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Item No.: 05
Date: 04 2025 FEB



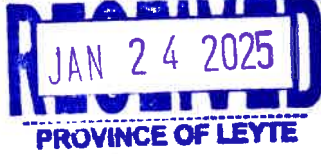
Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

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SANGGUNIANG PANLALAWIGAN



2nd INDORSEMENT
January 6, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 471-A of the Sangguniang Bayan of Babatngon, Leyte.

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

- Ordinance No. 471-A entitled: "An Ordinance amending Section 20 (penal provision) (A)(B) of Ordinance No. 471, etc."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with 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, we recommend 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 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.

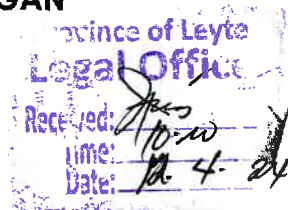
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹ (Constantino vs. Desierto, 288 SCRA 654) April 13, 1998

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
03 December 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein **Ordinance No. 471-A** of the **Municipality of Babatngon, Leyte**, entitled: **An Ordinance Amending Section 20 (Penal Provision) (A)(B) of Ordinance No. 471, "An Ordinance providing for a Community-Based Mental Health Program and Delivery System in the Municipality of Babatngon establishing mechanisms and guidelines for its implementation, and appropriating necessary funds therefor."**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

Republic of the Philippines
Province of Leyte
Municipality of Babatngon

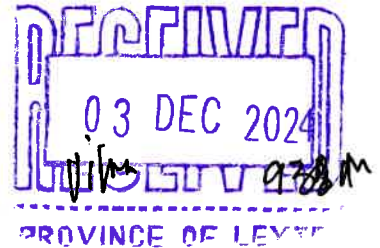


OFFICE OF THE SANGGUNIANG BAYAN

02 December 2024

Honorable Leonardo M. Javier, Jr.
Vice Governor and Presiding Officer, and

SANGGUNIANG PANLALAWIGAN



The Honorable Members
Sangguniang Panlalawigan
Leyte Provincial Government Complex
Palo, Leyte

Dear Honorable Ladies and Gentlemen,


Respectfully endorsed to the Honorable Sangguniang Panlalawigan of the Province of Leyte is APPROPRIATION ORDINANCE NO. 471-A ENTITLED: " AN ORDINANCE AMENDING SECTION 20 (PENAL PROVISION) (A)(B) OF ORDINANCE NO. 471, "AN ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN MUNICIPALITY OF BABATNGON ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR." Ordinance is being forwarded to that Body for review in compliance with Section 56 (a) of Republic Act 7160.

Enclosed please find the following:

1. Ordinance No. 471-A;
2. Certification of Posting;
3. Photocopy of Ordinance No. 471; and
4. Photocopy of SP Resolution No. 2024-391

Please find them in order and praying for your favorable action thereof.

Very truly yours,


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate

Enclosed:
As stated



SANGGUNIANG PANLALAWIGAN

SANGGUNIANG BAYAN
BABATNGON, LEYTE

RELEASED
BAGONG PILIPINAS

03 DEC 2024
9:30 AM

OFFICE OF THE SANGGUNIANG BAYAN

BY: *Azz*
DATE: 11/29/24
TIME: 9:00 AM

EXCERPT FROM THE MINUTES OF THE 118th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 11th DAY OF NOVEMBER 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

BY: *Judy Anne Baldomar*
DATE: 11-28-24
5:11 PM

ORDINANCE NO. 471-A

AN ORDINANCE AMENDING SECTION 20 (PENAL PROVISION) (A)(B) OF ORDINANCE NO. 471, "AN ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN MUNICIPALITY OF BABATNGON ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR."

Presented by: HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member

Be it enacted by the Sangguniang Bayan of the Municipality of Babatngon, Leyte in session assembled:

SECTION 1. - This ordinance shall be known as an ordinance amending Section 20 (A)(B) (Penal Provision) of Ordinance No. 471, "AN ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN MUNICIPALITY OF BABATNGON ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR."

