

Item No.: 17
Date: 05 2024 AUG



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Jose Ag. Ac
7.26.24

2nd INDORSEMENT
July 15, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2 Series of 2024 of Sangguniang Bayan of Matalom, Leyte.

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

- Ordinance No. 02 Series of 2024 entitled: **An Ordinance Amending Section 6,8,11,13,17 and 36 of Municipal Ordinance No. 03-2020, An Ordinance Enacting the Local Code for Children’s Welfare of Matalom, Leyte.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the powers of the local government unit particularly covered under Section 447(5)(xiv)¹ and Section 16 - General Welfare Clause of the Local Government Code of 1991 (R.A7160).

Likewise as settled in the case of Costantino v. Desierto 288 SCRA 654, it is within the power of the Local Council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution. 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 are 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

¹Section 447(5)(xiv) Provide for the care of xxxxxx abandoned minor, Juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Province of Leyte
Legal Office
Received:
Time:
Date: 6-24-24

1ST INDORSEMENT
21 June 2024

Respectfully indorsed to the PROVINCIAL LEGAL OFFICE the herein **MUNICIPAL ORDINANCE NO. 2 S 2024** of the **MUNICIPALITY OF MATALOM, LEYTE**; amending Section 6, 8, 11, 13, 17 and 36 of Municipal Ordinance No. 03-2020, enacting the Local Code for Children's Welfare of Matalom, Leyte, for review and recommendations.


FLORINDA JILI S. UYVICO
Secretary to the Sanggunian

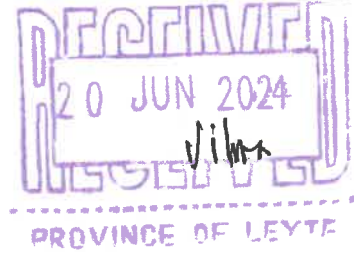


Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM



OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

SANGGUNIANG PANLALAWIGAN



18 June 2024

THE SANGGUNIANG PANLALAWIGAN
Legislative Building, Capitol Site
Tacloban City

Thru: FLORINDA JILL S. UYVICO
Sangguniang Panlalawigan Secretary
Legislative Building, Capitol Site, Tacloban City

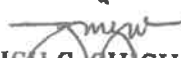
Gentlemen/Ladies:

We are respectfully forwarding to the Sangguniang Panlalawigan for review, 16 copies of the following ordinances:

1. Municipal Ordinance No. 1, s. 2024 of the Municipality of Matalom, Leyte, An Ordinance Integrating And Harmonizing All Pertinent Ordinances Relating To Fisheries And Protection Of The Municipal Waters And Coastal Resources Of Matalom, Leyte, And For Other Purposes, Otherwise Known As The Coastal Resource Management Code Of Matalom, Leyte Of 2024;
2. Municipal Ordinance No. 2, s. 2024 of the Municipality of Matalom, Leyte, An Ordinance Amending Section 6, 8, 11, 13, 17 And 36 Of Municipal Ordinance No. 03-2020, An Ordinance Enacting The Local Code For Children's Welfare Of Matalom, Leyte.

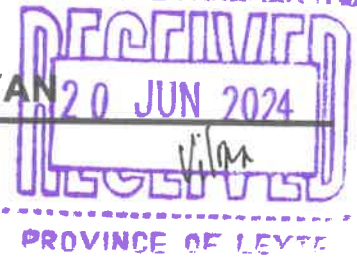
Kindly acknowledge receipt hereof.

