

Republic of the Philippines PROVINCE OF LEYTE

Provincial Capitol
Tacloban City

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Province of Leyte
Legan Grun



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT September 23, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-11 of the Sangguniang Bayan of Calubian, Leyte.

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

Ordinance No. 2024-11 entitled: "An Ordinance Establishing a Violence Against Women and Their Children (VAWC) Desk in Every Barangay in the Municipality of Calubian, Leyte and for Other Purposes.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 16¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Republic Act no. 9262². 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. General Welfare. - 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.

² "Anti-Violence Against Women and Their Children Act of 2004"

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 13 September 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-11** of the **Municipality** of **Calubian, Leyte,** entitled: An Ordinance Establishing a Violence Against Women and Their Children (VAWC) Desk in Every Barangay in the Municipality of Calubian, Leyte and for Other Purposes.

FLORINDA JUS, PYVICO Secretary to the Sanggunian Municipality of Calubian, Leyte."

- 3. Municipal Ordinance No. 2024-10, entitled: "Solo Parents' Welfare Ordinance in the Municipality of Calubian, Leyte."
- 4. Municipal Ordinance No. 2024-11, entitled: "An Ordinance Establishing a Violence Against Women and Their Children (VAWC) Desk in Every Barangay in the Municipality of Calubian, Leyte and For Other Purposes."
- 5. Municipal Ordinance No. 2024-12, entitled: "An Ordinance Establishing the Office for Senior Citizens Affairs (OSCA) in the Municipality of Calubian, Leyte as Mandated under Republic Act No. 9994."
- 6. Municipal Ordinance No. 2024-14, entitled: "An Ordinance Creating the Position Item of an Agriculturist IIm with Salary Grade 15, Under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of Calubian, Leyte."
- 7. Municipal Ordinance No. 2024-15, entitled: "An Ordinance Creating the Position Item of a Municipal Government Department Head I (Municipal Peso Manager), Salary Grade 24, Under the Public Employment Service Office (PESO) in the Municipal Government of the Municipality of Calubian, Leyte."
- 8. Municipal Ordinance No. 2024-16, entitled: "An Ordinance Creating the Position Item of a Farm Supervisor, Salary Grade 8, under the Office of the Municipal Agriculturist (OMA) in the Municipal Government of the Municipality of Calubian, Leyte."
- 9. Municipal Ordinance No. 2024-17, entitled: "An Ordinance Creating the Position Item of a Registration Officer II, Salary Grade 14, Under the Municipal Civil Registrar Office (MCRO) in the Municipal Government of the Municipality of Calubian, Leyte."
- 10. Municipal Appropriation Ordinance No. 18, C.S. 2024, entitled: "An Appropriation Ordinance Enacting the 2024 General Fund Supplemental Budget No. 01 of the Municipality of Calubian, Leyte in the Amount of Five Million Seven Hundred Eighty Six Thousand Two Hundred Forty Five Pesos & 02/100 (P5,786,245.02) pursuant to Section 447 (A) (2) (1) of R.A. No. 7160.
- 11. Ordinance No. 2024-19, entitled: "An Ordinance Amending Section 6 of Municipal Ordinance No. 2022-11 dated November 21, 2022 entitled "An Ordinance Creating the Position of a Licensing Officer I, Salary Grade (SG) 11, Under the Business Permits and Licensing Office in the Plantilla of Personnel in the Municipality of Calubian, Leyte"."

For your perusal. Please acknowledge receipt hereof. The hard copies shall be forwarded at a later date.

Thank you.

Very truly yours,

(Sgd.)

ATTY. KEISHA YNA VINEE V. RAMIREZ

MGDH I (Secretary to the Sanggunian)

- Municipal Appropriation Ordinance No. 18.pdf
- Municipal Ordinance No. 2024-08.pdf
- Municipal Ordinance No. 2024-09.pdf
- Municipal Ordinance No. 2024-10.pdf
- Municipal Ordinance No. 2024-11.pdf
- Municipal Ordinance No. 2024-12.pdf
- Municipal Ordinance No. 2024-14.pdf
- Municipal Ordinance No. 2024-15.pdf
- Municipal Ordinance No. 2024-16.pdf
- Municipal Ordinance No. 2024-17.pdf
- Municipal Ordinance No. 2024-19.pdf

Jill Sydiongco Uyvico <fjillsyd@gmail.com>
To: SB Secretary MGO Calubian <sbsec0813.mgocalubian@gmail.com>
Cc: spleyteprovince@gmail.com

Thu, Sep 12, 2024 at 7:11 PM

Dear Atty,

Good evening! Acknowledging receipt of 11 Municipal Ordinances.

