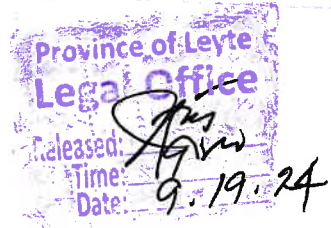


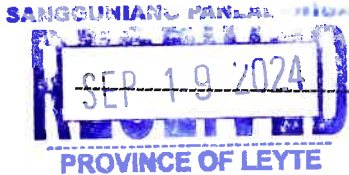
Item No.: 15
Date: 25 2024 SEP



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City



-oOo-



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
September 18, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-01 of the Sangguniang Bayan of Hindang, Leyte.

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

- Ordinance No. 2024-01 entitled: **“An Ordinance Prohibiting Scrap Trading Operators in the Municipality of Hindang, Leyte from Utilizing, Hiring Minors in Doing Business such as Buying, Selling, Dismantling and Arranging Scrap Materials in their Workstation, Setting the Standard Business Operating Requirements and Imposing Appropriate Penalties for violating 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 of the Local Government Code of 1991 (R.A 7160), in consonance with the mandate under *Republic Act 7610 as amended otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination, Republic Act 7658 or an Act Prohibiting the employment of Children below 15 years of age in public and Private undertakings, Republic Act 9231 or An act providing for the elimination of the worst form of Child Labor and affording stronger protection for the working child, and Presidential Decree 603 or the Child and Youth Welfare Code.* 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 general welfare. Within their respective territorial jurisdiction local government unit shall promote health and safety xxx

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
12 September 2024

Province of Leyte
Legal Office
Received: *Jay*
Time: *1:15*
Date: *9.12.24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-01** of the **Municipality of Hindang, Leyte**, entitled: An Ordinance Prohibiting Scrap Trading Operators in the Municipality of Hindang, Leyte from Utilizing, Hiring Minors in Doing Business such as Buying, Selling, Dismantling and Arranging Scrap Materials in their Workstation, Setting the Standard Business Operating Requirements and Imposing Appropriate Penalties for Violating Thereof.


FLORINDA JILI S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF HINDANG

SANGGUNIANG PANLALAWIGAN
RECORDED
SEP 12 2024
NOTIFIED
PROVINCE OF LEYTE

A. CAVERO

-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SANGGUNIANG BAYAN OF HINDANG,
LEYTE, IN ITS REGULAR SESSION HELD ON APRIL 23, 2024 AT THE SB SESSION HALL

ORDINANCE No. 2024-01

Authored by:
Hon. SERAFIN A. CAVERO

AN ORDINANCE PROHIBITING SCRAP TRADING OPERATORS IN THE MUNICIPALITY OF HINDANG, LEYTE FROM UTILIZING, HIRING MINORS IN DOING BUSINESS SUCH AS BUYING, SELLING, DISMANTLING AND ARRANGING SCRAP MATERIALS IN THEIR WORKSTATION, SETTING THE STANDARD BUSINESS OPERATING REQUIREMENTS AND IMPOSING APPROPRIATE PENALTIES FOR VIOLATING THEREOF

RATIONALE:

It is always the desire of every parent the well-being of their children and secure them from any kind of danger. They are committed to give them better education to become better citizen in the society in the future. Unfortunately, there are still many families in the society that cannot perform these roles being a parent due to stage of poverty in life. Due to that effect, children and even minors were left unattended in their daily routine. Some of them want to earn money on their own for personal consumption, others were exploited to render personal services to seek their daily meals. It should not be tolerated of many parents in the society, because it violates the existing Child Labor Law of the Phil.

However, Scrap trading business operating in the locality need to be regulated perhaps, some are not aware of the consequences of the violations they committed and even the effect on minors and children in the locality. Buying and selling scrap iron, metal, and even plastic material can easily convert an income. That is why some minor or children are roaming around in collecting junk materials and sometimes trespassing to other property. These will not teach good values for children and minors and will put education in school as a second priority. Thus, the passage of the Proposed Ordinance is very essential.

BE IT ORDAINED by the Sangguniang Bayan of Hindang, Leyte in its regular session assembled this date, that:

SECTION 1. SHORT TITLE- The short title of this Ordinance shall be known as "*An Ordinance prohibiting scrap trading operators from utilizing minors.*"

SECTION 2. DEFINITION OF TERMS.

- a. Child or Children – refers to persons below 18 years of age or those over but are unable to fully take charge of themselves or protect themselves from neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition

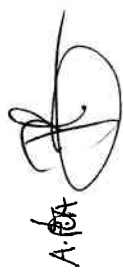
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Serafin A. Cavero

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(ORDINANCE No. 2024-01 of Hindang, Leyte, RE: "An Ordinance prohibiting scrap trading operators in the Municipality of Hindang, Leyte from utilizing, hiring minors in doing business such as buying, selling, dismantling and arranging scrap materials in their workstation, setting the standard business operating requirements and imposing appropriate penalties for violating thereof....continued)



A. CA

- b. Child labor – the use of children in industry or business especially when illegal or considered inhumane.
- c. Scrap trading Operators – an establishment engage in buying junk and old materials.
- d. EMB- Environmental Management Bureau.
- e. Workstation - Designated working area in segregating, dismantling scrap materials.
- f. Recyclers - For purposes of this Ordinance Recyclers means bulk buying establishment of Scrap materials coming from scrap trader storage facility in the locality.



