



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

Item No.: 05
Date: 22 2024 OCT

Province of Leyte
Legal Office
Released: *[Signature]*
Time: *[Signature]*
Date: 10-16-24



2nd INDORSEMENT
October 11, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2024-05 of the Sangguniang Bayan of San Miguel, Leyte.

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

- Ordinance No. 2024-05 entitled: **“An Ordinance establishing and operationalizing the BHRAC in every Brgy in the Municipality of San Miguel, capacitating the BHRAO, and providing funds therefor 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 447¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Section 447(5)(xiv)² of the same. 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.

[Signature]
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹;The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code

² subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons affected by human rights violations.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
10 October 2024

Province of Leyte
Legal Office
Received: *[Signature]*
10-10-24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 2024-05** of the **Municipality of San Miguel, Leyte**, entitled: **An Ordinance Establishing and Operationalizing the Barangay Human Rights Action Center (BHRAC) in Every Barangay in the Municipality of San Miguel, Leyte, Capacitating the Barangay Human Rights Action Officers (BHRAO), and providing funds therefor and for other purposes.**

[Signature]
FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

October 09, 2024



The Honorable Members of the Sangguniang Panlalawigan of Leyte
Thru: The Sangguniang Panlalawigan Secretary
Provincial Legislative Building,
Candahug, Palo, Leyte

Gentlemen/Ladies:

I have the honor to forward herewith pertinent documents of the Sangguniang Bayan of the Municipality of San Miguel, Leyte for review and approval, to wit:

1. Seventeen (16) copies of Municipal Ordinance No. 2024-05, Series of 2024 entitled: **"AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF SAN MIGUEL, LEYTE, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO), AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"**.

Kindly acknowledge receipt hereof.

Very truly yours,


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan



Republic of the Philippines
PROVINCE OF LEYTE
 MUNICIPALITY OF SAN MIGUEL
 -oOo-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN, SAN MIGUEL, LEYTE, HELD AT THE SESSION HALL, LEGISLATIVE BUILDING, SAN MIGUEL, LEYTE ON SEPTEMBER 23, 2024

RECEIVED
 10 OCT 2024
 PROVINCE OF LEYTE

PRESENT:

- | | |
|-------------------------------|--|
| Hon. Protacio Q. Brazil | - Municipal Vice-Mayor/Presiding Officer |
| Hon. Richard Len B. Lapidario | - SB Member |
| Hon. Prospero Q. Brazil | - SB Member |
| Hon. Charlie L. Guy | - SB Member |
| Hon. Antonio L. Asis | - SB Member |
| Hon. Otelio U. Babiano, Jr. | - SB Member |
| Hon. Ruben G. Agner | - SB Member |
| Hon. Thelma M. Brazil | - SB Member |
| Hon. Letecia G. Espos | - SB Member |
| Hon. Samuel P. Salomon | - Ex-Officio Member/President, Liga ng mga Barangay |
| Hon. Jahlen Hans C. Labarrete | - Ex-Officio Member President, Sanggunian Kabataan Pambayan Pederasyon (on official leave) |

**Resolution No. 181
 Series of 2024**

AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF SAN MIGUEL, LEYTE, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO), AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

WHEREAS, Article II, Section 11 of the 1987 Constitution of the Philippines declares that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, the 1987 Philippine Constitution likewise mandates Congress to give highest priority to the enactment of measures to protect and enhance the rights of all people to human dignity, reduce social, economic, and political inequalities, and remove cultural inequities by equitably diffusing wealth and political power for the common good as provided in Article XIII, Section 1;

WHEREAS, the Commission of Human Rights, pursuant to its constitutional mandate has institutionalized the implementation of the Barangay Human Rights Action Center (BHRAC), empowering the people at the grassroots level in promoting and protecting human rights, and bringing its services closer to the people;

WHEREAS, human rights violations, especially violence against women and children which continue to be committed with impunity, must be given the highest priority in the protection and promotion of human rights in the municipality of San Miguel, Leyte;

WHEREAS, the municipality of San Miguel, Leyte should lead the way and serve as a model in the promotion and protection of the dignity of human persons and the full respect for human rights;

NOW THEREFORE, on motion of Hon. Samuel P. Salomon duly seconded by Hon. Ruben G. Agner and Hon. Otelio U. Babiano, Jr.;

RESOLVED, as it is hereby resolved to enact the following ordinance, to wit:

Certified Correct: *[Signature]*
 BRYAN NEIL B. BRAZIL
 Secretary to the Sangguniang Bayan

Attested by: *[Signature]*
 HON. PROTACIO Q. BRAZIL
 Municipal Vice-Mayor/Presiding Officer

Concurred: *[Signature]*
 HON. RICHARD LEN B. LAPIDARIO
 SB MEMBER

[Signature]
 HON. PROSPERO Q. BRAZIL
 SB MEMBER

[Signature]
 HON. CHARLIE L. GUY
 SB MEMBER

[Signature]
 HON. ANTONIO L. ASIS
 SB MEMBER

[Signature]
 HON. OTELIO U. BABIANO, JR.
 SB MEMBER

[Signature]
 HON. RUBEN G. AGNER
 SB MEMBER

[Signature]
 HON. THELMA M. BRAZIL
 SB MEMBER

[Signature]
 HON. LETECIA G. ESPOS
 SB MEMBER

[Signature]
 HON. SAMUEL P. SALOMON
 President, Liga ng mga Barangay

Approved: *[Signature]*
 HON. ANTONIO L. ASIS
 SB MEMBER

[Signature]
 ATTY. NORMAN D. SARDAO
 Municipal Mayor

MUNICIPAL ORDINANCE NO. 2024 - 05
Series of 2024

Sponsor: Hon. Samuel P. Salomon
President, Liga ng mga Barangay, Committee on Barangay Affairs,
Games and Amusements

Certified Correct:


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:


HON. RUBEN G. AGNER
Municipal Vice-Mayor/Presiding Officer

BE IT ORDAINED by the Sangguniang Bayan of San Miguel, Leyte in regular session assembled that:

Section 1. Title. This Ordinance shall be known as the "**BARANGAY HUMAN RIGHTS ACTION CENTER ORDINANCE OF 2024**".

Section 2. Coverage. This Ordinance shall cover all the Barangays in the Municipality of San Miguel, Leyte.

Section 3. Definition of Terms and Phrases. Whenever used in this Ordinance, the following terms shall mean:

Concurred:


HON. THELMA M. BRAZIL
SB MEMBER

a) **Barangay Human Rights Action Center (BHRAC)** — refers to the program of the Commission on Human Rights for the nationwide mobilization for human rights protection and advocacy at the barangay level.

b) **Barangay Human Rights Action Officer (BHRAO)** — refers to the person selected and trained to provide and implement the BHRAC programs.

c) **Commission of Human Rights (CHR)** — the independent body created under the 1987 Constitution of the Philippines whose principal mandate is to investigate, on its own or on a complaint filed by any person, all forms of human rights violation involving civil and political rights.

Complaints Referral — refers to the primary task of the BHRAO to receive and monitor complaints of alleged human rights violations and their referral to the nearest CHR regional or sub-office for investigation.

e) **Human Rights Violations** — refer to all forms of violations involving civil and political rights.

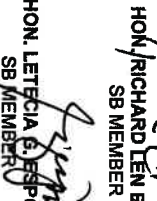
f) **Civil Society** — the aggregate of the non-governmental organizations and institutions that manifest the interests of citizens or individuals and organizations in a society that are independent of the government.

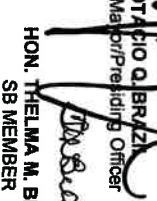
g) **Human Rights Education Center** — refers to the Commission on Human Rights Education Center that conduct seminar, trainings, symposia, and similar activities for all sectors and disseminates information/materials which reach out to the grassroots level, likewise, it conducts continuing research activities for the promotion and enhancement of human rights in the country.


Section 4. The Barangay Human Rights Action Center. Immediately upon the effectivity of this Ordinance, there shall be created in every barangay in the municipality of San Miguel, Leyte the Barangay Human Rights Action Center (BHRAC).

