

Item No.: 07

Date: 22 2024 OCT



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 10-15-24

SANGGUNIANG PANLALAWIGAN
RECEIVED
OCT 16 2024
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT

October 11, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 15 series of 2024 of the Sangguniang Bayan of Capoocan, Leyte.

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

- Ordinance No. 15 series of 2024 entitled: **“An Ordinance establishing the Capoocan, Leyte Human Rights Action Center and Operationalizing the same and the BHRAO and defining its powers and functions”**

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.

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
10-10-24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 15, Series of 2024 of the Municipality of Capoocan, Leyte, entitled: An Ordinance Establishing the Capoocan, Leyte Human Rights Action Center, Operationalizing the Barangay Human Rights Action Center, and Capacitating the Barangay Human Rights Action Officer and Defining its Powers and Functions.**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan

✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com
☎ 09976874138



October 10, 2024

THE HONORABLE BODY

Sangguniang Panlalawigan
Legislative Building
Capitol Grounds
Tacloban City


Dear Gentlemen / Mesdames:

Good Day!

Submitting **ORDINANCE No. 15, Series of 2024** of the Sangguniang Bayan of Capoocan, Leyte entitled, ***"AN ORDINANCE ESTABLISHING THE CAPOOCAN, LEYTE HUMAN RIGHTS ACTION CENTER, OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER, AND CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICER AND DEFINING ITS POWERS AND FUNCTIONS"***, for review of the Honorable Body

Earliest and favorable action shall be gratefully acknowledged.

Respectfully yours,


JUDE R. DELA TORRE
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Capoocan
Office of the Sangguniang Bayan
✉ sbcapoocan@gmail.com / sbcapoocan@yahoo.com
☎ 09976874138



SANGGUNIANG BAYAN OF THE MUNICIPAL GOVERNMENT OF CAPOOCAN, LEYTE IN ITS 117th REGULAR SESSION
HELD ON **SEPTEMBER 17, 2024** AT THE MUNICIPAL SESSION HALL LEGISLATIVE BUILDING

MUNICIPAL ORDINANCE NO. 15 SERIES OF 2024

AN ORDINANCE ESTABLISHING THE CAPOOCAN, LEYTE HUMAN RIGHTS ACTION CENTER, OPERATIONALIZING THE BARANGAY HUMAN RIGHTS ACTION CENTER, AND CAPACITATING THE BARANGAY HUMAN RIGHTS ACTION OFFICER AND DEFINING ITS POWERS AND FUNCTIONS

SPONSOR: HONORABLE VON LITO Q. VALLAR

WHEREAS, Article 2, Section 11 of the 1987 Constitution provides that the State values the dignity of every person and guarantees full respect for human rights.

WHEREAS, Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights are universal and inalienable rights to life, liberty, property, and dignity. It covers civil, political, economic, social and cultural rights of the people.

WHEREAS, as enshrined in Article 1 of the Universal Declaration of Human Rights: "All human beings are born free and equal in dignity and rights." In the Bill of Rights, it sets forth the fundamental civil and political rights of the individual, and imposes limitations on the powers of the government as a means of securing the enjoyment of these rights.

WHEREAS, as a guarantee that individuals fully enjoy their rights without arbitrary interference from the government, Section 1 Article III of the Constitution states that "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be deprived the equal protection of laws."

WHEREAS, Equally important are the economic, social, and cultural rights which must be with utmost importance by the State concerning the basic, social, and economic conditions needed to live a life of dignity and freedom relating to work and workers' rights, social security, health, education, food, water, housing, healthy environment, and culture.

WHEREAS, the Department of Interior and Local Government and the Commission on Human Rights Joint Memorandum Circular No. 1 Series of 2014 with subject "Mainstreaming Human Rights through the Rule of Law and Access to Justice at the Level of Provinces, Cities, Level Municipalities, and Barangays" mandates the establishment of Human Rights Action Center in every province, city and the LGU.

WHEREAS, pursuant thereto, the Local Government of Capoocan, Leyte is mandated to develop local policies and legislations that will address issues on human rights, rule of law, and access to justice. This Municipality recognized the need for a Human Rights Action Center to ensure the accountability of local authorities in the promotion, protection and full realization of all human rights, and in instilling greater public awareness on human rights.

WHEREAS, the Barangay Human Rights Action Center, in coordination with the Commission on Human Rights and the Department of Interior and Local Government, shall together promote to enhance the primacy of human rights, protection of human dignity, and the full respect for human rights.

