Item No.: 04

Date:_



Republic of the Philippines PROVINCE OF LEYTE Provincial Capitol

Tacloban City

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PROVINCIAL LEGAL OFFICE

Office

Jime: 9/0.24



2nd INDORSEMENT September 9, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 20, series of 2024 of the Sangguniang Bayan of Pastrana, Leyte.

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

• Ordinance No. 20, series of 2024 entitled: "An Ordinance Promoting Non-Violent Forms of Discipline of Children and Prohibiting Corporal and Humiliating Punishment and Providing Penalties Thereof.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the Subject Ordinance is in accordance to its power under Section 16¹ General Welfare Clause and Section 447(1)(iii)² of the Local Government Code of 1991 (R.A 7160), and in consonance with the mandate under Article II, Section 13³ of the 1987 Constitution

Said ordinance also is in line with the mandate of Republic Act 9344 or the Juvenile Justice and Welfare Act of 2006, amended by RA 10630 which covers different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration. Hence, recommending for 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.

²Section 447(1)(iii) Approve ordinances imposing a fine not exceeding Two Thousand Five Hundred Pesos (P 2,500.00) xxx ³ Article II Section 13 The state recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT 03 September 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Municipal Ordinance No. 20, series of 2024 of the Municipality of Pastrana, Leyte, entitled: An Ordinance Promoting Non-Violent Forms of Discipline of Children and Prohibiting Corporal and Humiliating Punishment and providing penalties thereof.

FLORINDA WLL S. UYVICO Secretary to the Sanggunian



The Sangguniang Bayan

02 SEPTEMBER 2024

LEONARDO "SANDY" MORALES JAVIER, JR.

Vice - Governor Provincial Capitol 6501, Palo, Leyte SEP 0 3 2024

Thru: HONORABLE BOARD MEMBERS

Province of Leyte

Dear Vice-Governor Javier, Jr.

This Legislative Body of Pastrana, Province of Leyte is respectfully endorsing to your good office NINETEEN (19) folders bearing original copies of Municipal Ordinance 020 "ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF", along with its supporting Sangguniang Bayan Resolution, Resolution Number 307 series of 2024, and with other supporting documents required for submission, and approval of your good office.

Your positive response is greatly appreciated. Thank you, more power and mabuhay!

Sincerely yours,

CHITÓ C. CAYACO Municipal Vice-Mayor/ Presiding Officer

SANGGUNIANG BAYAN Transmittal September 2, 2024



PROVINCE OF LEYTE Municipality of Pastrana

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CHITO C. CAYACO Municipal Vice-Mayor, Presiding Officer

MINUTES OF THE 81st REGULAR SESSION OF THE SANGGUNIANG BAYAN OF PASTRANA HELD LAST APRIL 22, 2024 AT THE SB SESSION HALL, PASTRANA, LEYTE.

Present:

Hon. CHITO C. CAYACO

Hon. RODEL M. TOBILLA Hon. GERARDO S. CARIAN

Hon. ANGELINA C. DIOLA

Hon. ALVIN N. OPINIANO JR.

Hon. FEDERICO M. TAN

Hon. ELVIRA A. BOHOL

Hon. NATHAN G. LETRODO

Hon. JERLYN C. BORJA

-Municipal Vice – Mayor/ Presiding Officer

-Sangguniang Bayan Member

-ABC President

Hon. FRANCIS CHARLES T. ALVAREZ -SK Federation President



Hon. LOIDA B. VILLABLANCA

-Sangguniang Bayan Member

RESOLUTION NO. 307 Series of 2024

A SANGGUNIANG BAYAN RESOLUTION APPROVING THE THIRD AND FINAL READING OF "AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF"

WHEREAS, Section 13, Article II of the 1987 Constitution provides that "the State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social wellbeing. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;"

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the local government Code of 1991 provides that "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;"

WHEREAS, Republic Act N. 9344 otherwise known as the *Juvenile Justice and Welfare Act of 2006 as amended by R.A. 10630* was passed into law that covers

ELVRA A. BOHOL mggujiang Bayan Member

NATHANG, LETRODO angguniang Bayan Member

OFFICIAL TRAVEL)
IDA B. VILLABLANCA
Sangguniang Rayan

JERLYN BORIA

FRANCIS CHAPLES T. ALVAREZ
SK/Fedg/atton President

IAN SIR. FEDER

WHEREAS, in the interest of public order and safety, it is imperative to give our child the right care and proper discipline to protect them from neglect, exploitation, abuse, cruelty and other conditions prejudicial and detrimental to their well-being and development;

