

Item No.: 08

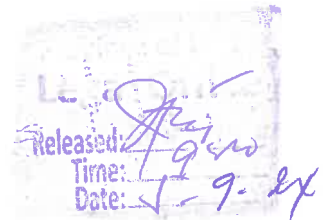
Date: 14 2024 MAY

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Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
May 6, 2024



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 7, S. 2024 of the Sangguniang Panlungsod of Baybay City, 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 authorized under Section 458(4)(ii)ⁱ and (5)(v)ⁱⁱ of the Local Government Code.

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.


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

ⁱ (4) Regulate activities relative to the use of land, buildings and structures within the city in order to promote the general welfare and for said purpose shall:

(ii) Require that buildings and the premises thereof and any land within the city be kept and maintained in a sanitary condition; impose penalties for any violation thereof; or, upon failure to comply with said requirement, have the work done at the expense of the owner, administrator or tenant concerned; or require the filling up of any land or premises to a grade necessary for proper sanitation;

ⁱⁱ (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets; and public places;



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Palo, Leyte



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
03 May 2024

Province of Leyte
Legal Office
Received: *[Signature]*
Time: *12:20*
Date: *5.3.24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **CITY ORDINANCE NO. 07, S. 2024** of the **CITY OF BAYBAY, LEYTE**, entitled: **AN ORDINANCE REGULATING THE USE OF PUBLIC PARKS, PLAZAS, MONUMENTS AND OTHER PUBLIC PLACES DEVOTED FOR PUBLIC USE AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.**

[Signature]
FLORINDA JILL S. BYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
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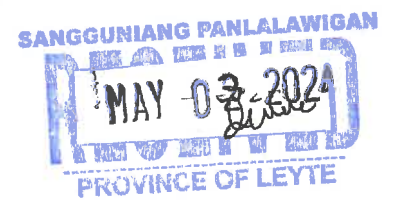


Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Magsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

April 30 2024

The Sangguniang Panlalawigan
Province of Leyte
Tacloban City



Sir/Madam

I am pleased to transmit herewith the Soft and Hard copies of City Ordinance No. 07 S. 2024 of the Sangguniang Panlungsod of Baybay City:

It is hoped that said Ordinance is in order and therefore, merits your kind consideration.

Thank you very much.


ATTY. VIVIAN E. VIDALLON
SP/Secretary

Incl.: as stated



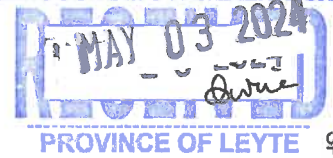
OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * sp.lgubaybaycity@gmail.com

6th SANGGUNIANG PANLUNGSOD

SANGGUNIANG PANLALAWIGAN

CITY ORDINANCE NO. 07, SERIES. 2024
14th Regular Session



ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member

AN ORDINANCE REGULATING THE USE OF PUBLIC PARKS, PLAZAS, MONUMENTS AND OTHER PUBLIC PLACES DEVOTED FOR PUBLIC USE AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

Sponsored by: **Hon. Jose Rommel A. Peñaranda**

PREFATORY STATEMENTS

WHEREAS, Section 458(4)(ii) of Republic Act 7160, otherwise known as the Local Government Code (LGC), provides for the power of the *Sanggunian Panlungsod* to regulate activities relative to the use of land, buildings and structures within the City in order to promote the general welfare and for the said purpose, shall require that buildings and the premises thereof and any land within the City be kept and maintained in a sanitary condition;

WHEREAS, Section 458(5)(iv) of the same Code provides further for the power of the *Sanggunian Panlungsod* to enact ordinances which shall ensure the efficient and effective delivery of the basic services and facilities by regulating the use of parks and other public places;

WHEREAS, the City of Baybay has several parks, plazas and public places open to the public for use and as such, there is a need to ensure that these places are kept clean and orderly at all times where people can enjoy its use either for ornament, meetings, games, sports, exercises and/or recreational purposes;

NOW THEREFORE, BE IT ORDAINED, as it is hereby ordained by the *Sangguniang Panlungsod* of the City of Baybay, Province of Leyte, in its Regular Session duly assembled that:

SECTION 1. This ordinance shall be known as an ordinance regulating the use of public parks, plazas, monuments and other public places intended for use by the general public and prescribing penalties for violation thereof.

