Item No.: 18

Date: 0 3 2024 DEC



Republic of the Philippines PROVINCE OF LEYTE

Provincial Capitol Tacloban City

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SANGGUNIANG PANLALAWIGAN

2nd INDORSEMENT

November 15, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2024-23 of the Sangguniang Bayan of Calubian, Leyte.

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

• Ordinance No. 2024-23 entitled: "An Ordinance regulating the holding of discos and benefit dances."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Section 447(a)¹ of the Local Government Code of 1991 (R.A 7160). However, the penal provisions of the proposed Ordinance under Section 4 are in contravention with Section 447(a)(1)(iii)² of the same code. Hence, further review of the Proposed Ordinance is recommended.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the 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 (a) 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,

 $^{^{2}}$ (iii) Approve ordinances imposing a fine not exceeding Two thousand five hundred pesos (P2,500.00) or an imprisonment for a period not exceeding six (6) months, or both in the discretion of the court, for the violation of a municipal ordinance;

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT 04 November 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2024-23** of the **Municipality** of **Calubian**, **Leyte**, entitled: An Ordinance Regulating the Holding of Discos and Benefit Dances.

Provi Govt. Assi Dept. Head

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Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian

OFFICE OF THE SANGGUNIANG BAYAN



October 31, 2024

HON. LEONARDO M. JAVIER, JR.

Provincial Vice Governor, Presiding Officer; and The Honorable Members of the Sangguniang Panlalawigan Province of Leyte New Leyte Provincial Capitol Palo, Leyte



THRU:

MS. FLORINDA JILL S. UYVICO

Provincial Government Department Head

Secretary to the Sanggunian

Province of Leyte

Dear Honorable Ladies/ Gentlemen:

Good day!

We are respectfully forwarding *fifteen (15) copies* of the following Municipal Ordinance No. 2024-23, entitled: "AN ORDINANCE REGULATING THE HOLDING OF DISCOS AND BENEFIT DANCES," and its supporting attachments for favorable review and approval of the Honorable Sangguniang Panlalawigan of Leyte

For your perusal. Please acknowledge receipt hereof.

Thank you.

Very truly yours,

ATTY. KEISHA YNA VINEE V. RAMIREZ

MCOH V (Secretary to the Sanggunian)



Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -oOo-



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE NINETY EIGHTH (98TH) REGULAR SESSION OF THE SANGGUNIANG BAYAN OF CALUBIAN, LEYTE HELD ON OCTOBER 14, 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

Vice Mayor Anna Love Veloso — Laurente
SB Member Noel G. Eamiguel
SB Member Eugenio A. Ching, Jr.
SB Member Jullian Marc A. Batiancela
SB Member Ester P. Lubiano
SB Member Benjamin A. Calbitaza
Liga ng mga Barangay Pres. Alfredo M. Casas

- Presiding Officer
- Memberunian General - Member | 0 | 0 | 4 | 2024 |
- Member Novince of Leyte

FORCED LEAVE:

SB Member Julia E. Halichic - Member SB Member Lucita A. Palconit - Member SB Member Alyza F. Nierras - Member SK Fed. Pres. Carl Ernest D. Ponce - Member

ORDINANCE NO. 2024 - 23

AN ORDINANCE REGULATING THE HOLDING OF DISCOS AND BENEFIT DANCES

Sponsored by the Committee on Raws, Rules, Privileges and Accountability

Hon. Eugenio A. Ching, Jr.