Will endorse for review.

Thanks,

Jill

[Quoted text hidden]



Jill Sydiongco Uyvico <fjillsyd@gmail.com>

Transmittal of Municipal Ordinances of the Municipality of Calubian, Leyte

2 messages

SB Secretary MGO Calubian <sbsec0813.mgocalubian@gmail.com> To: spleyteprovince@gmail.com

Cc: fjillsyd@gmail.com

Thu, Sep 12, 2024 at 4:33 PM

Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian

OFFICE OF THE SANGGUNIANG BAYAN

September 12, 2024

HON. LEONARDO M. JAVIER, JR.

Provincial Vice Governor, Presiding Officer; and The Honorable Members of the Sangguniang Panlalawigan Province of Leyte New Leyte Provincial Capitol Palo, Leyte

THRU:

MS. FLORINDA JILL S. UYVICO

Provincial Government Department Head Secretary to the Sanggunian Province of Leyte

Dear Honorable Ladies/ Gentlemen:

Good day!

We are respectfully forwarding the following Municipal Ordinances and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte, to wit:

Municipal Ordinance No. 2024-08, entitled: "An Ordinance Creating the Tourist Information and Assistance Center in the Municipality of Calubian, Leyte"

Municipal Ordinance No. 2024-09, entitled: " An Ordinance Establishing And Maintaining the Migrant Advisory and Information Network (MAIN) Desk in the

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Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian



OFFICE OF THE SANGGUNIANG BAYAN

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THRU:

MS. FLORINDA JILL S. UYVICO

Provincial Government Department Head

Secretary to the Sanggunian

Province of Leyte

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(P5,786,245.02) pursuant to Section 447 (A) (2) (1) of R.A. No. 7160.

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Very truly yours,

ATTY. KEISHA YNA VINEE V. RAMIREZ MODHI (Secretary to the Sanggunian)



BSTER P. LUBIANO
SB Member
ALFREDOM. CASAS









Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -000-



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE EIGHTY THIRD (83RD) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON JULY 8, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

Vice Mayor Anna Love Veloso - Laurente - Presiding Officer SB Member Jullian Marc A. Batiancela - Member SB Member Eugenio A. Ching, Jr. - Memher SB Member Noel G. Eamiguel - Member SB Member Ester P. Lubiano - Member SB Member Julia E. Halichic - Member SB Member Benjamin A. Calbitaza - Member SB Member Lucita A. Palconit - Member SK Fed. Pres. Carl Ernest D. Ponce - Member Liga ng mga Barangay Pres. Alfredo M. Casas -Member

ABSENT:

SB Member Alyza F. Nierras

- Member

ORDINANCE NO. 2024 - 11

AN ORDINANCE ESTABLISHING A VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC) DESK IN EVERY BARANGAY IN THE MUNICPALITY OF CALUBIAN, LEYTE AND FOR OTHER PURPOSES..

WHEREAS, Section 14, Article 11 of the Philippine Constitution provides that, the "11th State recognizes the role of women in nation building, and shall ensure, the fundamental equality before the law of Women and men.":

WHEREAS, Section 2 of Republic Act No. 9262, otherwise known as "Anti-Violence Against Women and their Children (VAWC) Act of 2004", states that, "it is hereby declared that the State values the dignity of women and their children and guarantees full respect for human rights. The State also recognizes the need to protect the family and its members particularly women and children, from violence against women and children, from violence and threats to their personal safety and security;

WHEREAS, Republic Act No. 9710, otherwise known as, the Magna Carta of Women (MCW), is a comprehensive women's right law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino women, especially those in the marginalized sectors;

WHEREAS, Section 12 (d). Rule IV of the Rules and Regulations Implementing the Magna Carta of Women, provides for the establishment of a Violence Against Women (VAW) Desk in every barangay to ensure that violence against women cases are fully addressed in a gender-responsive manner;

WHEREAS, to provide guidelines and procedures for the above provision, a Joint Memorandum Circular was issued by the Department of Interior and Local Government (DILG), the Department of Social and Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education (DepEd) and the Philippine Commission on Women (PCW), pursuant to Section 12 (d)(2), of the Implementing Rules and Regulations of Republic Act No. 9710;

WHEREAS, there is a need to establish a VAWC Desk in every barangay to carry out these guidelines and implement the provision of the said Act, the Joint Memo Circular and the Magna Carta for Women.

NOW THEREFORE, on motion of SB Member Eugenio A. Ching, Jr., duly seconded by the majority Members present;

ULIA E. HALICHICA SB Member

ESTER P. LUBIANO
SB Member
ALFREDO M. CASAS
Liga ng mga Barangay Pres.

