

Item No.: 07

Date: 11 2024 JUN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
June 6, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 467 of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 467 entitled: **An Ordinance Protecting the Rights and Fundamental Freedoms of Human Rights Defenders Operating in the Municipality of Babatngon Through the Establishment of Protective Mechanisms and Appropriating Funds for the Purpose.**

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 to ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

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: *7:00 pm*
Date: *6.6.24*

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the
herein **ORDINANCE NO. 467** of the **MUNICIPALITY OF BABATNGON,**
LEYTE, for review and recommendations.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
Municipality of Babatngon



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

SANGGUNIANG PANLALAWIGAN



Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is Ordinance No. 467, entitled: "AN ORDINANCE PROTECTING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS DEFENDERS OPERATING IN THE MUNICIPALITY OF BABATNGON THROUGH THE ESTABLISHMENT OF PROTECTIVE MECHANISMS AND APPROPRIATING FUNDS FOR THE PURPOSE." 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. 467; and
2. Certification of Posting

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

Very truly yours,


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

Enclosed:
As stated





SANGGUNIANG BAYAN
BABATNGON, LEYTE

RELEASED

BY: *[Signature]*
DATE: June 4, 2024
TIME: 11:10 Am

RECEIVED
05 JUN 2024
22:28

OFFICE OF THE SANGGUNIANG BAYAN

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

RECEIVED

BY: *[Signature]*
DATE: 6/3/24
TIME: 9:12 AM

ORDINANCE NO. 467

AN ORDINANCE PROTECTING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS DEFENDERS OPERATING IN THE MUNICIPALITY OF BABATNGON THROUGH THE ESTABLISHMENT OF PROTECTIVE MECHANISMS AND APPROPRIATING FUNDS FOR THE PURPOSE

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

WHEREAS, the 1987 Philippine Constitution mandates the State to value the dignity of every human person and guarantee full respect for human rights and fundamental freedoms in the Bill of Rights and establishes the Commission on Human Rights to protect human rights, investigate their violations, and monitor compliance with the country's international human rights commitments;

WHEREAS, the Philippines binds itself to the International Bill of Rights, which consists of the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (CESCR), and all other internationally recognized rights and fundamental freedoms, such as those stated in the Constitution and existing laws;

WHEREAS, over the years, the country has enacted significant human rights legislation that include but not limited to R.A. 9710, otherwise known as the Magna Carta of Women; R.A. 9346, which prohibits the imposition of the death penalty in the Philippines; RA. 9745, otherwise known as Anti-Torture Act of 2009, R.A. 10353, otherwise known as the Anti-Enforced or Involuntary Disappearance Act of 2012; and R.A 10368, otherwise known as the Human Rights Victims Reparation and Recognition Act of 2013;

WHEREAS, recognizing the role of human rights defenders in promoting human rights, democracy and the rule of law, and condemning aggression and violence against human rights defenders, the United Nations General Assembly adopted in December 1998 Resolution 53/144

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Municipality of Babatngon



on the "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," often abbreviated as "The Declaration on Human Rights Defenders";

WHEREAS, despite the country's commitment to international human rights instruments and the enactment of domestic human rights legislation, Filipino human rights defenders and advocates, their families, relatives, friends, and associates have been subject to persecution, harassment, intimidation, trumped-up charges, red-tagging, torture, involuntary disappearance and extrajudicial killing due to their work as protectors of human rights, and as monitors, documenters, and disseminators of reports of human rights violations;

WHEREAS, in its 2021 World Report,' international human rights watchdog, Human Rights Watch, found that the Philippines saw a substantial increase in incidence of attacks and human rights violations against HRDs amidst the ongoing Covid-19 pandemic;

WHEREAS, in addressing the proliferation of human rights violations against individuals, groups, and communities, it is imperative for the Local Government of Babatngon to create and implement measures and mechanisms that aim to protect human rights defenders whose advocacy and work protect and promote human rights and fundamental freedoms.

