

Item No.: 06

Date: 11 2024 JUN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



Jose RAYMUND A. ACOL
6-7-24

2nd INDORSEMENT
June 6, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 466 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 466 entitled: **An Ordinance Establishing and Operationalizing the Barangay Human Rights Action Center (BHRAC) in every Barangay in the Municipality of Babatngon, Capacitating the Barangay Human Rights Action Officer (BHRAO), and Providing Funds Thereof and for Other Purposes.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the corporate powers of the local government unit particularly covered under Section 447 and Section 16 - General Welfare Clause of the Local Government Code of 1991.

Hence, recommending the declaration of its validity without prejudice to terms or provisions that may be found to be contrary to existing laws and the constitution.

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 and/or the courts.

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

Republic of the Philippines
PROVINCE OF LEYTE
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST ENDORSEMENT
06 June 2024

Province of Leyte
Legal Office
Received: *[Signature]*
Time: *10:00*
Date: *6.6.24*

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
herein **ORDINANCE NO. 466** of the **MUNICIPALITY OF BABATNGON,**
LEYTE, for review and recommendations.

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

Records
6/6/2024



OFFICE OF THE SANGGUNIANG BAYAN

04 June 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

The Honorable Members
Sangguniang Panlalawigan
Province of Leyte
Legislative Bldg., Capitol Grounds
Tacloban City



Dear Honorable Ladies and Gentlemen,

Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 466, entitled: "AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF BABATNGON, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICER (BHRAO), AND PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES." Subject Ordinance is being forwarded to that Body for review in compliance with Section 56(a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 466; and
2. Certification of Posting

Please find them in order and praying for your favorable action thereof.

Very truly yours,


AIMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated





SANGGUNIANG BAYAN
BABATNGON, LEYTE

RELEASED

05 JUN 2024

OFFICE OF THE SANGGUNIANG BAYAN

BY: *A. J. ...*
DATE: June 4, 2024
TIME: 11:10 AM

EXCERPT FROM THE MINUTES OF THE 93rd REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 20th DAY OF MAY 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

ORDINANCE NO. 466

RECEIVED

BY: *... ...*
DATE: *...*
TIME: *...*

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

Author : HON. HILARION S. MENZON
Co-Author : HON. ALEX VELOSO BELLO
HON. CHRISTIAN C. LAWSIN
HON. KEMUEL RUE M. CORSIGA

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

WHEREAS, the 1987 Constitution of the Philippines likewise mandates the Congress to give the 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 BABATNGON

WHEREAS, the MUNICIPALITY OF BABATNGON 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;



NOW, THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of the MUNICIPALITY OF BABATNGON in its Regular Session assembled that:

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 BABATNGON

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

- a. BHRAC - stands for Barangay Human Rights 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 on Human Rights (CHR) - the independent body created by the 1987 Constitution whose principal mandate is to investigate, on its own or on a complaint by any party, 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 - refers 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 or all sectors and disseminates information/materials that 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 BABATNGON 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 by 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 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 and his/her staff 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 the purpose upon a 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 procedure for hiring.
- e) The BHRAO shall hold office in the Barangay Hall.
- f) The BHRAO or the 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 RIGHTS 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 of 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 referral 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 shall also organize and mobilize an advisory group within the barangay composed of representatives from the 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.
- c) If the complaint is not a human rights violation and, hence does not fall under CHR's jurisdiction, the BHRAO forwards it to 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 City Legal Officer or the Public Attorney's Office for preparation and execution 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.

SECTION 9. STAKEHOLDERS AND THE OVERSIGHT COMMITTEE. The BHRAC's shall have the following stakeholders and partners:

- a) The Commission on Human Rights (CHR)

Municipality of Babatngon



- 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 City Council
- e) The Liga ng mga Barangay
- f) Representatives from the Police and People's Organizations and Non-Government Organizations operating in the City, which shall compose the Oversight Committee of the BHRACS.
- g) The Oversight Committee shall be chaired by the Office of the City 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 others, 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 education 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 or the furtherance of the institutionalizing of the BHRACS and the BHRAOs.

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

SECTION 10. APPROPRIATION OF FUNDS. All Sangguniang Barangay and Local Government Unit in the MUNICIPALITY OF BABATNGON shall allocate funds for the creation, capacity building 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 City 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 or reasons, any part of the 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 affect.

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



SECTION 13. EFFECTTIVITY 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 city hall and barangay hall in all barangays of the city.

APPROVED and ENACTED this 20th day of May 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-Designate

ATTESTED:


HON. ROSARY PEARL G. CATUDIO
Municipal Vice Mayor
Presiding Officer


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member


HON. HILARION S. MENZON
Sangguniang Bayan Member

(Special Leave)


HON. CHARITA M. CHAN
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 04 June 2024





OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 04 June 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Ordinance, to wit:

- 1. ORDINANCE NO. 466 - AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF BABATNGON, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICER (BHRAO), AND PROVIDING FUNDS THEREOF AND FOR OTHER PURPOSES.**

Made this 4TH day of June 2024 at Babatngon, Leyte.

A handwritten signature in black ink, appearing to read "A3B".

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