SECTION 3. LEGAL REFERENCES:

- *RA 7658 - An act prohibiting the employment of children below 15 years of age in public and in private undertakings.
- *RA 7610 -As amended otherwise known as the Special Protection of Children against Child Abuse, Exploitation and Discrimination.
- *RA 9231 -An act providing for the Elimination of the Worst form of Child Labor and Affording Stronger Protection for the Working Child
- *PD 603 - Child and Youth Welfare Code.

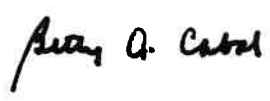
SECTION 4. PROHIBITED ACTS. Mandatory policy for every Scrap Trading Operators engaging business in the Municipality of Hindang, Leyte:

- a. No Buying of Scrap materials sold by Minors.
- b. Utilizing Minors in doing activities of weighing, and dismantling scrap metals in their workstation is strictly prohibited.
- c. Involving Minors to assist for loading and unloading scrap cargoes on hauler trucks.
- d. The presence of minors inside the workstation.

SECTION 5. REQUIRED OPERATING REQUIREMENTS AS SCRAP OPERATOR:

Mandatory requirements prior to granting the application of Business Permit as Scrap trading Operator in the Municipality of Hindang, Leyte.

- a. Must have acquired a very suitable space of lot for the scrap trading business.
- b. Must have situated away from thickly populated area in the barangays or town.
- c. Must have an appropriate working area or space that cannot obstruct passing vehicles.
- d. Enclosed perimeter fences should be provided in their workstation.



(ORDINANCE No. 2024-01 of Hindang, Leyte, RE: "An Ordinance prohibiting scrap trading operators in the Municipality of Hindang, Leyte from utilizing, hiring minors in doing business such as buying, selling, dismantling and arranging scrap materials in their workstation, setting the standard business operating requirements and imposing appropriate penalties for violating thereof....continued)

- e. Must have a separate storage for Scrap materials that requires EMB intervention.
- f. Material and surroundings are properly arranged and safe against spread of mosquitos.
- f. Posting of business Permit should be observed in the shade house vicinity.
- g. Posting of "NO MINORS ALLOWED" should be observed at the entrance.

SECTION 5. PENAL PROVISION. This proposed local Ordinance shall set its minimum Penalty other than the national level since the existence of huge Scrap Metal and Iron Traders and Recyclers is seldom except small trader. Thus, the following penalties are as follows:

a. For the Scrap Trading Operator:

- First offense - 1,500 every minor involved
- Second Offense - 2,000 every minor involved
- Third Offense - 2,500 every minor involved and no more Business Permit renewal

b. For the Parent:

- 1st Offense -Undergo counselling within the Barangay to be spearheaded by a barangay Official.
- 2nd Offense - Undergo Family Counselling with the MSWD Office and PNP Women and Children Protection Desk (WCPDP)
- 3rd Offense - Violation to PD 603 or The Child and Youth Welfare Code, Chapter IV, Art.59 (4, 5, 6) Liabilities of Parents

SECTION 6. REPEALING CLAUSE. If for any reason, any Provision or section of this Ordinance is declared not valid or revoked by a competent authority concerned, the remaining provision or section shall remain to be in full force and effect.

SECTION 7. APPLICABILITY CLAUSE. All Other matters relating to the imposition of this Ordinance shall be governed by the pertinent provisions of PD 603 or the Child and Youth and other existing Laws and Ordinances.

SECTION 8. EFFECTIVITY. This ordinance shall take effect after posting in three (3) consecutive weeks of publication by way of posting copies of the bulletin board of the Municipal building and in at least two (2) conspicuous places in the municipality of Hindang, Leyte.

Approved unanimously.

Qscl

Atty. G. Cruz

[Signature]

[Signature]
A.A

[Signature]

[Signature]
[Signature]
[Signature]

(ORDINANCE No. 2024-01 of Hindang, Leyte, RE: "An Ordinance prohibiting scrap trading operators in the Municipality of Hindang, Leyte from utilizing, hiring minors in doing business such as buying, selling, dismantling and arranging scrap materials in their workstation, setting the standard business operating requirements and imposing appropriate penalties for violating thereof...continued)

ENACTED this 23rd day of April, 2024 by this Sanggunian in its regular session held for the purpose at the SB Session Hall, this Municipality, with the following votes:

Yes (9)

No (0)

Abstain (0)


MIKHAEL ANNE GELO D. ABOYME
SB Member


JOSE NAPOLEON D. MONTERO
SB Member


LEONIDA A. CAVITE
SB Member

(OB - Cebu City)
ROMULO D. BASAÑEZ
SB Member



BENEDICTO L. YANOLA
SB Member


SERAFIN A. CAVERO
SB Member


SORIANO B. DELALAMON
SB Member


SALVADOR E. BAÑEZ, JR.
SB Member


JUN A. CABAL
LNB Pres-Ex Officio Member


ADRIAN PAUL G. ASTORGA
SK Federation Pres-Ex Officio Member

(ORDINANCE No. 2024-01 of Hindang, Leyte, RE: "An Ordinance prohibiting scrap trading operators in the Municipality of Hindang, Leyte from utilizing, hiring minors in doing business such as buying, selling, dismantling and arranging scrap materials in their workstation, setting the standard business operating requirements and imposing appropriate penalties for violating thereof....continued)



A.A.