Page 1 of 6
(Handwritten signatures and initials)

WHEREAS, Pursuant to Book 1, Section 50 (b)(1) of the Local Government Code states that the local government units at the level of provinces, cities, municipalities and barangays are mandated to create a Human Rights Committee as one of the standing committees of their respective Sanggunian. The Human Rights Committees are mandated to develop local policies and legislations that will address issues on human rights, rule of law, and access to justice.

NOW THEREFORE, be it ORDAINED as it is hereby ORDAINED by the Sangguniang Bayan of Capoocan, Leyte in session duly assembled the following:

SECTION 1. TITLE. This Ordinance shall be known as **“THE CAPOOCAN LEYTE HUMAN RIGHTS ACTION CENTER ORDINANCE OF 2024”**.

SECTION 2. OBJECTIVES. This ordinance aims to:

1. Mainstream human rights through the rule of law and access to justice at the local level;
2. Empower the people in the grassroots level in protecting and promoting human rights, and bringing the services of the Commission on Human Rights closer to the people; and
3. Widen the democratic space for participation of civil society organizations, people’s organizations in local governance.

SECTION 3. DEFINITION OF TERMS. As used in this Ordinance, the following terms are hereby defined as follows:

- a. **Barangay Human Rights Action Center (BHRAC)** - serves as the human rights help desk bringing services and programs of the Commission on Human Rights 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 on Human Rights (CHR)** – the independent constitutional body whose principal mandate is to investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights;
- d. **Human Rights** - the inherent and inalienable rights of a human person;
- e. **Human Rights Situationer** - presentation and analysis of existing human rights conditions in a particular area;

SECTION 4. ESTABLISHMENT OF CAPOOCAN HUMAN RIGHTS ACTION CENTER. The Capoocan Human Rights Action Center stationed at the **Municipal Social Welfare and Development Office** is hereby created and established to act on human rights matters, including human rights promotion, and assist complaints of human rights violations.

SECTION 5. COMPOSITION OF CAPOOCAN HUMAN RIGHTS ACTION TEAM. The Capoocan Human Rights Action Team is hereby organized and shall be composed of the following:

- | | | |
|----------------|---|---|
| Chairperson | : | Municipal Social Welfare and Development Officer |
| Co-Chairperson | : | Chairperson, Committee on Human Rights, Peace and Order and Public Safety |
| Members | : | |
| | | Municipal Planning and Development Coordinator |
| | | Municipal Health Officer |
| | | Municipal Environment and Natural Resources Officer |
| | | Public Affairs, Information & Assistance Officer |
| | | Capoocan PNP Human Rights Affairs Officer |
| | | School District Supervisor |
| | | Barangay Human Rights Action Officer Association President |
| | | One (1) representative from an LGU-accredited group advocating human rights |

SECTION 6. DUTIES AND RESPONSIBILITIES OF CAPOOCAN HUMAN RIGHTS ACTION TEAM. The Capoocan Human Rights Action Team (CHRACT) shall have the following duties and responsibilities:

1. Develop and implement human rights plan of the Local Government of Capoocan;
2. Propose to the Sanggunian the integration of human rights programs, projects, and activities in the annual budget appropriation;
3. Recommend appropriate legislations to the Committee on Human Rights, Peace and Order and Public Safety of the Sanggunian;
4. Utilize available resources for human rights promotion activities;
5. Spearhead and coordinate the implementation of human rights programs, projects, and activities;
6. Posting of human rights programs, projects and activities in the websites, bulletin boards, and newsletters of the Local Government of Capoocan;
7. Provide legal and/or paralegal assistance to victims of human rights violations;
8. Encourage participation of the Local Government of Capoocan Officials and Civil Society Organizations in human rights promotion activities;
9. Mobilize sectoral groups and locally-based people's organizations and civil society organizations in the community to participate in human rights activities;
10. Publish feature articles on various human rights concerns and issues in the websites, bulletin boards, and newsletters of the Local Government of Capoocan;
11. Reproduce and disseminate human rights information, education and communication materials within the Local Government of Capoocan,
12. Serve as information centers on Human Rights Programs and Services, including referral systems within the Local Government of Capoocan;
13. Maintain and update the Directory of Human Rights Programs and Services within the Local Government of Capoocan;
14. Organize the association of Barangay Human Rights Action Officers (BHRAOs) at the Municipal level and support their operations;
15. Strengthen linkages with the regional/field offices of the Commission on Human Rights (CHR), Department of the Interior and Local Government (DILG), the other human rights service providers and Civil Society Organizations in the implementation of the human rights programs, projects and activities;
16. Organize capacity-building on human rights of all Local Government of Capoocan Officials in close coordination with regional/field offices of the Commission on Human Rights (CHR) and the Department of Interior and Local Government (DILG);
17. Establish and maintain a database of human rights situationers including the monitoring of status of complaints of human rights violations referred to the Commission on Human Rights (CHR) Regional Offices and other appropriate agencies,
18. **Provide the Commission on Human Rights (CHR) copies of these plans.**

SECTION 7. MEETINGS. The CHRACT shall meet regularly once every quarter. The Chairperson may call for special meetings as the need arises.