Hon. Julia E. Halichic

Hon. Benjamin A. Calbitaza

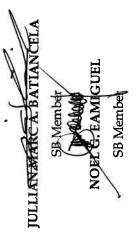
Hon. Noel G. Eamiguel

WHEREAS, discos and benefit dances are the most popular and easily resorted to means of community entertainment at night, as well as of raising funds for community-based beneficial projects, including, but not limited to, the construction or repair of chapels and schools, repainting of courts or buildings, etc.;

WHEREAS, the participation in discos and benefit dances, is in line with the community's empathy, compassion and its desire to help and contribute in community projects, while simultaneously enjoying at the same time the entertainment value it promises to give;

WHEREAS, in general, the benefit that discos or benefit dances give or promises to give to the community is of doubtless significance, however, in the absence of proper regulations, it is prone to unexpected turn of events such as the violence of patrons or attendees especially in their tired or drunken state;

WHEREAS, for the general welfare of the general public – taken in the context of the real security threats – it is hereby established that there is a need to regulate the



EUGENIO A. CHING, JR.
SB Member
Halkiaas
ESTER P. LUBIANO



holding of discos and benefit dances affecting the places, days and the span of time these are held;

NOW THEREFORE, on motion of SB Member Hon. Eugenio A. Ching, Jr., duly concurred by all SB Members present;

BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Bayan of Calubian, Leyte in session assembled, that:

Section 1. Objective. – This Ordinance shall regulate the holding of discos and benefit dances in an orderly, secure and peaceful manner.

Section 2. Issuance of Permit, Requirements. – The Office of the Municipal Mayor is hereby authorized to issue permits for the holding of discos and benefit dances, provided that ALL of the following conditions are present:

- 2.1. That a Barangay Clearance or Permit is first secured from the barangay concerned;
- 2.2. That the disco or benefit dance shall start not earlier than 7:00 in the evening and end not later than 2:00 in the early morning of the day following;
- 2.3. That the place where the disco or benefit dance is held shall be enclosed or fenced in case it is held outside of a covered dance hall or a gym;
- 2.4. That minors shall not be admitted inside the dance arena at 10:00 in the evening and beyond such time;
- 2.5. That the benefit dance or disco shall only be held on <u>Fridays or Saturdays</u>, unless when the Annual Fiesta Celebration falls on another day;
- 2.6. That bringing of any form of firearms and other deadly weapon inside the dance arena is absolutely prohibited.
- 2.7. That after such disco or benefit dance is held, each Barangay is required to submit a Financial Report or Statement to the Municipal Mayor, as reportorial requirement. The same shall be a condition precedent and the compliance therewith is required for the issuance of the next request for permit, if any.

Section 3. Revocation of Permit, When Made. — The permit so issued may be recalled or revoked by the Municipal Mayor, based on an actual finding that any of the requirements enumerated in Section 2 of this Ordinance has not been complied with or is being violated. If peace and order is disturbed in the occasion of the disco or benefit dance, the Calubian Police may, at any time during such disturbance, halt or stop the benefit dance or disco, and the previously issued permit would thereafter be considered as automatically revoked.

Section 4. Holding of a Disco or Benefit Dance Without a Permit, Person/s Liable. — The Punong Barangay or the President of the organizing or sponsoring association or group or any responsible officer/s thereof shall be held liable for holding a disco or benefit dance in violation of any of the conditions enumerated in Section 2, for which a compromised penalty of THREE THOUSAND PESOS (Php 3,000) shall be imposed.

-0Any person who violates this Ordinance after the payment of the compromised penalty shall be charged a penalty of:

First Offense	Php 5, 000	
Second Offense	Php 8, 000	
Third Offense	Php 10,000	

Failure to pay the compromised penalty shall give rise to the filing of a case in court, for the conviction wherein a fine of THREE THOUSAND PESOS (Php 3,000) or Thirty (30) Days as maximum period of imprisonment, shall be imposed upon the violator at the discretion of the court.

Section 5. Separability Clause. If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provision not affected thereby, shall continue to be in full force & effect.

Section 6. Effectivity. This Ordinance shall take effect after fifteen (15) days following its posting or publication, whichever comes first, and shall remain in effect unless otherwise disapproved by the Sangguniang Panlalawigan.

APPROVED this 14th day of October, 2024 at Calubian, Leyte.

I HEREBY CERTIFY to the correctness of the above-quoted Ordinance.