SECTION 2. - Section 20 (Penal Provision) (A)(B) of Ordinance No. 471 shall be amended and shall now read as follows:

"SECTION 20 – (Penal Provision)

- A. This Ordinance adopts the penalty clauses provided in Section 44, in relation to Sections 18, 4(c), 4(e), and s(h) of RA 11036. For this purpose, the Municipal Government of Babatngon shall assist any compliant/s in the filing a case with proper court.
- B. Third Offense - for failure, despite repeated demands to comply, shall be meted with Two Thousand Five Hundred Pesos (PHP 2,500.00), or an imprisonment of not more than fifteen (15) days, based on the discretion of the court."

SECTION 3. Applicability Clause – All other matters relating to the imposition of regulation provided in this ordinance shall be governed by the pertinent provisions of existing laws and other ordinances.

SECTION 4. Repealing Clause – All ordinances, rules and regulations or parts thereof, in conflict with, or inconsistent with any of the provisions of this ordinance, are hereby repealed or modified accordingly.

SECTION 5. Effectivity – This ordinance shall take effect upon approval.

APPROVED and ENACTED this 11th day of November 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

Azz

ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-Designate

ATTESTED:

Rosary Pearl G. Catudio
HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor and
Presiding Officer





OFFICE OF THE SANGGUNIANG BAYAN

> ORDINANCE NO. 471-A
p. 2-2


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member


HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member


HON. HILARION S. MENZON
Sangguniang Bayan Member


HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


HON. JUDE LEMWEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 29 Nov. 2024







OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

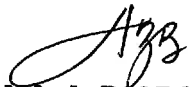
TO WHOM THIS MAY CONCERN:

This is to certify that POSTING in prominent places in the Municipal Hall and some conspicuous places in the locality was undertaken starting 29 November 2024 and copies of said ordinance shall remain posted for three (3) consecutive weeks, pursuant to Sec. 59 (b) of Republic Act 7160, in relation to hereunder Appropriation Ordinance No. 482, to wit:

1. ORDINANCE NO. 471- A

"AN ORDINANCE AMENDING SECTION 20 (PENAL PROVISION) (A)(B) OF ORDINANCE NO. 471, "AN ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN MUNICIPALITY OF BABATNGON ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR."

Made this 29th day of November 2024 at Babatngon, Leyte.


ALMA A. BALDOMAR
Secretary II
Secretary to the Sanggunian-designate



PROVINCE OF LEYTE
 BABATNGON
RELEASED
 BY: 138
 DATE: 13 AUG 2024
 TIME: 9:25 AM

EXCERPT FROM THE MINUTES OF THE 101st REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BABATNGON, LEYTE HELD ON THE 15th DAY OF JULY 2024 AT THE SB SESSION HALL, LEGISLATIVE BUILDING, BABATNGON, LEYTE.

MAYOR'S OFFICE
BABATNGON, LEYTE

RECEIVED

ORDINANCE NO. 471

BY: Judy Anne Ballay
 DATE: 8/21/24
 TIME: 10:13 AM

AN **ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN MUNICIPALITY OF BABATNGON ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR.**

Author: **HON. HILARION S. MENZON**
 Co-Authors: **HON. KEMUEL RUE M. CORSIGA**
HON. CHRISTIAN C. LAWSIN
HON. ALEX VELOSO BELLO

WHEREAS, under Section 15, Article II of the 1987 Constitution provides, it is the policy of the State to protect and promote the right to health of the people and to instill health consciousness among them.

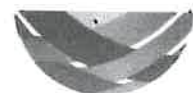
WHEREAS, Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) recognizes the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

WHEREAS, the World Health Organization (WHO) defines mental health as "a state of well-being in which the individual realizes his or her own abilities, can cope with normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community," and it also calls attention of the public that mental health is more than just the presence of a psychiatric disorder or sickness but, more importantly, also redounds to a positive condition of one's mental well-being.

