

Item No.: 19

Date: 18 2025 NOV



Republic of the Philippines
PROVINCE OF LEYTE
Provincial Capitol
Tacloban City

-oOo-



PROVINCIAL LEGAL OFFICE

Sangguniang Panlalawigan
Province of Leyte

RECEIVED

Date: NOV 12 2025

Famil W

2nd INDORSEMENT

August 20, 2025

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 2025-02 of the Sangguniang Bayan of Albuera, Leyte.

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

- Ordinance No. 2025-02 entitled: **"The Curfew Ordinance of Albuera, Leyte"**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 16¹ of the Local Government Code of 1991 (R.A 7160) in consonance with the state recognized Doctrine of Parens Patriae². However, upon further perusal of the subject Ordinance, it is noted that the implementation provides for the detention of erring minors and the penal provision provided, both in contravention of Section 57³ of RA 9344⁴. Hence, further review of the subject Ordinance is recommended.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on 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 **Section 16. General Welfare.** - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

² **G.R. No. 225442, August 08, 2017**

³ **SEC. 57. Status Offenses.** - Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child.

⁴ **"Juvenile Justice and Welfare Act of 2006."**

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

1ST INDORSEMENT
18 August 2025

Province of Leyte
Legal Office
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The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **Ordinance No. 2025-02** of the **Municipality of Albuera, Leyte**, entitled: **An Ordinance imposing curfew hours in the Municipality of Albuera, Leyte, as amended.**


FLORINDA JULIUS UYVICO
Secretary to the Sangguniang



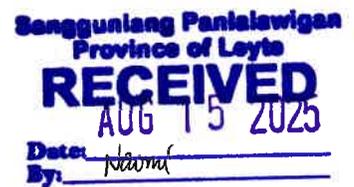
Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN SECRETARIAT

TRANSMITTAL

August 14, 2025

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



Thru: Florinda Jill S. Uyvico
Secretary to the Sanggunian
Province of Leyte

Dear Vice Governor Javier:

Respectfully transmitting herein **Municipal Ordinance No. 2025-02**, "An Ordinance Imposing Curfew Hours in the Municipality of Albuera, Leyte, as Amended."

Please acknowledge receipt hereof.

Very truly yours,


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



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

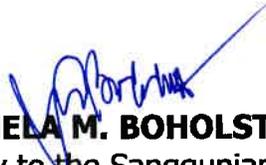
OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO THE CONCERNED:

THIS IS TO CERTIFY that **Municipal Ordinance No. 2025-02, "An Ordinance Imposing Curfew Hours in the Municipality of Albuera, Leyte, as Amended,"** has been posted in the bulletin board of the Sangguniang Bayan of Albuera, Leyte on August 14, 2025 and shall remain posted until a period of two (2) consecutive weeks thereof.

ISSUED this 14th day of August 2025 at Albuera, Leyte, Philippines.


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



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

Sangguniang Panlalawigan
Province of Leyte
RECEIVED
Date: AUG 15 2025
By: Numeria

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 1ST REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD AT THE SESSION HALL ON AUGUST 7, 2025

MUNICIPAL ORDINANCE NO. 2025-02

AN ORDINANCE IMPOSING CURFEW HOURS IN THE MUNICIPALITY OF ALBUERA, LEYTE, AS AMENDED

INTRODUCED BY: HON. ROLANDO M. EBCAS, JR.

**Sponsored by: COMMITTEE ON PUBLIC ORDER & SAFETY, AND HUMAN RIGHTS
HON. JOJE B. YBAÑEZ
HON. ROBERTO C. COLASITO**

WHEREAS, Section 13, Article II of the 1987 Philippine Constitution provides that:

“The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.”

WHEREAS, despite of the said constitutional provision, in some instances, the proper care and guidance, education, character and moral development of children/minors seem to be neglected which would make them vulnerable targets and victims of exploitation, drug addiction, and criminal offenses, and expose them to the risk of getting involved in the commission of the same;

WHEREAS, as a result, some minors drop out of school, become unproductive bystanders, and singly or in groups idly stay, roam around or meander in roads, streets, or other public places;

WHEREAS, to keep themselves away from the watch and supervision of Barangay Officials and other lawful authorities, these misguided minors converge or flock together during night time until the wee hours of the morning resorting to drinking on streets, or other public places, illegal drugs use and sometimes drug peddling, engaging in troubles and other activities which could often result in bodily injuries and worse, the loss of lives;

WHEREAS, reports of law enforcement agencies reveal that minors roaming around, loitering or wandering in the evening are frequent personalities involved in various infractions of ordinances and national laws;

WHEREAS, Article III, Section 6 of the 1987 Philippine Constitution the states that “Neither shall the right to travel be impaired except in the interest of national security, public safety or public health, as may be provided by law.”

