

Item No.: 20
Date: 21 2025 JAN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
December 26, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 16 series of 2024 of the Sangguniang Bayan of Abuyog, Leyte.

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

- Ordinance No. 16 series of 2024 entitled: **“An Ordinance creating new plantilla positions and provide the corresponding funding for each created position at the Abuyog Community College (ACC).”**

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)(viii)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with Section 76². 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(viii) Determine the positions and salaries, wages, allowances and other emoluments and benefits of officials and employees paid wholly or mainly from municipal funds and provide for expenditures necessary for the proper conduct of programs, projects, services, and activities of the municipal government;

² Section 76. Organizational Structure and Staffing Pattern. - Every local government unit shall design and implement its own organizational structure and staffing pattern taking into consideration its service requirements and financial capability, subject to the minimum standards and guidelines prescribed by the Civil Service Commission.

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
12 December 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 16, Series of 2024 of the Municipality of Abuyog, Leyte**, entitled: **An Ordinance creating new plantilla positions and provide the corresponding funding for each created position at the Abuyog Community College (ACC).**


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian

SF

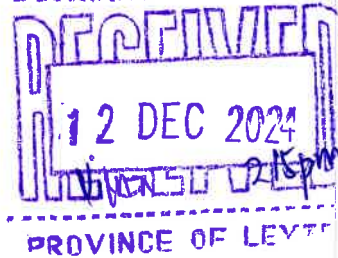


Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan Secretary

December 11, 2024




FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Sangguniang Panlalawigan of Leyte
Legislative Building
Capitol Grounds
Tacloban City

Ma'am:

Respectfully transmitting herewith as attached Ordinance No. 16, series 2024 of the Sangguniang Bayan of Abuyog, Leyte RE: "AN ORDINANCE CREATING NEW PLANTILLA POSITIONS AND PROVIDE THE CORRESPONDING FUNDING FOR EACH CREATED POSITION AT THE ABUYOG COMMUNITY COLLEGE" for the review of the Honorable Sangguniang Panlalawigan, Province of Leyte.

Thank you and more power.

Very respectfully yours,


ARSENIO Y. VILLOTE
Sangguniang Bayan Secretary

a/s



Republic of the Philippines
MUNICIPALITY OF ABUYOG
Province of Leyte



Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 39TH REGULAR SESSION OF THE 19th HONORABLE SANGGUNIANG BAYAN OF ABUYOG, LEYTE HELD AT ITS SESSION HALL, LEGISLATIVE BUILDING MUNICIPAL COMPOUND, ABUYOG, LEYTE ON NOVEMBER 5, 2024

PRESENT:

- | | |
|-------------------------------|--------------------------------------|
| Hon. James L. Bohol | Municipal Vice-Mayor, Prsdg. Officer |
| Hon. Patrocinio A. Risos, Jr. | SB Member |
| Hon. Edmundo P. Saño | SB Member |
| Hon. Erwin V. Belleza | SB Member, Temp. Floor Leader |
| Hon. Dario P. Lleve | SB Member, ABC President |
| Hon. Melliza Jane C. Traya | SB Member, SK Ped. Pres. |

ABSENT:

- | | |
|-------------------------------|--------------------------------------|
| Hon. Jeannette A. Valida | SB Member, Prsdg. Pro-tempore – O.B. |
| Hon. Antonio C. Almendra, Jr. | SB Member – O.B. |
| Hon. Arnold R. Allera | SB Member – O.B. |
| Hon. Francisco B. Landia | SB Member, Floor Leader – O.B. |
| Hon. Editha C. Deloy | SB Member – O.B. |

ORDINANCE NO. 16, S. 2024

AN ORDINANCE CREATING NEW PLANTILLA POSITIONS AND PROVIDE THE CORRESPONDING FUNDING FOR EACH CREATED POSITION AT THE ABUYOG COMMUNITY COLLEGE (ACC)

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF ABUYOG, LEYTE IN A REGULAR SESSION ASSEMBLED; that:

SECTION 1. TITLE - this enactment shall be known as **AN ORDINANCE CREATING NEW PLANTILLA POSITIONS AND PROVIDE THE CORRESPONDING FUNDING FOR EACH CREATED POSITION AT THE ABUYOG COMMUNITY COLLEGE (ACC)**

SECTION 2. SCOPE AND COVERAGE, SOURCE OF AUTHORITY/PURPOSE – the said creation of positions/items including each corresponding funding is for the smooth operation it being one of the felt need of the college and for the purpose of maintaining instructional standard and for the effective and efficient delivery of services.