Very truly yours,


IRISH C. GUNGUE
Secretary to the Sanggunian



OFFICE OF THE SANGGUNIANG BAYAN



MUNICIPAL ORDINANCE NO. 02
Series of 2024

AN ORDINANCE AMENDING SECTION 6, 8, 11, 13, 17 AND 36 OF MUNICIPAL ORDINANCE NO. 03-2020, AN ORDINANCE ENACTING THE LOCAL CODE FOR CHILDREN'S WELFARE OF MATALOM, LEYTE

Sponsor: Hon. Alfonso B. Tan

Co-sponsors: Hon. Maria Pamela P. Gado, Hon. Sabino G. Gerona,
Hon. Aureliano P. Lapasanda, Hon. Ronald P. Gilo

BE IT ORDAINED by the Sangguniang Bayan in regular session assembled, that:

SECTION 1. Section 6 of Municipal Ordinance No. 03-2020 shall be amended to:

Section 6. Responsibilities of the Child. – Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a. *Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and the bidding of a clean conscience;*
- b. *Love, respect and obey his or her parents, and cooperate with them in the strengthening of the family;*
- c. *Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;*
- d. *Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society.*
- e. *Respect not only his or her elders but also the customs and traditions of His or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;*
- f. *Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and*
- g. *Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.*
- h. *Refrain themselves from visiting any pornographic sites and viewing any malicious videos.*

SECTION 2. Section 8 of Municipal Ordinance No. 03-2020 shall be amended to:

Section 8. General Duties of Parents. – Parents shall have the following general duties toward their children:

- a. *To give them affection, companionship and understanding;*
- b. *To extend to them the benefits of moral guidance, self-discipline and religious instruction;*
- c. *To supervise their activities, including their recreation;*
- d. *To inculcate in them the value of industry, thrift and self-reliance;*



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- e. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- f. To advise them properly on any matter affecting their development and well-being;
- g. To always set a good example;
- h. To provide them with adequate support, as defined in Article 194 of the Family Code;
- i. To administer their property, if any, according to their best interest, subject to the provisions of Article 225 to 227 of the Family code.
- j. Whenever a parent or guardian is found to have been unreasonably neglecting in his/her duties toward the child, he/she shall be admonished by the DSWD or by the Local Council for the protection of Children.
- k. To send their children to schools offering pre-elementary and basic education
- l. To supervise and give parental guidance to their children in using social media and preventing them in accessing, visiting and viewing pornographic sites.

SECTION 3. Section 11 of Municipal Ordinance No. 03-2020 shall be amended to:

Section 11. Role of Educational Institutions. – Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED).

It is the responsibility of the school administrations to design and provide guidelines for the protection of children within their school premises. School officials, parents and local government officials shall see to it that school children and students are provided with adequate school room instructional materials and facilities including playground, space and facilities for sports and physical development activities. Such officials should see to it that the school environment is free from hazard to the health and safety of the students and that there is adequate safety measures for any emergency such as accessible exits, firefighting equipment and the like.

Public educational institutions shall formulate rules on regulating the use of cellphones in schools.

SECTION 4. Section 13 of Municipal Ordinance No. 03-2020 shall be amended to:

Section 13. Role of Local Government Unit. – The LGU shall come up with comprehensive programs for children and allocate appropriate budgets to ensure their implementation. The LGU shall ensure the establishment of child minding center in the locality. The LGU Matalom shall provide financial assistance (transpo, medical and food assistance) for the victims of abuse as defined by Child Abuse law.

SECTION 5. Section 17 of Municipal Ordinance No. 03-2020 shall be amended to:

Section 17. Significant Role of Hospital/Clinic. All hospitals, clinics and other institution as well as private physicians providing treatment for any case of maltreated or abused child shall within 48 hours from knowledge of the case report in writing to



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the Provincial Fiscal, or to the LCPC or to the nearest unit of DSWD. Violation of this provision shall subject the hospital, clinic, institution, a physician who finds to make such report to a fine of not more than P 1,000.00 filing of administrative case the institution. Medico-legal for the victims of abuse shall be free of charge in any public hospitals and medical institutions in the municipality.