WHEREAS, finding it necessary to impose curfew hours to ensure public safety, maintain peace and order, and protect the welfare of residents, particularly the youth, from potential risks of neglect, abuse, cruelty and exploitation, and other conditions prejudicial or detrimental to their development, and likewise to protect the general public from the possible dangers posed by the New People’s Army (NPA), during late hours of the night and the wee

ALBERTO D. SUMALJAG

ROBERTO C. COLASITO

ROMEO M. JUANCO

ANDRES C. TUDO

DELA CRUZ

BERNARD JEDID MESTULA

PAMELA M. BOHOLST

ROLAN E. ESPINOSA

MARIEL E. MARINAY

GARL REYNE E. BATISTIS

ROLANDO M. EBCAS, JR.

JOJE B. YBAÑEZ

RODOLFO S. BILBAO, JR.

hours of the dawn, the Sangguniang Bayan passed Municipal Ordinance No. 2018-02, entitled, "An Ordinance Imposing Curfew Hours in the Municipality of Albueria;

WHEREAS, recently, despite the afore-cited Ordinance, it has been observed that an increasing number of minors organized into "gangs" roam the streets during the late hours of the night and the wee hours of the dawn, giving rise to the necessity to impose further restrictions on juvenile nocturnal activities during specific hours to prevent disturbances, crimes, and other activities detrimental to the community and to the youth involved;

WHEREAS, under Section 447 (1) (ii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the Sangguniang Bayan is mandated to maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, rebellion or sedition and impose penalties for the violation of said ordinances;

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Albueria, Leyte in Regular Session Assembled:

SECTION 1. Title. This ordinance shall be known as "THE CURFEW ORDINANCE OF ALBUERA, LEYTE, AS AMENDED."

SECTION 2. Definition of Terms.

- 2.1 CURFEW- a fixed time during which no citizen may remain outdoors, particularly in public places.
- 2.2 Minors refer to persons below eighteen (18) years old, whether male or female;
- 2.3 Adult refers to persons (18) years old and above whether male or female;
- 2.4 Parents refer to the natural father or mother of the minor and / or his / her foster father or mother;
- 2.5 Guardian refers to a person who takes care of a minor under his/her custody; and
- 2.6 Authorities refer to law enforcers who are members of the local police force and Punong Barangays of the different barangays of the municipality, including the latter's authorized agents like Barangay Kagawads and Tanods;
- 2.7 Day refers to the 24-hour period that starts at midnight and ends at the next midnight. It's the time it takes for the Earth to make one full rotation on its axis.

SECTION 3. Imposition.

- a. For Minors - Curfew hours for Minors shall be imposed within the territorial jurisdiction of this municipality, from 8:00 P.M. to 5:00 A.M. for all the days of the week.
- b. For Adults - Curfew hours for Adults shall likewise be imposed within the territorial jurisdiction of this municipality from 12:01 A.M. to 4:00 A.M. from Monday to Friday.

SECTION 4. Scope and Coverage. This imposition shall apply to all people whether resident or non-resident of this municipality.

ALBERTO Q. SUMALJAG

ROBERTO C. COLASITO

ROMEO M. JONCO

ANDRES C. TUDIO

DELIA E. BATISTIS

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

ROLAN E. ESPINOSA

MARIEL E. MARINAY

CARL KEVIN E. BATISTIS

ROLANDO M. EBICAS, JR.

JOSE S. BARRERA

RODOLFO S. BILBAO, JR.

SECTION 5. *Enforced Regulation.* All persons are enjoined to strictly comply with the curfew hours prescribed in Section 3 hereof, within which, they shall stay home or indoors during said hours, otherwise, they shall be apprehended and penalized as provided herein.

SECTION 6. *Other Prohibited Acts.* The following acts are prohibited during curfew hours:

- 6.1 Selling or serving liquors or intoxicating beverages to minors;
- 6.2 Serving and/or drinking liquors or intoxicating beverages in public places like parks, plazas, streets and in public or private cemeteries.
- 6.3 Selling or dispensing liquors or intoxicating beverages from 1:00 A.M to 8:00 A.M.;
- 6.4 Roaming around and/or loitering at public places such as parks, plazas, roads, streets and public or private cemeteries; and
- 6.5 Carrying of deadly weapons and/or possession of prohibited drugs.

