Item No.: 05



Republic of the Philippines PROVINCE OF LEYTE Provincial Capitol Palo, Leyte

-oOo-

SANGGUNIANG PANLALAWIGAN VINCIAL LEGAL OFFICE



2nd INDORSEMENT August 27, 2024



Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2023-178 of the Sangguniang Bayan of Carigara, Leyte.

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

 Ordinance No. Ordinance No. 2023-178 entitled: An Ordinance Prescribing a Fee for Issuance of Certification of Detention for Persons Deprived of Liberty (PDL) Confined in BJMP-Manned Jail Facility, Sub Provincial Jail and PNP Lock-up Cell in the Municipality of Carigara, Province of Leyte.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is within the corporate powers of the local government unit particularly covered under Sections $447 (2) (ii)^1$ and $(5) (xv)^2$ of RA 7160. 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 or courts.

ATTY JOSE RAYMUND A. ACOL

Asst. Provincial Legal Officer

*

¹Section 447 (2).

(ii) Subject to the provisions of Book II of this Code and applicable laws and upon the majority vote of all the members of the sangguniang bayan, enact ordinances levying taxes, fees and charges, prescribing the rates thereof for general and specific purposes, and granting tax exemptions, incentives or reliefs;

² Section 447 (5). Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall: xxx (xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality;

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Legal Office Received Office Received Office

1ST INDORSEMENT 21 June 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed MUNICIPAL ORDINANCE NO. 2023-178 of the MUNICIPALITY of CARIGARA, LEYTE, entitled: An Ordinance Prescribing a Fee for Issuance of Certification of Detention for Persons Deprived of Liberty (PDL) Confined in BJMP-Manned Jail Facility, Sub-Provincial Jail and PNP Lockup Cell in the Municipality of Carigara, Province of Leyte.

FLORINDA JI S UYVICO Secretary to the Sanggunian



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

Office of the Sangguniang Bayan

JUN 2 1 2024
PROVINCE OF LEYTE

1st Indorsement June 21, 2024

Respectfully forwarded to the Honorable Members of the Sangguniang Panlalawigan of Leyte, thru the Provincial Board Secretary, Florinda Jill S. Uyvico, the herein **Municipal Ordinance No. 2023-178** – "An Ordinance Prescribing A Fee for Issuance of Certification of Detention For Persons Deprived of Liberty (PDL) Confined in BJMP-Manned Jail Facility, Sub-Provincial Jail and PNP Lockup Cell in the Municipality of Carigara, Province of Leyte".

For your consideration and appropriate action.

OMEO M. VIOJA SB Secretary





OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com

EXCERPT FROM THE MINUTES/JOURNAL OF THE 91st REGULAR SESSION OF THE 19[™] COUNCIL OF THE SANGGUNIANG BAYAN OF CARIGARA HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, CARIGARA, LEYTE ON MAY 2, 2024

PRESENT:

Hon. Jimmy A. Camposano ------ Mun. Vice Mayor-Pres. Officer

-----SB Member Hon. Joenlee C. Larraga

Hon. Anabella N. Crisostomo ----- SB Member

Hon. Mildred C. Modesto -----SB Member

Hon. Raul Z. Lloren -----SB Member

-----SB Member Hon. Lorna A. Marpa

Hon. Joselu N. Guia -----SB Member

Hon. Kim Anthony G. Agner -----SB Member

Hon. Leny T. Ong -----SB Member

Hon. Arvin N. Urmeneta -----SB Member-Liga ng mga Brgy. Pres.

ABSENT:

Hon. Daniel N. Ariaso, Ir. -- SB Member-SK Fed. Pres.

