Item No.: 4



Republic of the Philippines PROVINCE OF LEYTE Provincial Capitol Tacloban City

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PROVINCIAL LEGAL OFFICE



MAR 2 1 2025

2nd INDORSEMENT March 13, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2025-05 of the Sangguniang Bayan of Albuera, Leyte.

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

• Ordinance No. 2025-05 entitled: "An Ordinance providing for the guidelines on the use of sirens as an early warning system during emergencies, etc."

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance with its power under Sections 447(a)(1)(iv)¹ the Local Government Code of 1991 (R.A 7160). Hence, we recommend for the declaration of its validity.

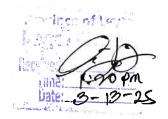
We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on the facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL

Provincial Legal Officer

¹(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 -000-



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 12 March 2025

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed Municipal Ordinance No. 2025-05 of the Municipality of Albuera, Leyte, entitled: An Ordinance providing for the guidelines on the use of sirens as early warning system during emergencies, calamities, start of curfew hours and other pertinent early warning mechanism in the Municipality of Albuera, Leyte.

FLORINDA JILVS. UYVICO
Secretary to the Sangguniang



OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT **TRANSMITTAL**

SANGGUNIANG PANLALAWIGAN

March 10, 2025

Hon. Leonardo Javier, Jr. Vice-Governor Province of Leyte Palo, Leyte

Thru: Florinda Jill S. Uyvico

Secretary to the Sanggunian

Province of Leyte



Respectfully transmitting herein Ordinance No. 2025-05, "An Ordinance Providing for the Guidelines on the Use of Sirens as Early Warning System During Emergencies, Calamities, Start of Curfew Hours and Other Pertinent Early Warning Mechanism in the Municipality of Albuera, Leyte."

Please acknowledge receipt hereof.

Very truly yours,

BOHOLST, MPA

Secretary to the Sangguniang Bayan I



OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION



TO THE CONCERNED:

THIS IS TO CERTIFY that Ordinance No. 2025-05, "An Ordinance Providing for the Guidelines on the Use of Sirens as Early Warning System During Emergencies, Calamities, Start of Curfew Hours and Other Pertinent Early Warning Mechanism in the Municipality of Albuera, Leyte," has been posted in the bulletin board of the Sangguniang Bayan of Albuera, Leyte on March 10, 2025 and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 10th day of March 2025 at Albuera, Leyte, Philippines.

PAMEL M. BOHOLST, MPA
Secretary to the Sangguniang Bayan I



Republic of the Philippines PROVINCE OF LEYTE Municipality of Albuera



Sangguniang Panlalawigan

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 132ND REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SB SESSION HALL OF ALBUERA, LEYTE ON MARCH 3, 2025

ORDINANCE NO. 2025-05

AN ORDINANCE PROVIDING FOR THE GUIDELINES ON THE USE OF SIRENS AS EARLY WARNING SYSTEM DURING EMERGENCIES, CALAMITIES, START OF CURFEW HOURS AND OTHER PERTINENT EARLY WARNING MECHANISM IN THE MUNICIPALITY OF ALBUERA, LEYTE

INTRODUCED BY: HON. ANTHONY V. BARTE SPONSORED BY: COMMITTEE ON PUBLIC ORDER & SAFETY & HUMAN RIGHTS

(Hon. Marjun P. Magno) (Hon. Mary Jane B. Cagula)

PREFATORY STATEMENT

WHEREAS, under Section 444, (b), (1), (vii) of Republic Act No. 7160, otherwise known as the New Local Government Code, states that, for efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall "carry such emergency measures as may be necessary during and in the after-math of man-made and natural disasters;"

WHEREAS, under Section 2, (I) of Republic Act No. 10121, otherwise known as the Philippine Disaster Risk Reduction Management Act of 2010, it is the policy of the state to recognize and strengthen the capacities of LGUs and communities in mitigating and preparing for, responding to, and recovering from the impact of disasters.

WHEREAS, Section 447 in relation to Section 16 of Local Government Code, empowers Sanggunian 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: xxx"

(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.

WHEREAS, while it is the objective of the Local Government of Albuera to have zero casualty, there is a need to adopt guidelines and to properly implement the same in order to mitigate the effects of man-made and natural disasters;

WHEREAS, it is settled that the government is under obligation to protect human lives at all times during the severity and magnitude of disasters and render effective response beyond the capabilities of the government;

NOW, THEREFORE, BE IT ENACTED BY THE SANGGUNIANG BAYAN IN SESSION DULY ASSEMBLED THAT:

SECTION 1. TITLE. This ordinance shall be known as "AN ORDINANCE PROVIDING FOR THE GUIDELINES ON THE USE OF SIRENS AS EARLY WARNING

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SYSTEM DURING EMERGENCIES, CALAMITIES, START OF CURFEW HOURS AND OTHER PERTINENT EARLY WARNING MECHANISM IN THE MUNICIPALITY OF ALBUERA, LEYTE."