SECTION 7. *Exemption.*

- 7.1 Minors in the company of either or both of their parents or legal guardian, as the case may be, are exempted from the curfew hours;
- 7.2 When for justifiable reasons, the minor was not able to reach his/her residence before the prescribed curfew hour;
- 7.3 Elected SK officials performing their official and/or emergency-related functions;
- 7.4 Any person who is legally employed and working during night as certified by the employer or and duly noted by the Punong Barangay of his place of residence;
- 7.5 Any person riding a vehicle on his way home or while in transit;
- 7.6 Any person doing errands for the family or for anybody due to emergency or medical reasons;
- 7.7 Elected Public officials performing their official and/or emergency-related duties and functions; and
- 7.8. Adults inside restaurants, KTV/Videoke Bars, or Burger/Snack Houses for the purpose of family get-together, or other celebrations/occasions, provided that the operation of such KTV/Videoke Bars, or Burger/Snack Houses shall be subject to the pertinent provisions of existing Ordinances regulating the same within the respective Barangays where the same are located.
- 7.9 Joggers and persons who do physical exercises outdoors ((the curfew hours shall only be until 4:00 a.m. giving them ample and reasonable time to perform their health and fitness regimen and to encourage a healthy lifestyle).

SECTION 8. *Suspension of the Enforcement of the Curfew Hours.*

The enforcement of curfew hours is deemed automatically suspended on the following occasions:

- 8.1 Christmas Season and around the occasion of Albuera Foundation Day Celebration from December 1 to January 6;

ALBERTO T. SUMALJAG

ROBERTO C. COLASITO

ROMEO M. JONCO

ANDRES C. TUDIO
DELENE E. BATISTIS

BERNARD JOEY E. MESTULA

PAMELA M. BOHOLST

ROLAN E. ESPINOSA

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ROLANDO M. EBOS, JR.

JOE B. YBANEZ

RODOLFO S. BILBAO, JR.

8.2 The entire month of October, during the conduct of the traditional Dawn Rosary also known as "Rosario de la Aurora", a Catholic practice of reciting the Rosary, a series of prayers, at dawn, in a procession on the streets (during which the curfew hours shall only be until 2:30 a.m. giving devout Catholics ample and reasonable time to practice their devotions).

8.3 Holy Week;

8.4 Around the occasion of the Town Fiesta from July 1 to 31;

8.5 During the 12 days prior to the Fiesta Celebration in any Sitio or Barangay within the Municipality of Albuera, Leyte where such affairs/celebrations are held;

8.6 During All Saints' Day, All Souls' Day, other Religious Celebrations and Activities; and

8.7 On such other date or dates staging special occasion/s through public proclamations.

Provided, however, that the curfew hours automatically resume immediately after the staging of such affair/s or celebration/s.

SECTION 9. Deputization. The local police force and all Punong Barangays of the different barangays of this municipality, including the latter's authorized agents like barangay kagawads and tanods are hereby deputized and authorized to carry out the purposes of this municipal ordinance.

SECTION 10. Implementing Rules. The sirens in the Barangays should be sounded simultaneously at exactly 8 p.m. every evening to signal the commencement of the Curfew Hours for minors and the same should again be simultaneously sounded every 5 a.m. the following day to signal that the Curfew Hours for minors have ended.

Deputized agents mentioned in the preceding section hereof shall exercise prudence and courtesy in apprehending individuals found violating the penal provisions of this Municipal Ordinance and shall perform the following tasks:

10.1 Upon apprehension in violation of Section 3 hereof, bring the person to a holding center for appropriate booking, secure and register in the official logbook his/her full name, age, date/place of birth, sex, address, name of parents/guardian, and date and time of apprehension;

10.1.1 Should the person be a resident of another Barangay, he/she should be immediately referred/turned over to his/her Barangay whose Officials thereof shall commit the person to a holding center for appropriate booking, secure and register in the official logbook his/her full name, age, date/place of birth, sex, address, name of parents/guardian, and date and time of apprehension;

10.2 Inform the offending individual on the nature of his/her offense, admonish him or her and release him or her immediately after the expiration of the prescribed curfew hour;

10.3 Upon apprehension of any person whether minor or otherwise found in conflict of Section 6 hereof, shall be committed to the local PNP station for appropriate booking and interrogation under which the law enforcer on duty shall inform the offending party on the nature of his or her offense and constitutional rights, and should there exists a strong probable cause for such violation, charge him or her in court or require him or her to pay the fines prescribed in the following sections hereof, as the case may be;

ALBERTO Q. SUMALJAG

ROBERTO C. COBASITO

ROMEO M. JUANCO

ANDRES C. TUBIG

DELLA BATISTIS

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

ROLAN E. ESPINOSA

MARIEL E. MARINAY

CARL KEVINE BATISTIS

ROLANDE M. EBCAS, JR.

