

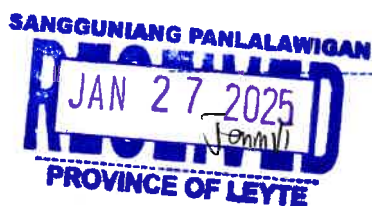
Item No.: 09

Date: 11 2025 FEB



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
January 8, 2025

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1.27.25

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 24-20 of the Sangguniang Bayan of Burauen, Leyte.

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

- Ordinance No. 24-20 entitled: **“Jail Guard-the Gate Ordinance of 2024”**

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)(xv)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.

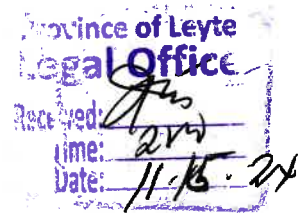
ATTY. JOSE RAYMUND A. ACOL
Provincial Legal Officer

¹ (xv) Establish and provide for the maintenance and improvement of jails and detention centers, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the municipality;

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
14 November 2024



The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Municipal Ordinance No. 24-20** of the **Municipality of Burauen, Leyte**, entitled: An Ordinance prohibiting entry, sneaking, use, and carrying of any form of contraband inside BJMP-manned jail facilities in the Municipality of Burauen, and providing penalties for violation thereof.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN



OFFICE OF THE SANGGUNIANG BAYAN

November 14, 2024

THE HONORABLE MEMBERS
Sangguniang Panlalawigan
Province of Leyte

ATTENTION: FLORINDA JILL S. UYVICO
Secretary to the Sanggunian
Province of Leyte
Palo, Leyte



Ladies/Gentlemen:

We transmit herewith 15 copies of **Municipal Ordinance No. 24-20**, Series of 2024 of the Sangguniang Bayan of Burauen, Leyte, entitled "**An Ordinance Prohibiting Entry, Sneaking, Use, and Carrying of Any Form of Contraband Inside BJMP-Manned Jail Facilities in the Municipality of Burauen Prescribing Penalties for Violations Thereof**", for review and approval of the body.

Attached are the following documents for your perusal:

1. Certificate of Public Hearing;
2. Minutes of the Public Hearing;
3. Attendance Sheet; and
4. Certificate of Posting.

Thank you and please acknowledge receipt hereof.

Respectfully yours,


ATTY. RUDEJANE S. TAN
Secretary to the Sanggunian



Republic of the Philippines
 Province of Leyte
 Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 24-20



Sponsored by:

Hon. Vincent G. Enerlan

Chairman, Committee on Peace and Order, Human Rights, Public Safety, Crisis and Disaster Management

AN ORDINANCE PROHIBITING ENTRY, SNEAKING, USE, AND CARRYING OF ANY FORM OF CONTRABAND INSIDE BJMP-MANNED JAIL FACILITIES IN THE MUNICIPALITY OF BURAUEN, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

WHEREAS, paragraph (2)(i) of Article 100 of the Implementing Rules and Regulations (IRR) of Republic Act No. 7160 (also known as the "Local Government Code of 1991") empowers the Sangguniang Bayan to enact ordinances, approve resolutions, and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of the same law;

WHEREAS, BJMP-Manned Jail Facilities house our constituents who are in conflict with the laws or have committed infractions thereof, who in one way or another are being held therein for purposes of safekeeping and rehabilitation pending resolution of their cases before courts of law, and while they are being prepared for their reintegration into society;

WHEREAS, the persistent and continuing presence of contraband (illegal, prohibited, and regulated) within custodial facilities endangers the security and lives of Persons Deprived of Liberty (PDL), as well as their visitors and custodial personnel in such detention cells, jails, reformatory centers, and halfway houses — in direct opposition to the principles of good governance, public order, and safety;

WHEREAS, the continuing physical entry and possession by PDL of such contraband items and materials in spite of existing systems of physical security control against it necessitates the legislation of an ordinance that will effectively deter or discourage would-be traffickers and possessors of contraband items/materials and make the consequences thereof more specific, exacting, and prohibitive;

WHEREAS, the enactment of a Municipal Ordinance will promote peace and order, enhance the physical security within the jail facility by eradicating as well as effectively deterring the trafficking, use, and possession of contraband materials; the enactment of a Municipal Ordinance will promote peace and order and enhance the physical security within the jail facility by eradicating, as well as effectively deterring, the trafficking, use, and possession of contraband materials;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Burauen in regular session assembled THAT:

Section 1. TITLE. This Ordinance shall be known as the "Jail Guard-the-Gate Ordinance of 2024".