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF MUNICIPALITY OF BABATNGON IN REGULAR SESSION ASSEMBLED:

ARTICLE I

PRELIMINARY PROVISIONS

SECTION. 1. Short Title. This Ordinance shall be known as the Babatngon Human Rights Defenders' Protection Ordinance.

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the Local Government of Babatngon:

- a) To value the dignity of every human person and to recognize, respect, protect, promote and fulfil the rights and fundamental freedoms of persons, individually or in association with others, regardless of race, ethnicity, color, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth or other status.
- b) To give highest priority to the implementation of enactments and issuances that guarantee respect, protection, promotion and fulfilment of human rights and fundamental freedoms;



- c) To provide access to legal remedies and reparative measures including but not limited to monetary compensation and psychosocial accompaniment and rehabilitation to human rights violations victims,
- d. To fully and strictly adhere to the principles and standards on human rights and fundamental freedoms set by the 1987 Philippine Constitution and international human rights instruments including but not limited to the:

- (1) Universal Declaration of Human Rights (UDHR);
- (2) Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders):
- (3) International Covenant on Civil and Political Rights (ICCPR), and its Optional Protocols;
- (4) International Covenant on Economic, Social and Cultural Rights (ICESCR);
- (5) International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- (6) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and its Optional Protocols:
- (7) Convention on the Elimination of all Forms of Discrimination against Women (CEDAW):
- (8) Convention on the Rights of the Child (CRC):
- (9) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW);
- (10) Convention on the Rights of Persons with Disabilities (CRPD);
- (11) Declaration on the Rights of Indigenous Peoples, and
- (12) Other universal treaties, general comments from treaty bodies, and resolutions

SEC. 3. Construction in Favor of Human Rights Defenders. All provisions of this Ordinance all be construed to achieve its objectives. All doubts in the implementation and interpretation of these provisions shall be resolved in favor of the human rights defender.

SEC. 4. Definition of Terms For the purposes of this Ordinance, the following terms shall mean:



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- a) Human Rights and Fundamental Freedoms refer to rights or entitlements inherent in all human persons and freedoms recognized in or declared by international and regional human rights instruments and customary international law and by our national laws
- b) Human Rights Defender refers to any person who, individually or in association with others, acts or seeks to act to protect, promote or strive for the protection and realization of human rights and fundamental freedoms and welfare of the people through peaceful means at the local, national, regional, and international levels.
- c) Human Rights Organization refers to a group, organization or association in the local, national, regional or international level, whether formal or informal, that strives for the protection of human rights and fundamental freedoms and welfare of the people through peaceful means.
- d) Human Rights Violation refers to any act by any government personnel and/or unit, military affiliate, paramilitary, police, and/or military asset, or any agent of the State or an individual acting in its behalf, or any individual acting in their private capacity, private corporations, and non-State armed groups, in violation of any human rights of any individual, group, or organization, registered or otherwise, as well as the rights identified in Article II of this Ordinance, from which injury and damage to any individual, mental or physical, or property or reputation or privacy of any individual or organization shall be occasioned
- e) Human Rights Violations Victim refers to a person whose human rights were violated by persons acting in an official capacity and/or agents of the State as defined herein
- f) Government Agency refers to any department, bureau, office or unit of the National Government, or any of its branches and instrumentalities, or any political subdivision, as well as any government-owned or controlled corporation, including its subsidiaries, or other self-governing branch, commission or council of the Government., to include but not be limited to any grouping of the Armed Forces of the Philippines, Philippine National Police or other state security forces, including military or police force multipliers.
- g) Civil Society refers to non-state and non-profit associations that work to improve society and the human condition

Non-Government Organization refers to a non-stock and non-profit organization that works with different sectors and communities promoting the general welfare and development, and provide a wide range of services for people's organizations and tends to operate with full-time staff

