



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

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Item No.: 02
 Date: 02 2024 JUL
 Released: *Jos*
 Time: *9:00*
 Date: *6.25.24*

SANGGUNIANG PANLALAWIGAN
PROVINCE OF LEYTE
 JUN 25 2024

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
 June 7, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 17, Series of 2024 of the Sangguniang Bayan of Patrana, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

Ordinance No. ¹⁷18 entitled: **An Ordinance Mandating Curfew Hours for Children from 10:00 O'clock in the Evening to 4:00 in the Morning, Prescribing the Proper Procedure for their Apprehension and Custody and for other Purposes.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is in accordance to its power under Section 16 – General Welfare Clause of the Local Government Code of 1991, in consonance with the mandate of R.A 9344¹, PD 603 Article 139² and Section 13, Article II³ of the 1987 Constitution. Hence, recommending the declaration of its validity.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents as presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities.

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

¹ R.A 9344 The Juvenile Justice and Welfare Act of 2006 as amended by R.A 10630

² P.D 603 The Child and Youth Welfare Code (Article 139 Curfew Hours for Children)

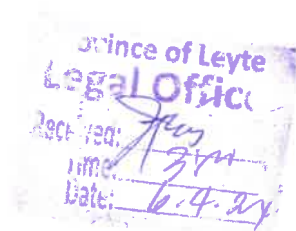
³ Section 13, Article II 1987 provides that the state recognizes the vital role of children and youth in nation building and shall promote their physical, moral, spiritual, intellectual and social well-being.

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Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
03 June 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 17**, series of **2024** of the **MUNICIPALITY** of **PASTRANA, LEYTE**, entitled: **An Ordinance Mandating Curfew Hours for Children from 10:00 o'clock in the Evening to 4:00 o'clock in the Morning, Prescribing the Proper Procedure for Their Apprehension and Custody and for Other Purposes.**


FLORINDA M. S. UYVICO
Secretary to the Sanggunian



Republic of The Philippines
PROVINCE OF LEYTE
Municipality of Pastrana



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The Sangguniang Bayan



CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer

MINUTES OF THE 81st REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PASTRANA HELD LAST APRIL 22, 2024 AT THE SB SESSION HALL, PASTRANA, LEYTE.

Present:

- | | |
|---------------------------------|---|
| Hon. CHITO C. CAYACO | -Municipal Vice – Mayor/
Presiding Officer |
| Hon. RODEL M. TOBILLA | -Sangguniang Bayan Member |
| Hon. GERARDO S. CARIAN | -Sangguniang Bayan Member |
| Hon. ANGELINA C. DIOLA | -Sangguniang Bayan Member |
| Hon. ALVIN N. OPINIANO JR. | -Sangguniang Bayan Member |
| Hon. FEDERICO M. TAN | -Sangguniang Bayan Member |
| Hon. ELVIRA A. BOHOL | -Sangguniang Bayan Member |
| Hon. NATHAN G. LETRODO | -Sangguniang Bayan Member |
| Hon. JERLYN C. BORJA | -ABC President |
| Hon. FRANCIS CHARLES T. ALVAREZ | -SK Federation President |

Official Travel:

- | | |
|---------------------------|---------------------------|
| Hon. LOIDA B. VILLABLANCA | -Sangguniang Bayan Member |
|---------------------------|---------------------------|

**RESOLUTION NO. 304
Series of 2024**

A SANGGUNIANG BAYAN RESOLUTION APPROVING THE THIRD AND FINAL READING OF “AN ORDINANCE MANDATING CURFEW HOURS FOR CHILDREN FROM 10:00 O’CLOCK IN THE EVENING TO 4:00 O’CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER PURPOSES”

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

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NATHAN G. LETRODO
Sangguniang Bayan Member

(OFFICIAL TRAVEL)
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JERLYN C. BORJA
ABC President

FRANCIS CHARLES T. ALVAREZ
SK Federation President

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Sangguniang Bayan Member

ALVIN N. OPINIANO JR.
Sangguniang Bayan Member

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”;

WHEREAS, Republic Act N. 9344 otherwise known as the *Juvenile Justice and Welfare Act of 2006 as amended by R.A. 10630* was passed into law that covers different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration;

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 Pastrana deems it necessary to strictly implement the new curfew hours for children and prescribe the proper and applicable procedures for their apprehension and custody pursuant to R.A. 9344;

WHEREFORE, on motion of **Hon. Elvira A. Bohol**, Chairperson Committee on Woman and Family Welfare, **unanimously** seconded by the August Body;

RESOLVED, as it is hereby Resolved, to enact “An Ordinance Mandating Curfew Hours for Children From 10:00 o’clock in the evening to 4:00 o’clock in the morning Prescribing the Proper Procedure for their Apprehension and Custody and for Other Purposes”.