The approved creation of new positions and the provision of corresponding funding are as follows; to wit:

A. FOR CASUAL POSITIONS

POSITION	SALARY GRADE	QUANTITY
ADMINISTRATIVE AIDE III	3	3
WATCHMAN I	2	2
ADMINISTRATIVE AIDE I (UTILITY WORKER I)	1	6
ADMINISTRATIVE AIDE I (LABORER I)	1	6

B. FOR PLANTILLA ITEM

POSITION	SALARY GRADE	QUANTITY
INSTRUCTOR I	12	10
ASSOCIATE PROFESSOR II	20	3
ASSOCIATE PROFESSOR III	21	3
ASSOCIATE PROFESSOR IV	22	3
ASSOCIATE PROFESSOR V	23	3
INFORMATION SYSTEMS ANALYST II	16	1
COMPUTER MAINTENANCE TECHNOLOGIST	15	1
ADMINISTRATIVE ASSISTANT VI (COMPUTER OPERATOR III)	12	1
ADMINISTRATIVE AIDE III (UTILITY WORKER II)	3	3
ELECTRICIAN II	6	1

SECTION 3. SEPERABILITY CLAUSE. If any part of this ordinance is held unconstitutional or invalid by any court or tribunal or competent authority, no other sections or provisions hereof shall be affected thereby.

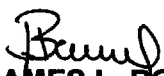
SECTION 4. EFFECTIVITY. This ordinance shall take effect upon its approval.

APPROVED: November 5, 2024

I HEREBY CERTIFY to the correctness of the forgoing Ordinance.


ARSENIO T. VILLOTE
 Sangguniang Bayan Secretary

ATTESTED:


HON. JAMES L. BOHOL
 Municipal Vice Mayor, Prsdg. Officer

HON. JEANNETTE A. VALIDA
 SB Member, Prsdg. Pro-tempore – O.B.

HON. ANTONIO C. ALMENDRA, JR.
 SB Member – O.B.

HON. ARNOLD R. ALLERA
 SB Member – O.B.


HON. PATROCINIO A. RISOS, JR.
 SB Member





HON. EDITHA C. DELOY
SB Member – O.B.


HON. EDMUNDO P. SAÑO
SB Member

HON. FRANCISCO B. LANDIA
SB Member, Floor Leader - O.B.


HON. ERWIN V. BELLEZA
SB Member – Temp. Floor Leader


HON. DARIO P. LLAVE
SB Member ABC Fed. President


HON. MELLIZA JANE C. TRAYA
SB Member/ SK Ped. Pres.

APPROVED:


HON. LEMUEL GIN R. TRAYA
Municipal Mayor

Date: 12/9/24

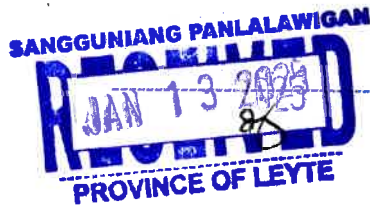
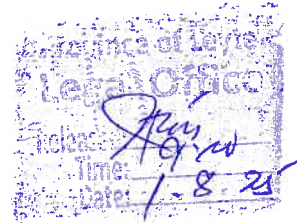
Item No.: 19
Date: 21 2025 JAN



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
December 26, 2024

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 105-24 of the Sangguniang Bayan of Leyte, Leyte.

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

- Ordinance No. 105-24 entitled: **“An Ordinance recognizing the rights of the Persons with Disability (PWD) in the Municipality of Leyte, Leyte, etc.”**

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)(5)(xvi)¹ of the Local Government Code of 1991 (R.A 7160) in consonance with RA No. 7277² as amended. 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

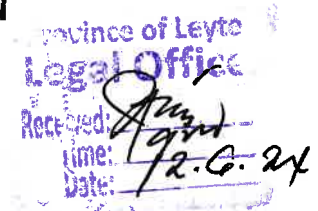
¹(xvi) Establish a municipal council for the orderly which shall formulate policies and adopt measures mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the elderly

² “Magna Carta for Disabled Persons”