SECTION 2. *DEFINITION OF TERMS.* the following word/phrases when used in this ordinance shall mean:

- a) Disaster shall mean the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as hurricane, tornado, storm, flood, high winds, and other weather related events, and man-made disasters including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosions, civil disturbances, public calamity, acts of terrorism, hostile military action and other events related thereto.
- b) Imminent danger shall mean an immediate threat of harm.
- c) Designated Area shall mean barangay halls or outposts as pick up points.
- d) Early Warning System (EWS) shall mean complex process aimed at reducing the impact of natural and/or man-made hazards by providing timely and relevant information in a systematic way.
- e) Evacuation shall mean an operation whereby all or part of a particular population is temporarily relocated, whether individually or in an organized manner, from an area in which a disaster or emergency has been declared and is considered dangerous for health or safety of the public.
- f) Evacuation Sites/Centers shall mean all public elementary and high school buildings, sports facilities such as covered courts and auditoriums, barangay halls and other public or private facilities.
- g) Forced evacuation shall mean an evacuation ordered as a resort when a disaster or emergency has been declared and danger of loss of life is imminent, and conditions exist that critically imperil or endanger the lives of those in a defined area.
- h) Response Team shall mean any concerted effort by two (2) or more agencies, public or private, to provide assistance or intervention before, during, or immediately after a disaster to meet the life preservation and basic subsistence needs of those people affected and in the restoration of public activities and facilities.
- i) Siren shall mean a loud noise-making device which is mounted on fixed locations and used to warn the public of emergencies and natural disasters, it is also sounded to mark the start of curfew hours.
- j) Bating-ting shall mean a piece of metal or a hollow device made of metal that makes a ringing sound when struck.
- **k)** *OPCEN* shall mean the Operations Command Center which shall run on a 24/7 basis in each constituent Barangays of the Municipality.
- l) Rain-induced Landslide shall mean a landslide caused or induced by heavy rains due to typhoon and/or the Southwest Monsoon (habagat).

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- m) Storm Surge shall mean the abnormal rise in seawater level during a storm, measured as the height of the water above the normal predicated astronomical tide.
- n) Public Address System shall mean an electronic system comprising of a microphone, amplifiers, loudspeakers, and related equipment.
- o) Flood shall mean an incident which occurs when an overflow of water submerges land that is usually dry. It is an inundation of a normally dry area caused by rising water in an existing waterway such as Rivers, Creeks, and other waterways.
- k) Vulnerable or Marginal Groups shall means individuals or group of people that face higher exposure to disaster risk and poverty including but not limited to women, especially pregnant women, youth, children especially the orphans and unaccompanied children, elderly, differently-abled people, indigenous people, the disadvantaged families and individuals living in high-risk areas and danger zones.

SECTION 3. GUIDELINES. – the following guidelines shall be observed to wit:

- a) The Municipal Disaster Risk Reduction Management Office (MDRRMO) of Albuera, Leyte shall ensure that proper trainings, orientation on the possible natural hazards, vulnerabilities, and climate change risk as well as knowledge management activities on disaster risk reduction management and information dissemination regarding calamities and disasters, either natural or man-made, are fully organized and conducted at the barangay level.
- b) Trainings, orientations and activities shall also be discussed in a language understood by the local residents.
- c) The Municipal Disaster Risk Reduction Management Office (MDRRMO) and its counterpart in the barangay level shall also cause the posting and posters of trainings, orientations, activities and information at the conspicuous places of the Municipality of Albuera, Leyte and its constituent barangays, the issuance of newsletters, brochures and pamphlets, and if possible, official dissemination through radio and television and other forms of media.
- d) During rainy season as declared by the *Philippine Atmospheric Geophysical and Astronomical Services Administration (PAGASA)*, these trainings, orientations, activities and information dissemination shall be intensified and made on a regular basis, especially in the areas that are vulnerable to flooding, landsides and other natural disasters or calamities.

SECTION 4. USE OF INDICATORS FOR EARLY WARNING SYSTEM (EWS) FOR FLOOD AND RAIN-INDUCED LANDSLIDE.