ATTY. KEISHA YNA VINEE V. RAMIREZ

MGDH (Secretary to the Sanggunian)

ATTESTED BY:

ANNA LOVE VELOSO-LAURENTE

Presiding Officer

JULLIAN MARC A. BATIANCELA

SB Member

EUGENIO A. CHING, JR.

SB Member

ALFREDO M. CASAS

Liga ng mga Barangay Pres.

NOEL G. EAMIGUEL

SB Member

TED D I LIDIANO

SB Member

BENJAMIN A. CALBITAZA

SB Member

APPROVED: Date: 2 9 OCT 2024

HON. MARCI

Municipal Mayor

Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian



OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN sbsec0813.mgocalubian@gmail.com



CERTIFICATE OF POSTING

TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY THAT the Municipal Ordinance No. 2024-23, entitled: "AN ORDINANCE REGULATING THE HOLDING OF DISCOS AND BENEFIT DANCES," was posted on the Bulletin Board of the Sangguniang Bayan on October 31, 2024 and other conspicuous places in the Municipality of Calubian, Leyte, and it will remain posted therein for three (3) consecutive weeks.

THIS CERTIFICATION is issued in compliance with ARTICLE 114 of the Implementing Rules and Regulations of Regulations of Republic Act No. 7160.

ISSUED the 31st day of October, 2024 at the Municipality of Calubian, Leyte.

Very truly yours,

ATTY. KEISHA YNA VINEE V. RAMIREZ
MCDTyl (Secretary to the Sanggunian)



Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -oOoOFFICE OF THE SANGGUNIANG BAYAN



ATTENDANCE SHEET OF PUBLIC HEARING OCTOBER 7, 2024

	NAME OF BRGY.	ADDRESS	SIGNATURES	CONTACT
	CAPTAINS			NO.
1	EDILBERTO A. DUMASAPAL	ABANILLA	2.	
2	IGNACIA S. PALAPAR	AGAS	Halapa	0950160871
3	JUAN A. CATOR, JR.	ANISLAGAN		1.1147011
4	EDWIN O. ROSALEJOS	BUNACAN	CONTACED.	1
5	RENATO A. AVENIR,JR.	CABALHIN		109811485005
6	SHERIE MAE H. CASILAGAN	CABALQUINTO	Sologo	09984560188
7	OFELIA L. VILLAFLOR	CABRADILLA	16	09275590734
8	EDUARDO C. CANEJA	CANEJA	200A	09482046345
9	SIMEON M. QUEBEC	CANTONGHAO	a file	13.00
10	EUGENIO C. QUIMBO	CARUYUCAN		
11	EDGARDO S. PEDIDA	CASIONGAN	4/	09061953240
12	ALFREDO M. CASAS	CRISTINA	00/	
13	ESTERLINA C. BERDIDA	DALUMPINES	exberdeda	09854187074
14	GERARDO D. PADOGA	DON LUIS	7.7	
15	JOSEPHINE H. CASINAY	DULAO	Span	09703446442
16	MA. LUISA M. AGDA	EFE/UL-OG	() s made	09058349130
17	BEBILYN S. LOVIANO	ENAGE	Jamos	0978829054
18	RYAN C. CHENG	ESPINOSA	1	09510337497
19	LIEF ADRIAN A. SARTHOU	F.E. MARCOS		010007111
20	JULIUS M. PATES	GARGANERA		
21	MADEL E. DEQUIÑO	GARRIDO	- (mlan)	09773134169
22	REYNALDO B. DALUT	GUADALUPE		2.0
23	BEN LEO C. RUÑA	GUTOSAN	- Hilly	0926101824
24	RAMON C. MOLLEJON	IGANG		
25	GEMALYN R. JAVIER	INALAD	men p	
26	ARVIN P. LUBIANO	JUBAY	lo Revent	09612919394
27	EDITO P. DABALOS	JUSON	110	1012111017
28	JUNREL B. LARISMA	KAWAYANAN -=	la l	La
29	GRAPES S. SINCERO	K. BUGTONG	1 (1)	
30	ALONA B. BAGALLON	K. ROMUALDEZ		
31	BELINDA R. COLITA	LABTIC	Church	
32	ROBERLLY P. BALANGATAN	LARAY	1	89246645481
33	LEANDRO D. PATES	M. VELOSO		0 12 100 11 181
34	ISMAEL M. RUIZ	MAHAIT	a	09097127501
35	DHASRIL S. ESTACAAN	MALOBAGO	DA	09101829228
36	REYNALDO V. CABILLAN	MATAGOK	1	09069247594
37	JASSIE B. EFE	NIPA	41	
38	ELISEO C. BETACHE	OBISPO		
39	KEENIE J. ALBINO	PADOGA	el Applin	09279590758
40	JOSEFINA C. POLANGCOS	PAGATPAT	gotherno Octonoper	09067828872
41	GARRY C. GIGANTO	PANGPANG	OK	0909 3014 905
42	JESSICA B. NODALO	PATAG	Shy	09773643436
43	ATILANO D. ABAJON	PATES		
44	SAYLITA M. SOLITE	PAULA		
45	ENRIQUE L. ABAJON,SR.	PETROLIO		