WHEREAS, in view of the foregoing, the municipal government of Pastrana deems it necessary to strictly promote non-violent forms of discipline of children and prescribe the proper and applicable procedures for their apprehension and custody pursuant to R.A. 9344;

WHEREFORE, on motion of Hon. Elvira A. Bohol, Chairperson Committee on Woman and Family Welfare, unanimously seconded by the August Body;

RESOLVED, as it is hereby Resolved, to enact "An Ordinance Promoting Non-Violent Forms of Discipline of Children and Prohibiting Corporal and Humiliating Punishment and Providing Penalties Thereof".



ORDINANCE **PROMOTING** NON-VIOLENT DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND **PUNISHMENT** AND **PROVIDING** THEREOF"

Author: HON. ELVIRA A. BOHOL

SECTION 1. TITLE. - This Ordinance shall be known as the "An ordinance promoting non-violent forms of discipline of children and prohibiting corporal and humiliating punishment and providing penalties thereof"

SECTION 2. PURPOSE. - This Ordinance is enacted to impose upon parents, teachers, guardians, children and all persons legally responsible for the care and custody of the child the preservation of his or her dignity and the protection of his or her welfare at all times to the end that the child becomes a useful and active member of the society.

SECTION 3. DEFINITION OF TERMS. - The following terms as used in this act shall be defined as follows:

a) Child refers to a person who is below eighteen (18) years of age, or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

- b.1) Physical maltreatment refers to punishment or penalty which causes bodily harm, including but not limited to the following:
 - Blows to any part of a child's body, with or without the use of an instrument such as a cane, shoes, broom, stick, whip or belt, through acts such as not limited to, (a) beating, (b) kicking,
 (c) hitting, (d) slapping, or (e) lashing;
 - 2. Acts perpetrated as a form of punishment for an offense committed by the child, such as but not limited to (a) pinching, (b) pulling ears or hair, (c) shaking, (d) twisting joints, (e) cutting and shaving hair, or (f) dragging or throwing a child;
 - 3. Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as but not limited to (a) holding a weight or weights for an extended period, (b) kneeling on salt, seeds, stones or pebbles, (c) squatting, or (d) standing or sitting in a contorted position;
 - 4. Bringing the child in contact with or exposure to, as punishment or for the purpose of discipline, external substances, such as burning or freezing materials, water, smoke, pepper, alcohol, excrement, urine or other dangerous or unhygienic substances causing certain degree of suffering, however light;
 - 5. Asking a child to do tasks such as sweeping, digging, and standing under extreme weather conditions such as heat and rain, as punishment for an infraction or misdeed, or unprotected cleaning of toilets; the usual cleaning and beautification of school surroundings shall not be considered as punishment to students;
 - Confinement, including being shut in a confined space or material, tied up, hung in a sack or forced to remain in one position for an extended period of time;
 - 7. Any other physical act perpetrated on a child's body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light;
- b.2) Psychological harm or suffering refers to acts or omissions causing mental or emotional suffering to the child, such as but not limited to:

CHITO C. CAYACO
Municipal Vice-Mayor/
Présiding Officer

ROBEL M. TOBILLA Sangauniang Bayan Member



FEDERICO M. TAN maguniang Bayan Membe

ALVE N. OFINIANO IR.