MUNICIPAL ORDINANCE NO. 17
Series of 2024

Author: HON. ELVIRA A. BOHOL

“AN ORDINANCE MANDATING CURFEW HOURS FOR CHILDREN FROM 10:00 O’CLOCK IN THE EVENING TO 4:00 O’CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER PURPOSES”

SECTION 1. TITLE - This Ordinance shall be known as “An Ordinance mandating curfew hour for children from 10:00 o’clock in the evening to 4:00 o’clock in the Morning, prescribing the proper procedure for their apprehension and custody and for other purposes.

CHITO C. CAYACO
Municipal Vice-Mayor/
Presiding Officer

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Sangguniang Bayan Member

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Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN N. OPTIANAYR
Sangguniang Bayan Member

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Sangguniang Bayan Member

NATHANG. LEIRODO
Sangguniang Bayan Member

(OFFICIAL TRAYEL) JERLYN C. BORJA
LOIDA B. VILLALANCA
Sangguniang Bayan Member
ABC President

FRANCIS CHARLES T. ALVAREZ
SK Federation President

SECTION 2. COVERAGE – this ordinance shall apply to all **minors/children** within the territorial jurisdiction of the Municipality of Pastrana, **whether resident or non-resident.**

SECTION 3 DEFINITION OF TERMS. – As used in this ordinance, the following terms are defined:

- a. **Barangay Council for the Protection of Children (BCPC)** – refers to barangay council in charge of counseling the children and their parents or guardian and responsible for coordinating with the proper government institution or agency for the general welfare of children found in violation of this ordinance.
- b. **Child** – refers to a person **under or below eighteen (18) years of age.**
- c. **Curfew Hours for Children-** means hours prohibiting children to remain or stay in the streets, plaza, and other public places without legal or justifiable reason from 10:00 o'clock in the evening to 4:00 o'clock in the morning of the following day.
- d. **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 counselling, skills training, education, and other activities that will enhance the child's psychological, emotional and psychosocial well-being.
- e. **Law Enforcement Officer** – refers to person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including the Barangay Tanod.
- f. **Loiter** – to hang around, stand or wait around idly or without apparent purpose.
- g. **Parents** – shall mean any of the following: biological parents, adoptive parents or individuals who have custody of the child.
- h. **Guardian** – is a person who under court order is the guardian of the person of a minor; a person in charge of the custody or who is taking care of a minor whether relative or not; or a person 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 or her.
- i. **Public Places** – refer to places where the general public, or a substantial group of people, have access including but not limited to, streets, highways, sidewalks, alleys, parking lots, vacant lots, parks and the common areas in the vicinity of churches, apartment buildings, office buildings, hospitals, school, shops, and other similar places or establishments;
- j. **Ramble** – to walk for pleasure, typically without a definite route.
- k. **Residence** – means the house or home where the child and his parents or guardian actually reside
- l. **Saunter** – to walk leisurely
- m. **Stray** – to move always aimlessly from a group or to separate from the group

SECTION 4. PROHIBITED ACTS.

- a. It shall be unlawful for any minor to loiter, ramble, saunter, stray or wander in the streets, plaza and other public places within the municipality of Pastrana between ten o'clock (10:00) in the evening to four o'clock (4:00) in the morning, when he/she is not accompanied by a parent or guardian:

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Municipal Vice-Mayor/
Presiding Officer

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Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN A. OPINIANO, JR.
Sangguniang Bayan Member

ELVIA A. BOHOL
Sangguniang Bayan Member

NATHAN F. LETRADO
Sangguniang Bayan Member

LOIDA B. VILLALANCA
Sangguniang Bayan Member

JERLYN T. JORJA
ABC P. Member

FRANCIS CHARLES T. ALVAREZ
SK Federation President

- b. It shall be unlawful for a parent/guardian of a minor to knowingly or by insufficient control allow such minor to be outside of their place of business between ten o'clock (10:00) in the evening to four o'clock (4:00) in the morning;
- c. It shall be unlawful for any owner, manager, or operator of any videoke bar, internet café, billiard/pool, and convenience store within the Municipality of Pastrana to knowingly or causing to allow minors to be in their place of business between ten o'clock (10:00) in the evening to four o'clock (4:00) in the morning.