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
05 December 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 105-24** of the **Municipality of Leyte, Leyte**, entitled: **An Ordinance Recognizing the rights of the Persons With Disability (PWD) in the Municipality of Leyte, Leyte, granting privileges, benefits, protection from vilification and public ridicule and providing penalties from violation thereof and for other purposes.**


FLORINDA JIL S. JYVICO
Secretary to the Sanggunian



Republic of the Philippines
MUNICIPALITY OF LEYTE
LEYTE
-o0o-

Office of the Sangguniang Bayan

1st ENDORSEMENT
December 4, 2024

Respectfully forwarded to the Honorable Sangguniang Panlalawigan in session, through the Sangguniang Panlalawigan Secretary, Province of Leyte, Palo, Leyte, the herein **Municipal Ordinance No. 105-24 Entitled “AN ORDINANCE RECOGNIZING THE RIGHTS OF THE PERSONS WITH DISABILITY (PWD) IN THE MUNICIPALITY OF LEYTE, LEYTE, GRANTING PRIVILEGES, BENEFITS, PROTECTION FROM VILIFICATION AND PUBLIC RIDICULE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.**

Attached herewith are the following :

1. Municipal Ordinance No.105-24
2. Certificate of Posting
3. Certificate of Publication (to follow)


VILMA D. COMBATE
SB Secretary



Republic of the Philippines
 MUNICIPALITY OF LEYTE
 L E Y T E
 -oOo-
 Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION BY THE SANGGUNIANG BAYAN HELD ON NOVEMBER 18, 2024 AT THE SB SESSION HALL, MUNICIPAL BUILDING, LEYTE, LEYTE

Present:

Hon. Paquito D. Pelipel, Jr.	-----	SB Member
Hon. Lileth I. Gatchalian,	-----	-do-
Hon. Edward Jay A. Durante,	-----	-do-
Hon. Rowil G. Batan,	-----	-do-
Hon. Aida A. Delantar,	-----	-do-
Hon. Alex A. Dagandan,	-----	-do-
Hon. Eulogio E. Capacio,	-----	-do-/Temp. Presiding Officer
Hon. Gualberto G. Meracap,	-----	-do-
Hon. Jerry G. Apacible,	-----	Liga ng Mga Barangay President
Hon. Nellie Grace D. Dandan,	-----	SK Fed. President

Absent:

Hon. Armando M. Ysidoro,	-----	Mun. Vice Mayor -On Leave of Absence
--------------------------	-------	--------------------------------------

MUNICIPAL ORDINANCE NO. 105-24

AN ORDINANCE RECOGNIZING THE RIGHTS OF THE PERSONS WITH DISABILITY (PWD) IN THE MUNICIPALITY OF LEYTE, LEYTE, GRANTING PRIVILEGES, BENEFITS, PROTECTION FROM VILIFICATION AND PUBLIC RIDICULE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

WHEREAS, Republic Act No. 7277, otherwise known as the "Magna Carta for Disabled Persons" was amended by Republic Act No. 9442 provides for additional benefits and privileges for Person with Disability (PWD);

WHEREAS, in consonance with this and with the guiding principle that those who have less in life should have more in law and that the fruits of development should be spread in and out in trickles to all Leyteños specially to Persons with Disability (PWD);

WHEREAS, as part of society and with the potential to contribute to national progress and community and development, PWD's should be integrated into mainstream of society by empowering them, by recognizing and protecting their inherent rights, granting them privileges and benefits as well as upholding their human dignity;

WHEREAS, the PWD's have the same rights as other people to take their proper place in society and that they should be able to live free and as independent as possible;

WHEREAS, to facilitate the integration of PWD's, the Municipal Mayor of Leyte, Leyte must take the lead and provide venue for the collective participation of government agencies, NGO's, PO's and to remove all environmental, economic, sociocultural barriers, and to foster especially the tradition based on Bayanihan, compassion, accountability and transparency.

NOW THEREFORE, BE IT ORDAINED by the Sangguniang Bayan of Leyte, Leyte in session duly assembled that:

(Handwritten signatures of the Sangguniang Bayan members and the Municipal Mayor)

(Handwritten signature)

(Handwritten signature)

(Handwritten signature)

(Handwritten mark)

(Handwritten mark)

ARTICLE I
A General Provision

Section 1. Title- This ordinance shall be known as the **PERSON WITH DISABILITY PRIVILEGES, BENEFITS, & PROTECTION ORDINANCE** of Leyte, Leyte.