ELVIRA A. BOHOL

anggundang Bayan Member

NATHAN G. LETRODO
Sangguniang Bayan Member

(OFFICIAL INAVEL) LOIDA B. VILLABLAN Sangguniang Bavan

JERLYNC, BORJ ABC President

RANCIS CHARLES T. ALVAREZ
SK Føderhion President

- 1. Deliberate neglect of a child's mental, emotional, physical, social and spiritual needs when said neglect is intended as punishment;
- 2. Verbal Abuse which consists of scolding, swearing, yelling, insulting, ridiculing, demeaning, and criticizing through the use of harsh, angry and derogatory words or remarks;
- 3. Making a child look or feel foolish in front of one's peers and/or the public:
- 4. Other acts or omissions which belittle, humiliate, blame, ignore or isolate the child.
- c) Foster parents refer to persons duly licensed by the Department of Social Welfare and Development (DSWD) to provide planned, temporary, and substitute parental care to children.
- d) Guardians refers to judicially appointed guardians and other persons, including relatives, with physical custody of the child.
- e) Parents refer to biological parents, step parents, adoptive parents and the common-law spouse or partner of the parent.
- f) Persons legally responsible for the child, including those exercising special or substitute parental authority shall refer to the following, in default of parents or a judicially appointed guardian, and in the order indicated:
 - 1. The surviving grandparent;
 - 2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
 - 3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.
- h) Service providers refer to any person who, in a residential or nonresidential setting, provides services to children. These include social workers, center administrators and personnel, house parents, health service providers, day care workers, volunteers, security guards in schools and centers, guards in a youth detention home, law enforcement officers, barangay officials and tanods, and jail officers.

Treachers and school officials and administrators refer to persons exercising authority over students, including guidance counselors, perfect of discipline, physical education instructions, school personnel, scout masters and Citizen's Advancement Training (CAT) and Citizen's Military Training (CMT) or Reserved Officer's Training Corps (ROTC) commandants, tactical officers and student officers.

k) Institutions refer to residential and nonresidential child-caring agencies, including youth homes, youth rehabilitation centers, drop-in centers, temporary shelters and orphanages, and churches or religious centers, including places of worship and parish centers.

SECTION 4. *PROHIBITION.* - Corporal punishment of children as defined in Sec.3 (b) are hereby prohibited:

Parent, yayas, house helpers and caregivers, foster parents, guardians, relatives who have custody of the child, or other persons legally responsible for the child, including those exercising special or substitute parental authority, school teachers, personnel, and officers of both public and private academic and vocational institutions, employers and supervisors, service providers, priests, nuns, pastors and other members of religious congregations or churches, or any other person under whose care the child has been entrusted to and who inflicts corporal punishment on the child shall be liable under Section 6 of this ordinance.

If the act of corporal punishment is committed by another child, the offending child shall undergo the proper procedure under Republic Act 9344.

SECTION 5. PROMOTION OF TECHNIQUES ON NON-VIOLENT DISCIPLINE

A comprehensive program shall be formulated and implemented to promote positive and non-violent discipline as an alternative to corporal punishment of children. A continuing information dissemination campaign regarding its benefits and techniques shall be conducted in the 29 barangays of Pastrana, Leyte and in educational and childcaring institutions therein. The Barangay Council for the Protection of Children, in coordination with the Municipal Social Welfare and Development Office, will be the primary implementing arm in the conduct of trainings perbarangay and will submit semi-annual reports to the Pastrana Municipal Council for the Welfare and Protection of Children to assess the implementation of this Ordinance.

SECTION 6. PENALTY. (1) Any person found violating Section 3 (b) hereof shall be punished with the following:

First Offense: Reprimand to be given and supervised by

the appropriate Barangay Council for the Protection of

Children (BCPC);

Payment of a fine Php500.00 and/or be required to render community service for not more than 36 hours at the discretion of the court;

Payment of a fine Php1,000.00 and/or be required to render community service of not more than 42 hours at

the discretion of the court.

RODEL M. TOBILLA angguniang Bayan Member

GERARDO S. DAR Sangguniang Bayan M

> ng/h・c, 川ら角 NGELINA C. DIOLA Eguniang Bayan Member



First Offense:

Second Offense:

Third Offense:

NCIS CHARVES T. ALVARE

The Community Service Program shall be supervised by the BCPC where the offender resides. For this purpose, the MSWDO, in coordination with the BCPC, shall develop guidelines and measures that will effectively implement the penalty of community service. Provided, that, the services will promote and improve the positive parenting skills of the offender and promote the welfare and best interest of the children. Provided, further, that in all instances the offender/violator shall undergo the intervention program with the Municipal Social Welfare and Development Office.

Provided that, if the act defined under Sec. 3 (b) is committed for the first time by a school teacher, school official or administrator, they shall be proceeded under DepEd Administrative Order No. 40-2012 or the DepEd Child Protection Policy. Provided further, if the act is committed for the second or third time, the school teacher, school official or administrator shall be penalized under this ordinance and the penalty for the second and third offense, as herein provided, shall be applied respectively.