SECTION 5. EXEMPTIONS - the provisions of Section 4 hereof shall not be applicable in the following situations:

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

SECTION 6. PROCEDURE FOR TAKING THE CHILD INTO CUSTODY - Republic Act No. 9344 otherwise known as the *Juvenile Justice and Welfare Act of 2006* as amended by republic Act No. 10630, prescribes proper procedure to be observed by the law enforcement officer in taking the child into custody, to wit:

- 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. Informs 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;
- c. 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 to the child;
- e. Avoid displaying or using 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 to **greater restrain** that is necessary for his/her apprehension;
- g. Avoid violence or unnecessary force;

CHITO C. CAYACO
Municipal Vice-Mayor/
Residing Officer

RODOLFO TOBILLA
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Sangguniang Bayan Member

JERLYNE C. FORJA
ABC President

FRANCIS CHARLES T. ALVAREZ
SK Federation President

- h. Determine the age of the child;
- i. Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Municipal Social Welfare and Development Officer 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 counselling 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 order by the courts. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same.
- k. Ensure that should detention of the child 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 parents or guardian of a child, the DSWD, and the Public Attorney's Office (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 mental examination or the failure to submit a child to such examination;
- m. Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal council in attendance who shall affix his/her signature to the said statement.

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Municipal Vice-Mayor/
Presiding Officer

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Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN X. OPAYANO JR.
Sangguniang Bayan Member

ELVIRA A. BOHOL
Sangguniang Bayan Member

NATHAN G. LETRODO
Sangguniang Bayan Member

(OFFICIAL TRAVEL)
LONDA B. VILLABLANCA
Sangguniang Bayan Member

JERLYN C. HOPJIA
ABC President

FRANCIS CHARLES T. ALVAREZ
SK Federation President

SECTION 7. OBLIGATIONS AND LIABILITIES OF PARENT/S OR GUARDIAN/S – the parents or guardians 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 the children.

SECTION 8. IF PARENTS, GUARDIANS OR NEAREST RELATIVES CANNOT BE LOCATED, OR REFUSES TO TAKE CUSTODY OF THE CHILD – If the parents or guardian or nearest relatives cannot be located, or if they refuse to take custody, the child maybe released to any of the following:

- a. Duly registered non – government (e.g. Plan Phils) or religious organization;
- b. Barangay official or a member of the Barangay Council for the Protection of Children (BCPC);
- c. Municipal Social Welfare and Development Office

SECTION 9. PENALTIES - the following penalties shall be imposed on the child, his/her parent or guardian if found to be in violation of this ordinance:

- a. **First Offense** – the child violating this ordinance for the first time shall be brought to the barangay having jurisdiction for proper recording and counselling by the Barangay Council for the

Protection of Children (BCPC) before the child is turned over or released to his/her parent/s or guardian/s. Prior to the release, the parent or guardian shall be reprimanded and informed of the consequences in the event that their child is caught again for the same offense.

- b. **Second Offense** - Both the children and the parent or guardian shall be required to attend counselling sessions, parenting education seminars and other interventions as may be prescribed and conducted by the Barangay Council for the Protection of Children (BCPC). **Within ten (10) days** from the commission of the violation, **the parent or guardian shall plant ten (10) fruit bearing trees** in their barangay for which a Certificate of Compliance will be issued by the BCPC.
- c. **Third Offense or more** - the parent or guardian shall plant fifteen (15) fruit bearing trees in their barangay for which a Certificate of Compliance will be issued by the BCPC and in addition he/she shall pay a fine of Five Hundred Pesos (P500.00). Moreover, the child shall be referred to the Municipal Social Welfare and Development Office (MSWDO) for other interventions that may be conducted pursuant to the provisions of RA 9344, as amended.

SECTION 10. NON-RESIDENT OFFENDER - If the Child is a non-resident of the Barangay, the law enforcement officer shall exert all efforts to get in touch with his/her parent or guardian. If they could not be reached or contacted, the BCPC shall turn over the child to the Municipal Social Welfare Development Office (MSWDO) within reasonable time in the Morning for proper disposition pursuant to existing Laws.

SECTION 11. SEPARABILITY CLAUSE - If, for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid by a competent court, the remaining sections or provisions not affected thereby shall continue to be in full force and effect.

SECTION 12. REPEALING CLAUSE. Any municipal or barangay ordinance that are inconsistent with the provisions of this Ordinance are hereby repealed, modified or amended accordingly.

SECTION 13. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon publication in local newspaper of local circulation and posting thereof in barangay halls and other public buildings for a period a fifteen (15) days.

BE IT ORDAINED as it is hereby ordained by the Sangguniang Bayan of Pastrana, in session duly assembled, that:

APPROVED UNANIMOUSLY

I HEREBY CERTIFY to the correctness of the foregoing Ordinance

VERNADITH N. DIZON, LPT
Local Legislative Staff Officer II/
Sangguniang Bayan Secretary- Designate

ELVIA A. BOHOL
Sangguniang Bayan Member

NATHAN F. LETRODO
Sangguniang Bayan Member

(OFFICIAL TRAVEL)
LODA B. VILLABLANCA
Sangguniang Bayan Member

JERLY C. FORJA
ABC Resident
Sangguniang Bayan Member

FRANCIS CHARLES T. ALVAREZ
SK Federation President

CHITO C. CAYACO
Municipal Vice-Mayor/
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ANGELINA C. DIOLA
Sangguniang Bayan Member