Section 2. Definition of Terms- As used in this ordinance are hereby defined:

- a) Auxiliary support and benefits - qualified interpreters or other effective methods of delivering materials to individuals with hearing impairments, qualified readers, taped tests or other effective methods of delivering materials to individuals with visual impairments acquisition or modification of equipment or devices and other similar support and services or all types of such that facilitate the learning process with mental disability.
- b) MHO - Municipal Health Office of Leyte, Leyte.
- c) MSWD - Municipal Social Welfare Development of Leyte, Leyte.
- d) Disability - shall mean (1) a physical or mental impairment that substantially limits one or more psychological or anatomical function of an individual or activities of such individual (2) a record of such impairment: or (3) being regarded as having such as impairment.
- e) Person with Disabilities - are those suffering from restriction of different abilities as a result of mental, physical or sensory impairment to perform an ability in the manner or within the range considered normal for a human being.
- f) Handicap - refers to a disadvantage for a given individual resulting from impairment or a disability that limits or prevents the function or activity that is considered normal given the age and sex of the individual.
- g) Impairment - is any loss diminution or aberration of any psychological, psychological or anatomical structure or function of a PWD.
- h) Public Ridicule - shall be defined as an act of making fun or contemptuous imitating or making mockery of a person with disability whether in writing, or in other words, or in action to their impairment/s.
- i) Rehabilitation - is an integrated approach to physical, social, cultural, spiritual, educational and vocational measures that create condition to the individual to attain the highest possible level of self-esteem.
- j) Social Barriers - refers to the characteristics of the institutions whether ethnic, educational, legal, economic, professional, cultural, recreational, or other any human persons in life of the group. Barriers include negative attitudes which tend to single out and exclude disabled persons and which distract roles and interpersonal relationship
- k) Vilification - the utterance of slanderous and abusive statements against a person with disability.

ARTICLE II
Rights of the PWD's

Section 1. Employment - PWD shall not be deprived of access to opportunities for suitable employment. A qualified PWD employee shall be subject to the terms and condition of employment and the same compensation, privileges, benefits, fringe benefits, incentives and allowance as a qualified bodied person.

Section 2. Education - the PWD shall be provided adequate access to quality education and ample opportunities to develop their skills. NO PWD shall be denied admission in any learning institution by reason of his/her handicap or disability.



Handwritten signatures of various officials, including a large signature on the right side of the page and several smaller ones at the bottom.

Section 3. Health – Access to quality and affordable health care services and geriatrics care shall be opened to PWD's and no deposits shall be required by any hospital, RHU or Infirmary involving emergency cases.

Section 4. Auxiliary Social Services – The Municipality shall recognize that marginalized persons are provided with the necessary auxiliary services that will resolve their social function and participation in the community affairs.

Section 5. Right to Assembly – the Municipal government in consistent with the Philippine Constitution which recognizes the right of PWD's to participate in processions rallies, parades, demonstrations, public meetings and assemblies or other forms of mass or concerted action held in public.

Section 6. Mobility – every building and facility constructed in the Municipality, shall ensure the attainment of a barriers for free environment that will enable PWD's to have access in public and private buildings, establishment and other places mentioned.

Section 7. Right to Organize – The Municipal Government recognizes the right of PWD's to form organization or association that promotes their welfare and advance their organization or association that shall be encouraged to participate in planning, identification, implementation and assessment of the local government programs on PWD's.

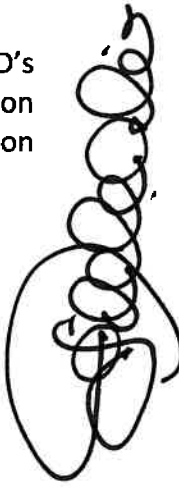
ARTICLE III
Privileges to Persons with Disability

Section 1. Requirements - The requirements for the enjoyment of privileges, benefits and assistance are the following, to wit:

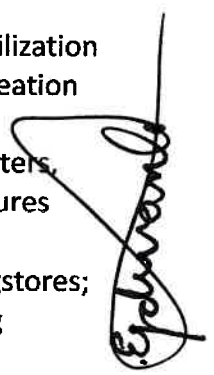
1. Filipino Citizen;
2. Registered as PWD with the Philippine Registry for Persons with Disability as provided under RA 9442 the Magna Carta for PWD as amended.