SECTION 2. DEFINITION OF TERMS. When referred to or used hereafter shall mean as follows:

- a. Public Park – a piece of ground in or near a barangay or city kept for ornament and recreation; an area reserve from settlement and maintained in its natural state as public property;

ROMULO B. ALCALA
SP Member
SIMOUNE L. ASTORGA
SP Member
Dr. EULTON KE C. ARRADAZA
SP Member
JOSEL L. BACUSMO
SP Member
FILEMON E. AVILA
SP Member
CARMEN L. CARI
SP Member
RAMON RONALD J. VELOSO
SP Member

DOMINIC CLUNIE F. MURILLO
SP Member
JORGE V. REBUCAS
SP Member
JULES L. CAS C. CARI
President, LIGA ng mga Barangay
Ex-Officio SPM
KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

- b. Public Plaza – is a public square or similar open area in a barangay or city reserved for public use and maintained in its natural state as public property;
- c. Monument – is a building, structure pillar, sculpture or the like, erected in memory of the dead of a person, event, etc., usually located in public parks and plazas.
- d. Public places – includes public roads, streets, avenues, alleys, pavements, sidewalks, bridges, and such other places intended for use by the general public and no longer part of a private property.

SECTION 3. Public parks and plazas within the City or those owned and/or developed by the City Government shall be kept free and clean for the use of the public and the same shall not be used or occupied for any purpose whatsoever, other than for ornamental, meetings, games, sports, exercises and/or recreational purposes. Provided, however, that a permit for the holding of meetings, games, sports or holding of exercises is first secured from the City Mayor in accordance with existing laws or ordinances.

SECTION 4. PROHIBITIONS.

- a. *As to construction of Booths.* It shall be unlawful for any person to operate, establish and maintain a sari-sari store, eatery, cafeteria and bar within the public parks and plazas. The construction of other kind of store, or any other structure or booth with intent to sell or expose for sale beers, liquors or any goods, wares or merchandise of any description, are likewise prohibited, except those used for exhibits of products duly approved by the City Mayor.
- b. *As to prohibited activities.* The following activities shall be prohibited within public parks, plazas and public places devoted for the use of the general public.
 - i. Drinking of beers, liquors or alcoholic beverages except when the City Mayor allows the same during fiestas, charter day anniversary, or special events. Provided, that in cases where the City Mayor allows the drinking of beers, liquors or alcoholic beverages, the declaration must be supported by a Resolution by the *Sanggunian Panlungsod* suspending this prohibited activity.
 - ii. Littering
 - iii. Urinating or pooping
 - iv. Making loud sounds or noise except when there is a concert or an event with a permit from the City Mayor.
 - v. Gambling
 - vi. Cockfighting
 - vii. Car washing
 - viii. Bathing
 - ix. Such other activities that the City Mayor may deem necessary to be prohibited to ensure that all public parks, plazas and public places are kept clean and orderly at all times
- c. *As to Use of Monuments.* It shall be unlawful for any person to erect post, fence, stand, stage or other objects abutting the monuments in the public park, or to place nail or tie posters, sign boards, streamers or other ads or decorations in the monuments and other structure appurtenant thereto within the park or plaza.

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C. ARRADAZA
SP Member

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SK Chair, City Federation
Ex-Oficio SPM

d. *As to Destruction of plants, ornaments and fixtures.* It shall be unlawful for any person to cut, chop or destroy plants, trees or any ornaments used for landscaping and beautification of the public park and plaza, or to commit any form of vandalism that tend to destroy the original setting of the park and/or monument. It is likewise unlawful for any person to destroy, damage, or vandalize any fixture such as lamp posts, street lights, etc., built, erected or installed by the City Government within public parks, plazas, and public places.

SECTION 5. Violations of the prohibited acts under Section 4(a) and (b) above shall be penalized as follows:

- 1st Offense – reprimand
- 2nd Offense – warning
- 3rd Offense – a fine of P 500.00
- 4th Offense – a fine of P 1,000.00
- 5th Offense and subsequent offenses – a fine of P 1,500.00 every offense

In addition to the penalty imposed above for violations of Section 4(a) and (b), any prohibited items found shall be confiscated and dispose of in accordance with law. Prohibited booths or structures, on the other hand, shall be removed or demolished at the expense of the violator.