WHEREAS, mental health is a vital part of a person's total health and that the problems on mental health contain not just the traditional mental disorders but the issues of target populations susceptible to psychosocial risks caused by extreme life experiences such as disasters, near-death experiences, heinous and violent crimes, internal displacement brought about by religious and civil unrests as well as the psychosocial matters of daily living like preserving a sense of well-being in these complicated times.

WHEREAS, under Republic Act No. 727, as amended, otherwise known as the "Magna Carta for Disabled Person", there is a need to include mental health in the public health and hospital system in order to render available, accessible, affordable and equitable mental health care and services to our constituents, especially the poor, underserved and high-risk population;

WHEREAS, Republic Act No. 11036 (R.A. No. 11066) mandates the Local Government Units (LGUs) to review, formulate, and develop regulations and guidelines necessary to implement effective mental health care and wellness policy within their respective territorial jurisdictions,



including passage of a local ordinance on the subject of mental health, consistent with existing relevant national policies and guidelines.

WHEREFORE, be it **ORDAINED** by the Sangguniang Bayan of Municipality of Babatngon in session duly assembled that:

I. PRELIMINARIES

Section 1. SHORT TITLE - This Ordinance shall be known as the "Mental Health Care Ordinance of Municipality of Babatngon, Leyte."

Section 2. DECLARATION OF POLICY. - The Municipality of Babatngon affirms the basic right of all Filipinos to mental health as well as the fundamental rights of people who require mental health services.

It is hereby declared the policy of the Municipality of Babatngon to uphold the right of the people to mental health and encourage mental health consciousness among them.

Towards this end, the Municipality of Babatngon shall adopt an integrated and comprehensive approach to the development of the Province of Leyte, Municipal Mental Health Care Delivery System to deliver appropriate services and interventions including provision of mental health protection, care, treatment, and other essential services to those with mental health condition mental health or disability.

Section 3. DEFINITION OF TERMS. - As defined in this Ordinance, the following terms are defined as follows:

(a) Allied professionals refer to any trained or certified non-psychiatric physician, social worker, nurse, occupational therapist, counselor, priest, minister, pastor, nun, trained or certified non-psychiatric individual or non-physician;

(b) Confidentiality refers to ensuring that all relevant information related to persons with psychiatric, neurologic, and psychological health needs is kept safe from access or use by, or disclosure to, persons or entities who are not authorized to access, use, or possess such information;

(c) Discrimination refers to any distinction, exclusion or restriction which has the purpose or effect of nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation. Special measure solely to protect the rights or secure the advancement of persons with decision-making impairment capacity shall not be deemed to be discriminatory;

(d) Drug Rehabilitation refers to the processes of medical or psychotherapeutic treatment of dependency on psychoactive substances such as alcohol, prescription drugs, and other dangerous drugs pursuant to Republic Act, g165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002". Rehabilitation process may also be applicable to diagnosed behavioral addictions such as gambling, internet and sexual addictions. The general intent is to enable the patient to confront the psychological, legal, financial, social, and physical consequences. Treatment includes medication for co-morbid psychiatric or other medical disorders, counseling by experts and sharing of experience with other addicted individuals;

(e) Informed Consent refers to consent voluntarily given by a service user to a plan for treatment, after a full disclosure communicated in plain language by the attending mental health service provider, of the nature, consequences, benefits, and risks of the proposed treatment, as well as available alternatives;