FEDERICO M. TAN
Sangguniang Bayan Member

ALVIN X. OPIRANO JR.
Sangguniang Bayan Member


Attested by:


CHITO C. CAYACO
*Municipal Vice-Mayor/
Presiding Officer*

Concurred by:

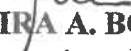

RODEL M. TOBILLA
Sangguniang Bayan Member



GERARDO S. CARIAN
*Sangguniang Bayan
Member*


ANGELINA C. DIOLA
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ALVIN N. OPISIANO JR.
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Member*


ELVIRA A. BOHOL
*Sangguniang Bayan
Member*


NATHAN G. LETRODO
*Sangguniang Bayan
Member*

(OFFICIAL TRAVEL)
LOIDA B. VILLABLANCA
*Sangguniang Bayan
Member*


JERLYN C. BORJA
ABC President


FRANCIS CHARLES T. ALVAREZ
SK Federation President

Approved by:


HON. MARITESS B. CAYACO-MARCOS, RN.
Municipal Mayor



Republic of The Philippines
PROVINCE OF LEYTE
Municipality of Pastrana



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The Sangguniang Bayan

C E R T I F I C A T I O N

THIS IS TO CERTIFY, that we have posted in several conspicuous places in the entire jurisdiction of the Municipality of Pastrana, Province of Leyte, the invitation for **COMMITTEE HEARING** for the **ORDINANCE REGULATING AND IMPOSING CURFEW HOURS FROM TEN O'CLOCK IN THE EVENING TO FOUR O'CLOCK IN THE MORNING FOR MINORS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF.** Posted February 21, 2024

Posted Committee Hearing

February 21, 2024

Certified True and Correct,


VERNADITH N. DIZON

Sangguniang Bayan Secretary -
designate

Issued on: April 22, 2024
Issued at: Pastrana, Leyte



Republic of The Philippines
 PROVINCE OF LEYTE
 Municipality of Pastrana



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COMMITTEE HEARING

AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O’CLOCK IN THE EVENING TO FOUR O’CLOCK IN THE MORNING FOR MINORS AND FROM MIDNIGHT TO FOUR O’CLOCK IN THE MORNING FOR PERSONS WHO ARE ALREADY OF LEGAL AGE WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF

AUTHOR: HON. ELVIRA A. BOHOL

	NAME	TIME	SIGNATURE
1.	Elvira A. Bohol	1:00 p.m.	[Signature]
2.	NATHAN G. UTRERO	1:05 PM	[Signature]
3.	PMAT EDGARDO DE ASIS	1:00 PM	[Signature]
4.	PCP1 DIANE F. OSTONIA	1:00 PM	[Signature]
5.	[Signature]	1:10 PM	[Signature]
6.	ANGELINA C. PLOVA	1:10 PM	[Signature]
7.	JERLYN C. BORJA	1:10 PM	[Signature]
8.	Meldrid M. Salvatierra	1:10 PM	[Signature]
9.	RAYNARDO GALAN	1:10 PM	[Signature]
10.	JOEL B. RANES	1:10 PM	[Signature]
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Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Pastrana



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THE SANGGUNIANG BAYAN

MINUTES OF THE COMMITTEE HEARING ON THE PROPOSED ORDINANCES LISTED BELOW:

“AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O’CLOCK IN THE EVENING TO FOUR O’CLOCK IN THE MORNING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF.”

“AN ORDINANCE INSTITUTIONALIZING THE ESTABLISHMENT OF BARANGAY ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESKS IN THE 29 BARANGAYS OF THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.”

“AN ORDINANCE PROHIBITING ANY PERSON BELOW 18 YEARS OLD FROM DRINKING LIQUOR OR ANY ALCOHOLIC DRINKS OR BEVERAGES CONTAINING NO LESS THAN 4% ALCOHOL OF ITS TOTAL VOLUME IN PUBLIC PLACES OR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA AND PROHIBITING ANY PERSON OR PERSONS FROM SELLING, DISPENSING, SAID ALCOHOLIC DRINKS TO PERSONS BELOW 18 YEARS OLD AND PROVIDING PENALTIES THEREOF.”

“AN ORDINANCE EXEMPTING CHILDREN OF INDIGENT FAMILIES FROM BIRTH REGISTRATION FEE.”

“AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF.”

“AN ORDINANCE REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.”

“THE ANTI-TRUANCY ORDINANCE FOR STUDENTS IN THE MUNICIPALITY OF PASTRANA.”