Section 2. Privileges - PWD's shall be entitled to the following privileges, to wit:

- a. At least twenty percent (20%) discount from all establishment relative to the utilization of all services in hotels and similar lodging establishments, restaurants and recreation centers;
- b. A minimum of twenty percent (20%) discount on admission fees charged bt heaters, cinema houses, concert halls, circuses, carnivals and other similar places of cultures leisure and amusement;
- c. At least twenty percent (20%) discount for the purchase of medicines in all drugstores;
- d. At least twenty percent (20%) discount on medical and dental services including diagnostic and laboratory fees such as , but not limited to x-ray, computerized tomography scans and blood tests, in all government facilities, subject to guidelines to be issued by the Department of Health (DOH), in coordination with the Philippine Health Insurance Corporation (PHILHEALTH).
- e. At least twenty percent (20%) discount on public utility vehicle fare;
- f. To the extent practicable and feasible, educational assistance to persons with disability for them to pursue primary, secondary, tertiary, as well as vocational or technical education on both public and private schools, through the provision of scholarship grants, financial aids, subsidies and other incentives of qualified PWD, including support for books, earning materials, and uniform allowance to the extent feasible. Provided that person with disability shall meet minimum admission requirements.



1/1



- g. To the extent practicable and feasible, the continuance of the same benefits and privileges given by the government Services Insurance System (GSIS), Social Security System (SSS), and PAG-IBIG, as the case may be as are enjoyed by those in actual service.
- h. To the extent possible, the government may grant special discounts in special program for PWD on purchase of commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA); and
- i. Provision of express lanes for the PWD's in all commercial and government establishments, in the absence thereof, priority shall be given to them.

The above-mentioned privileges are only given to person with disability who is a Filipino citizen upon submission of any following as proof of his/her entitled thereto;

- i. An Identification Card issued by the Municipal Mayor.
- ii. Government Issued IDs; or
- iii. Transportation discount fare Identification Card (ID) issued by the National Council for the Welfare of Disabled Person (NCWDP).

The privileges may not be claimed if the PWD claims a higher discount. It may be granted by the commercial establishment and/or under existing laws or in combination with another discount program/s.

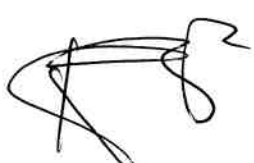
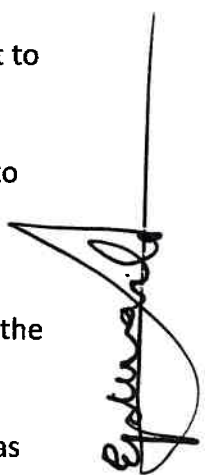
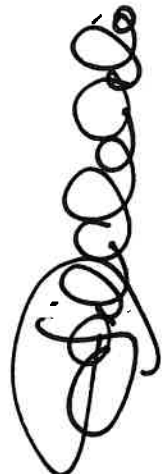
The establishment may claim the discounts granted in sub-sections (a), (b), and (c), as tax deductions based on the net cost of the goods sold or services rendered. Provided, further, that the total amount of the claimed tax deduction is the net of the value- added tax if applicable, shall be included in their gross sales receipt for tax purposes and shall be subject to proper documentation and to the provisions of the National Interval Revenue Code (NIRC), as amended.

Section 3. Benefits. The Local Government Unit of Leyte shall provide a cash benefit to PWDs.

- 1. All registered and qualified PWD's of the Municipality of Leyte shall be entitled to receive a cash in the amount of **FIVE HUNDRED PESOS (Php. 500.00)** on their Birthday.