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- (f) Mental Disability refers to impairments in activity limitations and individual and participatory restrictions denoting the negative aspects of interaction between an individual and his/her environment. This results from organic syndromes such as mental retardation and acquired lesions of the central nervous system, dementia and psychotic and non-psychotic disorders.
- (g) Mental Health refers to a state of well-being in which the individual realizes one's own abilities and potentials, scopes adequately with the normal stresses of life, displays resilience in the face of extreme life events, works productively and fruitfully, and is able to make a positive contribution to the community;
- (h) Mental Health Condition refers to a neurologic or psychiatric condition characterized by the existence of a recognizable, clinically-significant disturbance in an individual's cognition, emotional regulation, or behavioral that reflects a genetic or acquired dysfunction in the neurological, psychosocial, or developmental process underlying mental functioning. The determination of neurologic and psychiatric conditions shall be based on scientifically-accepted medical nomenclature and best available scientific and medical evidence;
- (i) Mental Health Facility refers to any establishment, or any unit of an establishment, which has, as its primary function, the provision of mental health services;
- (j) Mental Health Professional refers to a medical doctor, psychologist, nurse social worker or any other appropriately -trained and qualified person with specific skills relevant to the provision of mental health services.
- (k) Mental Health Service Provider refers to an entity or individual providing mental health services as defined in this Act, whether public or private, including, but not limited to mental health professionals and workers, social workers and counselor, informal community caregivers, mental health advocates and their organizations, personal ombudsmen, and persons or entities offering nonmedical alternative therapies;
- (l) Mental Health Service refer to psychosocial psychiatric or neurologic activities and programs along the whole range of the mental health support services including promotion, prevention, treatment, and aftercare, which are provided by mental health facilities and mental health professionals;
- (m) Mental Health Worker refers to a trained person, volunteer or advocate engaged in mental health promotion, providing support services under the supervision of a mental health professional;
- (n) Mental illness refers to a mental or psychiatric disorder characterized by the existence of recognizable changes in the thoughts, feelings and general behavior of an individual brought about by neurobiological causes manifested by genetic or biochemical abnormalities and Page 2 of associated medical conditions which include distress, personality disorder, substance use dependence and mental retardation.
- (o) Psychiatric or Neurologic Emergency refers to a condition presenting a serious and immediate threat to the health and wellbeing of a service user or any other person affected by a mental health facilities and mental health condition, or any other person affected by a metal condition, or to the health or well-being of others, requiring immediate medical intervention;
- (p) Psychosocial Problem refers to a condition that indicates the existence of recognizable changes in the individual's behavior, thoughts and feelings brought about and closely related to sudden, extreme and prolonged stress in the physical or social environment; and
- (q) Service User refers to a person with lived experience of any mental health condition including persons who require or are undergoing psychiatric, neurologic or psychosocial

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care.

II. MUNICIPALITY OF BABATNGON MENTAL HEALTH BOARD

Section 4, MUNICIPALITY OF BABATNGON MENTAL HEALTH BOARD. The Municipality of Babatngon Mental Health Board (referred as "Board") is hereby established under the Municipal Health Office, to provide for a consistent, rational and unified response to mental health problems, concerns and efforts through the formulation and implementation of the Municipality of Babatngon Mental Health Care Delivery System.

For purposes of this ordinance, Municipality of Babatngon Mental Health Care Delivery System shall constitute a quality mental health care program through the development of efficient and effective structures, systems and mechanisms that will ensure fair, accessible, affordable, appropriate, efficient and effective delivery of mental health care to all its stakeholders by qualified, competent, compassionate and ethical mental health professionals and mental health workers.

Section 5. COMPOSITION OF THE BOARD, - The Board shall be composed of the following:

- (a) Chairperson: Mayor
- (b) Vice-Chairperson: Municipal Health Officer
- (c) Members: Chairman, SB Committee on Health

- Chairman, SB Committee on Children
- Chairman, SB Committee on Education
- Chairman, SB Committee on Barangay Affairs
- Chairman, SB Committee on Persons with Disability
- Head Municipal Social Welfare and Development Office
- Municipal Health Office
- Representative, Commission on Human Rights
- Representative, Philippine Mental Health Association
- Representative, Department of Health
- Representative, Public Hospitals within the territorial jurisdiction of the municipality
- Representative, DepEd Schools Division Office
- Two Representatives from civil society organizations involved in mental health issues (May include representatives from sectoral CSOs)

Section 6. DUTIES AND FUNCTIONS OF THE BOARD, - The Board shall exercise the following duties and functions:

- a) Review the existing systems, policies and guidelines on mental health services that are implemented by different offices of the City Government;
- b) Develop program for intervention designed to promote and upscale the approaches for mental health awareness for educational institutions, public and private workplaces, among others;
- c) Recommend intensified psychosocial activities with special focus on addressing effects of calamities and/or disasters and other traumatic events, including on-line consultations and discussions, in close coordination with the different guidance counselor of various schools in the city;
- d) Establish mechanisms of hotline, online, and face-to-face consultations handled by trained professionals to counsel and cater cases that include, but not limited to, anxiety, stress, suicide, and self-harm and other preventable cases;
- e) Plan necessary capacity-building, reorientation, and training programs for mental health professionals, mental health workers, and allied professional;







- f) Assist barangays, as well as educational, training, and work institutions in the establishment of their respective mental health care system;
 - g) Promulgate protocols and guidelines to facilitate inter-LGU and NGA referral system, including access of individuals with mental health conditions to treatment and psychosocial support;
 - h) Develop plans, programs and activities for the observation of Mental Health Month in the Municipality;
 - i) Review all related laws and regulations related to mental health and recommend further appropriate legislation to the Sangguniang in order to sustain and strengthen programs, services, and other mental health initiatives;
 - j) Create such inter-agency committees, project task forces, and other groups necessary to implement the policy and program framework of this Ordinance;
 - k) In close coordination with the municipal office, to monitor mental health cases and incidents in barangays, and educational, training and work institutions, and other sectors and organizations; and
- (l) Perform such other duties and functions necessary in carrying the purposes of this Ordinance.

Section 7. MEETINGS. - The Board shall meet at least once a month or as frequently as necessary to discharge its duties and functions may be convened by the Chairperson, or upon written report of at least three (3) members.

The Board shall invite in the said meeting representatives from civil society organizations of different sectors such as, but not limited to, children, women, persons with disability, elderly, youth, labor (both public and private), LGBTQA, and indigenous people.

Section 8. QUORUM. - The presence of a majority of the members of the Board shall constitute a quorum.

III. COMMUNITY-BASED MENTAL HEALTH CARE

Section 9. PSYCHIATRIC, PSYCHOSOCIAL, AND NEUROLOGIC SERVICES IN MUNICIPAL PUBLIC HOSPITALS. - A psychiatric, psychosocial, and neurologic services in the municipal public hospital, which shall serve as a community-based mental health care facility of the Municipality of Babatngon.

The Psychiatric, Psychosocial, and Neurological Services Units shall provide the following services:

- a) Out-patient hospital care for those service users exhibiting psychiatric or neurologic symptoms;
- b) Linkage and possible supervision of home care services for those with special needs as a consequence of long- term hospitalization, unavailable families, inadequate families, inadequate or noncompliance to treatment;
- c) Coordination with drug rehabilitation center on the care, treatment and rehabilitation of persons suffering from drug or other substance-induced mental, emotional and behavioral disorder; and
- d) Referral system with other health and social welfare programs, both government or non-government, for programs in the prevention of mental illness, the management of these at risk for mental health and psychosocial problems and- mental illness or disability.

ASB



The psychiatric, Psychosocial, and Neurological Services Unit shall have adequate room and a complement of mental health professionals. The Medical Chief or Chief of Hospital, in the implementation of this provision, may enlist the assistance of support staff, trained barangay health workers (BWHs), allied professionals, and volunteer family members of patients/service users, provided that, they are equipped or to be equipped of appropriate trainings. It shall have basic equipment and supplies, and adequate stock of medicines appropriate at said level.

Section 10. COMMUNITY COUNSELING CENTER- Each barangay, as a matter of priority, shall establish or provide a counseling center/space so that those considered with mental health concern may be initially promulgated and monitored for the referral to the proper mental health professional, worker, allied professional, service provider, or facility.

In furtherance hereof, barangays are highly encouraged to set aside the amount necessary to carry out the intents and purposes of this Ordinance, their annual budgets should carry provision and budget to implement this ordinance, which shall be subject to the scrutiny of the Municipal Budget Office before submission to the Sangguniang for approval.