Faith-Based Organization refers to a non-stock and non-profit organization that is based on faith and faith-based values and associated to or inspired by religious beliefs
Intimidation or Reprisal refers to any form of violence, threat, retaliation, de facto or de jure adverse discrimination, pressure, judicial harassment, or any other arbitrary or abusive action or threat related to a person's



status, work or activity as a human rights defender, including proposed, attempted, or imputed work or activity directed at the:

- (1) Human rights defender,
- (2) The human rights defender's associate(s).
- (3) A legal or other representative of the human rights defender appointed to conduct his or her affairs or to otherwise act on his or her behalf
- (4) A family member or relative of the human rights defender up to fourth degree of consanguinity or affinity, and includes common law relations;
- (5) A group, association, organization, community or network, whether formal or informal, with which the human rights defender is associated; or
- (6) The home, property or possessions of the human rights defender or any of the other persons or entities in items (2) to (5).

Public Authority refers to any person or body performing a function of a public nature that is conferred or imposed by or pursuant to law, by popular election or appointment or delegation or contracted by a governmental authority or agency. **Rights-Based Approach** refers to the conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

ARTICLE II

DECLARATION OF RIGHTS AND FREEDOMS OF HUMAN RIGHTS DEFENDERS

5. Right to Promote and Protect Human Rights and Fundamental Freedoms. Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms through peaceful means at the local, regional, and international levels.

6. Right to Form Groups, Associations and Organizations. - Everyone, individually or in relation with others, has the right to form, join, or associate with and participate in local, regional, or international organizations, whether formal or informal and whether registered or unregistered, for the purpose of promoting and striving for the protection and action of human rights and fundamental freedoms through peaceful means.

SEC. 7. Right to Solicit, Receive and Utilize Resources - Everyone, individually or in association with others, has the right to solicit, receive, and utilize resources, from domestic and international organizations, including governmental, intergovernmental, philanthropic, and private sources, for



the express purpose of promoting and striving for the protection and realization of human rights and fundamental freedoms through peaceful means.

SEC. 8. Right to Seek, Receive and Disseminate Information. - (1) Everyone, individually or in association with others, has the right:

- a. To know, seek, access, obtain, receive, and hold information about all human rights and fundamental freedoms, including information regarding how these rights and freedoms are given effect in legislative, judicial and quasi-judicial, and administrative systems at the local and national levels;
- b. To know, seek access, obtain, receive, and hold such information from business enterprises and other private actors as may be necessary for exercising or protecting, or assisting to exercise or protect human rights or fundamental freedoms through peaceful means,
- c. To freely publish, impart, or disseminate to others' views, information, and knowledge on all human rights and fundamental freedoms;
- d. To study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other means, to draw public attention to these matters through peaceful means.

2) The right in subsection (1) may be exercised orally, in writing, in print, in the form of: through any other media, whether online or offline.

SEC. 9. Right to Develop and Advocate for Human Rights Ideas. - Everyone, individually or association with others, has the right to develop and discuss new ideas and principles which relate or human rights and fundamental freedoms, and to advocate their acceptance.

SEC. 10. Right to Communicate with Non-governmental, Governmental, and Intergovernmental Organizations. - Everyone, individually and in association with others, has the right to freely communicate with non-governmental, governmental and intergovernmental organizations, including subsidiary bodies, mechanisms or experts with a mandate relevant to human rights and fundamental freedoms, as well as with diplomatic representations.

SEC. 11. Rights Against Vilification. - Everyone, individually and in association with others, has the right against any act of false labeling or name calling, or of malicious and fabricated accusations against him/her of any offense, or from any other kind of vilification.

SEC. 12. Right to Access, Communicate and Cooperate with International and Regional Human Rights Bodies and Mechanisms. - In accordance with applicable international instruments and procedures, everyone, individually or in association with others, has the right to rendered access to and to communicate and cooperate with international and regional human rights bodies and mechanisms, including treaty bodies and special procedures.