EUGENIO L. CHING, JR.
SB Member
SB Member
CARL ERNEST D. PONCE
SK Federation Pres.





BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan of Calubian, Leyte in session assembled, that:

Section 1. TITLE. This Ordinance shall be known as an "An Ordinance Establishing A Violence Against Women And Their Children (VAWC) Desk In Every Barangay in The municipality of Calubian, Leyte And For Other Purposes".

SECTION 2. CREATION. There shall be an established Violence Against Women and their Children (VAWC) Desk in the Fifty-three (53) barangays of the municipality of Calubian, Leyte following these guidelines, to wit:

Definition of Terms:

- 1. Violence Against Women (VAW) refers to any act of gender-based violence that results in, or is likely to result in. physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation or liberty, whether occurring in public or in private life. It shall be understood to encompass, but not limited to the following:
- a) Physical, sexual psychological, and economic violence occurring in the family, including battering, sexual abuse of female children in the household dowry-related violence, marital rape, and other traditional practices harmful to women, non-spousal violence, and violence related to exploitation;
- b) Physical, sexual, psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment, and intimidation at work, in educational institutions and elsewhere, trafficking in women, and prostitution; and
- c) Physical, sexual, psychological violence perpetrated or condoned by the State, wherever it occurs. It also includes acts of violence against women as defined in Republic Act No. 9208 and 9262. Under the Magna Carta of Women, this term is issued interchangeably with gender-based violence.
- 2. Violence Against Women (VAW) Desk a facility that would address VAW cases in a gender-responsive manner, managed by a person designated by the Punong barangay. It is situated within the premises of the barangay hall. In the absence of a barangay hall, the VAW desk shall be established within the premises where the Punong Barangay holds office.

SECTION 3. ESTABLISHMENT of Violence Against Women (VAW) Desk in every barangay.

- 1. Setting up the Violence Against Women (VAW) Desk the Punong Barangay shall designate an area within the barangay hall for the Violence Against Women (VAW) Desk. He shall provide for the necessary furniture and fixtures such as but not limited to, table, chairs, separate filing cabinet and logbook for record-keeping of cases. Likewise, the Punong Barangay shall ensure the confidentiality of the case and privacy and safety of the victim-survivor.
- 2. Designation of Violence Against Women (VAW) Desk person the Punong Barangay shall designate a Violence Against Women (VAW) Desk Person who is trained in gender-sensitive handling of cases, preferably a woman barangay kagawad or woman barangay tanod. In cases where there are no trained personnel, ensure that the person assigned shall undergo basic gender sensitivity training and orientation on anti-Violence Against Women (VAW) Desk laws.

SECTION 4. FUNCTION of the Barangay Violence Against Women (VAW) Desk. The Violence Against Women (VAW) Desk shall perform the following tasks:

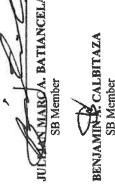
JULIA E. HACICHICA

ESTER P. LUBIANO
SB Member
ALFREDO M. CASAS

EUGENIO A, CHING, JR.
SB Member

CARL ERNEST D. PONCE
SK Federation Pres.





- 1. Respond to gender-based violence cases brought to the barangay;
- 2. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of Violence Against Women (VAW) to DILG City Field Office and the Municipal Social Welfare Development Office (MSWDO);
- 3. Keep Violence Against Women (VAW) case records confidential and secured, and ensure that only authorized personnel has access to it;
- 4. Assess victims of Violence Against Women (VAW) in securing Barangay Protection Order (BPO) and access necessary services:
- 5. Develop the Barangay's Gender-Responsive -plan in addressing gender-based violence, including support services, capacity building and referral system;
- 6. Coordinate with and refer cases to government agencies, Non-Government Organizations (NGO's), institutions and other service providers as necessary;
- 7. Address other forms of abuse committed against women, especially senior citizens; women with disabilities and other marginalized groups;
- 8. Lead advocacies on the elimination of VAW in the community; and

SECTION 5. PROTOCOL in handling Violence Against Women (VAW) Cases at the Barangay Level - Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and their Children (VAWC) Act, mandates the Punong Barangay, in his absence the Barangay Kagawad concerned or on duty to take immediate action upon being informed of a violent incident and is mandated to issue a Barangay Protection Order (BPO) on the date of filing after ex-parte determination of the basis of application. All forms of amicable settlement under the Katarungang Pambarangay such as mediation, settlement, conciliation, arbitration shall not apply to cases of VAWC.

SECTION 6. The following protocols shall be observed by the Barangay Desk person when responding to Anti-Violence Against Women and their Children (VAWC) situations.