Section 2. POLICY. The Municipal Government shall improve the administration of justice within its jurisdiction by instituting a sound, secure, and effective jail management system in all BJMP-manned jails within the Municipality of Burauen that aims to rehabilitate valuable Human

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Resources, respect and safeguard the dignity and human rights of inmates and their relatives and loved ones, prevent the proliferation of criminality and gang violence in the said facilities, improve the capabilities and equipment of personnel assigned to the said facilities, and enhance their security.

Section 3. SCOPE AND APPLICATION. This Ordinance shall govern the implementation, enforcement, and imposition of fines and penalties for violation thereof, within the BJMP-manned Jails of Burauen.

Section 4. DEFINITION OF TERMS. The following words and phrases as used in this Ordinance shall mean as follows:

4.1. **BJMP-Manned Jail Facility** - refers to a jail facility managed and supervised by the Bureau of Jail Management and Penology (BJMP) within the territorial jurisdiction of the Municipality of Burauen;

4.2. **Contraband** - is defined as any article, item, or thing prohibited by law and/or forbidden by jail rules that would pose a security hazard or endanger the lives of PDL, visitors, personnel, or any person. For this purpose, it is divided into the following categories:

I. **ILLEGAL CONTRABAND** - it is unlawful in itself and not because of some extraneous circumstance such as:

- a) Prohibited drugs and paraphernalia;
- b) Deadly/bladed weapons and potential weapons; and
- c) Explosives and their components.

II. **NUISANCE CONTRABAND** - are those that may not be classified as illegal under the law but are forbidden by jail rules as defined and enumerated under the BJMP Comprehensive Manual, such as:

- a) Intoxicating Beverages/Liquors;
- b) Cigarettes, Tobacco, and Lighters;
- c) Cellular/Mobile Phones;
- d) Video cameras/still cameras;
- e) Money in excess of ₱1,000.00 (per week);
- f) Commodities of exchange, such as jewelry, appliances, and gadgets;
- g) Pointed/sharpened objects;
- h) Pornographic materials;
- i) Gambling paraphernalia and other products considered as vices; and
- j) Excessive clothing materials and sleeping paraphernalia.

4.3. **Prohibited Drugs and Paraphernalia** - refer to those defined and enumerated under RA 9165 or the Comprehensive Dangerous Drugs Act of 2002;

4.4. **Deadly and Bladed Weapons** - refer to any object which, in the manner used, is capable of producing death, or of inflicting bodily injury, or seriously wounding; and

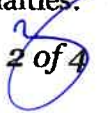
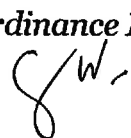
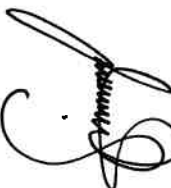
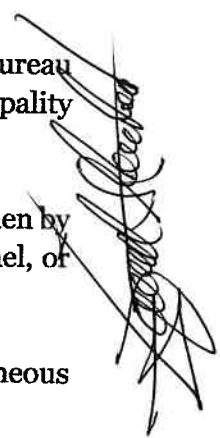
4.5. **Pat Search** - consists of the removal of outer protective clothing, the emptying of pockets, the physical search, screening by the device which does not require disrobing, and the inspection of papers, bags, books, and other items being carried.

Section 5. PROHIBITED ACTS. It shall be unlawful for any person to willfully possess, steal/carry/use, attempt to sneak/carry, or cause or attempt to cause to be brought into the jail facility any contraband as defined and enumerated by Section 4.2 of this ordinance.

Section 6. PENALTIES. Violation of the preceding section shall incur the following penalties:

Municipal Ordinance No. 24-20; August 19, 2024

Page 2 of 4



- 1st Offense: Fine of ₱1,500.00, confiscation of the contraband and/or other prohibited items, and community service for one (1) day.
- 2nd Offense: Fine of ₱2,000.00, confiscation of the contraband and/or other prohibited items, and community service for one (1) week.
- 3rd Offense: Fine of ₱2,500.00, confiscation of the contraband and/or other prohibited items, community service for ten (10) days, and total ban from visiting the jail facility.

Section 7. ACCESSORY PENALTY. All contraband confiscated under this ordinance shall be forfeited in favor of the government. Unless the confiscation and disposition of contraband are governed by any national law, all other contraband confiscated shall, within fifteen (15) days from the termination of the trial, be turned over to the appropriate office of the municipality for proper disposal or shall be deposited into the general fund of the municipality in case of cash.