1.1. QUALIFICATIONS - For the claimant to avail of the cash gifts provided for in the proceeding item, he/she must:

- 1. Be a person with disability defined under R.A. 7277, otherwise known as the Magna Carta of Disabled Persons, to wit:
 - 1.1.a. Deaf of Hard Hearing;
 - 1.1.b. Intellectually/ mentally disabled;
 - 1.1.c. Learning Disability
 - 1.1.d. Physically disabled
 - 1.1.e. Psychosocial Disability
 - 1.1.f. Speech and Language Impairment
 - 1.1.g. Visual Disability
 - 1.1.h. Cancer (RA 11215)
 - 1.1.i. Persons with rare disease (in accordance with Republic Act No. RA10747



1.2. **DISQUALIFICATIONS** - The following PWD's are disqualified from availing of the
aforementioned cash gifts:

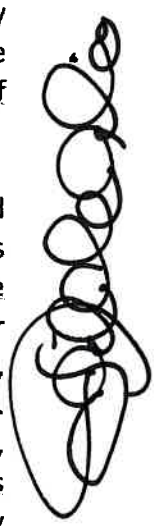
- a. Those who do not fall under the preceding item; and
- b. PWD's who have availed of the benefits for the Senior Citizens under the law and applicable Ordinances.

1.3. For purposes of availing the Cash Gift, the claimant shall apply personally or through a duly authorized representative, for the claim of such benefit with the PWDAO of Municipality of Leyte at least thirty (30) days before his/her birthday.

If claim is made through a representative, a simple authorization letter signed or thumb marked by the concerned PWD is sufficient and the PWDAO shall validate the signature or the thumb mark by comparing the same with those found in the claimant's PWD ID. In cases wherein the concerned PWD is unable to make a letter of authority, unable to sign, unable to affix a thumbmark, by reason of mental or physical incapacity, a next of kin of the PWD concerned may claim in his/her behalf, provided that the President of the PWD Barangay Association where the concerned PWD is member of, or the Punong Barangay of the concerned PWD's place of residence shall issue a certification that the said PWD is indeed incapacitated.

1.4. The Person with Disability Affairs Office (PWDAO) of Leyte, Leyte is hereby Mandated to process the applications for claims, and facilitate in the distribution of the Birthday Cash Gifts to qualified PWD's of Leyte. To this effect, the PWDAO of Leyte, Leyte must monitor the whereabouts of PWD's of Leyte, Leyte in order to make sure that they are duly qualified under this Ordinance and shall make an annual report of those who have remained as residents of Leyte, Leyte, those who have permanently transferred to another place, and those who have died. Likewise, pertaining to the availment of Birthday Cash Gifts Benefits by qualified PWD's of Leyte, Leyte. The Office is hereby charged in the preparation of the Implementing Rules and Regulations (IRR) therefor, subject to the approval of the Municipal Mayor, thirty (30) days from the effectivity of this Ordinance.

1.5 The duly accomplished claim forms for Birthday Cash Gifts shall be verified and reviewed by the PWDAO of Leyte, Leyte as to the entitlement of the claimant, and if found in order, the Office shall immediately prepare the payroll with the attached documents then transmit it to the appropriate Office for the processing of the release of the claim. If the claimant is not qualified to the entitlement of the said benefits, he/she should immediately be informed in writing stating the reason/s for its disapproval.



ARTICLE IV

Incentives to Persons Caring Persons with Disability

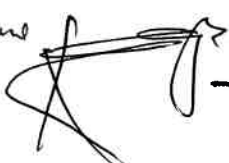
Section 1. Person with disability under the care of their parent/s, guardian, or any other person shall be treated as dependents under Section 35 (A) of the National Internal Revenue Code, as amended and as such, individual taxpayers caring for them shall be accorded the privileges granted by the code insofar as having dependent under the same section are concerned.



ARTICLE V

Prohibitions on Verbal, Non-Verbal Ridicule and Vilification Against Persons with Disability

Section 1. Deliverance from Public Ridicule – for purposes of this Section, Public Ridicule shall be defined as an act of making fun or contemptuous imitating or making mockery of a person with disability whether in writing, or in words, or in action to their impairment/s.



No individual, group or community shall execute any of these acts of ridicule against a person with disability in any time and place which could intimidate or result in loss of self esteem of the latter.

Section 2. Deliverance for Vilification – for purpose of this Section Vilification shall be defined as:

- a. The utterance of slanderous and abusive statements against person with disability and/or
- b. An activity in public which incites hatred towards, serious contempt for/or severe ridicule of a PWD.

2.1 Any individual, group or community is hereby prohibited from vilifying any PWD which could result into loss of self-esteem of the latter.