MUNICIPAL ORDINANCE NO. 2023-178

AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BIMP-MANNED JAIL FACILITY, SUB-PROVINCIAL JAIL AND PNP LOCKUP CELL IN THE MUNICIPALITY OF CARIGARA, PROVINCE OF LEYTE

> HON. KIM ANTHONY G. AGNER HON. JOSELU N. GUIA HON. LENY T. ONG HON, RAUL Z. LLOREN HON. ARVIN N. URMENETA **SPONSORS**

WHEREAS, the 1987 Constitution provides that each local government unit shall have the power to create its own sources of revenues and to levy taxes, fees and charges subject to such guidelines and limitations as the Congress may provide, consistent with the basic policy of local autonomy. Such taxes, fees, and charges shall accrue exclusively to the local governments;

WHEREAS, Local Taxation and Fiscal Matters, Title I Chapter I, Sec. 132 of R.A. 7162

VABELLA N. CRISOSTOMO

DRED C. MODESTO SB Member

UL Z. LLOREN SB Member

JOENLEE C. LARRA SB Membe

SB Member





OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com

Page 2/6 - Ordinance. No.2023-178 dated May 2, 2024-

"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BJMP-MANNED JAIL FACILITY..."

LOCAL TAXING AUTHORITY - specifically provides that that the power to impose a tax, fee, or charge or to generate revenue this code shall be exercised by the Sanggunian of the local government unit concerned through an appropriate ordinance:

WHEREAS, Article III of the Implementing Rules and Regulation of R.A. 7160 (Local Government Code of 1991) states that the Sangguniang Bayan, as the legislative body of the municipality, shall approve ordinances, pass resolutions necessary for an efficient and effective Municipal Government and the connections and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Article III Section 458, para (1) of this code;

WHEREAS, Basic Services and Facilities provided for under the code and in the proper exercise of the corporate powers of the Municipality as provided in Article III Rule (4) (XV) of these Rules, and shall establish and provide for the maintenance and improvement of Jails and PNP Lock-up Cell, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality;

WHEREAS, in comparison, under the Department of the Interior and Local Government (DILG), the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP) have ways and means of generating revenues for the National Treasury;

WHEREAS, the PNP collects fee for the issuance of police clearances, permits related to firearms use and regulation, and charges for the inspections and other regulatory fees for the operation of security agencies and similar security offices, while the BFP similarly issues paid permits and clearances to inspected commercial establishments on matters of fire prevention and protection;

WHEREAS, the BJMP is one of those organizations in government, specifically within the DILG, that do not have institutional ways and means of contributing to the national treasury nor to the local government units while charged with safekeeping inmates;

WHEREAS, to improve lives and living conditions of our less fortunate constituents detained in jails, a legislative fiat apposite to the augmentation of BJMP's meagre operational resources particularly those not provided in the General Appropriation Act or expense items not provided in the national budget, is called for;

JOENLEE C. LARRAGA SB Membe

ABELLA N. CRISOSTOMO SB Member

MILDRED C. MODESTO SB Member

BAUL Z. LLOREN SB Member

SB Member-LnB Pres.

RNA A. MARPA





OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com

Page 3/6 - Ordinance. No.2023-178 dated May 2, 2024-"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BJMP-MANNED JAIL FACILITY..."

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF CARIGARA, LEYTE IN SESSION ASSEMBLED THAT:

SECTION 1. SHORT TITLE: This ordinance shall be called "AN ORDINANCE PRESCRIBING A FEE FOR THE ISSUANCE OF CERTIFICATE OF DETENTION FOR PDL CONFINED IN BJMP-MANNED JAIL FACILITY, SUB-PROVINCIAL JAIL AND PNP LOCKUP CELL IN THE MUNICIPALITY OF CARIGA, LEYTE".

SECTION 2. PURPOSE AND GENERAL COVERAGE. This ordinance is in line with the provisions of the Local Government Code and its Implementing Rules and Regulations concerning common revenue-raising powers, power to create sources of revenue of a Local Government Unit (LGU) and the duties and functions of the Sangguniang Bayan, respectively. This shall cover BJMP-manned jail, Sub-Provincial jail and PNP lockup cell in the Municipality of Carigara, Leyte.

SECTION 3. DECLARATION OF POLICY. Consistent with the local government's commitment to improve the lives and living conditions of our less fortunate constituents who are detained in jails, providing means for the BJMP, Provincial Jail and PNP lock-up cell to generate revenue will in directly contribute to the easement of operational requisites for the realization of objectives that are intended for such purposes.