SECTION 6. Section 36 of Municipal Ordinance No. 03-2020 shall be amended to:

Section 36. The Local Government shall ensure the adoption and implementation of the following National Laws concerning the Children in Need of Special Protection (CNSP) and other existing laws protecting children such as:

1. *R.A. 7610 – Special Protection of Children against child abuse, exploitation and discrimination Act of 1994*
2. *R.A. 7658 - Act Prohibiting the Employment of Children Below 15 years of Age in Public and Private Undertakings of 1994*
3. *R.A. 8353 – Anti-Rape (1997)*
4. *R.A. 8505 – Rape Victim Assistance and Protection Act of 1998*
5. *R.A. 7877 – Anti-Sexual Harassment Act of 1995*
6. *R.A. 9262 – Anti- violence against women and their children act of 2006*
7. *R.A. 9344 - Juvenile Justice and Welfare Act of 2006*
8. *R.A. 9208 – Anti-trafficking in persons especially woman and children*
9. *R.A. 9165 – Comprehensive Dangerous Drug Act*
10. *R.A. 8980 – The Early Childhood Care and Development Act of 2000*
11. *R.A. 9231 – prohibits the employment of children below 15 years of age*
12. *R.A. 9211 – Regulating the use & distribution of Tobacco Products*
13. *R.A. 10666 – Children’s Safety on Motorcycles Act of 2015*
14. *R.A. 10821 – Children’s Emergency Relief and Protection Act of 2016*
15. *R.A. 11036 – National Mental Health Policy*
16. *R.A. 11188 – Special Protection of Children in Situations of Armed Conflict Act*
17. *R.A. 11037 – Masustansyang Pagkain para sa Batang Pilipino Act of 2016*
18. *R.A. 11148 – Kalusugan at Nutrisyon ng Magnanay Act*
19. *R.A. 10364 – Expanded Anti-Trafficking in Persons Act of 2012*
20. *R.A. 10410 – Early Years Act of 2013 (Localization of ITED Program)*
21. *R.A. 10364 – An Act Expanding RA 9208 entitled, “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations and for Other Purposes”*

SECTION 7. EFFECTIVITY. This revised ordinance shall take effect immediately upon its approval.

UNANIMOUSLY APPROVED: April 3, 2024

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I HEREBY CERTIFY THAT THIS IS A
TRUE AND ACCURATE COPY OF THE ORDINANCE DULY ENACTED BY
THE SANGGUNIANG BAYAN ON APRIL 3, 2024.

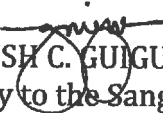
Municipal Ordinance No. 02, series of 2024



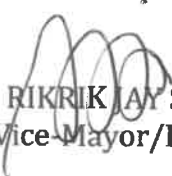
Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM



OFFICE OF THE SANGGUNIANG BAYAN


IRISH C. GUIGUE
Secretary to the Sanggunian


ATTESTED:


HON. BIKRIK JAY S. PAJULIO
Municipal Vice-Mayor/Presiding Officer


APPROVED:



HON. ERIC S. PAJULIO, D.M.D.
Municipal Mayor
Date of Approval: 05/10/2024



HON. MARIA NICHOLINA P. CAUBE
SB Member

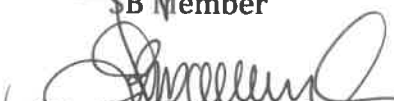

HON. JOSELEO W. DANCES SR.
SB Member


HON. MARIA PAMELA P. GADO
SB Member



HON. ALFONSO B. TAN
SB Member



HON. LEONARD P. TAN II
SB Member


HON. SABINO G. GERONA
SB Member


HON. AURELIANO P. LAPASANDA
SB Member


HON. RONALD P. GILO
SB Member


HON. DERICK S. PAJULIO
President, LnB


HON. VINCENT MAURICE P. GARDE
President, PPSK



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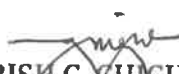
OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

CERTIFICATION

THIS IS TO CERTIFY that Municipal Ordinance No. 02, s. 2024 entitled, An Ordinance Amending Section 6, 8, 11, 13, 17 And 36 Of Municipal Ordinance No. 03-2020, An Ordinance Enacting The Local Code For Children's Welfare Of Matalom, Leyte, has been posted in three (3) conspicuous places in the municipality and shall remain posted for three (3) consecutive weeks.

This certification is issued in compliance with the pertinent provisions of the Local Government Code of 1991.

ISSUED this 13th day of May, 2024 at Matalom, Leyte, Philippines.


IRISH C. GUIGUE
Secretary to the Sanggunian