FLOOD

- 1st WARNING 30-second continuous siren/bating-ting blast **Proposed Action:** <u>Prepare to evacuate</u>
- 2nd WARNING Two (2) 30-second with a gap of 5 seconds from the first blast **Proposed Action:** <u>Pre-emptive evacuation</u>
- 3rd WARNING Three (3) 30-second with a gap of five seconds from the first and second blast

Proposed Action: Forced evacuation

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In identified Rivers, Creeks, and other waterways, the following standardized visual monitoring and early warning system shall be used:

- YELLOW(1) Monitor weather condition
- **ORANGE(2)** Alert for possible evacuation
- **RED** (3) Evacuation (Serious flooding is expected in low-lying areas)

A standardized visual monitoring and early warning system must also be in place in identified flood-prone areas indicating the depth of the water level which are as follows:

- YELLOW(1) Between 0 to 60 centimeters deep
- ORANGE (2)—Between 60 to 120 centimeters deep
- **RED** (3) -120 centimeters and above

The siren blast shall be sounded by the OPCEN of the affected Barangay concerned.

At the Barangay Level, the Barangay OPCEN shall sound the Siren Blast with the Public Address System (Trompa) Siren or the ringing of bell (bating-ting) using the standard form for warning the general public.

RAIN-INDUCED LANDSLIDE

As warning signal for Rain-induced Landslide, the barangay OPCEN shall sound the alarm for three (3) consecutive times at 30-second continuous siren/bating-ting blast each.

STORM SURGE/TSUNAMI

As warning signal for Storm Surge/Tsunami, the barangay OPCEN in coastal Barangays shall sound the alarm for three (3) consecutive times at 30-second continuous siren/bating-ting blast each.

DURING THE START OF THE CURFEW HOURS

In order to alert the public that the curfew hours have commenced, the barangay OPCEN in every Barangay shall sound the alarm for three (3) consecutive times at 15-second continuous siren/bating-ting blast each, 15 minutes before the onset of the curfew hours.

USAGE OF EARLY WARNING DEVICE/SIREN DURING ORDINARY DAYS

In order to provide all residents with appropriate early warning mechanism, in preparation for any relevant activity, the siren shall be sounded at 30 seconds span on the following time, to wit:

- a) 7:00 A.M.
- b) 12:00 noon
- c) 12:45 P.M.
- d) 5:00 P.M.

SECTION 5. ENSURING PUBLIC SAFETY DURING MAN-MADE AND NATURAL DISASTERS.

- A. Implementation of forced evacuation when a disaster or an emergency has been declared and danger of loss of lives is imminent in the area of jurisdiction.
 - 1) The Municipal Mayor shall declare the use of pre-emptive measures such as forced evacuation. Forced Evacuation shall be done only upon recommendation of the Municipal Disaster Risk Reduction Management Office after due consultation and coordination with the different government agencies such as, but not limited to,

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PAGASA, PHILVOCS, DPWH and PNP and when a disaster or emergency has been declared and the danger of loss of lives is imminent within the area of jurisdiction of the Municipality.

If possible, the order for the pre-emptive evacuation must be thoroughly evaluated after consultation with different government agencies, especially during rainy seasons. Forced evacuation shall be announced to the vulnerable or marginalized groups in the area who will be affected at least two (2) hours before the commencement of the forced evacuation to give the affected individuals or groups to prepare their necessary needs or belongings.

2) Vulnerable or marginalized groups in the identified danger zones or areas that are to be affected by the incoming typhoon or any other identified situation or event that may cause a disaster shall be temporarily relocated to evacuation sites or centers.

Assistance from the private sectors such as private schools shall be secured. Temporary use of private school's sport facilities or auditorium may be requested if the need arises and if the shortage of evacuation sites exists.

- 3) Barangay halls and outposts shall be designated as the pick-up points or areas. The MDRRMC shall take the lead in preparing for, responding to, and recovering from the effects of any disaster based on the criteria provided under Rule II, Section 1 of the Implementing Rules and Regulation of Republic Act 10121.
- 4) Enlist the assistance of the Chief of Police of Albuera Police Station, AFP Commander or Coast Guard, Municipal Fire Chief, Municipal Rescue Team, or any accredited community disaster volunteers (ACDVs) in preparation and enforcement of pre-emptive measures such as force evacuation before and during the disaster or calamity situations.
- 5) Strict enforcement of the pre-emptive measures shall be done on the area/s affected or to be affected by man-made or natural disaster. The Punong Barangay or any barangay official who will, as much as possible, be responsible in leading the response team composed of MDRRMC team, the PNP or any enforcement agency, local rescue teams or volunteers. The responses shall make sure that no person has been left unaccounted for in the area or allowed to return in the affected area without an order issued to this effect.