SEC. 13. Right to Participate in Public Affairs, - (1) Everyone, individually or in association others has the right to participate effectively in the conduct of public affairs, including participation on a non-discriminatory basis in the government regarding human rights and fundamental freedoms.

1. The right in subsection (1) includes the right:

- a. To submit to any public authority, or agency or organization concerned with public affairs, proposals or criticisms purposely for improving its functioning with respect to human rights and fundamental freedoms;
- b. To make recommendations to any public authority regarding legislative or regulatory changes relating to human rights and fundamental freedoms;
- c. To draw to the attention of any public authority through peaceful means any aspect of its work that may hinder or impede the promotion, protection, and realization of human rights and fundamental freedoms;
- d. To call the attention of any public authority through peaceful means to any action or omission by any actor, private or public, that may involve or contribute to a violation of human rights or fundamental freedoms; and
- e. To freely publish, impart, or disseminate to others any information submitted to any public authority in the exercise of the rights set out in this Article.

SEC. 14. Right to Peaceful Assembly. - (1) Everyone, individually or in association with others, has the right to meet or assemble peacefully as well as to participate in peaceful activities concerning human rights and fundamental freedoms, free from interference that is arbitrary or unlawful by public authorities and private actors, at the local, national, regional or international level.

(2) The right in subsection (1) includes the right to plan, organize, participate in, and disseminate information regarding peaceful activities concerning human rights and fundamental freedoms, including demonstrations, protests, seminars and meetings, whether conducted in a public or private place.

SEC. 15. Right to Represent and Advocate - (1) Everyone, individually and in association with others, has the right to assist, represent, or act on behalf of another person, group, association, organization or institution in relation to the promotion, protection, and exercise of human rights and fundamental freedoms through peaceful means at the local, national, regional and international



levels.

(2) The right in subsection (1) includes the right:

- a. To raise issues or concerns about the policies and actions of public authorities with regard to possible violations of human rights and fundamental freedoms, by petition or other appropriate means, to domestic judicial, administrative or legislative authorities or any other competent authority such as the Commission on Human Rights, the Ombudsman, and other government agencies.
- b. To offer and provide professionally qualified legal counsel, paralegal, or other relevant advice and assistance in defending human rights and fundamental freedoms,
- c. To attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and human rights and fundamental freedoms; and
- c. To submit communications and information of the type referred to in Section 10.

SEC. 16 Right to Freedom of Movement - (1) Everyone lawfully within the territorial jurisdiction of the Municipality of Babatngon shall have the right to liberty of movement and freedom to choose his or her residence and the right to carry out his or her human rights activities in the said area.

(2) No one lawfully within the territorial jurisdiction of the Municipality of Babatngon shall be expelled, by means of an individual or a collective measure, from their residence, wholly or partially, on account of his or her acts as a human rights defender.

(3) No one shall be deprived of the right to enter or leave the Municipality of Babatngon on account of his or her status, activities, or work as a human rights defender.

SEC. 17. Right to Privacy. - (1) Everyone, individually or in association with others, has the right to privacy.

(2) The right in subsection (1) includes the right of a human rights defender to protect his or her privacy, including through encryption, and be free from intrusion and interference that is arbitrary and unlawful in his or her family, home, places of work, possessions, and correspondence, both online and offline.

(3) "Intrusion and interference" under subsection (2) include any form of surveillance or recording within the purview of Republic Act No. 4200, otherwise known as "An Act to Prohibit



and Penalize Wire Tapping and Other Related Violations of the Privacy of Communication, and for Other Purposes," and search and seizure in relation to his or her legitimate activity or work as a human rights defender.

(4) The right to privacy extends to groups, organizations, or associations.

SEC. 18. - Freedom from Intimidation or Reprisal. No person shall be subjected, individually or in association with others, to any form of intimidation or reprisal on the grounds of or in relation of his or her status, activities, or work as a human rights defender.