- A. Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and their Children (VAWC) victim survivor is accompanied by someone to the barangay or the victim herself goes to the barangay:
- 1. Make the woman and children, if applicable comfortable in a safe a private room giving her water and other immediate needs, if any:
- 2. Assess the situation and get other initial information to determine the risk on hand and if immediate medical attention is needed. If so, facilitate referral to the nearest facility:
- After the victim-survivor has stabilized, assist the Punong Barangay Kagawad in the conduct of an investigation in a gender-sensitive and non-judgmental manner in a language understood by her:
- 4. Inform her of her rights and the remedies available and the processes involved particularly in relation to the BPO. Assist her to file application, if she decides to have a BPO;
- 5. Record the incident using the national VAW documentation System Barangay Form;
- 6. If a victim-survivor desires to be in a safe shelter, seek the assistance of the other barangay officials, barangay tanod or the police in getting her belongings and refer to a shelter/women's center or to the MSWDO;
- 7. Assist the victim-survivor to file for a Temporary Protection Order (TPO) or Permanent Protection Order (PPO) with the nearest Family Court within twenty

JULIA E. HARICHIC A

ESTER P. LUBIANO
SB Member
ALFREDO M. CASAS
Liga ne mea Barangay Pres





JUZHAN MARCA. BATIANCELA
SB Member
BENJAMIN A. CALBITAZA

four (24) hours after the issuance of the BPO. If the victim-survivor so desires, she may apply directly for a TPO/PPO instead of a BPO.

- 8. Report the incident within four (4) hours to the PNP and the MSWDO.
- B. A victim-survivor of a VAWC is reported by a community member.
 - 1. Verify the information and if needed, seek assistance from PNP:
 - 2. Assess the situation and facilitate the rescue of the victims when necessary, to ensure here safety, and, when applicable, the safety of her children;
 - 3. Inform the victim-survivor about her rights and remedies available particularly the BPO and its processes. Assist her to apply for a BPO, if she desires:
 - 4. Refer victim-survivor about for medical care and temporary shelter and other needs when needed based on the assessment done.
 - 5. Record the incident using the National VAW Documentation System Barangay Form;
 - 6. If not done earlier, report the incident within four (4) hours to the PNP and Municipal Social Welfare and Development Office (MSWDO).
- C. For rape, trafficking in persons and other cases which do not fall under the jurisdiction of the barangay, assists the victim-survivor to file a complaint at the PNP Women and Children Protection Center or the National Bureau of Investigation (NBI).

SECTION 7. IMPLEMENTING RULES AND REGULATIONS (IRR)- an Implementing Rules and Regulations shall be formulated by the implementing department which shall be submitted to the Sangguniang Bayan for review.

SECTION 8. FUNDING. In case the use of fund is necessary for the implementation of this ordinance, the same may be appropriated by the Barangay from their respective GAD Budget(s) or shall be requested by the Barangays from the GAD Office subject to the submission of work program and approval by the Local Chief Executive.

SECTION 9. REPEALING CLAUSE. All Ordinances or resolutions, local issuances or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 10. SEPARABILITY CLAUSE. If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby, shall continue to be in full force & effect.

SECTION 11. EFFECTIVITY CLAUSE. The Ordinance shall take effect immediately upon approval from the Honorable Sangguniang Panlalawigan of the Province of Leyte.

APPROVED, this 8th day of July 2024 at Calubian, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.

V. CABRADILLA SB Secretary - Designate

ATTESTED:

Presiding Officer

SB Member SB Member

UEL EUGENIO A. CHING, JR.

SB Member

ESTER P. LUBIANO

SB Member

JULIA E. HALICHIC

SB Member

CALBITAZA BENJAMIN

SB Member

LUCITA

&B Member

CARL ERNEST D. PONCE

SK Federation President

ALFREDO M. CASAS

Liga ng mgá Barangay Pres

APPROVED:

MARCIANO

Municipal Mayor

Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian



OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN sbsec0813.mgocalubian@gmail.com



CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY THAT the following Municipal Ordinances were posted on the Bulletin Board of the Sangguniang Bayan on September 12, 2024 and other conspicuous places in the Municipality of Calubian,

Leyte, and it will remain posted therein for three (3) consecutive weeks:

1. Municipal Ordinance No. 2024-08, entitled: "An Ordinance Creating the Tourist Information and Assistance Center in the Municipality of Calubian, Leyte"

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THIS CERTIFICATION is issued in compliance with ARTICLE 114 of the Implementing Rules and Regulations of Regulations of Republic Act No. 7160.

ISSUED the 12th day of September, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,

ATIY. KEISHA YNA VINEE V. RAMIREZ MGDH1 (Secretary to the Sanggunian)