

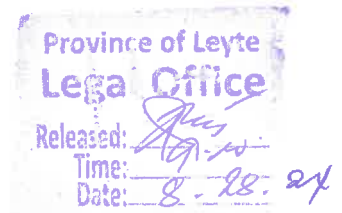
Item No.: 30

Date: 03 2024 SEP



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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SANGGUNIANG PANLALAWIGAN



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
August 22, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-05 of the Sangguniang Bayan of Javier, Leyte.

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

- Ordinance No. 2024-05 entitled: “An Ordinance Establishing and Operationalizing the Barangay Human Rights Action Center (BHRAC) in every Barangay in the Municipality of Javier, Leyte; Capacitating the Barangay Human Rights Action Officers (BHRAO); and, Providing Funds Therefor and for Other Purposes.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is within the power covered under Section 16¹ General Welfare Clause of the Local Government Code of 1991 (R.A7160) and in consonance with Article II Section 11² 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 are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

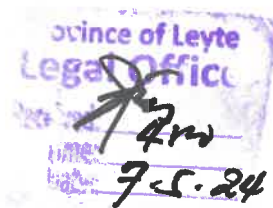
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ Section 16 Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdiction, local government units shall ensure and support, among other things, xxxx promote health and safety xxxx maintain peace and order, and preserve the comfort and convenience of their inhabitants.

² Article II, Section 11 of the 1987 Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
05 July 2024

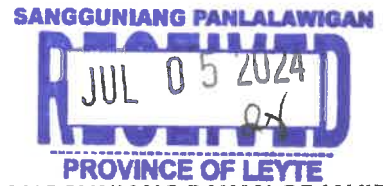
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-05** of the **Municipality of Javier, Leyte**, entitled: **An Ordinance establishing and Operationalizing the Barangay Human Rights Action Center (BHRAC) in every barangay in the Municipality of Javier, Leyte; capacitating the Barangay Human Rights Action Officers (BHRAO); and, providing funds therefor and for other purposes.**

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FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

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Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER
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Sangguniang Bayan



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF JAVIER, LEYTE HELD AT THE MUNICIPAL SESSION HALL ON JUNE 24, 2024

Present :

- Mun. Vice-Mayor Emma M. Abueva, presiding officer
- SB Member Guilbert M. Lanoy
- SB Member Roldan G. Meras
- SB Member Marino C. Merilo
- SB Member Eriberta R. Ponce
- SB Member Stephen Mark I. Papalid
- SB Member Michelle O. Moreno
- SB Member Romeo C. Malinao
- SB Member Alberto A. Rifios

- Absent :** SK Fed. President Jaly T. Garcia
Liga President Andy L. Dingal

ORDINANCE No. 2023-05

Authored by : HON. ANDY L. DINGAL

AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF JAVIER, LEYTE; CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO) ; AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

WHEREAS, the 1987 Philippine Constitution likewise mandates Congress to give 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 on 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 Javier, Leyte ;

WHEREAS, the Municipality of Javier, Leyte 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 Javier, Leyte, **THAT :**

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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 Javier, Leyte.

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

- a. **BHRAC** – stands for Barangay Human Rights Action 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 of Human Rights (CHR)** –the independent body created under the 1987 Constitution of the Philippines whose principal mandate is to investigate, on its own or on a complaint filed by any person, 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**- refer 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 for all sectors and disseminates information/materials which 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 Javier, Leyte the Barangay Human Rights Action Center (BHRAC).

SECTION 5. THE BARANGAY HUMAN RIGHTS ACTION CENTER – 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 majority of the members of the Sangguniang Barangay shall appoint a full-time BHRAO.

A collection of handwritten signatures in black and blue ink, some with names written below them. The names include 'Eduardo', 'Darius', 'Alfredo', 'Rubi', and 'Ramon'. There is also a signature that appears to be 'Mamon'.


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- a. No person may be appointed as BHRAO unless he/she is a resident of the barangay for at least five (5) years, not less twenty-one (21) years old, at least a senior 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 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 that purpose upon 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 procedures for hiring.
- e. The BHRAO shall hold office in the Barangay Hall.
- f. The BHRAO/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 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 or 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 referrals 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 may also organize and mobilize an advisory group within the barangay composed of representatives from church, school, barangay-based sectoral organizations, barangay-based Private Organizations and Non-Government Organizations, and local media.

The bottom of the page contains several handwritten signatures and names. On the left, there are three signatures, with the names 'Dambra', 'Damas', and 'Atudes' written below them. In the center, there is a signature with the name 'Mman' written below it. To the right of the center signature is the word '-over-'. Further right, there is a signature with the name 'R. Arbi' written below it. On the far right, there are two more signatures, one of which appears to be 'C. Arbi'.