Section 11, ASSIGNMENT OF MENTAL HEALTH PROFESSIONAL IN BARANGAYS, - As much as practicable, there shall be a mental health professional assigned in each barangay to cater with victims of R.A. No. g262, children at risk (CAR), children in conflict with the law (CICL), and other victims belonging to vulnerable sectors.

The assigned mental health professional may also be called upon to assist the monitoring of those persons diagnosed with mental health condition, as referred by other mental health professionals, mental health facilities, and other appropriate institutions or agencies.

Section 12. CAPACITY BUILDING PROGRAMS FOR BARANGAY FRONTLINE WORKERS. - The Provincial Health Board (Board), as provided under Chapter II hereof, with technical assistance from Department of Health (DOH), shall be responsible for the training of BHWS, and other barangay volunteers on the promotion of mental health. The LGU shall provide them assistance for medical equipment and supplies to carry out their functions.

For this purpose, capacity-building activities for mental health issues and those persons- in-distress situation shall be designed by the Board to ensure uniformity and regularity in its conduct for the barangays of the Municipality of Babatngon. The Board shall also take into special consideration the expertise of established training groups for this purpose.

IV. MENTAL HEALTH CARE IN OTHER INSTITUTIONS AND/OR SECTORS

Section 13. MENTAL HEALTH CARE IN EDUCATIONAL AND TRAINING INSTITUTIONS. - In close coordination with the Department of Education (DepEd), the Commission on Higher Education (CHED), the Department of Health (DOH), the Department of Social Welfare and Development (DSWD), and the Municipality of Babatngon Mental Health Board, all educational and training institutions in the Municipality of Babatngon at all levels, shall establish a mental health care system for the students, learners, and personnel, which include the following programs:

- a) A guidance office, which shall be available at anytime of the day for students;
- b) Appropriate mental health training for school guidance counselor, nurses and doctors, and allied professionals;
- c) Training of school teachers for mental health both in classroom and virtual setting; and



d) Advocacy and promotional activities, and awareness campaigns on the protection and promotion of the right to mental health.

Section 14. MENTAL HEALTH CARE IN WORK INSTITUTIONS, - Employers and municipal government units, agencies, and instrumentalities, shall establish a mental health care system, which shall include programs and services for the mental health of the employees.

Section 15. CAPACITY BUILDING PROGRAMS FOR OTHER STAKEHOLDERS, - In close coordination with mental health facilities, academic institutions, and other stakeholders, mental health professionals, worker, and other service providers shall undergo capacity-building, reorientation, and training develop their ability to deliver evidence-based, gender-sensitive, culturally appropriate and human-rights oriented mental health services, with emphasis on the community and public health aspects of mental health. For this purpose, non-government organizations, people's organizations and other entities that are helping in the promotion and advocacy for mental health awareness shall be encouraged to coordinate with the Municipality of Babatngon Health Office and the Board for purpose inclusion in the comprehensive plan to address mental health issues in the Municipality of Babatngon.

V. RIGHTS ON MENTAL HEALTH SERVICES

Section 16. ACCESS TO EFFECTIVE AND QUALITY MENTAL HEALTH CARE. - Every constituent shall have the right on equal and non-discriminatory basis, to receive mental health care appropriate to his or her needs and shall be entitled to care and treatment in accordance to the same standards and accessibility as other sick individuals.

Likewise, people in far-flung areas and/or highly populated or depressed areas/barangays and people from vulnerable sectors such as the children at risk, children in conflict with the law, people deprived of liberty, indigenous people, and women in postpartum shall have the same level of access, and shall be prioritized for regular home visits, access to mobile health care clinics, if possible, based on the guidelines to be set by the Board.

Section 17. CONFIDENTIALITY, - All patients or service users with mental illness enjoy the right to confidentiality. Confidentiality of all information, communications, and records including those in Data Privacy Act, in whatever form or medium stored, regarding the patient/service user, any aspect of the patient's/service user's mental health, or any treatment or care received by the patient's/service user, which information, communication, and records shall not be disclosed to third parties without the written consent of the patient's/service user's legal representative, except in some circumstances allowed by law.

