

Item No.: 31

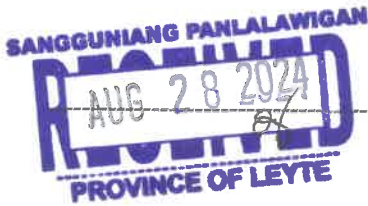
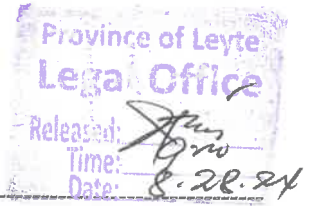
Date: 03 2024 SEP.



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
August 22, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-06 of the Sangguniang Bayan of Javier, Leyte.

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

- Ordinance No. 2024-06 entitled: “**An Ordinance Creating the Javier Traffic Auxiliary (JTA) in the Municipality of Javier, Leyte.**”

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). Hence, recommending the declaration of its validity.

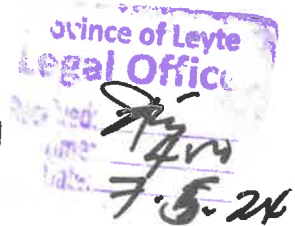
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent 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 safety maintain peace and order, and preserve the comfort and convenience of their inhabitants.


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



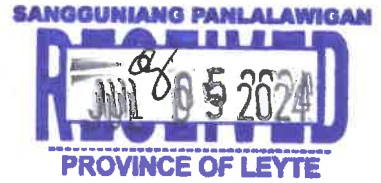
1ST INDORSEMENT
05 July 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-06** of the **Municipality of Javier, Leyte**, entitled: **An Ordinance Creating the Javier Traffic Auxiliary (JTA) in the Municipality of Javier, Leyte.**


FLORINDA JIL SUYVICO
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. 2024-06

-Authored by : HON. STEPHEN MARK I. PAPALID

AN ORDINANCE CREATING THE JAVIER TRAFFIC AUXILIARY (JTA) IN THE MUNICIPALITY OF JAVIER, LEYTE.

WHEREAS, the Municipality is mandated to regulate traffic on all streets and bridges within its territorial jurisdiction ;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Javier, Leyte, **THAT :**

SECTION 1. This Ordinance shall be known as the Javier Traffic Auxiliary.

SECTION 2. Definition of Terms :

1. Traffic – refers to the movement of vehicles-motor driven, man-driven or animal drawn as well as movement of pedestrians on the streets, roadways and highways of Javier, Leyte
2. Traffic Auxiliaries – refers to uniformed civilians hired by LGU-Javier, and duly deputized by the Local Chief Executive charged with the duty to regulate and direct traffic and implement the Municipal Traffic Code, Ordinances and Laws.
3. Traffic Violator – shall mean any person who violates the provisions of the Municipal Traffic Code and Laws.

SECTION 3. The Traffic Auxiliary shall be deputized thru an Executive Order of the Local Chief Executive, and shall be supervised and controlled by the Philippine National Police of Javier, Leyte.

The Traffic Auxiliary shall undergo trainings and seminars conducted by legitimate agencies like the Land Transportation Office, Land Transportation and Franchising Regulatory Board or any private agencies accredited by the Department of Transportation.

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SECTION 4. The qualifications of the Traffic Auxiliary are as follows :

1. With good moral character
2. Duly deputized by the Local Chief Executive

SECTION 5. The Traffic Auxiliary shall have the following duties, responsibilities and powers :

1. Conduct traffic direction and control at their respective area of assignments.
2. Apprehend all violators of the existing Municipal Traffic Code and Ordinances
3. Issue Traffic Citation Tickets to the traffic violators of the Municipal Traffic Code and Ordinances and in this case shall not confiscate his/her Driver's License.
4. Assist traffic investigation of all traffic and vehicular accidents under the supervision of the Chief of Police.
5. Perform such other traffic-related duties delegated by the Local Chief Executive and as deputized by the Land Transportation Office to act as their Deputized Agents.

SECTION 6. Funds shall be appropriated out of the funds of the local to fund the operation of the Javier Traffic Auxiliary.

SECTION 7. All ordinances, rules and regulations or parts thereof which inconsistent with any of the provisions of this ordinance are hereby deemed repealed, modified or dissolved accordingly.

SECTION 8. This Ordinance shall take effect immediately upon approval.


APPROVED UNANIMOUSLY:

JUNE 24, 2024


CERTIFIED CORRECT

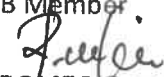
ERVON DANIEL B. LAJARA
SB Secretary

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. ROLBAN G. MERAS
SB Member


HON. STEPHEN MARK I. PAPALID
SB Member


HON. ALBERTO A. RIÑOS
SB Member


HON. MARINO C. MERILO
SB Member


HON. MICHELLE O. MORENO
SB Member

APPROVED:


HON. MICHAEL DRAGON T. JAVIER
Municipal Mayor

Republic of the Philippines
Province of Leyte
MUNICIPALITY OF JAVIER

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Sangguniang Bayan

CERTIFICATION

TO WHOM IT MAY CONCERN :

THIS IS TO CERTIFY that **ORDINANCE No. 2024-06 "AN ORDINANCE CREATING THE JAVIER TRAFFIC AUXILIARY (JTA) IN THE MUNICIPALITY OF JAVIER, LEYTE "** 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