If any from the following list of vulnerable or marginalized groups does not adhere to the order of forced evacuation and found within the danger or target area, he/she may be forcibly be taken as a means of ensuring his/her safety.

- a) The sick and the elderly people;
- b) Differently-abled people;
- c) Pregnant women and children, especially the orphan and unaccompanied children;
- d) Indigenous people
- 6) Social services teams shall be on an alert status to monitor and provide services and necessary materials such as but not limited to beddings, blankets, clothing,

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foods and medicine, to the victims in times of disasters or calamity, medical personnel shall also be on an alert status to provide medical assistance to the vulnerable or marginalized groups, and other persons that need immediate medical attention. In the aftermath of the calamity and/or man-made or natural disaster, the Local Government of Albuera shall extend any assistance that it can provide to victims for their rapid recovery.

7) Response teams must be equipped with proper trainings and the necessary equipment suitable for a particular situation. The Local Government may provide additional equipment and paraphernalia to the response team as maybe needed to properly and effectively respond to the needs of those affected by the calamity and/or man-man or natural disasters.

The Local Government shall take full responsibility for the enhancement, welfare and protection of volunteers and shall submit the list to the Office of the Civil Defense through MDRRMO for accreditation and inclusion in the database of community disaster volunteers.

The Local Government shall be responsible for providing necessary monetary and other assistance to the next of kin of any volunteer who dies or to any volunteer who sustains injury while engaged in any of activities defined in Republic Act 10121 otherwise known as the Philippine Risk Reduction Management Act of 2010.

- 8) Residents shall only be allowed to return or go back to their homes upon the order of the Municipal Mayor through recommendation by the MDRRMC in consultation with different government agencies concerned and field personnel, after it has been determined that danger no longer exists therein.
- B. Prohibition of fishing vessels and activities on areas declared by PAGASA under PSWS No. 1 or higher.
 - 1. Vessels of 1,000 gross tons or below shall not sail, except to take shelter, when the PSWS number 1 is hoisted within its point of origin or route or point of destination;
 - 2. Fishing vessels above 1,000 gross tons is left to the discretion and responsibility of the ship owner when PSWS number 1 is hoisted with in its point of origin or route or point of destination.
 - 3. Vessels of any tonnage shall not sail, except to take shelter, when PSWS number 2 or higher is hoisted within its point of origin or route or point of destination.
 - 4. Fishing vessels above 1,000 gross tons who have been or left with the discretion to sail during a storm shall exercise extra precautionary measures and carefully study the possible effect of the storm to the vessel's voyage with due regard to the forecasted track, wind force and radius of the storm in reference to weather bulletins and Tropical Cyclone Warning issued by PAGASA every 0500H, 1100H, 1700H and 2300H.
 - 5. Fishing vessels sailing for the purpose of taking shelter shall depart without passenger.
 - 6. It is the decision and responsibility of the Master and ship owned of the vessel to ensure the safety of the ship and crew whenever they decide to take shelter.

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- 7. Vessels shall not sail when its point of origin or route or point of destination is within an applicable PSWS Sector where sailing or voyage is not allowed in accordance with the latest PAGASA weather bulletin.
- 8. Fishing vessels shall exercise extraordinary diligence required by law for common carriers in ensuring the safety of life and properly at sea during times of PSWS signal No. 1 or higher is hoisted within its point of origin or route or point of destination.
- 9. Pre-emptive measures shall be applied to fishermen who refused to leave the area despite declaration by the Municipal Mayor of forced evacuation. If the fishermen do not adhere to the order of forced evacuation and found within the danger or target area, or when the fishermen go back to their homes or affected areas without an order issued allowing their return, they may be forcibly be taken to ensure their safety.
- 10. Fishermen shall only be allowed to return or go back to their homes, if still possible, upon the order of the Municipal Mayor through recommendation by MDRRMC, in consultation with different government agencies concerned, after it has been determined that danger no longer exists therein.

SECTION 6. GUIDELINES IN IMPLEMENTING FORCED EVACUATION.

- a) Forced evacuation shall be carried out in a manner that is humane, respectful of the dignity of a person, not using disproportionate force, without discrimination and with conscious attention to the needs of vulnerable sectors such as children, women, the elderly and persons with disabilities.
- b) Personnel and volunteers carrying out the force evacuation shall make sure that all measures are taken to inform the evacuees, in a manner and language that they can understand, of the need for the evacuation, the lack of other alternative for their safety, the place where they will be taken and the length of time of their evacuation;
- c) Personnel and volunteers carrying out the forced evacuation shall comply with other rules being promulgated by the Commission on Human Rights (CHR) for the protection of human rights of all persons.

