Item No.: <u>34</u>

Date: 2 2 2025 APK



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

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#### PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN

APR 1 5 2025

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### 2<sup>nd</sup> INDORSEMENT

March 27, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 23L.25077 of the Sangguniang Bayan of Kananga, Leyte.

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

• Ordinance No. 23L.25077.entitled: "Municipal VAWC Ordinance of the Municipality of Kananga, etc."

#### **REVIEW/RECOMMENDATION/LEGAL OPINION:**

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 447(a)<sup>1</sup> of the Local Government Code of 1991 (R.A 7160) pursuant to RA 9262<sup>2</sup>. 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

<sup>&</sup>lt;sup>1</sup>;(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,

<sup>&</sup>lt;sup>2</sup> "Anti-Violence Against Women and Their Children Act of 2004"

Republic of the Philippines PROVINCE OF LEYTE Palo, Leyte -000-

#### OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1st INDORSEMENT 19 March 2025

The Provincial Legal Office is respectfully requested to review and submit, recommendations on the herein enclosed Ordinance No. 23L.25-077 of the Municipality of Kananga, Leyte, entitled: An Ordinance strengthening the local implementation of Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" providing protection, assistance, and rehabilitation services to survivors, and prescribing penalties for non-compliance in the Municipality of Kananga.

FLORINDA JULS. TYVICO
Secretary to the Sanggunian



Republic of the Philippines Province of Leyte Municipality of Kananga -oOo-

#### Sangguniang Bayan of Kananga

23RD SANGGUNIANG BAYAN SANGGUNIANG PANL

ORDINANCE NO. 23L.25-077 (Series of 2025)



AN ORDINANCE STRENGTHENING THE LOCAL IMPLEMENTATION OF REPUBLIC ACT NO 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2004 PROVIDING PROTECTION, ASSISTANCE, AND REHABILITATION SERVICES TO SURVIVORS, AND PRESCRIBING PENALTIES FOR NON-COMPLIANCE IN THE MUNICIPALITY OF KANANGA.

Authored by:

HON. MINERVA M. BULAWIT

#### PREFATORY STATEMENT

WHEREAS, Republic Act 9710, otherwise known as the Magna Carta of Women is a comprehensive women's human rights Law that seeks to eliminate discrimination against women by recognizing, protecting, fulfilling and promoting the rights of Filipino Women, especially those in the marginalized sectors. Section 12 D, Rule IV of the Rules and Regulations implementing the Magna Carta of Women provides for the establishment of a VAW Desk in every barangay to ensure that Violence Against Women cases are fully addressed in a Gender-Responsive Manner;

WHEREAS, Joint Memorandum Circular No. 2010-2 is jointly issued by the Department of the Interior and Local Government (DILG), the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Education (DepEd) and the Philippine Commission on Women (PCW), pursuant to Section 12 D.2 of the Implementing Rules and Regulations of RA 9710;

WHEREAS, the National Government aims for a condition where the Local Government Units are sensitive to the needs of vulnerable and marginalized sectors of the society;

WHEREAS, it is required that the Local Government Unit must have mechanisms in handling cases on Violence Against Women and Children, pursuant to the provisions of Republic Act No. 9262 and other existing laws, rules and regulations;

NOW THEREFORE, be it enacted by the 23th Sangguniang Bayan of Kananga, Leyte on a session duly assembled on this 24th day of February and upon motion of SB Member Minerva M. Bulawit seconded by all SB Members present, to wit:

SECTION 1. TITLE. This Ordinance shall be known as the "Municipal VAWC Ordinance of the Municipality of Kananga reinforcing RA 9262 and providing additional measures for its local enforcement".

SECTION 2. DECLARATION OF POLICY. The Municipality of Kananga, Leyte upholds the constitutional right of women and children and condemns all forms of violence against them. The ordinance aims to:

1 | Municipal Ordinance No. 23L.25-077

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Municipal

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- a. Strengthen VAWC prevention, protection, and response mechanism at the municipal and barangay level;
- b. Provide comprehensive support services for VAWC survivor;
- c. Ensure strict compliance and accountability among local officials, law enforcement, and service providers.
- d. Promote awareness and community participation in ending VAWC.

