



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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PROVINCIAL LEGAL OFFICE

Item No.: 05

Date: 08 2024 OCT

Province of Leyte
Legal Office

Released by: *[Signature]*
Time: *9:24*
Date: *10.1.24*

2nd INDORSEMENT

September 30, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 12 series of 2024 of the Sangguniang Panlungsod of Baybay City, Leyte.

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

- Ordinance No. 12 series of 2024 entitled: “An Ordinance expressly repealing Baybay City Ordinance No. 5 series of 2019, prohibiting, disallowing motorcycle drivers and backriders, the use and wearing of helmets, bonnets and masks to cover and hide the face and identities.

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power for it is within the powers of the Local Council to repeal/amend its prior acts either expressly or by the passage of an essentially inconsistent resolution¹. 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 (Constantino vs. Desierto, 288 SCRA 654)

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
26 September 2024

Province of Leyte
Legal Office
Received: *[Signature]*
Time: *9:20*
Date: *9.26.24*

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **City Ordinance No. 12, S. 2024 of the City of Baybay, Leyte**, entitled: An Ordinance expressly repealing Baybay City Ordinance No. 5, series of 2019, prohibiting, disallowing motorcycle drivers and backriders, the use and wearing of helmets, bonnets and masks to cover and hide the face and identities.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
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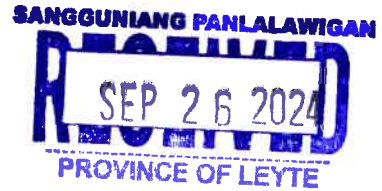
OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

September 23, 2024

The Sangguniang Panlalawigan
 Province of Leyte
 Tacloban City

Sir/Madam



I am pleased to transmit herewith the Hard copies of City Ordinance No. 12 S. 2024 of the Sangguniang Panlungsod of Baybay City:

It is hoped that said Ordinance is in order and therefore, merits your kind consideration.

Thank you very much.


 ATTY. VIVIAN E. VIDALLON
 SP Secretary

Incl.: as stated



Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
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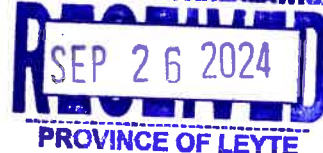
OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

6th SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. 12, S-2024
 34th Regular Session

SANGGUNIANG PANLALAWIGAN



AN ORDINANCE, EXPRESSLY REPEALING BAYBAY CITY ORDINANCE NO. 5, SERIES OF 2019, PROHIBITING, DISALLOWING MOTORCYCLE DRIVERS AND BACKRIDERS, THE USE & WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES.."

*Introduced by Hon. Dominic Junie F. Murillo and
 the SP Committee of Peace & Order and Public Safety*

WHEREAS, City Ordinance No. 5, Series of 2019, Section 1, which prohibited the use and wearing of helmets within the City Proper/Poblacion was enacted to address the sudden surge of criminalities perpetrated by "helmet-wearing" motorcycle riding-in-tandem" personalities committed within the poblacion proper of the city of Baybay;

WHEREAS, the evil sought to be avoided in City Ordinance No. 5, Series of 2019, is already contained or lessened with the increase number of police personnel assigned in the city of Baybay coupled with the installations of multiple CCTV cameras in all strategic areas in the entire poblacion including all exit roads and alleys, hence the need to repeal said ordinance.

WHEREAS, a significant number of accidents involving head injuries in the City of Baybay were duly reported and recorded due to the not wearing of a prescribed helmet and is imperative upon the local government unit through the Local Sangguniang Panlungsod to adopt measures to effectively and efficiently carry out primary duties to its citizenry;

WHEREAS, Republic Act No. 10054, which was signed into law on March 23, 2010, entitled, "AN ACT MANDATING ALL motorcycle drivers TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING AND PROVIDING PENALTIES THEREFOR";

WHEREAS, the said RA 10054 aims to safeguard the general public, particularly the operators or drivers of motorcycles and their passengers, from the head injuries that are life threatening accidents;

NOW THEREFORE, BE IT ORDAINED BY THE 6TH SANGGUNIANG PANLUNGSOD OF BAYBAY CITY, IN ITS 34TH REGULAR SESSION ASSEMBLED THAT;

Section 1. Title – AN ORDINANCE, EXPRESSLY REPEALING BAYBAY CITY ORDINANCE NO. 5, SERIES OF 2019, PROHIBITING, DISALLOWING MOTORCYCLE DRIVERS AND BACKRIDERS, THE USE

ATTY. JOSE ROMMEL A. PERARANDA
 SP Member

DOMINIC JUNIE F. MURILLO
 SP Member

JORGE V. REBUCAS
 SP Member

JULES LUCAS C. CARI
 President, LIGA ng mga Barangay
 Ex-Officio SPM

KYLA SHARINEN T. VIDAL
 SK Chair, City Federation
 Ex-Officio SPM

ROMULO B. ALCALA
 SP Member

SIMOUNE L. ASTORGA
 SP Member

Dr. FULTON KE C. ARRADAZA
 SP Member

JOSE L. BACUSMO
 SP Member

FILMIONE AVILA
 SP Member

CARMEN L. CARI
 SP Member

RAMON RONALD J. VELOSO
 SP Member

& WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES..."