SECTION 4. SCOPE

Em

- 4.1. This ordinance shall govern the issuance of Certificate of Detention for all PDL confined in a jail situated within the jurisdiction of the Municipality of Carigara, Leyte, and other concerned individuals who wish to secure a copy for whatever legal purpose it may serve.
- 4.2. This ordinance shall be enforced by the Warden of Carigara District Jail, Sub-Provincial Jail and Chief of Police, PNP Carigara or by their authorized representative, and by the municipal treasurer.

SECTION 5. DEFINITION OF TERMS:

- 5.1. Municipality refers to the Municipality of Carigara, Leyte
- 5.2. BJMP-Manned Jail Facility refers to jail facility managed and supervised by the

ELLA N. CRISOSTOMO SB Memb SB Member

RED C MODESTO SB Member

RAUL Z. LLOREN SB Member

A A. MARPA

SB Member-LnB Pres

OFFICE OF THE SANGGUNIANG BAYAN

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Page 4/6 - Ordinance. No.2023-178 dated May 2, 2024-

"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BJMP-MANNED JAIL FACILITY..."

> Bureau of Jail Management and Penology (BJMP) within the territorial jurisdiction of the Municipality of Carigara.

- 5.3. Sub-Provincial Jail a jail facility under the control and supervision of the Provincial Government.
- 5.4 PNP Lockup Cell refers to a local jail where PDL are detained prior to court hearing.
- 5.5 Certificate of Detention refers to the certificate issued to the Person Deprived of Liberty (PDL) while temporary detained undergoing court litigation and after actual physical detention.
- 5.6. Person Deprived of Liberty (PDL) refers to a person charged on an offense by virtue of which he is physically detained in a jail/detention facility and lockup cell. This term includes persons serving sentence by final judgement.
- 5.7. Fee refers to the amount collected by the municipal government from the PDL while temporary detained undergoing court litigation and after actual physical detention for the issuance of Certificate of Detention.

SECTION 6. PROCEDURE

- 6.1 A person deprived of liberty (PDL) or his representative or any other party who wish to secure a certificate of detention or an authenticated copy thereof, for any legal purposes shall first seek from the Warden of BJMP Manned Jail, Sub-Provincial Jail and PNP Chief Of Police or their authorized representatives a verification slip that indicate the PDL whose certificate is being sought was actually or is presently confined/detained and after actual physical detention in the said jail facilities and lockup cell.
- 6.2 After securing the verification slip, payment shall be made at the Treasurer's Office, which shall issue an Official Receipt as proof of payment.
- 6.3 The cost of Certificate of Detention shall be One Hundred Pesos (Php100.00). Payment shall be made at the Treasurer's Office of the Municipality of Carigara.
- 6.4 The Jail Warden of BJMP Manned Jail, Sub-Provincial Jail and PNP Chief Of Police

JOÉNLEE C. LARR SB Memb

ABELLA N. CRISOSTOMO

MILDRED C. MODESTO SB Member

BAUL Z. LLOREN SB Member





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Page 5/6 – Ordinance. No.2023-178 dated May 2, 2024–
"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BJMP-MANNED JAIL FACILITY..."

or their authorized representatives shall cause the printing and issuance of the Certificate of Detention for the concerned PDL, upon presentation of the official receipt issued by the Treasurer's Office.

6.5 An inmate so declared by the court as indigent shall avail of the Certificate of Detention free of charge.

SECTION 7. **SEPARABILITY CLAUSE.** If for any reason or reasons, any part or provisions of this ordinance shall be held unlawful or invalid, other parts of provision thereof shall continue to be in full force and effect.

SECTION 8. REPEALING CLAUSE. All Ordinances, Rules or Regulations or parts thereof in conflict with or inconsistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 9. EFFECTIVITY. This Ordinance shall take effect upon its approval.

ENACTED: This 2ND day May 2024 at Carigara, Leyte

I HEREBY CERTIFY that this is a true and accurate copy of the ordinance enacted by the Sanggunian.