However, if the act committed resulted to any of the crime penalized under Act No. 3815 otherwise known as Revised Penal Code, or under Republic Act No. 7610 otherwise known as the Special Protection of Children Against Child Abuse, or under Republic Act No. 9262 otherwise known as the Anti-Violence Women and their Children Act, the same shall be prosecuted therein.

SECTION 7. REPORTING. - All cases of corporal punishment or humiliating or degrading punishment of children brought to the barangays or the police, or a healthcare provider, shall be reported to the local social welfare and development office within sight (2) welfare and development office within eight (8) hours from the time of the complaint, without prejudice to the continuation of the investigation or the filing of the appropriate criminal case. Failure to report within the prescribed period shall be a ground for administrative action against the barangay official or police officer, or healthcare provider.

SECTION 8. WHO MAY FILE A COMPLAINT. - Complaints on acts of corporal punishment against a child may be filed by the following:

- a) Offended party assisted by an adult;
- b) Parents or guardians;
- c) Ascendant or collateral relative within third the degree consanguinity or affinity;
- d) Officer, social worker or representative of a licensed child-caring institution;
- Officer or social worker of the DSWD or the MSWDO;
- Police officers, preferably those in charge of the Women and Children's Desk;
- Barangay official;
- h) Teacher, non-governmental organization (NGO) worker, provider, day care worker; or
- i) At least two (2) concerned persons from the place where the act occurred who have personal knowledge of the act.

CHITGE. CAYACO
Munikipal Vice-Mayor/
Presiding Officer

Concerned individuals may also seek assistance from barangay authorities for appropriate action.

SECTION 10. *DUTIES OF AGENCIES.* - The following agencies shall participate in the implementation and enforcement of this Ordinance:

a. The Municipal Social Welfare and Development Office (MSWDO) shall:

 Undergo training on children's right as framework on positive discipline orientation and adopt and implement programs and services to promote the positive discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children;

- 2. Establish an intervention program which shall include counseling, anger management and referrals to other rehabilitative services for the offender and the victim;
- 3. They shall also provide other assistance such as psychological interventions for the child and family, protective custody, temporary placement for the child, medical and legal services and seminars on children's rights to positive and non-violent discipline of children.
- 4. A topic on non-violent and positive approaches to child discipline shall be included in the Parent Effectiveness Service (PES) Program of the DSWD.

Pastrana Municipal Council for the Welfare and Protection of Children and the Barangay Council for the Protection of Children (BCPC) shall support programs by taking the lead in the conduct of the information dissemination regarding the promotion of positive and non-violent discipline of children, prevention of the use of corporal punishment and humiliating or regarding forms of punishment of children and the formulation of the necessary response to such cases.

c. The Sangguniang Kabataan (SK) shall undergo training on children's rights and other laws pertaining to children and youth and shall adopt and include in its programs and services the prevention of corporal punishment and humiliating or degrading punishment of children.

SECTION 11. FUNDS. - 2% of the mandated budget allotted for PMCWPC/BCPC and 2% of the SK Budget per barangay shall go to parenting education sessions, training of service providers (e.g. day care teachers, social workers, barangay tanods) on positive discipline, support services (such as legal aid, medical services, transportation expenses, rehabilitative services, referral systems) for victims of corporal punishment and their families, and maintaining municipal social workers.

RODEL M. TOBILLA

GERAKDO S. CABLAT

mailta c | jb| A NGELINA C. DÍOLA gguniang Bayan Meml

FEDERICO M. TAN gguniang Bayan Memi

FRANCIS CHARLES T. ALVAREZ SK Federonon President

ELVIRA A. BOHO Sangguhiang Bayan Me

NATHAN G. LETRODO
Sangguniang Bayan Membe

(OFFICIAL TRAVE OIDA B. VILLABLA Sangguniang Bayan

SECTION 13. SEPARABILITY CLAUSE. - Should any portion or provisions of this ordinance be declared unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 14. EFFECTIVITY. This Ordinance shall take effect fifteen days from its publication in a newspaper of general circulation.