Section 2. Scope and Application - This ordinance shall apply to all motorcycle drivers, including drivers and passengers within the territorial jurisdiction of the City of Baybay.

Section 3. Purpose - It is the intent of this ordinance give as reflected in the title to give.

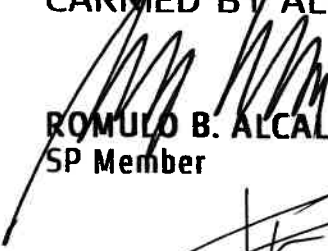
Section 4. Separability Clause – If any provision, section or part of this ordinance is declared invalid, or suspended or revoked by any court of competent jurisdiction, such judgment shall not affect the remaining provisions, sections or parts thereof, and shall remain valid and subsisting.

Section 5. Repealing Clause – All ordinances, local rules and regulations or part thereof in conflict with, or inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

Section 6. Effectivity – This Ordinance shall take effect upon due compliance with all the requirements as provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: September 5, 2024
Baybay City, Leyte, Philippines

CARRIED BY ALL OF THE MEMBERS PRESENT:


ROMULO B. ALCALA
SP Member


SIMOUNE L. ASTORGA
SP Member


DR. FULTON IKE C. ARRADAZA
SP Member


JOSE L. BACUSMO
SP Member


FILEMON F. AVILA
SP Member



CARMEN I. CARI
SP Member


RAMON RONALD J. VELOSO
SP Member


ATTY. JOSE ROMMEL A. PEÑARANDA
SP Member


DOMINIC JUNIE F. MURILLO
SP Member


JORGE V. REBUCAS
SP Member


JULES LUCAS C. CARI
President, LICA Ng Mga Barangay
Ex-Officio SPM


KYLA SHANNEN T. VIDAL
SK Chair, City Federation
Ex-Officio SPM

RESOLVED FURTHER, that certified copies of this ORDINANCE be furnished to the City Mayor Honorable Jose Carlos L. Cari, City Administrator Florante Cayunda Jr.; City Legal Officer, Atty. Avito C.

Cahig, Jr.; City Budget Officer, Raul Mabini; City Accountant Jay Ryan Austero; City Treasurer Alberta A. Manatad, CLGOO Juvy C. Pedrera, City Traffic Management & Terminal Office (CTMTO), Philippine National Police (PNP), Land Transportation Office (LTO) and to all other offices/agencies/entities concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance.


ATTY. VIVIAN E. ENARIO-VIDALLON
Secretary to the Sanggunian

ATTESTED & CERTIFIED
TO BE DULY ADOPTED


ATTY. ERNESTO M. BUTAWAN
City Vice Mayor / Presiding Officer

CONFORME:


ENGR. JOSE CARLOS L. CARI
City Mayor

Date Approved: 9/23/24



SP-Records
RECEIVED
BY *[Signature]* DATE *5/14/19*

Office of the Sangguniang Panlungsod

Telexfax No. (+63-53) 335-4808

2nd Floor, Legislative Bldg., R. Magsaysay Ave., Baybay City Leyte 6521

@ sangguniang.baybaycity@yahoo.com

ORDINANCE NO. 05, S. 2019

“AN ORDINANCE PROHIBITING, DISALLOWING AND BANNING THE USE AND WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES OF PERSONS, MOTORCYCLE DRIVERS AND BACKRIDERS AND IMPOSING PENALTIES IN VIOLATION THEREOF.”