CONDUCTED BY THE COMMITTEE ON WOMAN AND FAMILY WELFARE LAST FEBRUARY 29, 2024 AT THE SANGGUNIANG BAYAN SESSION HALL

PRESENT:

Hon. ELVIRA A. BOHOL	- SB Member & Chairman, Committee on Woman and Family Welfare
Hon. NATHAN G. LETRODO	- SB Member & Member, Committee on Woman and Family Welfare
Hon. JERLYN C. BORJA	- SB Member & Member, Committee on Woman and Family Welfare
Hon. ANGELINA C. DIOLA	- SB Member & Member, Committee on Woman and Family Welfare

ABSENT:

Hon. LOIDA B. VILLABLANCA	- SB Member & Vice-Chairman, Committee on Woman and Family Welfare
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(other representatives from the concerned offices-see attached attendance)

The Presiding Officer Hon. Elvira A. Bohol called the committee hearing at exactly 1:52 in the afternoon. The meeting started with a prayer lead by Hon. Elvira A. Bohol. She greeted everyone present in the meeting. The Presiding Officer requested the Sangguniang Bayan Secretary- Designate to have the roll call. Then the Presiding Officer declared the presence of a quorum.

The Presiding Officer presented the agenda which are the **PROPOSED ORDINANCES LISTED BELOW:**

1. **AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O’CLOCK IN THE EVENING TO FOUR O’CLOCK IN THE MORNING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF.”**
2. **“AN ORDINANCE INSTITUTIONALIZING THE ESTABLISHMENT OF BARANGAY ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESKS IN THE 29 BARANGAYS OF THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.”**
3. **“AN ORDINANCE PROHIBITING ANY PERSON BELOW 18 YEARS OLD FROM DRINKING LIQUOR OR ANY ALCOHOLIC DRINKS OR BEVERAGES CONTAINING NO LESS THAN 4% ALCOHOL OF ITS TOTAL VOLUME IN PUBLIC PLACES OR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA AND PROHIBITING ANY PERSON OR PERSONS FROM SELLING, DISPENSING, SAID ALCOHOLIC DRINKS TO PERSONS BELOW 18 YEARS OLD AND PROVIDING PENALTIES THEREOF.”**
4. **“AN ORDINANCE EXEMPTING CHILDREN OF INDIGENT FAMILIES FROM BIRTH REGISTRATION FEE.”**
5. **“AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF.”**
6. **“AN ORDINANCE REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.”**
7. **“THE ANTI-TRUANCY ORDINANCE FOR STUDENTS IN THE MUNICIPALITY OF PASTRANA.”**

The Presiding Officer then requested the Sangguniang Bayan Secretary- Designate to present the details of the proposed ordinance by reading each of its section and asking for corrections and suggestions.

PMAJ. Edgardo de Asis expressed if the curfew ordinance is really needed to be implemented and if we have related experiences for us to really implement the ordinance. He suggested to invite the SK Federation President and conduct a public confrontation to the barangay officials. He also clarified if those motor passing through that prohibited time will also be apprehended. He added that if there are proceedings that and if there are similar crimes that happened in Pastrana. Because as what he observes Pastrana is peaceful, and by implementing this ordinance Pastrana may become a ghost town. He also added that why do we build this recreation areas if we are prohibiting them from staying there.

Ms. Nona Petilla, MSWDO suggested to regulate the use of the recreation areas in the municipality.

Sir Joel Ranes, District Supervisor suggested that at 9:30 public wifi will be off and he stressed out the age to be curfewed.

MSWDO cited municipalities who are implementing curfews and was able to caught minors from Pastrana who violated curfew on other municipalities.

Hon. Nathan G. Letrodo expressed that we should focus on minors and exclude those of legal ages.

PMAJ. De Asis suggested to invite to invite the Local Youth Development Council in behalf of the SK Federation President but make to sure that during the public hearing he will be present.

MSWDO expressed that we should ensure that everything will be regulated, thus structuring the activities daily since the more hours that they will be outside the more risks they will encounter.

Hon. Letrodo suggested to let the barangay officials be involved with this.

Mr. Raynario Galvez Jr., LYDO suggested that since there are sports activities/trainings conducted at night, this should be taken into considerations, thus, 10pm curfew is already okay.

Sir Ranés expressed that everything should be stipulated in the ordinance.

Hon. Letrodo explained that the reason why this ordinance did not push through is because of the lack of facility for those apprehended minors.

Sir Ranés explained that we should have a trained social worker who will handle the apprehended minors and provide siren to be used every time its 10pm. He also added to have a deputized tanods as law enforcer.

Details for each ordinance was discussed and corrections have been applied.

For the first ordinance **“AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O’CLOCK IN THE EVENING TO FOUR O’CLOCK IN THE MORNING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF.”**, the title was changed by omitting the part which cites the persons with legal age and all the sections which cited persons of legal age. The committee also agreed to define tanods and BCPC, BCAV and PNP in Section 2 of the said ordinance. For section 3 letter b include vape after cigarettes. For Section 4 Exemptions include if there are special occasions, communicate with the barangay officials and also for school related activities. For Section 5 letter c include the SK Chairman as one of the members of the Barangay Curfew Advisory Board (BCAV), and Section 5 letter c number 1 include BCPC, Section 5 letter d include birthdays after weddings.