SEC. 19. Right to Seek or Establish a Sanctuary for Human Rights Violation Victims

Families. - Any person, individually or in association with others, who has been subjected to any form of intimidation or reprisal, has the right to seek or establish sanctuaries for any human rights violation victim and their immediate families.

SEC. 20. Freedom from Defamation and Stigmatization. - No person shall be subject to any form of defamation, stigmatization, or other harassment, whether offline or online, and whether by public authorities or private actors, in connection with his or her status, activities, or work as a human rights defender.

SEC. 21. Right to Exercise Cultural Rights and to Development of Personality. -(1) Consistent with Article 18 (1) of the UN Declaration on Human Rights Defenders, everyone, individually or in association with others, has the right to the unhindered exercise of his or her cultural rights in his or her activities and work as a human rights defender and to the free and full development of his or her personality.

(2) The right in Subsection (1) includes the right to challenge and change traditional customs and practices that violate human rights and fundamental freedoms.

SEC. 22. Right to Effective Remedy and Full Reparation - (1) Everyone, individually or in association with others, has the right to an effective remedy and full reparation, both monetary and nonmonetary, in the event of a violation of the rights, including but not limited to the rights enumerated under this Article.

(2) Anyone whose rights have been violated or who has been adversely affected by a breach of obligations have the right to obtain such effective remedy and full reparation from the appropriate government agency or court of competent jurisdiction.



SEC. 23. Limitation on the Rights of Human Rights Defenders. In exercising his or her rights in Article II of this Ordinance, a human rights defender, individually or in association with others, shall be subject only to limitations that are prescribed by law, in accordance with international human rights obligations and standards, and are reasonable, necessary and proportionate, and are solely for the purpose of securing due recognition of and respect for the human rights and fundamental freedoms of others and meeting the reasonable requirements of public order general welfare in a democratic society.

ARTICLE III

OBLIGATIONS OF PUBLIC AUTHORITIES

SEC. 24. Obligation to Respect, Promote, Protect, and Fulfill the Rights of Human Right Defenders, - All public authorities in the Municipality of Babatngon shall take all necessary measures to ensure:

- a That the human rights and fundamental freedoms in Article II of this Ordinance are effectively guaranteed and protected,
- b. That all regulations, policies, and programs of the Local Government of Babatngon are consistent with the rights in Article II of this Ordinance; and
- C. That human rights defenders, non-government organizations, and other civil society organizations are able to undertake their activities and work in a safe and enabling environment free from any arbitrary or unlawful restriction

SEC. 25, Obligation to Facilitate the Activities and Work of Human Rights Defenders. - The authorities of the Municipality of Babatngon shall take all necessary measures to facilitate and protect the exercise of the rights stated in Article II of this Ordinance, which measures include the to: obligation

- a. Permit and facilitate access to places where persons are deprived of liberty;
- b. Permit and facilitate access to places and to information required by human rights defenders to exercise their rights under Article II of this Ordinance;
- c. Provide information about violations of human rights or fundamental freedoms that may have been committed within the territory or subject to the jurisdiction, including the power or effective control of the Local Government Unit;



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- d. Develop and implement policies and measures to promote, support, and enhance the capacity of human rights defenders to protect and promote human rights and fundamental freedoms; and
- e. Publicly recognize the role, function, and activities and work of human rights defenders as legitimate and important.

SEC. 26. Obligation to Provide Free Access to Materials Relating to Human Rights and

Fundamental Freedoms. - All public authorities of Municipality of Babatngon shall make free available and accessible both offline and online:

- a. The Constitution, national laws, and regulations;
- b. International human rights instruments;
- c. Research, studies, reports, data, archives and other information and materials within the possession of the Local Government of Municipality of Babatngon that relate to human rights and fundamental freedoms,
- d. Government reports and information within the possession of the Local Government of Municipality of Babatngon that are submitted to international human rights bodies and mechanisms, if any,
- e. Reports and communications of international human rights bodies and mechanisms involving national and local compliance with international treaty obligations, if any;
- e. Documents and information from local authorities with competence in the field of human rights and fundamental freedoms, if any, and
- f. All such other information, as may be necessary, to secure or enable the exercise of any human right or fundamental freedom under Article ii of this Ordinance, or access to remedy for violation of any such right.