SECTION 3. DEFINITION OF TERMS. The following terms are defined, as used in this Ordinance.

- a. Violence Against Women and their Children (VAWC) any act that causes physical, sexual, psychological, or economic harm, or threats thereof, as provided under RA 9262.
- b. Barangay VAWC Desk—a dedicated unit in every barangay that shall receive and respond to VAWC complaints.
- c. VAWC Protection Order— A legal remedy issued to prevent further abuse or threats. It includes Barangay Protection Order (BPO), Temporary Protection Orders (TPO), and Permanent Protection Orders (PPO).

SECTION 4. ESTABLISHMENT OF MUNICIPAL VAWC DESK. There shall be a Municipal VAWC Desk under the Municipal Social Welfare and Development Office (MSWDO) to:

- 1. Assist VAWC victims in filling complaints and availing legal and psychological services.
- 2. Provide emergency assistance, including temporary shelter, financial aid, and legal support.
- 3. Have trained social workers, psychologist, and legal officers for victim assistance.
- 4. Operate a 24/7 hotline for VAWC reports and emergency response.
- 5. Ensure confidentiality and safety of survivors.
- 6. Coordinate with barangay VAWC desks and law enforcement agencies.

#### SECTION 5. STRENGTHENING BARANGAY VAWC DESKS

All barangays in the municipality shall:

- 1. Be fully operational 24/7, with at least one trained VAWC Officer on duty at all time.
- 2. Ensure the availability of a safe space for women and children reporting VAWC cases.
- 3. Maintain a confidential VAWC case log and coordinate with law enforcement.
- 4. Conduct regular training and awareness campaign on RA 9262.

#### SECTION 6. QUALIFICATION OF BARANGAY VAWC DESK OFFICER

- 1. Must be a registered voter and resident of barangay.
- 2. Must be computer literate.
- 3. Be a qualified person in the community.
- 4. Be trained in gender-sensitive handling of Violence Against Women and their Children (VAWC) case.

#### **SECTION 7. FUND ALLOCATION**

The Municipal Government shall allocate an annual budget of at least 5% of the Gender and Development (GAD) Fund for the implementation of this ordinance, including support services for VAWC survivors. The barangay also allocate an annual budget of GAD for the implementation of their respective barangay.

SECTION 8. MANDATORY TRAINING AND COMMUNITY AWARENESS

2 | Municipal Ordinance No. 2/3L.

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- 1. 'All barangay officials, police officers, and municipal personnel handling VAWC cases shall undergo mandatory training on gender sensitivity, RA 9262, and handling of VAWC victims.
- 2. Schools, workplaces, and communities shall conduct regular anti-VAWC seminars and awareness campaigns led by the MIAVC.
- 3. The VAWC Ordinance and hotline numbers shall be posted in public places, including barangay halls, schools, transport terminals, and workplaces.
- 4. A VAWC Response Team shall be created to handle urgent cases and provide immediate intervention.

#### SECTION 9. ENFORCEMENT OF PROTECTION ORDERS

- 1. Barangay officials shall issue Barangay Protection Orders (BPO) within 24 hours of a complaint.
- 2. The Municipal VAWC Desk shall assist in securing Temporary and Permanent Protection Orders from the courts.
- 3. Police and barangay officials must immediately enforce BPOs.

#### SECTION 10. REPORTING AND MONITORING

- 1. The Municipal Social Welfare and Development Office (MSWDO) shall submit a quarterly report on VAWC cases and interventions to the Sangguniang Bayan.
- 2. A VAWC Oversight Committee shall be established to ensure proper implementation of this ordinance.

#### SECTION 11. CREATION OF A MUNICIPAL INTER-AGENCY VAWC COUNCIL (MIAVC)

A Municipal Inter-agency VAWC Council (MIAVC) shall be created, composed of:

- 1. Municipal Mayor Chairperson
- 2. Municipal Social Welfare and Development Officer (MSWDO) Vice Chairperson
- 3. Chief of Police (PNP-WCPD) Member
- 4. Municipal Health Officer (MHO)
- 5. Sangguniang Bayan Chairperson on Women and Children
- 6. NGOs and CSOs working on women's rights
- 7. Barangay VAWC Desk Officers

#### **FUNCTIONS:**

- 1. Formulate and implement a Municipal Anti-VAWC Action Plan.
- 2. Monitor and ensure strict implementation of RA 9262 and this ordinance.
- 3. Coordinate with regional and national agencies for additional support.
- 4. Conduct quarterly reporting and evaluation of VAWC -related programs.