46	NENITA G. BERMOY	RAILES	1	09704560901
47	MILAGROS G. ABILAR	TABLA	of neur	09054
48	DIOMEDES D. CARLOS	TAGHARIGUE		0 -, -, -,
49	ROGERO A. TALUA	T. POBLACION	-	09863901269
50	SILVESTRE C. ABAJON	TUBURAN		
51	GENESIS S. PONCE	VILLAHERMOSA		
52	EDERLINA C. EAMIGUEL	VILLALON	gal	09680737
53	JOSE E. TAPAYA,JR.	VILLANUEVA	Jany.	



Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -000OFFICE OF THE SANGGUNIANG BAYAN



ATTENDANCE SHEET OF PUBLIC HEARING OCTOBER 7, 2024

	NAME OF BRGY.	ADDRESS	SIGNATURES	CONTACT
	SECRETARIES			NO.
1	REMEDIO C. CABALQUINTO	ABANILLA	100	09675049450
2	MARIAN T. SANDIGAN	AGAS	Marian I . Landigon	0906 7602 655
3	NIEGEL J. CATOR	ANISLAGAN	SX-hv	01977704BM
4	BERNADETTE A. EVANGELISTA	BUNACAN	On Carpenals.	D40 1741767
5	LIEZEL B. ARANAS	CABALHIN	July my	
6	WENIFREDA M. FIEL	CABALQUINTO (headin	0951 517 3207
7	JINNY ROSE A. CABRADILLA	CABRADILLA	Weeling	09537093379
8	BELLA N. CATOR	CANEJA	Mark	
9	HERBERT F. GACMAN	CANTONGHAO		09750192705
10	LORENZA R. AÑASCO	CARUYUCAN	a Office	
11	JERRY T. JAMIN	CASIONGAN	4	
12	GLORIA M. LUNZAGA	CRISTINA		
13	ROWENA LACDAYING	DALUMPINES		1
14	GERALDINE OLIMPO	DON LUIS	July	09114828117
15	CARLITO S. MALIPAY	DULAO	0	
16	TRINIDAD AYUBAN	EFE/UL-OG	10 1	
17	EVELYN A. ANSALE	ENAGE	Herry	09750740619
18	ROBERT C. LEE	ESPINOSA	- Dui	0956497840
19	MOZELLE S. MENDOZA	F.E. MARCOS	1, ~	
20	SHELLA M. BALTAR	GARGANERA	Thelegrandestran	09362418852
21	JOCELYN B. SULIVA	GARRIDO	antly.	
22	SARAHJANE D. SALUT	GUADALUPE	Am	09363841248
23	KYLA JANE GONZALES	GUTOSAN	Ryllian)	
24	EDILYN D. UMPAD	IGANG	7/1/2	
25	ABEGAIL ELLE	INALAD	630	09273099124
26	LOURDES O. RIVERA	JUBAY	volumely!	09 ७। छवा बरवम
27	MICHELLE C. RANES	JUSON	1 1	0
28	MARY ROSE L. EBRADA	KAWAYANAN	190	09704560157
29	LENIZA D. SALUDAR	K. BUGTONG	dy	09272407594
30	DONALD GENOGUIN	K. ROMUALDEZ	17	09659443439
31	SIRA MAE R. MAYONO	LABTIC	1 Older	
32	GENELYN MARTIZO	LARAY	Semantingo	0912-047-8467
33	NILDA D. CATOY	M. VELOSO	mes	89292324951
34	FE MARLENE C. MONTICALBO	MAHAIT	Thronfycalm	09262861800
35	REZEL D. MADANGLOG	MALOBAGO	- Vary	0909104248
36	JEANELYN REDOLOZA	MATAGOK	Cledalorgo	09631623607
37	REBECCA E. OLIVAR	NIPA	Joseph	
38	ALLAN O. ABELLA	OBISPO	A	09066520426
39 40	EVANGELYN D. CASTILLO CRESILDA PONCE	PADOGA	and the second	09125916439
40	NERIE B. DELA PEÑA	PAGATPAT	1 (7)	09453322940
41	DELIA CAHAYAGAN	PANGPANG PATAG	Molepera	0913606×17
43	ROWENA C. MOSCOSA	PATES	Windsha	0947692969
44	IRISH A. COLITA	PAULA	Can.	Dr85619 2021
45	CECIL C. LABTIC	PETROLIO	plate	od Ar a 20 addy