Section 8. POSSESSION OF PROHIBITED DRUGS. In addition to the penalties imposed herein, any person (visitors, personnel, and inmates alike) who shall cause the entry, possess, sell, or use any dangerous drugs or paraphernalia, upon entering or while inside jails, detention cells, and rehabilitation centers shall be proceeded against in accordance with the provision of Republic Act No. 9165, without prejudice to the filing of appropriate administrative/criminal charges against personnel involved. Dangerous drugs shall be disposed of in accordance with RA 9165.

Section 9. POSSESSION OF DEADLY WEAPON. Consistent with this ordinance, any person who shall possess a deadly weapon shall be proceeded against in accordance with the provision of PD 1866, as amended by RA 8294, or BP 6 in case the confiscated contraband is a bladed weapon. Deadly weapons confiscated shall be disposed of in accordance with pertinent laws.

Section 10. ENFORCEMENT. As a standard operating procedure, all BJMP-manned jails are mandated to conduct pat searches on any person, including organic and non-organic personnel entering their facilities.

10.1. The Administrator of the BJMP-manned jails shall post in at least three (3) conspicuous places sufficient printed notices and warnings regarding contraband items and materials as well as the consequences thereof for the full and proper understanding of the visitors, inmates, and personnel alike.

10.2. Prior to the conduct of pat searches, the person entering the jail shall be given the opportunity or advised to surrender or remove from his possession or belongings any item considered as contraband. If upon search, contraband is found, it shall be presumed that such person intended to violate this ordinance.

10.3. Upon violation of this ordinance, the warden or his/her authorized representatives shall cause the preparation of a report addressed to the Office of the Mayor informing the latter that a violation thereof has been committed.

10.4. The warden or his/her authorized representative shall issue a receipt to the offender evidencing ownership of the same.

Section 11. NO CONTEST PROVISION. Any person, individual, or entity who is apprehended or cited for the violation of this ordinance except those whose violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay said fine with the Municipal Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension; otherwise, the case shall be prosecuted.

Section 12. SEPARABILITY CLAUSE. If, for any reason, any section or provision of this Ordinance is held unconstitutional or invalid, other sections or provisions hereof which are not affected shall continue to be in full force and effect.

Section 13. EFFECTIVITY. This Ordinance shall take effect immediately upon approval by the Sangguniang Bayan of Burauen.

ENACTED AND APPROVED, August 19, 2024.

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance No. 24-20, Series of 2024, duly approved by the Sangguniang Bayan of Burauen, Leyte in its 111th regular session assembled, held on August 19, 2024.

CHARITY C. BARBOSA
Board Secretary II
Acting Secretary to the Sanggunian

ATTESTED:


HON. NOEL P. ALPINO
Vice Mayor/Presiding Officer



HON. VINCENT G. ENERLAN
Sangguniang Bayan Member


HON. CIPRIANO R. RELATORRES, JR.
Sangguniang Bayan Member


HON. HERMENIA C. CAMASIN
Sangguniang Bayan Member


HON. BRYAN R. CINCO
Sangguniang Bayan Member

(absent)

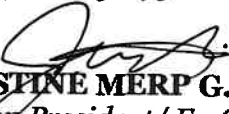

HON. DEXTER R. SENO
Sangguniang Bayan Member


HON. ROBERT G. DEL PILAR
Sangguniang Bayan Member


HON. EVAFE A. CORAL
Sangguniang Bayan Member


HON. OSCAR A. CAGARA
Sangguniang Bayan Member


HON. FE S. RENOMERON
LnB President/ Ex-Officio SB Member


HON. JUSTINE MERP G. ANDRADE
SK Federation President/ Ex-Officio Member

APPROVED:


HON. JUANITO E. RENOMERON
Municipal Mayor



Republic of the Philippines
PROVINCE OF LEYTE
MUNICIPALITY OF BURAUEN




OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that a Public Hearing for **Municipal Ordinance No. 24-20, Series of 2024** of the Sangguniang Bayan of Burauen, Leyte, entitled "***An Ordinance Prohibiting Entry, Sneaking, Use, and Carrying of Any Form of Contraband Inside BJMP-Manned Jail Facilities in the Municipality of Burauen, and Providing Penalties for Violations Thereof***", was conducted on **August 13, 2024, 12:00 noon** at the Burauen Community Center, Burauen, Leyte.

Burauen, Leyte, August 19, 2024.