Section 18, INFORMED CONSENT TO TREATMENT. - Service users must provide informed consent in writing prior to the implementation by mental health professionals, workers, and other service providers of any plan or program of therapy or treatment, including physical or chemical restraint. All persons, including physical or chemical restraint. All persons, including service users, person with disabilities, and minors, shall be presumed to possess legal capacity for the purpose of this Act or any other applicable law, irrespective of the nature or effects of their mental health conditions or disability. Children shall have the right to express their views on all matters affecting themselves and have such views given due consideration in accordance with their, age and maturity.

Section 19. ADVANCE DIRECTIVE. - Any person seeking the services, as established in this ordinance, may set out his/her preference in relation to treatment through a signed, dated, and notarized advance directive executed for the purpose. An advance directive may be revoked by a new advance directive or by a notarized revocation.



VI. MISCELLANEOUS PROVISIONS

Section 20. PENAL PROVISION. - This ordinance strictly prohibits the discrimination against a person with a mental health condition.

A. This Ordinance adopts the penalty clauses provided in Section 44, in relation to Sections 18, 4(c), 4(e), and s(h) of RA. No 11063. For this purpose, the Provincial/City/Municipal Government of shall assist any compliant/s in the filing a case with proper court.

B. Failure to observe the provisions of Chapter V and Chapter VI, Section 21 hereof, the following shall be observed:

First offense - the concerned official shall be asked to explain within 24 hours why no appropriate administrative sanction be meted against him/her for failure to comply with the said provision.

Second Offense - for failure, despite notice, to comply, the concerned officer shall be meted a fine of one thousand pesos (PhP1,000.00).

Third Offense - for failure, despite repeated demands to comply, shall be meted with five thousand pesos (PhP5,000.00), or an imprisonment of not more than fifteen (15) days, based on the discretion of the court.

If the violation is committed by a public officer, he/she shall also be subject to administrative liability, in addition to the above-mentioned penalties.

For the purpose, the City Legal Officer shall be directed to implement this provision of the Ordinance.

Section 21. REPORTORIAL REQUIREMENTS. - The Municipality of Babatngon Health Office shall make a quarterly report to the Philippine Council for Mental Health, which shall include, among others, the following data:

- (a) number of patients/service users attended to and or served;
- (b) the respective kinds of mental illness or disability, duration and result of the treatment; and
- (c) patients'/service users' age, gender, educational... attainment and employment without, disclosing the identities of such patients/service user for confidentiality.

Such report shall also include analysis of current and projected mental health situation and recommendations on how to improve mental health campaigns.

Such report shall also be furnished to the Board for appropriate policy and program interventions, and to the Commission on Human Rights-Region VIII for human rights situation monitoring in the province/city/municipality.

Section 22. IMPLEMENTING RULES AND REGGULATIONS. - Within ninety (90) days from the effectivity of this Ordinance, the office of the Mayor, in coordination with the Board, shall formulate the rules and regulations necessary for the effective implementation of this Ordinance.

Section 23. FUNDING AND APPROPRIATIONS. - The amount of PhP 250,000.00 shall be appropriated for the implementation of this ordinance.

Section 24. SEPARABILITY CLAUSE. - Should any provision in this ordinance be declared unconstitutional by any competent court, the remaining provisions shall remain valid and legal.

[Handwritten signatures and initials on the right margin]

Province of Leyte

Municipality of Babatngon



BAGONG PILIPINAS

Section 25. REPEALING CLAUSE, - Any ordinance, rules and regulations and executive issuances found inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Section 26. EFFECTIVITY. This Ordinance shall take effect after fifteen (15) days following the completion of its publication in a newspaper of local circulation and posting requirement.

APPROVED and ENACTED this 15th day of July 2024 at Babatngon, Leyte.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.