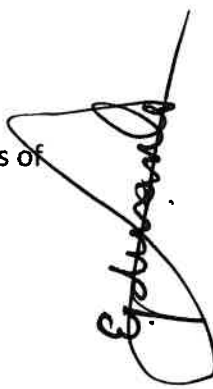


ARTICLE VI
Assistance to Person with Disability

Section 1. Education and Health Care Assistance . Duly Registered and qualified PWD shall be afforded the following assistance:

- a. Educational – to pursue primary, secondary, tertiary, post tertiary as well as vocational or technical education in private educational institutions through the provisions of scholarship grants, financial aids, subsidies and other incentives to qualified PWD’s including support for books, learning materials and uniform allowances provided, they meet the minimum admission requirements, subject to the financial capability of the LGU.
- b. Health Care – the benefits and privileges of the PWD Card to be Provided by the Office of the Municipal Mayor shall be extended to all PWD’s.
- c. Health Service – the MHO shall provide an integrated health services for PWD’s which shall include but not limited to prevention of disability through immunization, nutrition, sanitation and genetic and timely intervention to arrest disabling conditions.

Section 2. Auxiliary Social Services – the DSWD shall ensure that marginalized PWD’s are provided with the necessary services that will restore their social functioning and participation in the community development, the components of which are as follows, to wit:

- 1. Assistance in the acquisition of prosthetic and medical intervention of specialized services;
- 2. Provision on specialize training activities designed to improve functional limitations of PWD’s related to communication skills;
- 3. Develop among PWD’s a positive self-image through the provision of counseling, orientation and mobility and strengthening daily living capacity;
- 4. Provision on family care services geared towards developing the capability of families to respond to the needs of PWD’s.
- 5. Provision on substitute family care and services and the facilities therefore for the abandoned, neglected and unattached PWD’s who needs custodial care.
- 6. Provisions on after care and follow up services for the continued rehabilitation in a community-based setting of rehabilitation center.



**ARTICLE VII
Mechanisms**

Section 1. A Persons with Disability (PWD) Welfare Council under the Office of the Mayor in cooperation with the Municipal Social Welfare and Development Office (MSWDO) is hereby organized and designated.

Section 2. The following duties and responsibilities shall be added to the Municipal Social Welfare and Development Office (MSWDO) in implementing this Ordinance for the benefit of Persons with Disability in the Municipality of Leyte, Leyte, to wit:

- a. Enroll all qualified PWDs to the Philippine Registry for persons with Disability.
- b. Take charge of the issuance of PWD Identification Cards as called for RA 7277 as amended by RA 9442, otherwise known as the Magna Carta for Disabled Persons (PWDs) Ridicule and Vilification Against Persons with Disability.
- c. Develop and maintain database on PWDs.
- d. Monitor the compliance of establishments and agencies on the rights, privileges and benefits to PWDs.
- e. Implement programs and project development by the Persons with Disability (PWD) Welfare Council of Leyte, Leyte.

**ARTICLE VIII
Persons with Disability Welfare Council**

Section 1. There shall be a Person with Disability Welfare Council (PWDWC) of Leyte, Leyte which shall be composed of the following:

Honorary Chairman – Municipal Mayor

Chairman – SB Chair of the Committee on Health, Sanitation and Social Service.


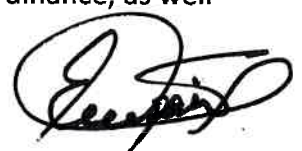
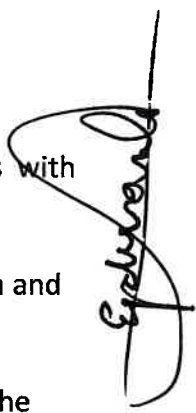
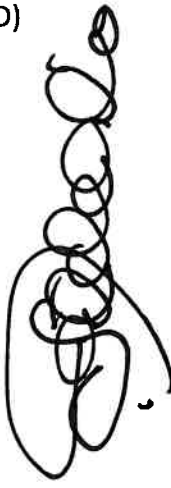
Secretariat – Municipal Social Welfare and Development Officer, Head/MSWDO

Committees:

1. Accessibility
2. Advocacy
3. Information Education, Training
4. Health
5. Livelihood

Section 2. Duties and Responsibilities. The duties and responsibilities of Persons with Disability Welfare Council (PWDWC) of Leyte, Leyte are as follows, to wit:

1. Convene at least once a month for purposes of monitoring, planning, evaluation and updating;
2. Recommend appropriate policies, programs, project and services on PWDs for the Municipal Mayor and to the Sangguniang Bayan;
3. Develop incentive Schemes to encourage compliance with the said ordinance, as well as nurture the growth of support of support mechanism for PWD's.