46	JENELYN CAMARINES	RAILES 🔉		
47	ALVIN B. MONTIVES	TABLA 🗼	Mille	
48	IMELDA LUMAPAK	TAGHARIGUE	Jurick 1/2	
49	ROSEMARIE B. JURILLA	T. POBLACION	Justino	109240370533
50	MARJHUN ABAJON	TUBURAN	0.00	
51	MARNELLE S. SABINAY	VILLAHERMOSA	0	
52	WILMA N. EYAO	VILLALON	Meyor	0912485737
53	EDNA P. DASAS	VILLANUEVA	Polason	0941833177

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Republic of the Philippines PROVINCE OF LEYTE Municipality of Calubian -000OFFICE OF THE SANGGUNIANG BAYAN



ATTENDANCE SHEET OF PUBLIC HEARING OCTOBER 7, 2024

	NAME	ADDRESS	SIGNATURES
1	Perlita M. Villatlor	Cantonapor	Pollethon
2	Resalinda D. Novon	Cartinglian	Mexison.
3	MERCAREEN B. MARATAS		1 mongoran
4	Antifun V. CAM MADILIB	8/1	Turales
5	Sanyo Halichic	ABC HALL	1 2 2
6	MANO GATURIAN	ABC	200
7	SLFREUD M. CASAS	&RIST/NA	(9)
8	FUCTION BATIANCELA	ESPINGA	Talle
9		<u> </u>	There
10	ESTER P. LUBIANO	ULBAY	Effendicion
11	NIERCHS, ALYZA F.	GUADAWPE	Amivicum -
12	Anna Love V. Linuxonte	SAB	100
13	RUSELLO X PAMILES	JB JB	
14	RUSELLO X PAMILIES		AD'
15	Karyi Dulgado	SB	MH. Delperon
16	Mira Somayo	-	tuf
17	PARC PO CANATAS		(Sept 1)
18	Lorely borroine Sillar		15 17
19	Janint Attalo		Shan
20		7.31	(34) 1
21	Luxta (. Sabenorio	Villaton	Holyn
22	Pholeny Salut	w · ,	July .
23 24	REY L. FASIONA	Mwslagan	Markey
25			
26	ROWERA B. NOTNAY	ALAS	nuphaly
27	Jaan B Mendoza	N. Veloca	
28	Dani D. MANDOFO	N · Veloso	A CONTRACTOR OF THE CONTRACTOR
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