OMEO M. VIO AN SB Secretary

Attested:

Municipal Vice Mayor Presiding Officer





OFFICE OF THE SANGGUNIANG BAYAN

Telephone No. (053) 530-5144 E-mail Address: sangguniang bayancarigara@gmail.com

Page 6/6 – Ordinance. No.2023-178 dated May 2, 2024–
"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFIED." ON OF BJMP-

		OR ISSUANCE OF CERTIFICATE
DETENTIO	N FOR PERSONS DEPRIVED O	F LIBERTY (PDL) CONFINED IN
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	JOENLEE C. LARRAGA	ANABELLA N. CRISOSTOMO
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	MILDRED C. MODESTO	/ RAUC Z. I/LOREN
	SB Member	/ SB Member
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	LØRNA A. MARPA	JOSELUAY, GUIA
	SB Member	SB Member
	Kim Outrose S. Oguer	
	KIM ANTHONY G AGNER	LEIW T. ONG
	SB Member U /	St Member

Allemeneta ARVIN N. URMENETA SB Member-LnB Pres.

EDUARDO T. ONG, JR. Municipal Mayor

Date Approved:

Approved:



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

Office of the Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY that a public hearing was conducted last March 8, 2024 at 2:00 o'clock in the afternoon at the LGU- Roof Deck, Carigara, Leyte for the deliberation of the Municipal Ordinance No. 2023-178 — "An Ordinance Prescribing A Fee for Issuance of Certification of Detention For Persons Deprived of Liberty (PDL) Confined in BJMP-Manned Jail Facility, Sub-Provincial Jail and PNP Lockup Cell in the Municipality of Carigara, Province of Leyte".

ISSUED this 20th day of June, 2024.

MEO M. VIOJA SB Secretary MINUTES OF THE PUBLIC HEARING OF THE PROPOSED MUNICIPAL ORDINANCE NO. 2023-178"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BJMP-MANNED JAIL FACILITY, SUB-PROVINCIAL JAIL AND PNP LOCKUP CELL IN THE MUNICIPALITY OF CARIGARA, PROVINCE OF LEYTE" HELD LAST MARCH 8, 2024 AT 2:00 PM AT LGU ROOFDECK

CALL TO ORDER

The Chairman of the committee call the meeting to order.

ROLL CALL

The secretary of the Sanggunian disclosed that present thereto are the Chairman, Hon. Kim Anthony G. Agner, the sponsor of the ordinance and Hon. Joselu N. Guia, also present thereto are Atty. Wenceslao L. Narido Jr, Municipal Administrator, Ms. Juliet R. Hanopol, Municipal Treasurer, the Municipal Warden and personnel from the Bureau of Jail Management and Penology, Carigara Station, Insp. Luis Lymwell C. Marmita, BFP Fire Marshal, Carigara Station, the Punong barangay and Kagawads of the 49 Barangay, in Carigara, Leyte and some SB employees and staff.

HON. KIM ANTHONY G. AGNER, SB MEMBER

Maupay nga kulop ha aton ngatanan nga aanhi, so we are called today to discuss the proposed Municipal Ordinance No. 2023-178"AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY (PDL) CONFINED IN BJMP-MANNED JAIL FACILITY, SUB-PROVINCIAL JAIL AND PNP LOCKUP CELL IN THE MUNICIPALITY OF CARIGARA, PROVINCE OF LEYTE"

Section 1 of the Ordinance is the title and this ordinance is in line with the provisions of the Local Government Code and its Implementing Rules and Regulations concerning common revenue-raising powers, power to create sources of revenue of a Local Government Unit (LGU) and the duties and functions of the Sangguniang Bayan, respectively. This shall cover BJMP-manned jail, Sub-Provincial jail and PNP lockup cell in the Municipality of Carigara, Leyte.

So, pag iiristuryahn ta ine yana inen panuyo hine namon nga pagpatawag hine nga public hearing regarding hine nga pag collect hine nga fees pag issue hin certificate for PDL confined in BJMP.

(The Chairman of the committee Hon. Kim Anthony G. Agner read and explained each and every provision of the proposed Ordinance exhaustively. Thereafter, the chairman asked the participants if there are any questions with regards to the proposed Ordinance.)