#### SECTION 12. FINANCIAL AND MEDICAL ASSISTANCE FOR SURVIVORS The Municipality shall provide:

- 1. Emergency financial assistance for food, transportation, and legal fees.
- 2. Free medical and psychological support for VAWC survivors in municipal health facilities.
- 3. Livelihood and skills training programs for survivors' economic independence.

#### SECTION 13. PENALTIES AND ACCOUNTABILITY

- A. Any barangay official, police officer, or municipal personnel who fails or refuse to act on a reported VAWC case without valid reason shall be subject to:
  - First Offense: Written warning and mandatory retraining.
  - Second Offense: Suspension for 30 days.
  - Third Offense: Dismissal from service, subject to applicable civil service rules.
- B. Violation of Confidentiality:

The Data Privacy Act of 2012 (DPA) is a law in the Philippines that protects personal data in both the public and private sectors.

3 | Municipal Ordinance No. 23L.25-077





Any person who discloses the identity or case details of a VAWC victim without consent shall be fined to P1,000.00 to P2,500.00 or face imprisonment of up to 6 months.

SECTION 14. SEPARABILITY CLAUSE. If for any reason or reasons, any part of provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect,

SECTION 15. EFFECTIVITY CLAUSE. This Ordinance shall take effect immediately upon approval and after compliance with necessary posting and publication requirements of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED AND APPROVED BY THE 23rd SANGGUNIANG BAYAN OF KANANGA, LEYTE DURING ITS REGULAR SESSION HELD ON FEBRUARY 24. 2025 AT THE SANGGUNIANG BAYAN SESSION HALL.

AYES:

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NAYS:

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HON. FERNANDO M. ASEO

Sangguniang Bayant Member/Floor Leader

HON. BRENZON C. CABINTOY

Sangguniang Bayan Member

(On official leave)

HON. RUDY COGAY

Sangguniang Bayan Member

HON. RICHIE C. CRUZ

Sangguniang Bayan Member

HON. VICTORIANO L. GLOBA

Liga ng mga Barangay (LnB) President, Ex-Officio Member

HON. RESURRECCION & CAPANAS

Sangguniang Bayan Member Assistant

Floor Leader

HON. ALMA N. ORFANO

Sangguniang Bayan Member

HON. MINERVAM BULAWIT

Sangguniang Bayan Member

HON. ALLAN ESPINOSA

Sangguniang Bayan Member

HON. MARY DANIELAL. CUBERO

Pambayang Pederesyon ng mga

Sangguniang Kabataan, President,

Ex-Officio Member

I HEREBY CERTIFY to the correctness of the afore-quoted Ordinance

ATTY. ALLA

R. CASTRO

(Board Secretary

Secretary to the S ingguniang Bayan

ATTESTED:

HON, MIGUEL JORGE P. TAN

Municipal Vice Mayor/Presiding Officer

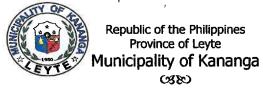
APPROVED:

VICENTE M. TORRES

Municipal Mayor

4 | Municipal Ordinance No. 23L.25-077

### Attachment of Ordinance No. 231.25-079



## Office of the Sangguniang Bayan Telephone No. (053) 5539173

Email Address: sbkananga6531@gmail.com

March 17, 2025

#### CERTIFICATE OF POSTING

#### TO WHOM THIS MAY CONCERN:

THIS IS TO CERTIFY that for the period March 17, 2025 to March 27, 2025 the copies of the MUNICIPAL ORDINANCE NO. 23L.25-077 series of 2025, entitled: "AN ORDINANCE STRENGTHENING THE LOCAL IMPLEMENTATION OF REPUBLIC ACT NO. 9262, OTHERWISE KNOWN AS THE "ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN ACT OF 2024 PROVIDING PROTECTION, ASSISTANCE, AND REHABILITATION SERVICES TO SURVIVORS, AND PRESCRIBING PENALTIES FOR NON-COMPLIANCE IN THE **MUNICIPALITY OF KANANGA.":** 