Violations of the prohibited acts under Section 4(c) and (d) above shall be penalized as follows:

- 1st Offense – a fine of P 200.00
- 2nd Offense – a fine of P 500.00
- 3rd Offense – a fine of P 1,00.00
- 4th Offense – a fine of P 1,500.00
- 5th Offense and subsequent offenses – a fine of P 2,000.00 every offense

In addition to the penalty imposed above for violations of Section 4(c) and (d), the violator shall also be required to restore, replace, or repair what has been damaged, destroyed or vandalized at the violator’s expense.

SECTION 6. SEPARABILITY CLAUSE - If for any reason, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE - All ordinances, rules, and regulations or parts thereof in conflict with this Ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 8. EFFECTIVITY CLAUSE - This ordinance shall take effect upon compliance with the publication requirement as provided for by law.

Enacted: April 4, 2024
Baybay City, Leyte, Philippines.

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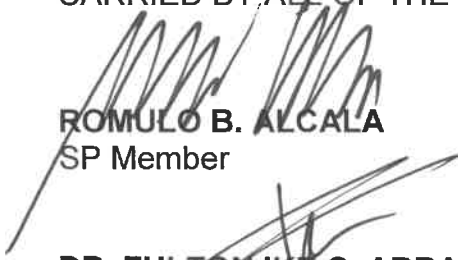
DOMINIC JUMIE F. MURILLO
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SP Member

JUANES LUCAS C. CARI
President, LIGA ng mga Barangay
Ex-Oficio SPM

KYLA SHANNIN T. VIDAL
SK Chair, City Federation
Ex-Oficio SPM


CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


SIMOUNE L. ASTORGA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


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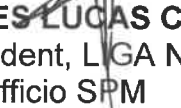

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President, LIGA Ng Mga Barangay
Ex-Officio SPM


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SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C. Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN C. ENARIO-VIDALLON
SP Secretary

Attested & Certified True & Correct:


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor, Presiding Officer

Approved by His Honor:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 4/30/24



Republic of the Philippines
PROVINCE OF LEYTE
City of Baybay
-000000-



Office of the Sangguniang Panlungsod

Telefax No. (+63-53)335-4808/563-9009 2nd Floor, Legislative Bldg., Hagsaysay Ave., Baybay City, Leyte 6521 @ sangguniangpanlungsod@gmail.com