Sir Ranés explained that Section 5 letter f means that if the Barangay Official +s will be filed for illegal detention in relation to the said ordinance the LGU will help them solve this even through legal assistance.

PMAJ. De Asis also corrected that it is not PNP who will record everything and maintain its record to identify the number of violations but the barangay itself.

For section 6 letter b, after the word ordinance add to ensure its efficiency and effectiveness. For section 7 number 2 change 5 to 6 hours. For section 11, the violations should only be for minors and exclude those referring to person of legal ages. For section 11 state where payment should be made and that is to the barangay concerned with official receipt.

For the second ordinance **“AN ORDINANCE INSTITUTIONALIZING THE ESTABLISHMENT OF BARANGAY ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESKS IN THE 29 BARANGAYS OF THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.”**, section 3 change the word manned to supervised.

Sir Ranés explained that the strict implementation of the law is the main concern of the ordinance that is why this has to be institutionalized, having this VAWC desks in the 29 barangays is like having an extension office for MSWDO, this will develop empowerment and capacitate personnel how to handle victims of abuse.

PMAJ. De Asis expressed that this ordinance favours MSWDO, thus we should compose personnel to be the body of this.

MSWDO assured that they will capacitate and provide technical inputs to all the barangays.

For the proposed ordinance **“AN ORDINANCE EXEMPTING CHILDREN OF INDIGENT FAMILIES FROM BIRTH REGISTRATION FEE.”**, for section 3 last paragraph add an active 4Ps and change the amount of penalties in Section 5 for letter b second offense Php500 and letter c third offense Php1,000.

For the proposed ordinance **“AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF.”**, section 6 for the penalty for second offense php1,000 and third offense php1,500.

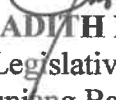
For the proposed ordinance "AN ORDINANCE REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.", section 5 penalties second offense php1,000 and third offense php1,500.

For the proposed ordinance "THE ANTI-TRUANCY ORDINANCE FOR STUDENTS IN THE MUNICIPALITY OF PASTRANA.", change pupils to students in the title. Section 8 include in the members of the board SB Committee on Education, SPTA Municipal Federation President, Teachers League President, Parents representative, and student's representative. For section 10 1st offense instead of police station change to school authorities and for second offense BCPC instead of barangay council and for letter c 1st offense is Php500, 2nd offense is Php1,000 and third offense is Php1,500.


The committee also agreed to have a separate ordinance for anti-smoking related, thus designate smoking areas.

Hon. Angelina C. Diola raised her hand to be recognized and since there were no other matters to be discussed, he moved to adjourn the committee hearing and this was duly jointly seconded by Hon. Jerlyn C. Borja and Hon. Nathan G. Letrodo at exactly 4:38pm.


CERTIFIED TRUE AND CORRECT:


VERNADITH N. DIZON
Local Legislative Staff Officer II/
Sangguniang Bayan Secretary- Designate

APPROVED:


HON. ELVIRA A. BOHOL
Presiding Officer/
Chairman, Committee on Woman and Family Welfare

WITH CONCURRENCE:


HON. ANGELINA C. DIOLA
SB Member & Member, Committee on Woman and Family Welfare


HON. NATHAN G. LETRODO
SB Member & Member, Committee on Woman and Family Welfare


HON. JERLYN C. BORJA
SB Member & Member, Committee on Woman and Family Welfare

(ABSENT)
HON. LOIDA B. VILLABLANCA
Vice- Chairman, Committee on Woman and Family Welfare



Republic of The Philippines
PROVINCE OF LEYTE
Municipality of Pastrana



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The Sangguniang Bayan

C E R T I F I C A T I O N

THIS IS TO CERTIFY, that we have posted in several conspicuous places in the entire jurisdiction of the Municipality of Pastrana, Province of Leyte, the invitation for **PUBLIC HEARING** for the **ORDINANCE REGULATING AND IMPOSING CURFEW HOURS FROM TEN O'CLOCK IN THE EVENING TO FOUR O'CLOCK IN THE MORNING FOR MINORS WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF.** Posted April 16, 2024

Posted Public Hearing

April 16, 2024

Certified True and Correct,


VERNADITH N. DIZON

Sangguniang Bayan Secretary -
designate

Issued on: April 22, 2024
Issued at: Pastrana, Leyte



Republic of The Philippines
 PROVINCE OF LEYTE
 Municipality of Pastrana



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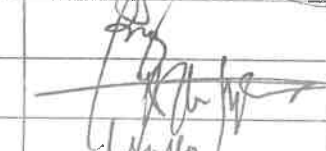
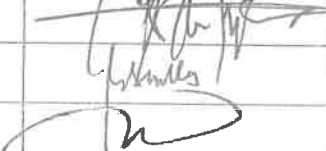
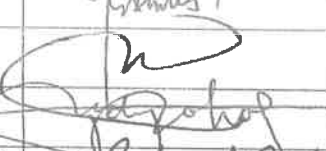
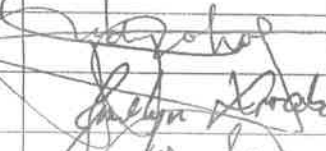