NOW, THEREFORE, BE IT ORDAINED as it is hereby ordained by the Sangguniang Bayan of Pastrana, in session duly assembled, that:

APPROVED UNANIMOUSLY

I HEREBY CERTIFY to the correctness of the foregoing Ordinance

> VERNADITH N. DIZON, LPT Local Legislative Staff Officer II/ Sangguniang Bayan Secretary- Designate

Attested by:

CHITO C CAYACO Municipal Vice-Mayor/ Presiding Officer

Concurred by:

RODEL M. TOBILLA

Sangguniang Bayan Member

GERARDO S. CARIAN

Sangguniang Bayan

C- 1700/A ANGELINA C. DIOLA

Sangguniang Bayan Member

FEDERICO M. TA

Sangguniang Bayan

Member

IN NYOPINIANO JR.

Sangguniang Bayan Member

ELVIRA A. BOHOL

Sangguniang Bayan Member

NATHAN G./LETRODO

Sangguniang Bayan

Member

(OFFICIAL TRAVEL) LOIDA B. VILLABLANCA

Sangguniang Bayan Member

ABC Phesident

FRANCIS CHARLES T. ALVAREZ SK Federation President

Approved by:

HON. MARITESS B. CAYACO MARCOS, RN. 1w

Municipal Mayo





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The Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY, that we have posted in several conspicuous places in the entire jurisdiction of the Municipality of Pastrana, Province of Leyte, the invitation for COMMITTEE HEARING for the AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF. Posted February 21, 2024

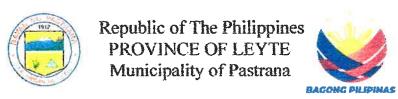
Posted Committee Hearing

February 21, 2024

Certified True and Correct,

VERNADITH N. DIZON Sangguniang Bayan Secretary designate

Issued on: April 22, 2024
Issued at: Pastrana, Leyte



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COMMITTEE HEARING

AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF

AUTHOR: HON. ELVIRA A. BOHOL

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Republic of the Philippines PROVINCE OF LEYTE Municipality of Pastrana



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THE SANGGUNIANG BAYAN

MINUTES OF THE COMMITTEE HEARING ON THE PROPOSED ORDINANCES LISTED BELOW:

"AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O'CLOCK IN THE EVENING TO FOUR O'CLOCK IN THE MORNING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF."

"AN ORDINANCE INSTITUTIONALIZING THE ESTABLISHMENT OF BARANGAY ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESKS IN THE 29 BARANGAYS OF THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES."

"AN ORDINANCE PROHIBITING ANY PERSON BELOW 18 YEARS OLD FROM DRINKING LIQUOR OR ANY ALCOHOLIC DRINKS OR BEVERAGES CONTAINING NO LESS THAN 4% ALCOHOL OF ITS TOTAL VOLUME IN PUBLIC PLACES OR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA AND PROHIBITING ANY PERSON OR PERSONS FROM SELLING, DISPENSING, SAID ALCOHOLIC DRINKS TO PERSONS BELOW 18 YEARS OLD AND PROVIDING PENALTIES THEREOF."

"AN ORDINANCE EXEMPTING CHILDREN OF INDIGENT FAMILIES FROM BIRTH REGISTRATION FEE."

"AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF,"

"AN ORDINANCE REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."

"THE ANTI-TRUANCY ORDINANCE FOR STUDENTS IN THE MUNICIPALITY OF PASTRANA."

CONDUCTED BY THE COMMITTEE ON WOMAN AND FAMILY WELFARE LAST FEBRUARY 29, 2024 AT THE SANGGUNIANG BAYAN SESSION HALL

PRESENT:

Hon. ELVIRA A. BOHOL

- SB Member & Chairman, Committee on Woman and Family Welfare

Hon. NATHAN G. LETRODO - SB Member & Member, Committee on Woman and Family

- SB Member & Member, Committee on Woman and Family Welfare

Hon. JERLYN C. BORJA - SB Member & Member, Committee on Woman and Family Welfare

Hon. ANGELINA C. DIOLA - SB Member & Member, Committee on Woman and Family Welfare

ABSENT:

Hon. LOIDA B. VILLABLANCA - SB Member & Vice-Chairman, Committee on Woman and Family Welfare

(other representatives from the concerned offices-see attached attendance)

The Presiding Officer Hon. Elvira A. Bohol called the committee hearing at exactly 1:52 in the afternoon. The meeting started with a prayer lead by Hon. Elvira A. Bohol. She greeted everyone present in the meeting. The Presiding Officer requested the Sangguniang Bayan Secretary-Designate to have the roll call. Then the Presiding Officer declared the presence of a quorum.