CHARITY C. BARBOSA
Board Secretary II
Acting Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
Municipality of Burauen



OFFICE OF THE SANGGUNIANG BAYAN

MINUTES OF THE PUBLIC HEARING ON AUGUST 13, 2024 OF THREE PROPOSED ORDINANCES:

- JAIL GUARD-THE-GATE ORDINANCE OF 2024
- PNP CERTIFICATE OF CONFORMITY ORDINANCE OF BURAUEN, LEYTE
- SLAUGHTERHOUSE OPERATION AND MEAT FOR PUBLIC CONSUMPTION REGULATORY ORDINANCE OF THE MUNICIPALITY OF BURAUEN, LEYTE

SB MEMBERS PRESENT:


1. Hon. Vincent G. Enerlan – SB Member, Chairman, Committee on Peace and Order and Public Safety
2. Hon. Cipriano R. Relatorres, Jr. – SB Member, Vice Chair, Committee on Peace and Order and Public Safety and Committee on Appropriations
3. Hon. Hermenia C. Camasin – SB Member, Chairman, Committee on Appropriations
4. Hon. Oscar A. Cagara – SB Member, Chairman, Committee on Agriculture and Slaughterhouse
5. Hon. Fe S. Renomeron – SB Member, Liga ng mga Barangay

TIME STARTED: 12:00 noon

- The public hearing was in conjunction with the Municipal Development Council 3rd quarterly meeting and was included in the agenda as “Other Matters”.
- After all the agenda were discussed in the council meeting, Municipal Mayor, Hon. Juanito E. Renomeron opened to the assembly that a public hearing will be conducted for the proposed ordinances, namely: Jail Guard-the-Gate Ordinance of 2024; PNP Certificate of Conformity Ordinance of Burauen, Leyte; and Slaughterhouse Operation and Meat for Public Consumption Regulatory Ordinance of the Municipality of Burauen, Leyte.
- Since it was already time for lunch, the municipal mayor announced that the food is ready and that it was a working lunch.
- He then gave the floor to SJO4 Abraham Antivo Jr. of the Burauen District Jail to discuss the salient provisions of the Jail Guard-the-Gate Ordinance of 2024, penalties and its importance to the Persons Deprived of Liberty (PDL), personnel, and visitors in the district jail. SJO4 Antivo asked the public if there are question to be raised. The public told the resource speaker that the ordinance was clear and they agreed to the penalties imposed.
- After the presentation of the 1st ordinance, the municipal mayor gave the floor to PMAJ Ariel J Salarda and discussed the salient provisions of the PNP Certificate of Conformity Ordinance of Burauen and the penalties imposed. The ordinance was also clear and the public didn't raise questions and agreed to the penalties provided.

- After the presentation of the 2nd ordinance, the municipal mayor gave the floor to Dr. Analou S. Detablan of the Municipal Agriculture Office to discuss the Slaughterhouse Operation and Meat for Public Consumption Regulatory Ordinance of the Municipality of Burauen. Dr. Detablan discussed the salient provisions of the ordinance and the corresponding penalties. Since the ordinance contains pork products and all related matters to public meat consumption, she additionally discussed important matters about the threat of ASF in the municipality. There being no further questions, the public all agreed to the penalties imposed of the 3 ordinances, the municipal mayor and the Sangguniang Bayan members present thanked the Municipal Development Council, SJO4 Antivo of Burauen District Jail, PMAJ Salarda of the Burauen MPS, and Dr. Detablan and Engr. Lemuel Trocino of Municipal Agriculture Office.
- The public hearing was adjourned at 12:45 in the afternoon.

Prepared by:


CHARITY C. BARBOSA
Board Secretary II
Acting Secretary to the Sanggunian



Republic of the Philippines
 PROVINCE OF LEYTE
 Municipality of Burauen

OFFICE OF THE SANGGUNIANG BAYAN

ATTENDANCE SHEET
 PUBLIC HEARING
 AUGUST 13, 2024

NO.	FULL NAME	BARANGAY/OFFICE	POSITION	SIGNATURE
1.	LEVY R. NODALS	Dinagan	P.B.	[Signature]
2.	CARMELITA A. REMONERON	ANONANG	P.B.	[Signature]
3.	EMILY B. GEMENTIL	KOXAS	P.B.	[Signature]
4.	FLORIANE C. UGALING	DAMURO-AN	P.B.	[Signature]
5.	ANGELITA E. GUMINON	ARAD	P.B.	[Signature]
6.	Grada H. Oloron	Malinhao	P.B.	[Signature]
7.	LEO M. RAGA	TOLOYAS	P.B.	[Signature]
8.	Hammene gals Ocano	Ta. ghuyan	P.B.	[Signature]
9.	Eulinda M. Mucader	Pana	P.B.	[Signature]
10.	Shayra B. Ingardi	Caladahan	P.B.	[Signature]
11.	NOEL B. LAGARDO	ESPERANZA	P.B.	[Signature]
12.	CHRISTOPHER A. AMODEU	LOGSONGAN	P.B.	[Signature]
13.	Rodolfo B. Eaja	KAGBANAN	P.B.	[Signature]
14.	RAVULO T. QUINSON	V. PATANA	P.B.	[Signature]
15.	JIMMY A. CABUS	VILLA ROSAS	P.B.	[Signature]
16.	NINA B. BATA	BITAN	P.B.	[Signature]
17.	HILARIO A. RAGA	POB. DIST 2	P.B.	[Signature]
18.	RAFAEL A. PAKARO	POB. DIST 1	P.B.	[Signature]
19.	RODOLFO C. CABA	ALAN	P.B.	[Signature]
20.	Christopher Polanco	WIKARA	P.B.	[Signature]
21.	MENITA R. VIGAL	Pob. Dist. 06	P.B.	[Signature]
22.	DANILLO L. RAGA	O. ST. 7	P.B.	[Signature]
23.	PAULO D. MENDOL	MAUGUINABOT	P.B.	[Signature]
24.	TERESA B. PINATA	LUMIN	P.B.	[Signature]
25.	MELVILLE R. REQUERDO	TOORON	P.B.	[Signature]
26.	YECARD O. SAGAY	CALI	P.B.	[Signature]
27.	ROLANDO M. REQUERDO	CASNISLATAN	P.B.	[Signature]
28.	ANTONIO UYUPO	UPALAN	P.B.	[Signature]
29.	RODOLFO A. MATA	BANAL	P.B.	[Signature]
30.	Sgt. Arnel T. Tullio Jr	BANAL	JW	[Signature]
31.	Sgt. Victor C. AMAS	BANAL	CS	[Signature]
32.	Abrahan Abin E.	LAGUDLAN	P.B.	[Signature]
33.	GEMMA P. ARALAR	HAPUNAU	P.B.	[Signature]

34.	EDUARDO C. DEL PILAR	MAGY. SAN FREDIAN	P.B	
35.	MA-HADEL DELATONNES	HIBUNAWAN	PB	
36.	ERWIN B. LOZANO	MOSUNING	PB	
37.	MAX D. MORCOS	TAKIN	P.B	
38.	Isabel Palero	Patong	PB	
39.	Romera C. Portillo	Yulia Corayn	P.B	
40.	ARNEL C. AVILA	BALORINAY	P.B	
41.	KIMBEE C. YU	MAGHUBAE	P.B	
42.	MANUE RAY P. BANTUA	CATAGDUCAN	SDM	
43.	PETER IV C. ACEP	DIST 4	PB	
44.	JOHNIS BUSTAS	DIST. VIII	PB	
45.	PSIMS NEPTA YA KLUMY	PNP	ADMW	
46.	Meliod e Banta	LAGUICAN	P.B.	
47.	Jerome D. DAUT	Kapanganon	P.B	
48.	ROSENDO A. CAGAZAN JR	DUMALAG	P.B	
49.	Herbert R. Echon	Gamay	P.B	
50.	JOSE RONIS A. VIOSA	POB. DISTRICT N	MPDO	
51.	Dina Rose Verzosa	MPDO	JO	
52.	FELIX WIGI I. SISTER	MPDO	J.O	
53.	William In Anamara, Jr	MPDO-AN	P.B.	
54.	CHARITY C. BARBOSA	VBO	Board Secretary II	
55.	ARONIANO A. BANTUA	Cabatuan	P.B	
56.	OSCAR DACLIZA	TAMPUBO	P.B	
57.	JANICE P. PABLA	MAGSABAO	B.S.	
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Republic of the Philippines
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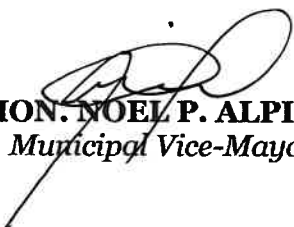
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that **Municipal Ordinance No. 24-20**, Series of 2024 of the Sangguniang Bayan of Burauen, Leyte, entitled, ***“An Ordinance Prohibiting Entry, Sneaking, Use, and Carrying of Any Form of Contraband Inside BJMP-Manned Jail Facilities in the Municipality of Burauen Prescribing Penalties for Violations Thereof”***, was enacted on August 19, 2024, approved on even date, and has been posted in two (2) conspicuous and publicly accessible places of the municipality from *August 21 to September 10, 2024*, in compliance with Section 59, paragraph (b) of Republic Act No. 7160, otherwise known as the “Local Government Code of 1991”.

Burauen, Leyte, September 16, 2024.


HON. NOEL P. ALPINO
Municipal Vice-Mayor