- 1. Bulletin Board at the entrance of Municipal Hall, Kananga, Leyte
- 2. Post at the Kananga Public Market Rotonda, Kananga, Leyte and
- 3. Entrance to the Session Hall, Kananga, Leyte

Issued this 18th day of March, 2025 in Kananga, Leyte

Administrative Aide III

Office of the Secretary to the Sangguniang Bayan

# NOTICE OF PUBLIC HEARING

(Scheduled on February 13, 2025 at ABC Hall Building, Barangay Poblacion, Kananga, Leyte)

The public is hereby notified that a Public Hearing on the

- ORDINANCE NO. 23L.25-045— AN ORDINANCE AMENDING THE PROVISIONS OF CHILDREN'S AND YOUTH WELFARE CODE OF THE MUNICIPALITY OF KANANGA.
- 2. **ORDINANCE NO. 23L.24-070** COMPREHENSIVE SOLO PARENTS ORDINANCE OF THE MUNICIPALITY OF KANANGA, LEYTE.
- 3. ORDINANCE NO. 23L.25-077 AN ORDINANCE ENACTING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC).

will be conducted by the 23<sup>rd</sup> Sangguniang Bayan of Kananga on the 13<sup>th</sup> day of February 2025, Thursday, from 9:00 in the morning at the ABC Hall Building, Brgy. Poblacion Kananga, Leyte.

All interested parties / individuals are invited to attend the Public Hearing.

3 February 2025

ATTY. ALLANTR CASTRO

(Board Secretary V)

Secretary to the Sangguniang Bayan

#### Office of the Secretary to the Sangguniang Bayan

MINUTES OF PUBLIC HEARING HELD BY THE SANGGUNIANG BAYAN ON FEBRUARY 13, 2025 AT THE ABC HALL BUILDING, BRGY. POBLACION, KANANGA, LEYTE FOR THE FOLLOWING MUNICIPAL ORDINANCES:

- 1. ORDINANCE NO. 23L.25-045— AN ORDINANCE AMENDING THE REVISED CHILDREN'S WELFARE CODE OF THE MUNICIPALITY OF KANANGA.
- ORDINANCE NO. 23L.24-070 COMPREHENSIVE SOLO PARENTS ORDINANCE OF THE MUNICIPALITY OF KANANGA, LEYTE.
- 3. ORDINANCE NO. 23L.25-077 AN ORDINANCE ENACTING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC).

#### (Attendance hereto attached)

The Public Hearing was conducted by the Office of the Sangguniang Bayan spearheaded by the Office of the Vice Mayor thru Facebook Page and Posting in the public places. The Public Hearing was attended by the Punong Barangay, Private Groups Representative from EDC and J N F Mall Store, MSWD Officer Mrs. Ignacia Mangalao, DepEd Supervisor of Kananga I, II & III and Representative from PNP Kananga Station. And it was open at 9:45 in the morning with opening prayer led by SB Secretary Atty. Allan R. Castro and he is also the master of the ceremony.

- Atty. Castro introduced Hon. Minerva M. Bulawit as proponent and authored of the following ordinances.
- Hon. Bulawit (SB Member/Chairman of the Committee on Social Services, Women and Family) First she discussed the Municipal Ordinance No. 23L.25-045. She said that Municipality of Kananga has an existing Ordinance, numbered as Ordinance No. 20L.16-99, entitled "An Ordinance Adopting the Revised Children's Welfare Code of the Municipality of Kananga, Leyte" enacted on June 8, 2016. There is a need to update the said ordinance in order to attune to the present needs of the children in the municipality with due consideration of approved national laws affecting the children. He informed that Kananga is awardee and recognized as Child Friendly Municipality in whole Region. Kananga also provided yearly budget for children protection under the Municipal Council for the Protection of Children(MPCPC) Annual plan and budget.