SEC. 27. Obligation not to Disclose Confidential Sources. - (1) Public authorities of the Municipality of Babatngon shall not disclose or require disclosure of the identity of sources used by human rights defenders.

(2) Notwithstanding Subsection (1), public authorities of the Municipality of Babatngon may disclose the identity of sources used by human rights defenders if both the relevant source and the concerned human rights defender give informed consent in writing to such disclosure or if so, required by an independent and impartial tribunal in accordance with domestic and international standards.



SEC. 28. Obligation to Prevent Human Rights Violations and to Ensure Protection from

Intimidation or Reprisal. - The Local Government of Babatngon shall take all necessary measures to ensure the prevention of human rights violations against human rights defenders and protect the same from any intimidation or reprisal by any other public or private actor. These shall include, but not be limited to, protective measures established under pertinent laws or ordinances.

SEC. 29. Obligation to Penalize Intimidation or Reprisal. - Any public authority or private actor who is found guilty of committing intimidation or reprisal against a person on the grounds of or in connection with his or her status, work, and activities as a human rights defender shall be subject to penalties as provided for the appropriate crime or crimes punishable under the Revised Penal Code, in addition to administrative or civil sanctions which take into account the gravity of the offense upon the discretion of the court or competent authority.

SEC. 30. Obligation to Refrain from Derogatory and Unfounded Labeling. Under no circumstance shall public authorities of the Municipality of Babatngon engage in false, unfounded, and derogatory labeling of human rights defenders, including but not limited to identifying them as "red," "communist," "terrorist" or "enemies of the State."

SEC. 31. Obligation to Ensure Protection from Arbitrary or Unlawful Intrusion and

Interference. - All public authorities of the Municipality of Babatngon shall take extraordinary diligence- to ensure the protection of human rights defenders from arbitrary or unlawful intrusion and interference in his or her family, home, places of work, possessions, and correspondence, both online and offline.

SEC. 32. Obligation not to Participate in Violating Human Rights and Fundamental Freedoms.

- All public authorities of the Municipality of Babatngon are mandated not to participate, by acts or omission, in violating human rights and fundamental freedoms. Subordinate employees have the right and duty to refuse any order from their superiors to participate in acts contravene their duty to protect, uphold and promote human rights and fundamental freedoms, shall not be subject to any sanction that may be imposed by the Municipality of Babatngon as a sequence of such refusal.

SEC.33. Obligation to Assist in Investigation. - Whenever there is reasonable ground to believe

a human rights defender has been killed, disappeared, tortured, ill-treated, arbitrarily detained, attend, or subject to a violation of any of the rights in Article II of this Ordinance, whether by

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public authority within the effective jurisdiction, or a private actor, the Local Government of Municipality of Babatngon shall assist the concerned government agencies in conducting a prompt, though, effective, independent, and impartial investigation.

SEC. 34. *Obligation to Adopt Human Rights Based Governance.* - The Local Government of Municipality of Babatngon shall adopt a rights-based approach to governance and development, including local counter insurgency and anti-terror programs and policies.

SEC. 35. *Obligation to Promote Human Rights Advocacy.* - The Local Government of Municipality of Babatngon shall undertake partnerships with other government agencies, human rights and experts engaged in the promotion of human rights and fundamental freedoms order to facilitate and adequately provide resources about human rights and fundamental freedoms.

ARTICLE IV

LOCAL PROTECTIVE MECHANISMS FOR HUMAN RIGHTS DEFENDERS

SEC. 36. *Coordination and Cooperation with the Commission on Human Rights Region of locality Field Office.* (1) The Local Government of Municipality of Babatngon shall coordinate and separate closely with the Commission on Human Rights (Region of Locality) Field Office on the aligning of human rights education, investigation of complaints by human rights defenders any other person who has suffered violation of his or her human rights and fundamental doms, the full exercise of the rights stated in Article II of this Ordinance, and the fulfilment the obligations by public authorities as stated in Article III of this Ordinance.