SECTION 8. SECRETARIAT. The secretariat shall be composed of representatives from the Municipal Social Welfare and Development, and Municipal Planning and Development Office.

SECTION 9. DUTIES AND RESPONSIBILITIES OF SECRETARIAT. The secretariat shall have the following duties and responsibilities:

1. Receives, consolidates and prepares Annual Human Rights Situationer/Report submitted by the BHRACTs;
2. Prepares minutes of the meeting;
3. Assist in coordinating Human Rights matters with concerned agencies,
4. Establish and maintain database of Human Rights Reports;
5. Maintain and update a directory of HRACts within its jurisdiction;
6. Facilitates the Administrative concerns of the HRACts; and
7. Prepare updates of the complaints, received and referred by BHRACTs.
8. Semestral monitoring status report of human rights treaties;

SECTION 10. ESTABLISHMENT AND COMPOSITION OF BARANGAY HUMAN RIGHTS ACTION TEAM. The Barangay Human Rights Action Team is hereby mandated to organize and shall be composed of the following:

Barangay Human Rights Action Officer	Chairperson, Committee on Human Rights and Peace and Order (<i>If there is no such committee, the Punong Barangay shall appoint the BHRAO</i>)
Members	Barangay Secretary Barangay Chief Tanod Barangay Health Worker Barangay VAW Desk Officer Barangay Social Welfare and Development Officer Lupong Tagapamayapa Police Officer assigned in the Barangay Principal from public or private school located in the barangay One (1) representative of Civil Society Organizations/Non-Government Organizations/People's Organizations operating in the Barangay

SECTION 11. DUTIES AND RESPONSIBILITIES OF BARANGAY HUMAN RIGHTS ACTION TEAM - The BHRaCT shall have the following duties and responsibilities:

1. Consolidate human rights reports both from barangay-based institutions (e.g. Lupong Tagapamayapa, BAWC Desks, etc.) and non-government entities (e.g. sectoral CSOs and purok leaders) in the community;
2. Submit semestral Barangay human rights situationer reports to CHRaCT; and
3. Receive complaints of human rights violations and refer the same to the nearest CHR Regional Offices and other appropriate agencies copy furnished the CHRaCT and monitor the status thereof;

SECTION 12. BARANGAY HUMAN RIGHTS OFFICER. The BHRaCT shall be presided by the Chairperson of the Barangay Human Rights Committee and shall act as Barangay Human Rights Officer.

SECTION 13. DUTIES AND RESPONSIBILITIES OF THE BARANGAY HUMAN RIGHTS OFFICER. The Barangay Human Rights Officer shall have the following duties and responsibilities:

1. As training and information officer:
 - a. Installing and maintaining barangay bulletins and other information and updates on human rights matters;
 - b. Distribution of training and information materials and releases;
 - c. Education of communities thru seminars on human rights.
2. As coordination and referral officer:
 - a. Maintaining barangay directories or services/programs
 - b. Receiving giving feedbacks on referral actions;
 - c. Implementation or coordination of services at the barangay level.
3. As human rights complaints officer:
 - a. Assist complainants in securing legal services and/or any other financial assistance from government agencies.

SECTION 14. GUIDELINES AND PROCEDURE. The following guidelines and procedures shall be observed in the filing of a human rights complaint:

1. Any resident of the barangay can file a complaint before the BHRAC.

 Several handwritten signatures and initials are present at the bottom of the page, including a large signature on the left, a signature in the middle, and several smaller signatures on the right, one of which appears to be 'Hernandez'.

2. The BHRAO shall interview the complainant to determine whether the subject of the complaint is a human rights violation or a common crime.
3. If the complaint is not a human rights violation, the BHRAO may endorse it to the Lupon ng Tagapamayapa or the PNP, as the case may be; if it does, the BHRAO shall assist the complainant to accomplish the prescribed forms and request him/her to submit evidence and supporting documents.
4. The BHRAO may accompany the victim/s to the Public Attorney's Office or any private counsel for the preparation and execution of the appropriate complaint.
5. The BHRAO shall transmit the complaint together with other documents to the CHR Regional Office or Field Office whichever is nearer.

