loss of lives and properties become imminent, providing penalties for violations therefor, and for other purposes".

Date: <u>January 26, 2023</u>

Venue: Conference/PSA Building

Time: <u>1:00 PM</u>

NAME	DESIGNATION	OFFICE/AGENCY	SIGNATURE
MARY JUNE 4. SOLIDOR	BHW		000
Igdia R. Duque	BNSBHW	Lagas	Hargue
Ma. Bilen L. Baearis	as PANE / PHIN	San Roque	Diplotan
· Vietnia V Ponca	Brogg Regional	Sor loque	-Kara-
MARVIN O. BACULBAS	PIMIL, KAGAWAD	BULOD	- May C
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