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Item No.: 36
Date: 04 2025 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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SANGGUNIANG PANLALAWIGAN

PROVINCIAL LEGAL OFFICE



2nd INDORSEMENT
January 9, 2025

Handwritten signature and date: 1-24-25

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 04 series of 2024 of the Sangguniang Bayan of Matalom, Leyte.

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

- Ordinance 04 series of 2024 entitled: "An Ordinance providing for pre-emptive and forced evacuation in case of disaster 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)(1)(iv)¹ of the Local Government Code of 1991 (R.A 7160). 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
Provincial Legal Officer

Handwritten signature of Atty. Jose Raymund A. Acol

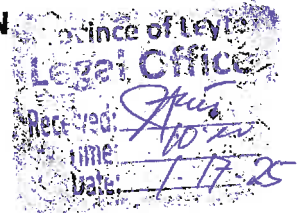
¹ (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

(1) Approve ordinances and pass resolutions necessary for an efficient and effective municipal government,
(iv) Adopt measures to protect the inhabitants of the municipality from the harmful effects of man-made or natural disasters and calamities and to provide relief services and assistance for victims during and in the aftermath of said disasters or calamities and their return to productive livelihood following said events;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte
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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
16 January 2025



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 04, series of 2024 of the Municipality of Matalom, Leyte, entitled: An Ordinance providing for pre-emptive and forced evacuation in case of disaster or emergency in the municipality or any part thereof when loss of lives and properties become imminent.**

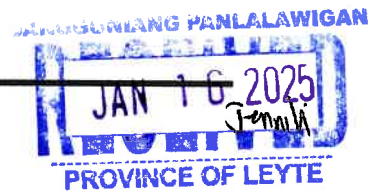

FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM



OFFICE OF THE SANGGUNIANG BAYAN



**MUNICIPAL ORDINANCE NO. 04
Series of 2024**

AN ORDINANCE PROVIDING FOR PRE-EMPTIVE AND FORCED EVACUATION IN CASE OF DISASTER OR EMERGENCY IN THE MUNICIPALITY OR ANY PART THEREOF WHEN LOSS OF LIVES AND PROPERTIES BECOME IMMINENT.

Authors: Hon. Alfonso B. Tan, Hon. Ronald P. Gilo, Hon. Leonard P. Tan II, Hon. Aureliano P. Lapasanda, Hon. Sabino G. Gerona

SECTION 1. TITLE. This ordinance shall be known and cited as the MATALOM PRE-EMPTIVE AND FORCED EVACUATION ACT OF 2024.

SECTION 2. DECLARATION OF POLICY. It is hereby the declared policy of the Municipal Government to implement pre-emptive evacuation of affected inhabitants in case of disaster or emergency in the municipality or any part thereof when loss of lives and destruction or damage to properties become imminent and forced evacuation of affected inhabitants upon the declaration of disaster or emergency in the province or any part thereof when loss of lives and destruction of damage to properties become imminent.

SECTION 3. DEFINITION OF TERMS. The following terms are defined and understood as follows:

- 3.1 **DISASTER** – The result of natural or human-induced event which causes massive injuries and loss of lives to persons and damage or destruction to properties in the municipality or any part thereof.
- 3.2 **EMERGENCY** – sudden state of danger requiring prompt and appropriate action.
- 3.3 **FORCED EVACUATION** – an evacuation ordered by the concerned authorities upon the declaration of disaster or emergency in the municipality or any part thereof when loss of lives and damage or destruction to properties become imminent.
- 3.4 **PRE-EMPTIVE EVACUATION** - a proactive process of relocating inhabitants to safer ground or shelter from the areas that are forecasted or expected to be affected by a potential disaster or emergency situation.

SECTION 4. PRE-EMPTIVE EVACUATION. The Municipal Government and all local chief executives as well as authorities concerned of the component local government units shall implement the pre-emptive evacuation to safer grounds or shelters of affected inhabitants even before the declaration of disaster or emergency in the municipality or in any part thereof when loss of lives and damage or destruction to properties become imminent.

SECTION 5. FORCED EVACUATION. Upon declaration of disaster or emergency, the Local Chief Executive shall issue an Executive Order enforcing the forced evacuation.

SECTION 6. IMPLEMENTING RULES AND REGULATIONS. The Office of the Municipal Disaster Risk Reduction Management shall promulgate the implementing rules and regulations (IRR) of this ordinance in the enforcement thereof especially on the mode or



OFFICE OF THE SANGGUNIANG BAYAN

modes of carrying pre-emptive and forced evacuations and in the observance of calamity response protocols as well as after-calamity response protocols.

SECTION 7. SEPARABILITY CLAUSE. If any provision of this ordinance is declared unconstitutional then the other provisions not otherwise affected shall remain in full force and effect.

SECTION 8. AMENDING, MODIFYING, AND / OR REPEALING CLAUSE. Any ordinance, executive order and rules and regulations inconsistent herewith are hereby deemed amended, modified or repealed accordingly.

SECTION 9. EFFECTIVITY CLAUSE. This ordinance shall become effective in accordance with law.

UNANIMOUSLY APPROVED: August 21, 2024

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I HEREBY CERTIFY THAT THIS IS A
TRUE AND ACCURATE COPY OF THE ORDINANCE DULY ENACTED BY
THE SANGGUNIANG BAYAN ON AUGUST 21, 2024.

IRISH C. GUIGUE
Secretary to the Sanggunian

ATTESTED:

HON. RIKRIK JAY S. PAJULIO
Municipal Vice-Mayor/Presiding Officer

APPROVED:

HON. ERIC S. PAJULIO, D.M.D.
Municipal Mayor

Date of Approval: _____

HON. MARIA NICHOLINA P. CAUBE
SB Member

HON. JOSELEG W. DANCES
SB Member



OFFICE OF THE SANGGUNIANG BAYAN



HON. MARIA RAMELA P. GADO
SB Member



HON. LEONARD P. TAN II
SB Member

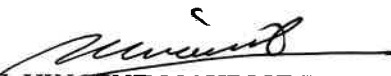

HON. AURELIANO P. LAPASANDA
SB Member


HON. DERICK S. PAJULIO
President, LnB


HON. ALFONSO B. TAN
SB Member


HON. SABINO G. GERONA
SB Member


HON. RONALD P. GILO
SB Member


HON. VINCENT MAURICE P. GARDE
President, PPSK



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATALOM




OFFICE OF THE SANGGUNIANG BAYAN SECRETARY

CERTIFICATION

THIS IS TO CERTIFY that Municipal Ordinance No. 04, s. 2024 entitled, An Ordinance Providing For Pre-Emptive And Forced Evacuation In Case of Disaster Or Emergency In The Municipality Or Any Part Thereof When Loss of Lives And Properties Become Imminent, has been posted in three (3) conspicuous places in the municipality and shall remain posted for three (3) consecutive weeks.

This certification is issued in compliance with the pertinent provisions of the Local Government Code of 1991.

ISSUED this 10th day of September, 2024 at Matalom, Leyte, Philippines.


IRISH C. GUIGUE
Secretary to the Sanggunian