The Committee on [Justice and/or Human Rights] shall submit every six (6) months a report y reviewed and approved by the Sangguniang Bayan to the said Regional Field on the status of the implementation of this Ordinance, as well as international treaty obligations, national laws, ordinances, and regulations concerned with the exercise of human rights fundamental freedoms; Provided, that the independent validation of the report by the said regional Field Office shall not be hindered or impeded in any way.

SEC. 37. *Sanctuary for High-Risk Human Rights Defenders, Human Rights Violation Victims And Their Families.* (1) A sanctuary shall be considered established if a high-risk human rights render, a witness to a human right/s violation/s, human rights violation victim, a member of his/her family, a legal representative of the victim, or a human rights organization gives confidential to Commission on Human Rights Region VIII, either directly or through a human rights organization, faith-based organization, or legal assistance group, indicating that a place. building. or area within the territorial jurisdiction of the Local Government has been constituted as a sanctuary.



(2) A complaint may also be submitted with the confidential request to be enrolled in the CHR Witness Protection Program, for the review of the said Regional Field Office and the Security, Protection and Assistance Division of the CHR Protection Cluster, for approval by the CHR Chairperson.

(3) The said Regional Field Office or any human rights organization, faith-based organization, or legal or medical assistance group shall monitor the sanctuary, document violations against the right of the concerned human rights defender, human rights violation victim, and his or her family, and facilitate legal and psychosocial assistance for the victims. These services shall not be hindered or impeded by the Local Government of Municipality of Babatngon in any way.

SEC. 38. Legal and Psychosocial Assistance for High-Risk Human Rights Defenders, Human Rights Violation Victims, and Their Families. The Local Government of Municipality of Babatngon, in coordination with the Commission on Human Rights Region 8 Field Office and relevant line agencies of government and/or civil society organizations, within the territorial jurisdiction of the Local Government, shall facilitate any legal and psychosocial assistance to high-risk human rights defenders, human rights violation victims, and their families, including those who have not sought the protection of a sanctuary, as may be reasonably necessary and at no cost to the victim, unless the victim/s prefer to seek legal and psychosocial assistance directly from the said Regional Field Office or any human rights organization, faith-based organization, or legal or medical assistance group, the same, at no cost to the victims.

SEC. 39. Measures Against Derogatory and Unfounded Labeling. (1) Any public authority from the Municipality of Babatngon found to be involved in any false, unfounded, and derogatory labeling of human rights defenders shall immediately expunge or rectify such labeling as part of the non-monetary reparation to victims referred to in Section 22 of Article II of this Ordinance

(2) The Local Government of Municipality of Babatngon shall take all necessary measures to remove materials, including but not limited to posters, tarpaulins, and banners that promote false, unfounded, and derogatory labeling of human rights defenders.

(3) Failure to rectify or expunge any false, unfounded, and derogatory labeling of human rights defenders shall be a ground for the filing of appropriate administrative charges, without prejudice to the right of the victim to file appropriate criminal charges



SEC. 40. Identification of Freedom Parks. (1) The Office of the Mayor, in coordination with the Sangguniang Bayan the Commission on Human Rights Region 8 Field office, and human rights defenders and human rights organization residing and operating in Municipality of Babatngon shall identify public spaces within the territorial jurisdiction of the Local Government that may be used for peaceful assemblies and designate the said spaces as freedom parks subject to the protection of existing laws on the right of the people to peaceably assemble. The list of such public spaces to be used for peaceful assemblies shall be posted in conspicuous areas designated for public posting of official documents of the Local Government of Babatngon.