#### Discussion:

Mr. Obando(Guidance Counselor from Kananga National High school) suggested for the strict implementation of ordinances for speed limit, Curfew, Internet Café and asking for ordinance prohibited students roaming around at the parks from 7:00 AM to 4:00 PM and he added to put signage for speed limit in the school area. He asked the sanggunian member for close monitoring and implementation of those ordinances for the welfare of children and youth.

Hon. Bulawit thanked Mr. Obando for the suggestions, she said that the sangguniang bayan will discuss all the suggested ordinances.

2. ORDINANCE NO. 23L.24-070 – COMPREHENSIVE SOLO PARENTS ORDINANCE OF THE MUNICIPALITY OF KANANGA, LEYTE.

- Hon. Bulawit said that Municipality of Kananga, Leyte recognizes the struggles of solo parents and seeks to implement local programs that address their needs because of the burden of raising the family and providing their children a better future. For the qualification of solo parent, Under Section 3. Assessment and Documentation. A solo parent defined under this Ordinance shall undergo the necessary assessment process as provided for in the implementing Rules and Regulations of Republic Act No. 11861 For the purpose, the Municipal Social Welfare and Development Office is hereby mandated to conduct the process of quarterly assessment and documentation of the barangays in the Municipality of Kananga, Leyte. She informed the MSWDO to take note this provision to facilitate the implementation of this ordinance.
  - 3. ORDINANCE NO. 23L.25-077 AN ORDINANCE ENACTING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC).
- Hon. Bulawit said that because of the highest reported cases of physical, sexual and emotional violence against women from their intimate partners the 23<sup>rd</sup> sangguniang bayan enacted this ordinance to protect women and promoting the rights especially those in the marginalized sectors. She said that Municipal Government of Kananga allocate an annual budget of at least 5% of the Gender and Development (GAD) Fund for the implementation of this ordinance, including support services for VAWC survivors. She also informed that barangay shall also allocate an annual budget of GAD for the implementation of their respective barangay. She added that the ordinance aims to:
  - a. Strengthen VAWC prevention, protection, and response mechanism at the municipal and barangay level;
  - b. Provide comprehensive support services for VAWC survivor;
  - c. Ensure strict compliance and accountability among local officials, law enforcement, and service providers.
  - d. Promote awareness and community participation in ending VAWC.

#### Discussions:

Police Sgt. Kathy Machica(PNP Kananga-Asst. WCPD PNCO) addressed her concern to the MSWDO Mrs. Mangalao with regards the victim file complaint to the PNP and afterwards they are back together and some cases because the MSWDO are not stand them during case hearing.

Mrs. Ignacia Mangalao(Kananga MSWDO) said that that case was settled because the victim only wanted for settlement agreement with the husband.

PSSGT. Machica asked what we can do for that victim.

Mrs. Mangalao said that because some victim only wanted the child support and child support settlement agreement was granted. She said that the concern of Pssgt. Machica will be discussed by the VAWC counsel.

The closing and final message was rendered by Municipal Vice Mayor Hon. Miguel Jorge P. Tan and public hearing formally ended at 10:18 AM.

Prepared by:

MAR SEL 9. DIZON
Local Legislative Staff Assistant

# Republic of the Philippines Province of Leyte Municipality of Kananga SANGGUNIANG BAYAN OF KANANGA

#### **PUBLIC HEARING**

ORDINANCE NO. 23L.25-045 (series of 2025)

AN ORDINANCE AMENDING THE PROVISIONS OF CHILDREN'S AND YOUTH WELFARE CODE OF THE MUNICIPALITY OF KANANGA.

ORDINANCE NO. 23L.24-070 (series of 2025)

COMPREHENSIVE SOLO PARENTS ORDINANCE OF THE MUNICIPALITY OF KANANGA, LEYTE.

**ORDINANCE NO. 23L.25-077** (series of 2025)

AN ORDINANCE ENACTING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN (VAWC).

ABC HALL, Kananga, Leyte February 13, 2025 9:00 A.M.

#### **Attendance Sheet**

NAME	OFFICE /ADDRESS	SIGNATURE
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