The Presiding Officer presented the agenda which are the **PROPOSED ORDINANCES LISTED BELOW:**

- 1. AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O'CLOCK IN THE EVENING TO FOUR O'CLOCK IN THE MORNING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF."
- 2. "AN ORDINANCE INSTITUTIONALIZING THE ESTABLISHMENT OF BARANGAY ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESKS IN THE 29 BARANGAYS OF THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES."
- 3. "AN ORDINANCE PROHIBITING ANY PERSON BELOW 18 YEARS OLD FROM DRINKING LIQUOR OR ANY ALCOHOLIC DRINKS OR BEVERAGES CONTAINING NO LESS THAN 4% ALCOHOL OF ITS TOTAL VOLUME IN PUBLIC PLACES OR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA AND PROHIBITING ANY PERSON OR PERSONS FROM SELLING, DISPENSING, SAID ALCOHOLIC DRINKS TO PERSONS BELOW 18 YEARS OLD AND PROVIDING PENALTIES THEREOF."
- 4. "AN ORDINANCE EXEMPTING CHILDREN OF INDIGENT FAMILIES FROM BIRTH REGISTRATION FEE."
- 5. "AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF."
- 6. "AN ORDINANCE REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF."
- 7. "THE ANTI-TRUANCY ORDINANCE FOR STUDENTS IN THE MUNICIPALITY OF PASTRANA."

The Presiding Officer then requested the Sangguniang Bayan Secretary- Designate to present the details of the proposed ordinance by reading each of its section and asking for corrections and suggestions.

PMAJ. Edgardo de Asis expressed if the curfew ordinance is really needed to be implemented and if we have related experiences for us to really implement the ordinance. He suggested to invite the SK Federation President and conduct a public confrontation to the barangay officials. He also clarified if those motor passing through that prohibited time will also be apprehended. He added that if there are proceedings that and if there are similar crimes that happened in Pastrana. Because as what he observes Pastrana is peaceful, and by implementing this ordinance Pastrana may become a ghost town. He also added that why do we build this recreation areas if we are prohibiting them from staying there.

Ms. Nona Petilla, MSWDO suggested to regulate the use of the recreation areas in the municipality.

Sir Joel Ranes, District Supervisor suggested that at 9:30 public wifi will be off and he stressed out the age to be curfewed.

MSWDO cited municipalities who are implementing curfews and was able to caught minors from Pastrana who violated curfew on other municipalities.

Hon. Nathan G. Letrodo expressed that we should focus on minors and exclude those of legal ages.

PMAJ. De Asis suggested to invite to invite the Local Youth Development Council in behalf of the SK Federation President but make to sure that during the public hearing he will be present.

MSWDO expressed that we should ensure that everything will be regulated, thus structuring the activities daily since the more hours that they will be outside the more risks they will encounter.

Hon. Letrodo suggested to let the barangay officials be involved with this.

Mr. Raynario Galvez Jr., LYDO suggested that since there are sports activities/trainings conducted at night, this should be taken into considerations, thus, 10pm curfew is already okay.

Sir Ranes expressed that everything should be stipulated in the ordinance.

Hon. Letrodo explained that the reason why this ordinance did not push through is because of the lack of facility for those apprehended minors.

Sir Ranes explained that we should have a trained social worker who will handle the apprehended minors and provide siren to be used every time its 10pm. He also added to have a deputized tanods as law enforcer.

Details for each ordinance was discussed and corrections have been applied.

For the first ordinance "AN ORDINANCE IMPOSING CURFEW HOURS FROM TEN O'CLOCK IN THE EVENING TO FOUR O'CLOCK IN THE MORNING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF PASTRANA, LEYTE AND PRESCRIBING PENALTIES TO VIOLATORS THEREOF.", the title was changed by omitting the part which cites the persons with legal age and all the sections which cited persons of legal age. The committee also agreed to define tanods and BCPC, BCAV and PNP in Section 2 of the said ordinance. For section 3 letter b include vape after cigarettes. For Section 4 Exemptions include if there are special occasions, communicate with the barangay officials and also for school related activities. For Section 5 letter c include the SK Chairman as one of the members of the Barangay Curfew Advisory Board (BCAV), and Section 5 letter c number 1 include BCPC, Section 5 letter d include birthdays after weddings.