ALMA A. BALDOMAR
Secretary II

Secretary to the Sanggunian-Designate

ATTESTED:


HON. ROSARY PEARL G. CATUDIO
Municipal Vice-Mayor
Presiding Officer


HON. CHRISTIAN C. LAWSIN
Sangguniang Bayan Member


HON. KEMUEL RUE M. CORSIGA
Sangguniang Bayan Member

HON. KARL JOMAR L. EMBANA
Sangguniang Bayan Member


HON. ILDEFONSO B. ODON
Sangguniang Bayan Member


HON. FEDERICO P. ELIZAGA, JR.
Sangguniang Bayan Member


HON. HILARTON S. MENZON
Sangguniang Bayan Member

(Absent)
HON. CHARITA M. CHAN
Sangguniang Bayan Member

(Mandatory Leave)
HON. ALEX V. BELLO
Sangguniang Bayan Member


HON. EDGARDO Y. MORDEN
President
Liga ng mga Barangay


HON. JUDE LEMUEL B. VETHIMVAS
President
Pambayang Pederasyon ng
Sangguniang Kabataan

APPROVED:


HON. ELEONOR B. LUGNASIN
Municipal Mayor

Date: 12 Aug. 2024



Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
-oOo-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE 105th REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF LEYTE CONDUCTED AT THE SESSION HALL, LEYTE PROVINCIAL GOVERNMENT COMPLEX, PALO, LEYTE, ON SEPTEMBER 17, 2024.

RESOLUTION NO. 2024-391

A RESOLUTION RETURNING TO THE SANGGUNIANG BAYAN OF ORIGIN ORDINANCE NO. 471 OF BABATNGON, LEYTE FOR PROPER CORRECTION.

WHEREAS, pursuant to Section 468 (a)(1)(i) of Republic Act 7160 otherwise known as The Local Government Code of 1991, among the powers and duties of the Sangguniang Panlalawigan is "to review all ordinances approved by the Sanggunian of component cities and municipalities";

WHEREAS, submitted to the Sangguniang Panlalawigan is **Ordinance No. 471 of Babatngon, Leyte** entitled: **"AN ORDINANCE PROVIDING FOR A COMMUNITY-BASED MENTAL HEALTH PROGRAM AND DELIVERY SYSTEM IN MUNICIPALITY OF BABATNGON ESTABLISHING MECHANISMS AND GUIDELINES FOR ITS IMPLEMENTATION, AND APPROPRIATING NECESSARY FUNDS THEREFOR"**;

WHEREAS, the Provincial Legal Office was requested to review and submit recommendation on the subject Ordinance pursuant to Section 481 (3) (vii) of R.A. 7160;

WHEREAS, the Provincial Legal Office rendered its review/recommendation/legal opinion, to wit:

That the subject ordinance is in accordance with to its power under Section 16 General Welfare Clause of the Local Government Code of 1991 (R.A. 7160), in consonance with Section 15, Article II of the 1987 Constitution;

Said ordinance is in line with the mandate of Republic Act 11036 "Mental Health Act", and Republic Act 7277 "Magna Carta for Person with Disability";

The Provincial Legal Office noted on Section 20 (a) penal provision Typographical error from "RA 11063" to "RA 11036", and the Five Thousand Pesos (P5,000.00) maximum penalty as imposed in this Ordinance is contrary to Section 447 (I) (iii) of the Local Government Code of 1991 which allows penalty of fine not exceeding Two Thousand Five Hundred Pesos (P2,500.00);

WHEREAS, the August Body, deemed it proper to return said ordinance for proper correction;

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returning Ord. No. 471 to the SB of Babatngon Leyte for
proper correction

NOW, THEREFORE, on motion presented by Honorable Raissa J. Villasin,
duly seconded by Atty. Carlo P. Loreto, be it

RESOLVED, as it is hereby resolved, to **RETURN TO THE SANGGUNIANG
BAYAN OF ORIGIN ORDINANCE NO. 471 OF BABATNGON, LEYTE FOR PROPER
CORRECTION.**

Approved unanimously.

I HEREBY CERTIFY to the correctness of the foregoing resolution.


FLORINDA J. JYVICO
Secretary to the Sanggunian
X

ATTESTED:


HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer

Copy furnished:

*LCE and the Sangguniang Bayan Members
of Babatngon, Leyte*