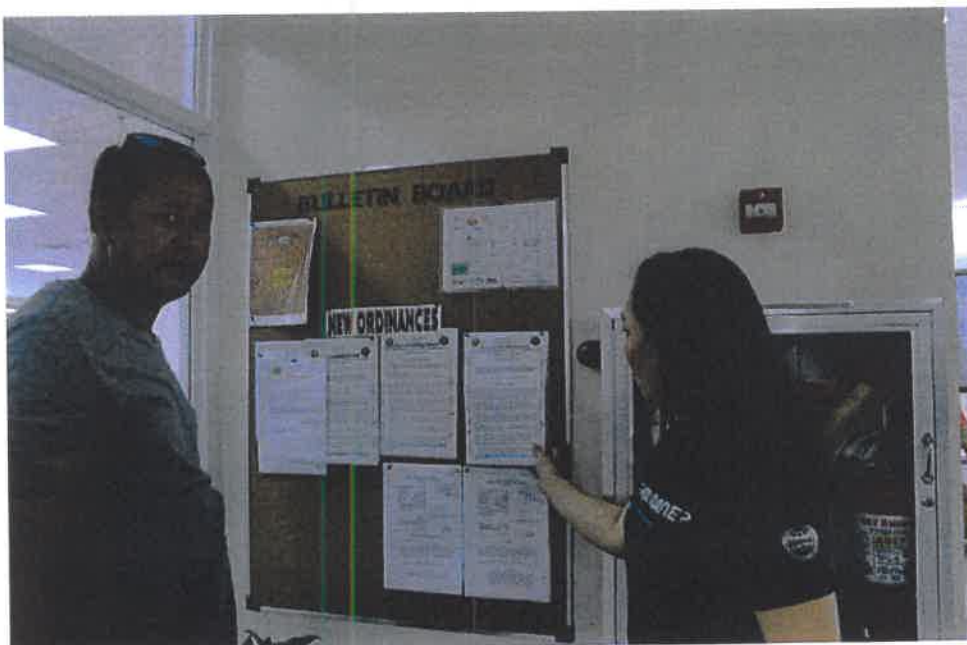
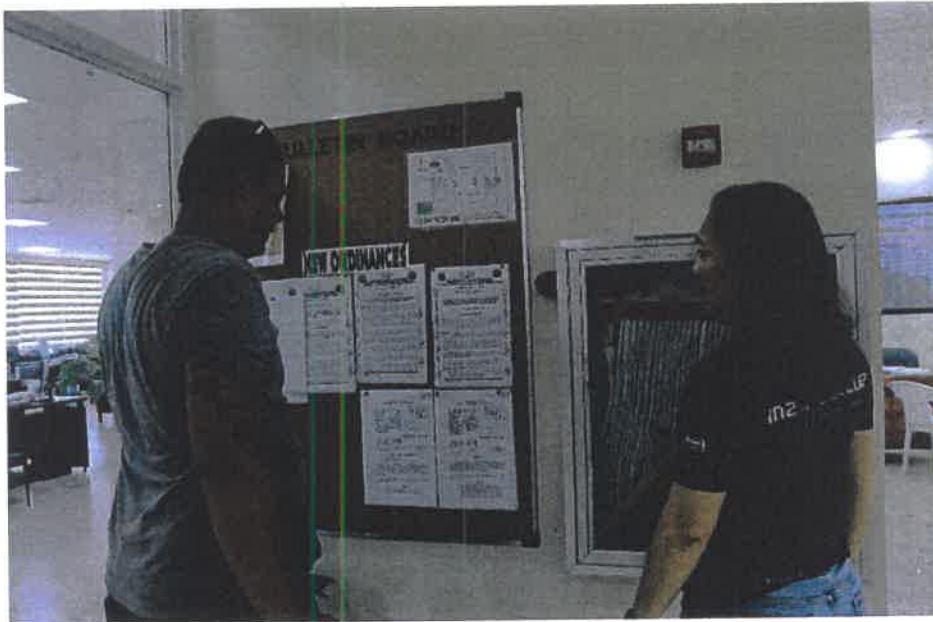
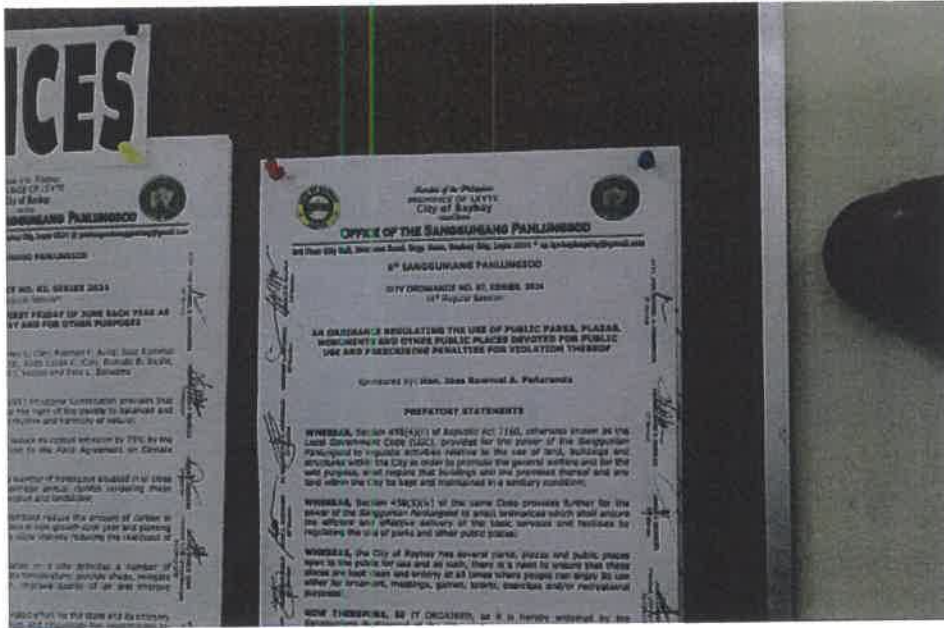
CERTIFICATION

TO WHOM THIS MAY CONCERN:

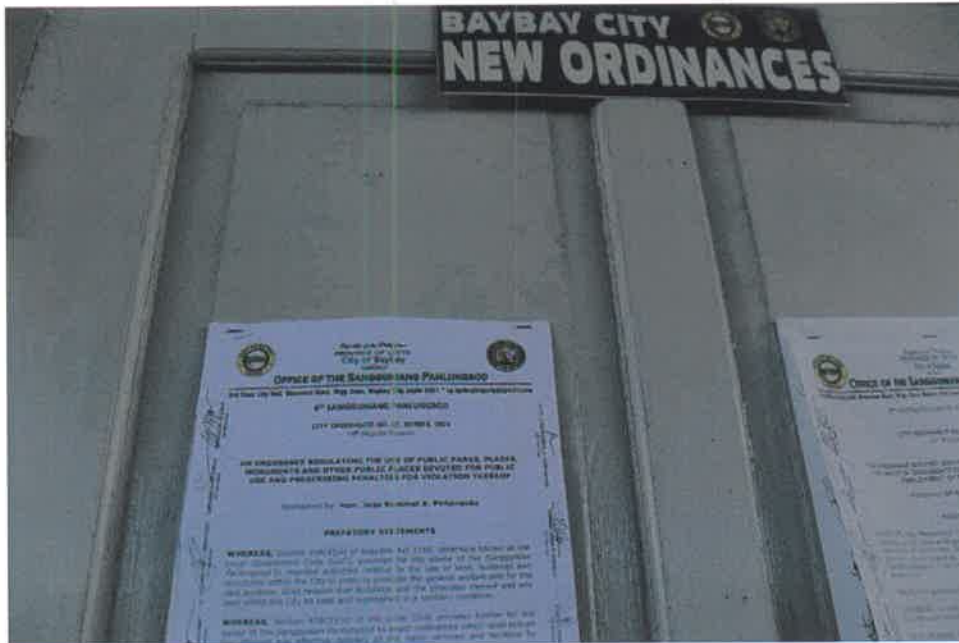
THIS IS TO CERTIFY that the **City Ordinance No. 07 s. 2024 " AN ORDINANCE REGULATING THE USE OF PUBLIC PARKS, PLAZAS, MONUMENTS AND OTHER PUBLIC PLACES DEVOTED FOR PUBLIC USE AND PRESCRIBING PENALTIES FOR VIOLATIONG THEREOF"** was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

Issued this 30th day of April 2024, at Baybay City, Leyte.

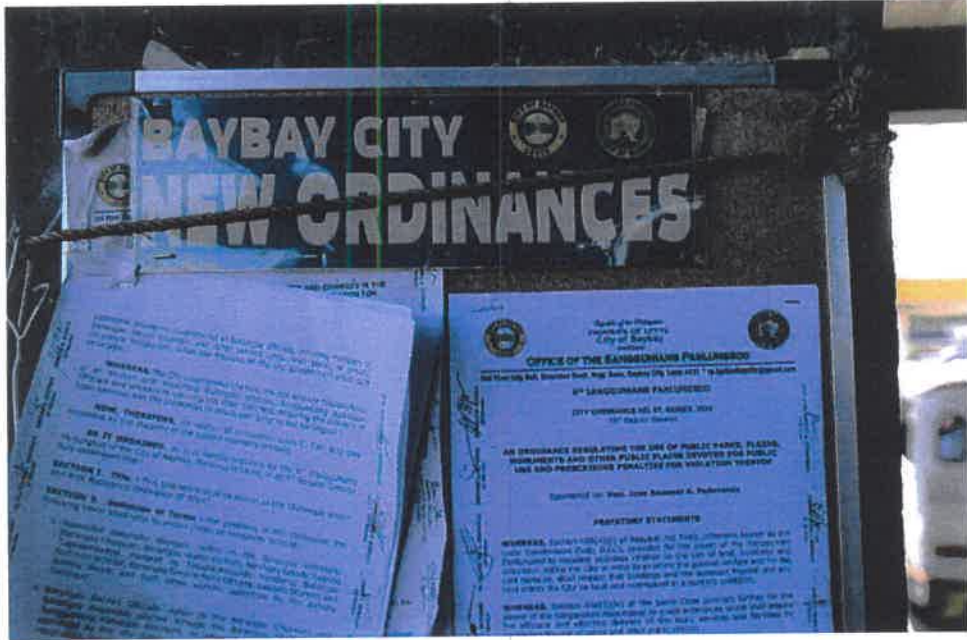

ATTY. VIVIAN E. VIDALLON
SP/Secretary



SANGGUNIANG PANLUNGSOD BULLETIN BOARD



BAYBAY CITY BUS TERMINAL



BAYBAY CITY TRICYCLE TERMINAL