Sir Ranes explained that Section 5 letter f means that if the Barangay Official

+s will be filed for illegal detention in relation to the said ordinance the LGU will help them solve this even through legal assistance.

PMAJ. De Asis also corrected that it is not PNP who will record everything and maintain its record to identify the number of violations but the barangay itself.

For section 6 letter b, after the word ordinance add to ensure its efficiency and effectiveness. For section 7 number 2 change 5 to 6 hours. For section 11, the violations should only be for minors and exclude those referring to person of legal ages. For section 11 state where payment should be made and that is to the barangay concerned with official receipt.

For the second ordinance "AN ORDINANCE INSTITUTIONALIZING THE ESTABLISHMENT OF BARANGAY ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESKS IN THE 29 BARANGAYS OF THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.", section 3 change the word manned to supervised.

Sir Ranes explained that the strict implementation of the law is the main concern of the ordinance that is why this has to be institutionalized, having this VAWC desks in the 29 barangays is like having an extension office for MSWDO, this will develop empowerment and capacitate personnel how to handle victims of abuse.

PMAJ. De Asis expressed that this ordinance favours MSWDO, thus we should compose personnel to be the body of this.

MSWDO assured that they will capacitate and provide technical inputs to all the barangays.

For the proposed ordinance "AN ORDINANCE EXEMPTING CHILDREN OF INDIGENT FAMILIES FROM BIRTH REGISTRATION FEE.", for section 3 last paragraph add an active 4Ps and change the amount of penalties in Section 5 for letter b second offense Php500 and letter c third offense Php1,000.

For the proposed ordinance "AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF.", section 6 for the penalty for second offense php1,000 and third offense php1,500.

For the proposed ordinance "AN ORDINANCE REGULATING THE OPERATION OF COMPUTER SHOPS, INTERNET CAFÉ AND OTHER SIMILAR ESTABLISHMENTS WITHIN THE MUNICIPALITY OF PASTRANA, PROVINCE OF LEYTE, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.", section 5 penalties second offense php1,000 and third offense php1,500.

For the proposed ordinance "THE ANTI-TRUANCY ORDINANCE FOR STUDENTS IN THE MUNICIPALITY OF PASTRANA.", change pupils to students in the title. Section 8 include in the members of the board SB Committee on Education, SPTA Municipal Federation President, Teachers League President, Parents representative, and student's representative. For section 10 1st offense instead of police station change to school authorities and for second offense BCPC instead of barangay council and for letter c 1st offense is Php500, 2nd offense is Php1,000 and third offense is Php1,500.

The committee also agreed to have a separate ordinance for anti-smoking related, thus designate smoking areas.

Hon. Angelina C. Diola raised her hand to be recognized and since there were no other matters to be discussed, he moved to adjourn the committee hearing and this was duly jointly seconded by Hon. Jerlyn C. Borja and Hon. Nathan G. Letrodo at exactly 4:38pm.

CERTIFIED TRUE AND CORRECT:

VERNADI/TH N. DIZON

Local Legislative Staff Officer II/ Sangguniang Bayan Secretary-Designate

APPROVED:

HON. ELVIRA A. BOHOL

Presiding/Officer/

Chairman, Committee on Woman and Family Welfare

WITH CONCURRENCE:

mallma c piola HON. ANGELINA C. DIOLA

SB Member & Member, Committee on Woman and Family Welfare

HON, NATHAN G. LETRODO

SB Member & Member, Committee on Woman and Family Welfare

.\BORJA HON. JERLYN

SB Member & Member, Committee on Woman and Family Welfare

(ABSENT)

HON. LOIDA B. VILLABLANCA

Vice- Chairman, Committee on Woman and Family Welfare





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The Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY, that we have posted in several conspicuous places with the entire jurisdiction of the Municipality of Pastrana, Province of Leyte, the invitation for PUBLIC HEARING for the AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF. Posted April 16, 2024

Posted Public Hearing

April 16, 2024

Certified True and Correct,

VERNADITH N. DIZON Sangguniang Bayan Secretary designate

Issued on: April 22, 2024
Issued at: Pastrana, Leyte



Republic of The Philippines PROVINCE OF LEYTE Municipality of Pastrana



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The Sangguniang Bayan

Record of Attendance

PUBLIC HEARING APRIL 19, 2024

"AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILATING PUNISHMENT AND PROVIDING PEANLTIES THEREOF"