ARTICLE V

AWARENESS-BUILDING ON HUMAN RIGHTS AND HUMAN RIGHTS DEFENDERS

SEC. 41. Community-Based Campaigns on Human Rights and Human Rights Defenders. (1)

The Local Government of Babatngon in coordination with the Commission on Human Rights Region of VIII Field Office, the Local School Board and educational institutions within Municipality of Babatngon, local non-government organizations, faith-based organizations, and civil society organizations, and human rights defenders and human rights organizations residing and operating within the Municipality of Babatngon, shall formulate an education and information campaign plan that will guide all awareness-building activities on human rights and human rights defenders within the territorial jurisdiction of the Local Government.

(2) The Local Government of Babatngon shall coordinate closely with all educational institutions within the Municipality of Babatngon to ensure the integration of such activities in different campus-based programs, including but not limited to the Citizenship Advancement Training, National Service Training Program, and the regular extra-curricular programs of each school, College, university.

SEC. 42. Integration into the Local Youth Development Plan. In line with the relevant centers of advocacy under the Philippine Youth Development Plan, awareness-building activities on human rights and human rights defenders shall be integrated into the Local Youth Development Plan of the Sangguniang Kabataan.

SEC. 43. Commemoration and Memorialization of Human Rights Defenders and Human

Rights Violation Victims. (1) The Local Government of Babatngon, in coordination with the Commission on Human Rights Region of VIII Field Office, the Local School Board and educational institutions within Municipality of Babatngon, local non-government organizations, faith-based organizations, and civil society organizations, and human rights defenders and human rights organizations residing and operating within the Municipality of Babatngon. shall identify

Municipality of Babatngon



all human rights violation victims and deceased human rights defenders who were born or have resided in Municipality of Babatngon and dedicate a commemorative activity or public landmark in their memory.

(2) The Local Government of Babatngon shall commemorate the said individuals on December 10 of every year in observance of Human Rights Day.

ARTICLE VI

FINAL PROVISIONS

SEC. 44. Appropriations. The Local Government of Babatngon shall appropriate an amount for the establishment of the mechanisms and services provided in this Ordinance. For the succeeding calendar years, the budget for the implementation of this Ordinance shall be included in the appropriations of the Office of the Mayor.

SEC. 45. Special Planning, Implementing, and Monitoring Bodies on Human Rights and the Protection of Human Rights Defenders. The Local Government of Babatngon. In coordination with the Commission on Human Rights Region of 8 Field Office and human rights defenders and human rights organizations residing and operating within the Municipality of Babatngon. may organize task forces, technical working groups, and similar bodies dedicated to the promotion and protection of human rights and fundamental freedoms, as well as the planning., implementation, and monitoring of the local protective measures for human rights defenders stated in Article IV and V of this Ordinance; Provided, that human rights defenders or representatives of human rights organization residing and operating within the Municipality of Babatngon shall constitute at least one-third (4) of the body to be constituted.

SEC. 46. Implementing Rules and Regulations - The Office of the Mayor, in coordination with the Sangguniang Bayan, the Commission on Human Rights Region VIII Field Office, and human rights defenders and human rights organization residing and operating in Municipality of Babatngon. shall develop the Implementing Rules and Regulations within six (6) months after the effectivity of this Ordinance.


SEC. 47. Separability Clause - If for any reason or reasons, any part or provision of this ordinance shall be held unconstitutional, invalid, or inconsistent with the Local Government Code of 1991, the other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SEC. 48. Effectivity Clause - This Ordinance shall take effect fifteen (15) days after publication in a newspaper of local circulation.



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 LEHWEL 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. 467 - AN ORDINANCE PROTECTING THE RIGHTS AND FUNDAMENTAL FREEDOMS OF HUMAN RIGHTS DEFENDERS OPERATING IN THE MUNICIPALITY OF BABATNGON THROUGH THE ESTABLISHMENT OF PROTECTIVE MECHANISMS AND APPROPRIATING FUNDS FOR THE PURPOSE.**

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

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

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