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 interview 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, hence does not fall under CHR's jurisdiction, the BHRAO forwards it to the Lupon ng Tagapamayapa or the Police, as the case may be; if 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 Municipal Legal Officer or Public Attorney/s Office for preparation and execution of 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 (CHR).

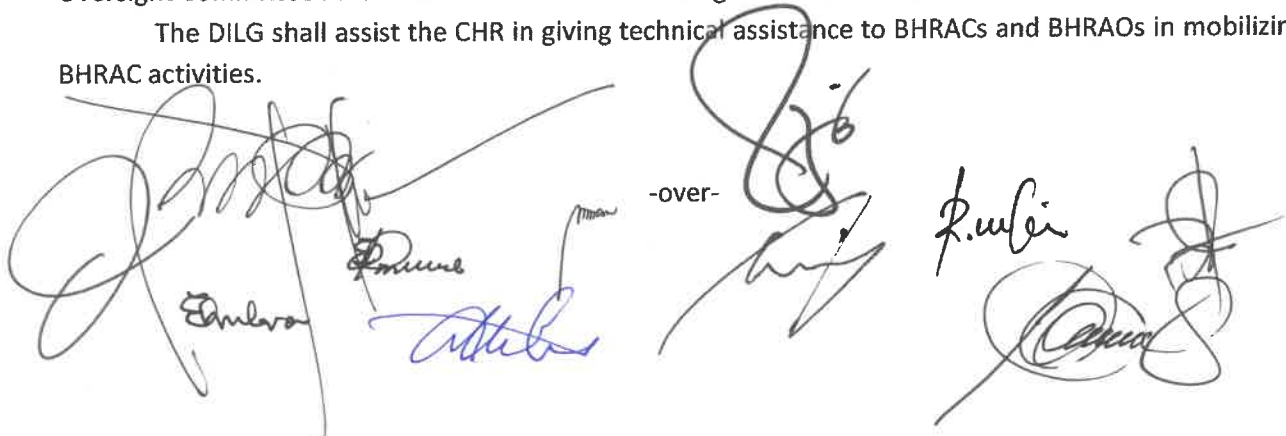
SECTION 9. STAKEHOLDERS AND THE OVERSIGHT COMMITTEE. The BHRACs shall have the following stakeholders and partners;

- a) The Commission on Human Rights (CHR)
- 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 Sangguniang Bayan
- e) The Liga ng mga Barangay President
- f) Representatives from the Police and People's Organizations and Non-Government Organizations operating in the municipality, which shall compose the Oversight Committee of the BHRACs.
- g) The Oversight Committee shall be chaired by the Municipal 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 other, 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 in furtherance of institutionalizing the BHRACs and the BHRAOs.

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

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SECTION 10. APPROPRIATION OF FUNDS. All Sangguniang Barangay in the Municipality of Javier, Leyte shall allocate funds for the creation and operationalization of the BHRACs. For the 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 Municipality 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/s, any part or 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 effect.

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

SECTION 13. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon approval.

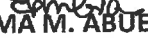
APPROVED UNANIMOUSLY:

JUNE 24, 2024

CERTIFIED CORRECT:

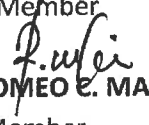
ERVON DANIEL B. LAJARA
SB Secretary


ATTESTED :


HON. EMMA M. ABUEVA
Municipal Vice-Mayor
Presiding Officer


HON. GUILBERT M. LANOY
SB Member


HON. ERIBERTA R. PONCE
SB Member


HON. ROMEO C. MALINAO
SB Member


HON. ROLDAN G. MERAS
SB Member


HON. STEPHEN MARK I. PAPALID
SB Member


HON. MARINO C. MERILO
SB Member


HON. MICHELLE O. MORENO
SB Member


HON. ALBERTO A. RIÑOS
SB Member

APPROVED:


HON. MICHAEL DRAGON T. JAVIER
Municipal Mayor

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER
-oOo-

Sangguniang Bayan

CERTIFICATION

TO WHOM IT MAY CONCERN :

THIS IS TO CERTIFY that **ORDINANCE No. 2024-05 "AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF JAVIER, LEYTE; CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO); AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"** has been posted in the entrance of the Municipal Hall and two (2) conspicuous places in the municipality since June 25, 2024 and shall remain posted for three (3) consecutive weeks.


HON. EMMA M. ABUEVA
Municipal Vice-Mayor