SECTION 15. BARANGAY ADVISORY GROUP. The BHRAO has to organize and build a support group who can be partners in the promotion and protection of human rights in the barangay. The BHRAO can mobilize certain cause-oriented individuals, groups, sectors, and/or organizations to constitute the human rights advisory group, such as:

1. Religious-based organizations
2. School-based organizations
3. Barangay-based sectoral organizations
 - a. Women
 - b. Farmers
 - c. Fishermen
 - d. Youth
 - e. Labor
4. Barangay-based NGOs

SECTION 16. BARANGAY ALLOCATION. All Sangguniang Barangays in the Municipality of Capoocan shall give priority to the creation and operationalization of the BHRACs as herein contemplated. For this purpose, they shall conduct regular review 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 Chairperson and by the Sangguniang Barangay for the exclusive use and operation of the BHRACs, including reasonable salaries and wages or allowances for the Barangay Human Rights Officers, subject to accounting and auditing rules and procedures.

SECTION 17. NATIONAL HUMAN RIGHTS CONSCIOUSNESS WEEK. Pursuant to RA 9201, otherwise known as the National Human Rights Consciousness Week Act of 2002, December 4 to 10 is hereby declared, observed, and celebrated as the National Human Rights Consciousness Week in the Municipality of Capoocan, Leyte;

SECTION 18. SIMPLE CELEBRATION. All government agencies, including government-owned and-controlled corporations, are enjoined to celebrate the week through simple and appropriate ceremonies and activities to make the people aware of their basic human rights in relation to the functions and services offered by these government instrumentalities.

All levels of education/learning institutions, both public and private, shall celebrate the week through simple and appropriate ceremonies and activities to propagate, particularly among the students, a human rights culture that aims at sustainable development in the country.

SECTION 19. PREPARATION AND IMPLEMENTATION. The Capoocan Human Rights Action Team (CHRACT) shall take the lead in the preparation and implementation of the guidelines on how to celebrate the week through simple and appropriate ceremonies and activities;

SECTION 20. APPROPRIATION. The appropriations for the full implementation of human rights programs of the CHRAcT shall be included in the Annual Budget of the **Municipal Social Welfare and Development Office** subject to the availability of funds.

SECTION 21. SEPARABILITY CLAUSE. If, for any reason, any part/s or provision(s) of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 22. REPEALING CLAUSE. All ordinances or portion thereof which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 23. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately upon its approval, subject to the compliance of the necessary posting and publication requirements as provided for in the Local Government Code of 1991.

ENACTED by the Sangguniang Bayan, in session assembled this **17th** day of **September, 2024** at Capoocan, Leyte.

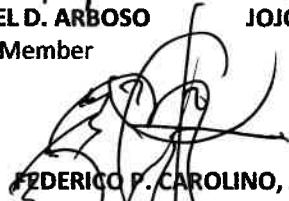

VON LITO Q. VALLAR
SB Member


EMMANUEL D. ARBOSO
SB Member



JOJO N. NEPOMUCENO
SB Member

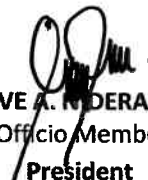

GRACIA G. PIGAR
SB Member


REYNALDO R. NIMO
SB Member

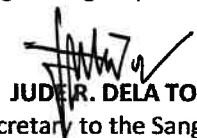

FEDERICO P. CAROLINO, JR.
SB Member


ROBERTA C. PEÑARANDA
SB Member

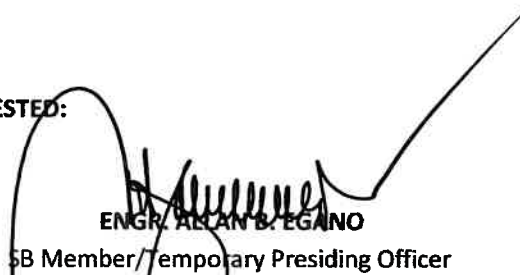

FLORENCE R. CANDINO-MISAGAL
Ex-Officio Member
Municipal Chapter President
Liga ng mga Barangay


DAVE A. NIDERA
Ex-Officio Member
President
Pambayang Pederasyon ng mga Sangguniang Kabataan

I HEREBY CERTIFY to the correctness of the foregoing resolution of the Sangguniang Bayan of Capoocan, Leyte.



JUDER. DELA TORRE
Secretary to the Sanggunian

ATTESTED:


ENGR. ALLAN B. EGANO
SB Member/Temporary Presiding Officer

ATTY. FEDERICO H. CAROLINO, SR.
Municipal Vice-Mayor/Presiding Officer
(On Official Travel)

APPROVED:


ATTY. FE CLAIRE P. CAROLINO-PARAGATOS
Municipal Mayor
Date: 10.4.24