**ARTICLE IX
Citizen's Suits**

Section 1. For the purpose of enforcing Republic Act no. 9442, in the jurisdiction of the Municipality of Leyte, Leyte, the provisions of this Ordinance also states that any Bonafede resident of this Municipality may file a citizen's suit for an appropriate civil, criminal or administrative action in proper courts/ bodies against:

1. Any person who violates or fails to comply with any of the provisions of this ordinance.
2. Any government official and/or employee who willfully or grossly neglects the performance of an act specially enjoined as a duty by this Ordinance, or who abuses his/her authority in the performance of his/her duties under Ordinance; provided, however that no suit can be filed until after thirty days (30) notice has been given to said public officer and/or the alleged violator concerned and that no appropriate action has been taken thereon. The court shall exempt such action from the payment of filing fees upon prima facie showing of non- enforcement or violation complained of . In the event, the said Bona fide resident should prevail, the Court shall award reasonable attorney's fees, moral damage and litigation cost deemed as appropriate.

Section 2. Where a suit is brought against a person who filed an action or against any person, office or department that implements this Ordinance, it shall be the duty of the Provincial Prosecutor to immediately make a determination not exceeding thirty day (30) whether said legal action has been filed to harass, vex, exert undue pressure or stifle such legal recourse of the person complained of, or enforcing the provisions of this Ordinance. Upon determination thereof, evidence warranting the same, the prosecutor shall dismiss the complaint.

This provision shall also apply and benefit the Officials and/or employees who were sued for acts committed in their capacity, there being no grave abuse of authority and done in the course enforcing this Ordinance.

**ARTICLE X
Penal Clause**

Section 1. Any person who violates any provisions of this ordinance shall suffer the following penalties:

1. First Offense – Php 1,000.00
2. 2nd Offense – Php 2,000.00
3. 3rd and succeeding offenses – Php 2,500.00, or 6-months imprisonment, or both at the discretion of the Court.

**ARTICLE XI
Final Provision**

Section 1. Budgetary Support – the budgetary requirement to initially implement this Ordinance shall be chargeable to any available funds in the Municipal Government, subject to auditing and accounting procedures. Thereafter, the MSWDO shall include it in the succeeding annual budget of the Municipal Social Welfare and Development Office.

Section 2. Separability Clause – if any provision of this ordinance is declared unconstitutional or illegal, the same shall not affect the validity of the other provisions thereof.


Section 3. Repealing Clause – all ordinance or executive issuance contrary hereto are hereby modified accordingly.

Section 4. Effectivity – This Ordinance shall take effect after Fifteen (15) days following its full publication in a newspaper of local circulation or posting in at least three (3) conspicuous places in the municipality.

ENACTED this 18th day of November 2024 at Leyte, Leyte, Philippines.


PAQUITO D. PELIPEL, JR.
SB Member


LILETH I. GATCHALIAN
SB Member


EDWARD JAY A. DURANTE
SB Member



ROWIL G. BATAN
SB Member


AIDA A. DELANTAR
SB Member


ALEX A. DAGANDAN
SB Member


GUAIBERTO G. MERACAP
SB Member



JERRY G. APACIBLE
President
Liga ng Mga Barangay


NELLIE GRACE D. DANDAN
SK Fed. President

Certified Correct:


VILMA D. COMBATE
Secretary to the Sanggunian

Attested:


EULOGIO E. CAPACIO
SB Member
Temporary Presiding Officer

Approved:


ARNOLD JAMES M. YSIDORO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF LEYTE
L E Y T E
-oOo-

Office of the Sangguniang Bayan

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that Municipal Ordinance No. 105-24: " AN ORDINANCE RECOGNIZING THE RIGHTS OF THE PERSONS WITH DISABILITY (PWD) IN THE MUNICIPALITY OF LEYTE, LEYTE, GRANTING PRIVILEGES, BENEFITS, PROTECTION FROM VILIFICATION AND PUBLIC RIDICULE AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES", has been posted in three (3) conspicuous places in this Municipality.

This certification is issued this 4th day of December , 2024 at Leyte, Leyte, Philippines.


VILMA D. COMBATE
SB Secretary