SECTION 7. THE PHILIPPINE NATIONAL POLICE (PNP) AND THE BUREAU OF FIRE OF PROTECTION (BFP). – The Philippine National Police (PNP) and the Bureau of Fire of Protection (BFP), as members of the response team, shall maximize their resources in assisting the Members of the Municipal Disaster Risk Reduction Management group, barangay officials, rescue teams and community disaster volunteers during the implementation of forced evacuation, with the end of maintaining order and safety of the local residents throughout the process of forced evacuation.

They shall also take appropriate measures in safeguarding the belongings left behind and brought along by the evacuated residents of the Municipality of Albuera. The Philippine Coast Guard (PCG), upon request of the Local Chief Executive, shall extend assistance in the implementation of this ordinance and other relevant rules and regulations, circular on vessels movement during inclement weather.

SECTION 8. COORDINATION. – All emergency measures adopted shall be coordinative and collaborative effort between the concerned LGU Officials, The Philippine National Police (PNP) and the Bureau of Fire of Protection (BFP).

SECTION 9. *ADMINISTRATIVE SANCTIONS.* – DILG Memorandum Circular No. 2012-35 provides for the filing of appropriate administrative case against responsible local officials for non-compliance hereof.

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SECTION 10. SEPARABILITY CLAUSE. – If any part or provisions of this Ordinance is found to be inconsistent with the Constitution, laws or decrees, other provisions hereof shall continue to be in force and effect.

SECTION 11. *REPEALING CLAUSE.* – Any ordinance, memorandum circulars, rules and regulations that are inconsistent herewith are hereby repealed or amended accordingly.

SECTION 12. *EFFECTIVITY.* – This ordinance shall take effect immediately upon approval hereof.

APPROVED.

ENACTED BY THE SANGGUNIANG BAYAN OF ALBUERA, LEYTE TERM 2022-2025 DURING ITS 132^{nd} REGULAR SESSION HELD ON MARCH 3, 2025 AT THE SB SESSION HALL, ALBUERA, LEYTE.

ATTESTED AND CERTIFIED TO BE DULY ADOPTED:

ROXANNE R. ZALDIVAR	ANTHONY V. BARTE
SB Member I	SB Member I
THAN	-Se & July
MARY JANE	LENY S. BILBAO
SB Member I	SB Member I
An	Lut
MARJUN J. MAGNO	ANA LIZA E. DELA VICTORIA
SB Mediter /	SB Member I
W 6 1	_ 30 _

PROTACIO RIZALITO M. CENIZA

MANUEL E. BANTASAN

(March

ALBERTO SUMALJAG
LnB President Pro-Officio Member

BERNARD JOEY D. MESTULA
PPSK President Ex Officio Member

I HEREBY CERTIFY that this is a true and accurate copy of the Ordinance duly enacted by the Sangguniang Bayan of Albuera, Leyte Term 2022 – 2025 on its 132nd Regular Session on March 3, 2025 at the SB Session Hall, Albuera, Leyte.

PAMELA M. BOHOLST, MPA Secretary to the Sangguniang Bayan I

IMELDA FADUL
Municipal Vice-Mayor/Presiding Officer

PPROVED:

SIXTO B. DELA VICTORIA

Municipal Mayor
Date:



Republic of the Philippines PROVINCE OF LEYTE Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN

ATTENDANCE SHEET

132nd REGULAR SESSION

SB Session Hall

of the Sangguniang Bayan		SB Session Hall March 03, 2025 Venue
No.	Name & Designation	Signature
1	Hon. IMELDA A. FADUL Mun. Vice Mayor / Presiding Officer	
2	Hon. ROXANNE R. ZALDIVA	AR (Mill)
3	Hon, MARY JANE B. CAGUI	ILA THE
4	Hon, MARJUN P. MAGNO SB Member	
5	Hon. PROTACIO RIZALITO SB Member	M. CENIZA
6	Hon. MANUEL E. BANTASA SB Member	AN MOO
7	Hon. ANTHONY V. BARTE SB Member	Smarte
8	Hon. LENY S. BILBAO SB Member	& Spuller
9	Hon. ANA LIZA E. DELA VIC SB Member	
10	Hon. ALBERTO C. SUMALJA ABC President, Ex-Officio	AG
11	Hon. BERNARD JOEY D. ME SK Federation President, Ex-Officio	ESTULA

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the 132nd Regular Session of the Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on March 03, 2025

PAMELA'M. BOHOLST

Secretary to the Sanggunian Bayan