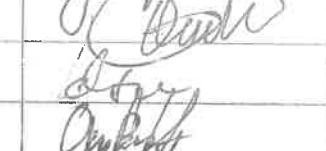
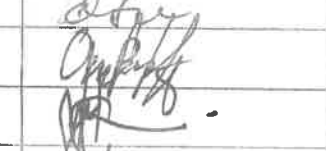


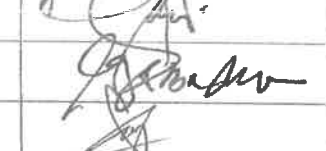
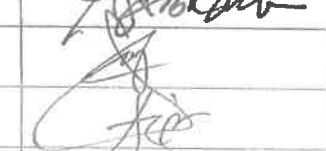

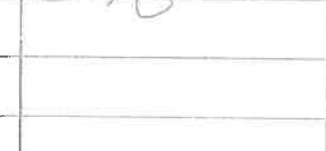
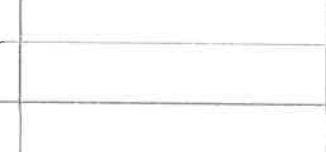

The Sangguniang Bayan

Record of Attendance

PUBLIC HEARING
APRIL 18, 2024

“AN ORDINANCE MANDATING CURFEW HOURS FOR CHILDREN FROM 10:00 O’CLOCK IN THE EVENING TO 4:00 O’CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER OTHER PURPOSES”

No.	Name	Time-In	Signature
1	ELIZABETH E. CAONES	1:08	
2	Vergie Sudano	1:10	
3	PCG JERICO B. CAPORE	1:11	
4	ORLANDO B. ABANES	1:12	
5	PCG Glenn Ian B. Belongit	1:15PM	
6	ROEL G. ORAZ	1:15	
7	BENJAMIN N. BONDOL	1:16	
8	CRISTE ALMA M.	1:30	
9	STEF CONTRAS O PENTAPONDA JR	1:31	
10	Elvira A. Bohel	1:20	
11	APPLE MAE L. CHANDE	1:25	
12	Louisa K. Basas	1:24	
13	CHRISTINE COYJAT	01:25	
14	JHAYPEE C. NOMMO	1:30	
15	JENNIFER C. NOMMO	1:31	
16	RITONZI ANN L. AMEFS	1:37	
17	Francis Charles T. Alvarez	1:55	
18	OTRARRIO S. CAPRAN	2:15	
19	Amyl Shling	2:15	
20	Jared Jo	2:19	
21	MARIE DIVA JAMATO	2:19	
22	Yonah M. Pilla	2:20	
23	Angelina C. Dida	2:20	Angelina Pilla
24			
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26			

27	SILVANA EMERSON SILVA	2:21	
28	MYRA CARION	2:21	
29	Suziela M. Oroy		
30	Albino P. Silva		
31	GONCALVES J. BEVILA		
32	ANDRÉ S. B. GONCALVES		
33	Andy S. Schul		
34	Júlyia G. Araoz		
35	Antônio B. Brito		
36	Delma S. Dayad		
37	ORGAN M. BRUNO		
38	CHARLOTTE P. LAITONA		
39	Joneli B. Dominico		
40	RITA L. REPUNHA		
41	OLIVIA S. BERDAN		
42	JEROME P. NOME		
43	ARZA G. SILVA		
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THE SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING ON THE PROPOSED ORDINANCE “AN ORDINANCE MANDATING CURFEW HOURS FOR CHILDREN FROM 10:00 O’CLOCK IN THE EVENING TO 4:00 O’CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER PURPOSES” HELD LAST APRIL 18, 2024, AT THE MUNICIPAL AUDITORIUM, PASTRANA, LEYTE.

The Presiding Officer Hon. Elvira A. Bohol called the public hearing at exactly 1:05 in the afternoon. The meeting started with a prayer through an overture. She greeted everyone present in the meeting. The Presiding Officer requested the Sangguniang Bayan Secretary- Designate to have the roll call. Then the Presiding Officer declared the presence of a quorum.