CERTIFIED TRUE & CORRECT:

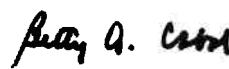

ANNABEL A. MABALE
Secretary to the Sanggunian




ATTESTED:


ELPIDIO B. CABAL, JR.
Municipal Vice Mayor
Presiding Officer

APPROVED:


BETTY A. CABAL
Municipal Mayor





ATTENDANCE SHEET

PUBLIC HEARING on the proposed ordinance, RE: "An Ordinance Prohibiting Scrap Trading Operators in the municipality of Hindang, Leyte from utilizing, hiring, minors in doing business such as buying, selling, dismantling and arranging scrap materials in their respective work station setting the standard operating requirements and providing penalties for violators, thereof by Hon. Serafin A. Cavero

April 2, 2024 @ Poblacion 1, Hindang, Leyte

Names	Barangay	Gender		Signature
		M	F	
1 IVY BALIDA	POB. 1		✓	
2 Leonisa A. Albasa	Anolon		/	
3 Rophil Adolfo	Pob. 1	/		
4 DESIREE GARA	Capudlasan		/	
5 Socrates Jr. Alencamin	Tagbibi	/		
6 Verice Winciano				
7 RUTH BITEA R. DELA ROSA	MA-AIN		/	
8 MERLYN ADPAG	Capudlasan		/	
9 MERLINA ATORA	Poblacion 1		/	
10 Leiza Grace Rusa	Bontoc		/	
11 Jenilyn P. Bagan	Anhaw		/	
12 ALVEN ARENOJA	BULACAN		/	
13 JESSA ANTHONY MAE P. FLORES	San Vicente		/	
14 Imelda A. Cavero	Dans del Monte		/	
15 Laila C. Buntulan	San Vicente		/	
16 SHINE R. BANGHAYAN	TRUOK		/	
17 Crisanto M. Albior	Tabok		/	
18 Jesson Ray A. Omilap	Doos Del Sur	/		
19 ELLIO XENUSA JR.	TRUOK			
20 APOLLO L. HERNANDEZ	DOON	/		
21 Angelica Lopez	Capudlasan		/	
22 Mica Jorelle S. Manatad	Pob. 1		/	
23 Miriam C. Abasola	Mica-asia, Hindang		/	
24 MERYN A. ARORA	Capudlasan Hindang		/	
25 ANDREW RONNEL B. CHAVEZ	Pob 2	/		
26 Jimmy Cantiga	Pob 2	/		
27 Merlina M. ANOKA	Capudlasan		/	
28 Cristina ANOKA	Capudlasan		/	
29 Romulo D. Bagan	SO.	/		
30 Terina Paul G. Astorga	St. Federation Amble	/		
31 LEONIDA S. AVITE	Capudlasan		/	
32 JIM A. CABAL	Capudlasan	/		
33 JOSE MAFALDA I. GONZALEZ	Capudlasan	/		
34 Mary Jane R. Arroyo	Pob. 1		/	



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

OFFICE OF THE SANGGUNIANG BAYAN


CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY *that a PUBLIC HEARING was actually conducted last April 02, 2024 relative to ORDINANCE NO. 2024-01 of the Sangguniang Bayan, this municipality, RE: "An ordinance prohibiting scrap trading operators in the Municipality of Hindang, Leyte from utilizing, hiring minors in doing business such as buying, selling, dismantling and arranging scrap materials in their workstation, setting the standard business operating requirements and imposing appropriate penalties for violating thereof", as prescribed under the Local Government Code of 1991.*

THIS CERTIFICATION is issued in compliance with the requirements as provided for under Republic Act 7160.

GIVEN this 15th day of August, 2024 at Hindang, Leyte, Philippines.


ANNABEL A. MABALE
Secretary to the Sanggunian

Encl: a/s



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF HINDANG

-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY *that* ORDINANCE NO. 2024-01 of the Sangguniang Bayan, Hindang, Leyte, *"An ordinance prohibiting scrap trading operators in the Municipality of Hindang, Leyte from utilizing, hiring minors in doing business such as buying, selling, dismantling and arranging scrap materials in their workstation, setting the standard business operating requirements and imposing appropriate penalties for violating thereof"*, had been correspondingly posted in three (3) conspicuous places of the municipality as prescribed under the Local Government Code of 1991 otherwise known as Republic Act 7160.

GIVEN this 15th day of August, 2024 at Hindang, Leyte, Philippines.


ANNABEL A. MABALE
Secretary to the Sanggunian