Approved:

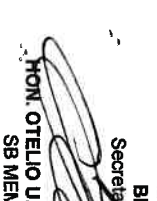

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

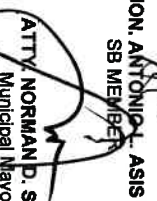

HON. LETECIA E. ESPINO
SB MEMBER


HON. RICHARD LEN B. LAPIDARIO
SB MEMBER


HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer


HON. CHARREL L. GUY
SB MEMBER


HON. ANTONIO L. ASIS
SB MEMBER


ATTY. NORMAN D. SABDAO
Municipal Mayor

Certified Correct:

HON. STEFANO U. BABIANO, JR.
SB MEMBER
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Section 5. The Barangay Human Rights Action Officer. The BHRAC shall be headed by the Barangay Secretary who, in addition to his/her duties and responsibilities shall act as Barangay Human Rights Action Officer (BHRAO). The BHRAO shall be appointed by the Barangay Chairman with the concurrence of the majority of the members of the Sangguniang Barangay in a resolution passed for the purpose unless the Barangay Chairman with the concurrence of the Sangguniang Barangay shall appoint a full-time BHRAO.

Attested by:

HON. RUBEN G. AGNER
SB MEMBER
HON. PROTALIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

a) No person may be appointed as BHRAO unless he/she is a resident of the barangay for at least five (5) years, not less than twenty-one (21) years old, at least a senior high school graduate, a person of probity and integrity, and must not be engaged in partisan political activity once appointed. He/ She must be committed to the cause of human rights and willing to undergo BHRAO training. The annual salary or allowance of the BHRAO shall be determined by the Sangguniang Barangay in an Ordinance enacted for the purpose.

Concurred:

HON. THELMA M. BRAZIL
SB MEMBER

b) The BHRAO herein appointed and trained shall receive a proper deputation, be certified and shall be issued an identification card from the CHR.

HON. RICHARD LEN B. LAPIDARIO
SB MEMBER
HON. LETECIA G. ESPOS
SB MEMBER

c) The BHRAO may be removed from office by the Barangay Chairman, upon approval of the majority of the members of the Sangguniang Barangay present in a session duly called for that purpose upon written complaint for cause and upon due process, on the grounds of commission of a violation of human rights, loss of confidence, and for non-performance of his/her duties and responsibilities.

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay
HON. PROSPERO Q. BRAZIL
SB MEMBER

d) In case of temporary vacancy, the Barangay Chairman shall assign any qualified Barangay Official or employee who shall assume the role of BHRAO. In case of permanent vacancy due to refusal to assume office, failure to qualify, death, removal from office, voluntary resignation, or permanent incapacity to discharge the functions of the office, the successor shall be chosen in accordance with the regular procedures for hiring.

e) The BHRAO shall hold office in the Barangay Hall.

The BHRAO or the Barangay Secretary or anyone assigned by the Barangay Chairman shall undergo specialized training on human rights and the operation of BHRAC.

Section 6. Duties And Responsibilities of Barangay Human Action Officer. The BHRAO shall have the following duties and responsibilities:

a) As Training and Information Officer:

- 1) Installing and maintaining Barangay bulletins and other information and updates on human rights matters.
- 2) Distribution or training and information materials and information releases.
- 3) Education of communities through seminars on human rights to make them human rights advocates and defenders.

b) As Coordination and Referral Officer:

Approved:

HON. ANTONIO L. ASIS
SB MEMBER
ATTY. NURMAN D. SARDAO
Municipal Mayor

Certified Correct:

HON. OTHELIO U. BABIANO, JR.
SB MEMBER
BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. RUIEN G. AGNER
SB MEMBER
HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

HON. THEMA M. BRAZIL
SB MEMBER
HON. LETELIA Q. ESTOS
SB MEMBER

HON. RICHARD LEN E. LANDIARIO
SB MEMBER
HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

Encouraged by:

HON. CHARITAE T. BRY
SB MEMBER
HON. ANTONIO C. ASIS
SB MEMBER

The BHRAO may also organize and mobilize an advisory group within the barangay composed of representatives from church, school, barangay-based sectoral organizations, barangay-based Private Organizations and Non- Government Organizations, and local media.

Section 7. Guidelines and Procedures. The following guidelines and procedures shall be observed in the filing of a human rights complaint with the BHRAO:

- a) Any person can go to the BHRAO to file a complaint.
- b) The BHRAO interviews the complainant to determine whether the subject of the complaint is a human rights violation or a common crime.
- c) If the complaint is not a human rights violation, hence does not fall under CHRs jurisdiction, the BHRAO forwards it to the Lupon ng Tagapamayapa or the Police, as the case may be; if it does, BHRAO shall assist the complainant to accomplish the prescribed forms and shall request him/her to submit evidence/supporting documents.
- d) The BHRAO accompanies the victim to the Municipal Legal Officer or Public Attorney's Office for preparation and execution of affidavit.
- e) The BHRAO shall transmit the complaint together with supporting document(s) to the CHR Regional Field Office or Sub-Office whichever is nearer.