HON. NESTOR DAGALEA, Chairman Brgy. Cutay,

Mr. Chair, ano an iya primary purpose and ano iton iya importance hine para hiton mga constituents?

HON. JOSELU N. GUIA, SB Member

Ah, concerning common revenue-raising powers, ine hiya as one power to create sources of revenue of a Local Government Unit (LGU) gihapon hiya. Ngan aade hiya consistent with the local government's commitment to improve the lives and living condition of our less fortunate constituents who are detained in jails, providing means for the BJMP, Provincial Jail and PNP lock up cell to generate revenue that will directly contribute to the easement of operational requisites for the realization of objectives that are intended for such purposes.

HON, PRIMA J. AZORES, Chairman Brgy. Uyawan

Honorable. Hain man kami hito makaka secure hito nga certificate?

HON. KIM ANTHONY G. AGNER, SB MEMBER

Aadto kita hine makadto ha Jail Warden hiton aton BJMP or ha iya representative kay hira an ma-issue hine ngan tatagan kita hini hin verification slip ngan makadto na kita ha Treasurer's Office pagbayad hine nga P100.00 para matagan kita hin resibo, ngan amo ine an aton ig present ha BJMP para maka secure kita hine nga Certificate of Detention for the concerned PDL. Ngan naka specify ine dinhe nga ordinance nga an aton mga inmates nga indigent declared by the court, hira an makaka avail han waray bayad nga Certificate of Detention. Karuyag sidngon free adto hira nga mga indigents.

HON. PRIMA J. AZORES, Chairman Brgy. Uyawan

Thank you, Mr. Chair,

HON. KIM ANTHONY G. AGNER, SB MEMBER

Okay so, mayda paba kita mga pakiana? Hearing none. Any motion from the member?

HON. JOSELU N. GUIA, SB Member:

Mr. Chair since there are no more questions, I move to adjourned.

HON. KIM ANTHONY G. AGNER, SB MEMBER:

Okay, so there was a motion, the public hearing is now adjourned.

ADJOURNMENT

With no more issues to be discussed the meeting was adjourned at 2:45pm.

Certified correct

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HEREITMONITORING ANDRIGGE

Proposed Mun. Ordinance No. 2023-178 entitled "AN ORDINANCE PRESCRIBING A FEE FOR THE ISSUANCE OF CERTIFICATE OF DETENTION FOR PDL CONFINED IN BJMP-MANNED JAIL FACILITY, PROVINCIAL JAIL AND PNP LOCK UP CELL IN THE MUNICIPALITY OF CARIGARA, PROVINCE OF LEYTE"

Date: Venue: MARCH 8, 2024 LGU ROOFDECK 2:00 PM

Time:

Signature Date & Time Name N. GUIA 1. JOSELU HECTOR DAGALEX margie + Grabordon 5. VICTORINO 7. ALDUD 6. Omar C. Balendo on Ethan 7. RICKY METRIAN 8. Nonma I- Glan Names 9. ANDY C. AGUILON 10. Helita L. Sarcilla 11. MIKE DARYL 13 DENIMIN I, ENGLISTE 15. RENATO CAPALITY 17. Melidio 18. GY ORUS 19. GARNET DAK TOMOLERS 20. Shey GONZXles 21. CAMILA UTON MICAUAL 23. Rowin Azores 24. FRATIETIES Hurno 25. TINSP MARONIM, CUIS COMORTE 26. CRESITUTE L. WAGAS

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Government Code of 1991.

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

Office of the Sangguniang Bayan

CERTIFICATION

THIS IS TO CERTIFY that MUNICIPAL ORDINANCE NO. 2023-178 - "An Ordinance Prescribing A Fee for Issuance of Certification of Detention For Persons Deprived of Liberty (PDL) Confined in BJMP-Manned Jail Facility, Sub-Provincial Jail and PNP Lockup Cell in the Municipality of Carigara, Province of Leyte", has been posted last June 19, 2024 in accordance with Sections 59 and 511 R.A. 7160, otherwise known as the Local

ISSUED this 20th day of June, 2024.

ROMEO M. V.

SB Secretary