I. Preliminaries

- a. The Public Hearing was conducted by the Office of the Sangguniang Bayan of Pastrana, Province of Leyte, spearheaded by the SB Committee Chairman on Woman and Family Welfare and was joined by majority of the members of the Sangguniang Bayan.
- b. It was well participated by the Barangay Chairpersons, Sangguniang Kabataan Chairman and Members and some members of their Barangay Council, Department Heads concerned, School Representatives, Parents and Students Representative, PNP and BFP personnel and all others interested to listen to this particular public hearing. **(Attached is the Attendance sheet)**
- c. The said public Hearing was Presided over by Honorable Elvira A. Bohol, SB Committee Chairman on Woman and Family Welfare.
- d. The said Public Hearing started at exactly 1:05 in the afternoon, and Prayer and the singing of the Philippine National Anthem through an overture.

II. Parliamentary Proceedings

- a. The Draft Ordinance, “An Ordinance Mandating Curfew Hours for Children From 10:00 o’clock in the Evening to 4:00 o’clock in the Morning, Prescribing the Proper Procedure for Their Apprehension and Custody and For Other Purposes”. was presented by Hon Elvira A. Bohol and was read by the SB Secretary- Designate Ms. Vernadith N. Dizon, through a power point presentation. After which Hon. Bohol proceeded to the different Sections of the proposed ordinance and asked the participants if they have any corrections and suggestions. Then Hon. Gerardo S. Carian solicited for suggestions and ideas from the participants and according to him everyone is encouraged to share their opinions as all of those will be discussed and so they should not hesitate to do so.
- b. Hon. Virgie Sudario, a Sangguniang Barangay Member of Barangay District I, had a clarification on how whether 18 years old is considered a minor or not.
- c. Hon. Elvira A. Bohol answered that 18 years old is already of legal age and no longer a minor and what is covered by the ordinance are those below 18 years old meaning 17 years old and below.
- d. Hon. Roel Olaya, a Sangguniang Barangay Member of Barangay District III, asked if for those found violating the ordinance where are they going to plant the fruit bearing trees.
- e. Hon. Elvira A. Bohol explained that the fruit bearing trees will be planted in their respective barangays.
- f. Hon. Gerardo S. Carian clarified regarding the Barangay Council for the Protection of Children (BCPC) if this is really existing in every barangay.
- g. Hon. Elvira A. Bohol raised his hand to be recognized and explained that each of the 29 barangays has existing BCPC since this is mandatory.
- h. Sir Amado Castillo Jr., Chief Pastrana Police had clarifications on the apprehension procedure.

- i. Ms. Nona M, Petilla, MSWDO explained that as per proposed ordinance upon violation if the apprehended child is a resident of the municipality it will be turned over to their respective BCPC in their barangays, however, if it is a non-resident of the municipality it will be turned over to the MSWDO. She assured everyone that their office in on 24 hours on call duty, thus, providing her contact number.
 - j. Hon. Gerardo S. Carian asked regarding the facility for apprehended children /minor.
 - k. Maam Nona M. Petilla, MSWDO explained that they have been taking care of the facility and they have already identified one and they are just waiting for the furniture and other things needed.
 - l. Hon. Gerardo S. Carian asked the participants if is okay with them to plant 10 fruit bearing trees in their respective barangays if ever.
 - m. Hon. Rowena Basas, Sangguniang Barangay Member of Barangay District III, expressed that it is okay with them however, their concern is where are they going to plant the trees and where are they going to get the seedlings.
 - n. Maam Nona M. Petilla, MSWDO answered that a coordination with DA will be made so that they can provide seedlings to the barangays.
 - o. Hon. Roel Olaya asked if where are they going to turn over the apprehended minors.
 - p. Ms. Nona M, Petilla, MSWDO explained that as per proposed ordinance upon violation if the apprehended child is a resident of the municipality it will be turned over to their respective BCPC in their barangays, however, if it is a non-resident of the municipality it will be turned over to the MSWDO. She assured everyone that their office in on 24 hours on call duty, thus, providing her contact number. She added that they can be contacted anytime.
- III.** Finally, “An Ordinance Mandating Curfew Hours for Children From 10:00 o’clock in the Evening to 4:00 o’clock in the Morning, Prescribing the Proper Procedure for Their Apprehension and Custody and For Other Purposes” presented was applauded by everyone present and thus, being moved by Hon. Rowena Basas, Sangguniang Barangay Member of Barangay District III for approval. And this was duly seconded by Hon Virgie Sudario Sangguniang Barangay Member of Barangay District I.
- IV.** Since all participants were happy on the result of the Public Hearing with the approval of the majority of the participants present, so be it.
- V. Adjournment**
There being no other matters to be discussed, Public Hearing was adjourned at 02:00 in the in the afternoon.

CERTIFIED TRUE & CORRECT:


VERNADITH N. DIZON
Local Legislative Staff Officer III
Secretary – Designate
The Sangguniang Bayan

Attested by:


HON. ELVIRA A. BOHOL
SB Member/ Committee Chair on Woman
and Family Welfare

Noted by:


CHITO C. CAYACO
Municipal Vice - Mayor