(Sponsored by Honorable Atty. Ernesto M. Butawan)

PREFATORY STATEMENT

WHEREAS, one of the alarming issues affecting our City very recently are the incidents involving unknown assailants or motorcycle driving assailants, wherein the perpetrators wore and used helmets, bonnets and masks to cover their identities in order to escape arrest from Police Authorities and authorized law enforcers and evade prosecution;

WHEREAS, the residents of the entire City of Baybay now greatly feared for their safety and security due to the continuous and uncontrolled assaults, threats and shooting incidents perpetuated by mask/bonnet-wearing assailants, motorcycle drivers and back riders, thereby significantly affecting the peace and order situation of this City;

WHEREAS, there were some cases related to physical assault by mask/bonnet-wearing assailants and drive-by shooting incidents which have remained unsolved due to lack of witnesses to identify the perpetrators and most likely, due to the tinted helmets, bonnets and masks worn by these criminals during the incident;

WHEREAS, the Local Government Code empowers the Local Government Unit to draft and formulate measures, ways and means to ensure the well-being of the community, thus, the common interest shall be primordially attended;

NOW THEREFORE, on motion of Honorable Atty. Ernesto M. Butawan, and duly seconded by Honorable Edgardo R. Ompoy, Honorable Vicente Victor G. Veloso and Honorable Filemon F. Avila,

BE IT ORDAINED, by the Sangguniang Panlungsod of the City of Baybay in session, on May 6, 2019, thus this ordinance, entitled;

“AN ORDINANCE PROHIBITING, DISALLOWING AND BANNING THE USE AND WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES OF PERSONS, MOTORCYCLE DRIVERS AND BACKRIDERS AND IMPOSING PENALTIES IN VIOLATION THEREOF.”

Section 1. Prohibition Within the City Proper/Poblacion.

All motorcycle drivers and back riders are prohibited, disallowed and banned to wear helmets, bonnets and masks when driving within the city proper/poblacion of the City of Baybay.

Section 2. Medical Condition.

Drivers and back riders wearing and using masks and bonnets to prevent inhaling dusts because of medical condition must present a medical record/documents to justify their intention.

Section 3. Driving Outside City Proper/Poblacion.

When driving outside city proper/poblacion the driver or his back-rider must immediately remove his/her helmet, bonnets or mask once the motorcycle is in complete stop whether the engine is still on or off;

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places except in their respective homes or private places, as a consequence hereof, the authorized law enforcers shall require the person to remove their mask, helmet or bonnet and present valid identification card for their identity to avoid apprehension and prosecution under this ordinance;

Section 5. Checkpoints.

All motorcycle drivers and back riders must take off their helmets, bonnets or masks upon order of the law enforcements agencies manning the checkpoints.

Section 6. Violation of any provision/s of this Ordinance shall suffer the following fines and penalties:

- a. For motorcycle driver – citation ticket plus fine of P500.00 and imprisonment of 15 days;
- b. For non-driver and back rider violators an imprisonment of 15 days;

Section 7. All traffic enforcers of the city and all Barangay Tanods in their respective barangays and the members of the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) shall enforce this Ordinance;

Section 8. SEPARABILITY CLAUSE.

The provisions of this Ordinance are hereby declared separable and if any provision shall be held invalid, or unconstitutional, the remaining portions hereof are not affected and shall remain valid and effective.

Section 9. REPEALING CLAUSE.

All ordinances, resolutions, rules and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

Section 10. EFFECTIVITY.

This Ordinance shall take effect 15 days after its publication and after due compliance with all the requirements provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: May 6, 2019
Baybay City, Leyte, Philippines

CARRIED BY ALL OF THE MEMBERS PRESENT:

ATTY. ERNESTO M. BUTAWAN
SP Member

ARTURO ELISA O. ASTORGA
SP Member

RODULFO S. PALMA, JR.
SP Member

ALAN D. FERNANDEZ
SP Member

FILEMON E. AVILA
SP Member

EDGARDO R. OMPLOY
SP Member

LEONCIO P. ASILOM, JR.
SP Member

VICENTE VICTOR G. VELOSO
SP Member

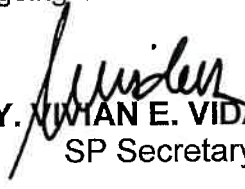
DOMINADOR K. MURILLO, DM
SP Member

JORGE V. REBUCAS
SP Member

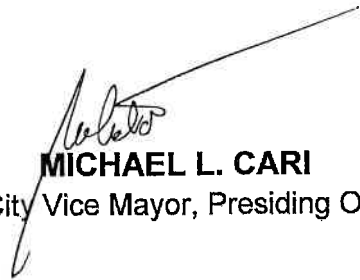
NATALIE B. ANDRES
President, SK City Federation,
Ex-Officio, SP Member


Oppus, the City Treasurer, Evelyn P. Reente, CELSO M. VICENTE D. MARAON, and to all other offices/agencies concerned for their information, guidance and appropriate action.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance

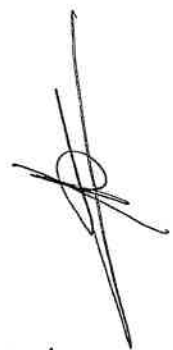

ATTY. NICAN E. VIDALLON
SP Secretary

ATTESTED & CERTIFIED
TO BE DULY ADOPTED:


MICHAEL L. CARI
City Vice Mayor, Presiding Officer

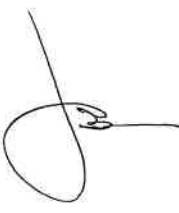
Approved by Her Honor: 
CARMEN L. CARI
City Mayor

Date Approved: 5/7/2019

















Republic of the Philippines
PROVINCE OF LEYTE
CITY OF BAYBAY
-000000-



OFFICE OF THE SANGGUNIANG PANLUNGSOD

3rd Floor City Hall, Diversion Road, Brgy. Gaas, Baybay City, Leyte 6521 * panlungsodsangguniang@gmail.com

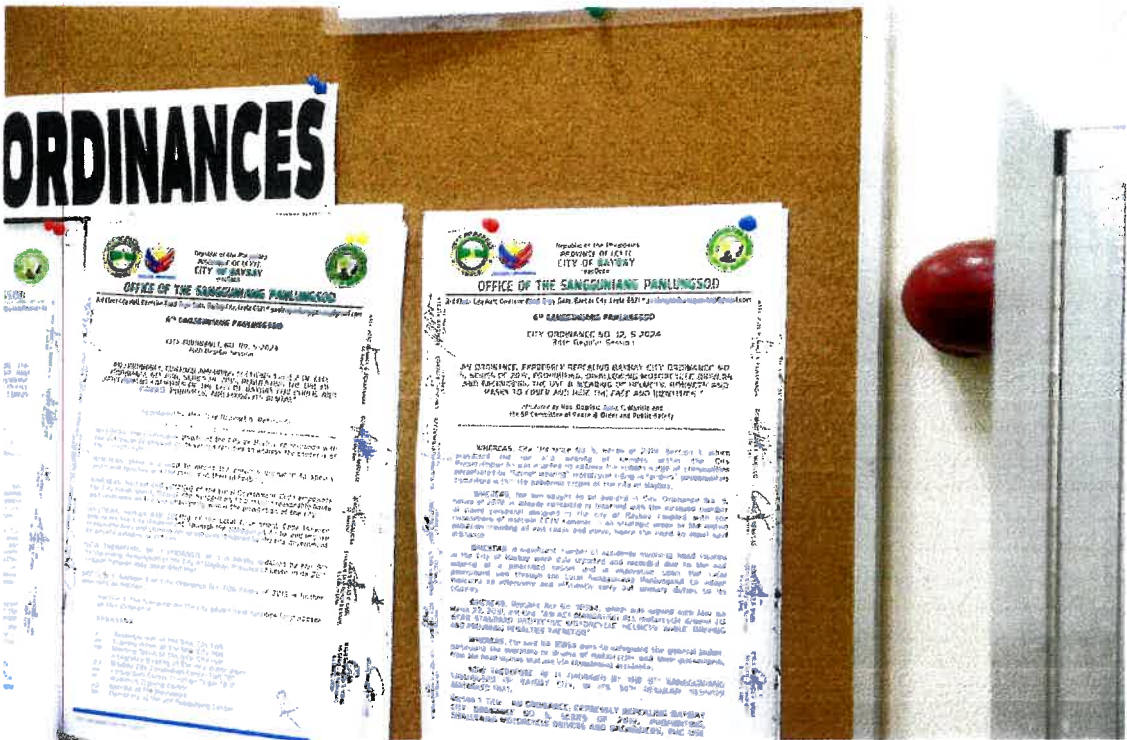
C E R T I F I C A T I O N

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that the City Ordinance No. 12 s. 2024 " AN ORDINANCE EXPRESSLY REPEALING BAYBAY CITY ORDINANCE NO. 5, SERIES OF 2019, PROHIBITING, DISALLOWING MOTORCYCLE DRIVERS AND BACKRIDERS, THE USE & WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES." was posted in the bulletin board at Legislative Department, New City Hall, Diversion Road, the public market and Baybay City Bus and Terminal immediately upon approval thereof.

Issued this 23RD day of September 2024, at Baybay City, Leyte.


ATTY. VIVIAN E. VIDALLON
SP/Secretary



SANGGUNIANG PANLUNGSOD BULLETIN BOARD



BAYBAY CITY BUS TERMINAL



BAYBAY CITY TRICYCLE/PEDICAB TERMINAL