Section 8. Barangay Human Rights Action Committee. A committee is hereby created to be known as Barangay Human Rights Action Committee to be headed by the Barangay Chairman as Committee Chairman, the Sangguniang Barangay Member who is the Chairman of the Committee on Peace and Order or Committee on Justice and Human Rights, and one representative each from the Church, Academe, and People's Organization as members. The Committee has the power to review the recommendation of the BHRAO in the filing of the complaint for human rights violations before the Commission on Human Rights (CHR).

SECTION 9. Stakeholders and the Oversight Committee. The BHRACs shall have the following stakeholders and partners;

- a) The Commission on Human Rights (CHR)
- b) The Department of Interior and Local Government (DILG)
- c) The Office of the Mayor
- d) The Chairman of the Committee on Justice and Human Rights of the Sangguniang Bayan
- e) The Liga ng mga Barangay President

Approved:

ATTY. NORMAN D. SABBADAO
Municipal Mayor

Concurred by:

HON. RUBEN G. AGNER
SB MEMBER

HON. RICHARD LEM B. LAPIDARIO
SB MEMBER

HON. THELMA M. BRAZIL
SB MEMBER

HON. PROSPERO Q. BRAZIL
SB MEMBER

HON. LETECIA S. ESPOS
SB MEMBER

HON. CHARLE L. GUY
SB MEMBER

HON. ANTONIO L. ASIS
SB MEMBER

HON. SAMUEL P. SALOMON
President, Liga ng mga Barangay

HON. OTHELLO U. BABIANO, JR.
SB MEMBER

- f) Representatives from the Police and People's Organizations and Non- Government Organizations operating in the municipality, which shall compose the Oversight Committee of the BHRACs.
- g) The Oversight Committee shall be chaired by the Municipal Mayor.

The Oversight Committee shall ensure consistency in the work to be performed by the BHRACs and the BHRAOs, with the CHR providing technical support. The Oversight Committee shall, among other, formulate and draft the Barangay Human Rights Action Plan and Barangay Human Rights Education Program with the end in view of mainstreaming human rights in the works of the barangay. In particular, the CHR shall extend technical assistance to BHRACs in the conduct of orientation, seminar, and capacity-building programs, and provide prototype human rights educations materials for the purpose. It shall also cause and facilitate the investigation of all human rights violations referred to it by the BHRACs. It shall assist in the monitoring of BHRAC program and recommend policies to the Oversight Committee in furtherance of institutionalizing the BHRACs and the BHRAOs.

Section 10. Appropriation of Funds. All Sangguniang Barangay in the Municipality of San Miguel, Leyte shall allocate funds for the creation and operationalization of the BHRACs. For this purpose, they shall conduct regular reviews of their human rights plan of action for inclusion in the annual budget appropriation of each barangay.

All barangays in the Municipality shall allocate from their annual barangay budget a sufficient amount to be determined by the Barangay Chairman and by the Sangguniang Barangay for the exclusive use and operation of the BHRACs, including reasonable salaries or allowances for the BHRAOs subject to the required accounting and auditing procedures.

Section 11. Separability Clause. If for any reason/s, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 12. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

Section 13. Effectivity Clause. This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation or its posting in conspicuous places in both the municipal hall and barangay hall in all barangays of the municipality.

DATE APPROVED - September 23, 2024

I HEREBY CERTIFY to the correctness of the foregoing resolution/ordinance.


BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan

Attested by:

HON. PROTACIO Q. BRAZIL
Municipal Vice-Mayor/Presiding Officer

Approved:

ATTY. NORMAN D. SABDAO
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF SAN MIGUEL
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

THIS IS TO CERTIFY that Municipal Ordinance No. 2024-05, Series of 2024 as embodied under Resolution No. 181, Series of 2024 entitled: **"AN ORDINANCE ESTABLISHING AND OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER (BHRAC) IN EVERY BARANGAY IN THE MUNICIPALITY OF SAN MIGUEL, LEYTE, CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICERS (BHRAO), AND PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES"**, has been posted in three (3) conspicuous places within the municipality and shall remain posted for three (3) consecutive weeks.

Done this 9th day of October 2024 at San Miguel, Leyte.

BRYAN NEIL B. BRAZIL
Secretary to the Sangguniang Bayan