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6	MAINAMIO GALVEZ	1:35	00,
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10	MA. VOLADES M. CARAMBI	1-25	Li Vi
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13	CONACIANT C. AGTIVIA	1:20	GAIST.
14	NATHAN G. LETRODO	1:26	Water J. Lefturg.
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17	Raul MilHante	7:27) h
18	PENEL UBDEA	1:28	X.
19	MARK OWEN TAMAGO	1:21	xowayo
20	WARRY G. CAMINO	1:2	(Val
21	Nolan L. Prayo	1:3)	Mi,
22	ARANAS, ALLANA MAE M.	1:30	Aramas.
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Republic of the Philippines PROVINCE OF LEYTE Municipality of Pastrana



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THE SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING ON THE PROPOSED ORDINANCE "AN ORDINANCE PROMOTING NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN AND PROHIBITING CORPORAL AND HUMILIATING PUNISHMENT AND PROVIDING PENALTIES THEREOF", HELD LAST APRIL 19, 2024, AT THE MUNICIPAL AUDITORIUM, PASTRANA, LEYTE.

The Presiding Officer Hon. Elvira A. Bohol called the public hearing at exactly 2:45 in the afternoon. The meeting started with a prayer through an overture. She greeted everyone present in the meeting. The Presiding Officer requested the Sangguniang Bayan Secretary-Designate to have the roll call. Then the Presiding Officer declared the presence of a quorum.

I. Preliminaries

- a. The Public Hearing was conducted by the Office of the Sangguniang Bayan of Pastrana, Province of Leyte, spearheaded by the SB Committee Chairman on Woman and Family Welfare and was joined by majority of the members of the Sangguniang Bayan.
- b. It was well participated by the Barangay Chairpersons, Sangguniang Kabataan Chairman and Members and some members of their Barangay Council, Department Heads concerned, School Representatives, Parents and Students Representative, PNP and BFP personnel and all others interested to listen to this particular public hearing. (Attached is the Attendance sheet)
- c. The said public Hearing was Presided over by Honorable Elvira A. Bohol, SB Committee Chairman on Woman and Family Welfare.

II. Parliamentary Proceedings

- a. The Draft Ordinance, "An Ordinance Promoting Non-Violent Forms of Discipline of Children and Prohibiting Corporal and Humiliating Punishment and Providing Penalties Thereof", was presented by Hon Elvira A. Bohol and was read by the SB Staff Salvador Emelito Silva, through a power point presentation. After which Hon. Bohol proceeded to the different Sections of the proposed ordinance and asked the participants if they have any corrections and suggestions.
- b. Then Hon. Elvira A. Bohol solicited for suggestions and ideas from the participants and according to her everyone is encouraged to share their opinions as all of those will be discussed and so they should not hesitate to do so.
- c. Hon. Ed Christian Pitac, Sangguniang Kabataan Chairperson of Barangay Jones had clarifications section 9 as to regarding those with mental illness if they are covered with the proposed ordinance.
- d. The Committee Chair Hon. Elvira A. Bohol expressed that they might as well include those with mental illness in the proposed ordinance for their protection also.
- III. Finally, "An Ordinance Promoting Non-Violent Forms of Discipline of Children and Prohibiting Corporal and Humiliating Punishment and Providing Penalties Thereof" presented was applauded by everyone present and thus, being moved by Hon. Ed Christian Pitac, Sangguniang Kabataan Chairperson of Barangay Jones for approval. And this was duly seconded by Hon. Allana Mae Arranas, Sangguniang Kabataan Chairperson of Barangay District IV.

IV. Since all participants were happy on the result of the Public Hearing with the approval of the majority of the participants present, so be it.

V. Adjournment

There being no other matters to be discussed, Public Hearing was adjourned at 03:45 in the in the afternoon.

CERTIFIED TRUE & CORRECT:

VERNADITH N. DIZON
Local Legislative Staff Officer II/
Secretary – Designate
The Sangguniang Bayan

Attested by:

HON. ELVIRA A. BOHOL

SB Member/Committee Chair on Woman and Family Welfare

Noted by:

CHITO C. CAYACO Municipal Vice - Mayor