JOSE B. YBANEZ

RODOLFO S. BILBAO, JR.

10.4 An offender, who is a vagrant, abandoned, neglected or has no known parent, relative or guardian residing in the municipality, shall be referred without unnecessary delay within six (6) hours or at the earliest office hours from the time of apprehension, whichever comes first, to the custody or care of the Municipal Social Welfare and Development Office.

10.5 Minors found violating the curfew hours imposed in Section 3 hereof on five (5) or more occasions, shall be committed to the Department of Social Welfare and Development (DSWD) for custody and counseling.

SECTION 11. Penal Provisions.

Imposed hereunder are penalties against minors and adults found violating this Municipal Ordinance:

11.1 For minors violating Section 3 hereof:

11.1.1 First Offense – admonition and warning;

11.1.2 Second Offense – summon the parents/guardians and reprimand, and a fine of THREE HUNDRED (P 300.00) PESOS OR one (1) day of community service;

11.1.3 Third Offense – referral of minors and parents to MSWDO for appropriate counseling, and a fine of FIVE HUNDRED FIFTY (P 550.00) PESOS OR two (2) days of community service;

11.1.4 Fourth Offense – Fine of ONE THOUSAND (P 1,000.00) PESOS OR seven (7) days of community service with stern warning; and

11.1.5 Fifth and Succeeding Offense – commitment to Department of Social Welfare and Development (DSWD) for custody and rehabilitation under which the concerned minor may be released from custody at the sound discretion of the department.

11.2 For Adults violating Section 3 hereof:

11.2.1 First Offense – admonition and warning;

11.2.2 Second Offense –reprimand with a fine of THREE HUNDRED (P 300.00) PESOS OR an imprisonment of one (1) day (or 24 hours), upon discretion of the court;

11.2.3 Third Offense –a fine of FIVE HUNDRED FIFTY (P 550.00) PESOS OR an imprisonment of two (2) days (or 48 hours), upon discretion of the court;

11.2.4 Fourth Offense and Succeeding Offenses – Fine of ONE THOUSAND (P 1,000.00) PESOS OR an imprisonment of two (2) days (or 48 hours), upon discretion of the court; and

11.3. Any person/business establishment found violating Subsection 6.1., 6.2., and 6.3. of Section 6 hereof shall be penalized as follows:

11.3.1. First Offense – reprimand and a fine of ONE THOUSAND (P 1,000.00) PESOS;

11.3.2. Second Offense – a fine of ONE THOUSAND FIVE HUNDRED (P 1,500.00) PESOS;

ALBERTO Q. SUMALJAG

ROBERTO C. COLASUDO

ROMEO M. JUNCO

ANDRES C. JUDIO

DELLA B. BATISTIS

BERNARD JOEY D. MESTULA

PAMELA M. BOHOLST

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MARIEL E. MARINAY

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JOE B. YBANEZ

RODOLFO S. BILBAO, JR.

11.3.3. Third Offense – a fine of TWO THOUSAND PESOS(P2,000.00);

11.3.4. Fourth Offense – a fine of TWO THOUSAND FIVE HUNDRED (P 2,500.00) PESOS;

11.3.5. Fifth Offense – revocation of business permit

SECTION 12. Separability Clause. - If, for any reason, any part or provision of this Ordinance is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.

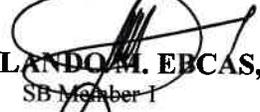
SECTION 13. Repealing Clause. All municipal ordinances and other local administrative issuances inconsistent with this Municipal Ordinance are hereby deemed repealed and/or modified accordingly.

APPROVED.

ENACTED BY THE 12th SANGGUNIANG BAYAN OF ALBUERA, LEYTE DURING ITS 1st SPECIAL SESSION HELD ON AUGUST 7, 2025 AT THE SANGGUNIANG BAYAN SESSION HALL, ALBUERA, LEYTE.

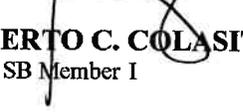
ATTESTED AND CERTIFIED TO BE DULY ADOPTED:


CARL KEVIN E. BATISTIS
SB Member I


ROLANDO M. EBCAS, JR.
SB Member I


JOJE B. YBANEZ
SB Member I

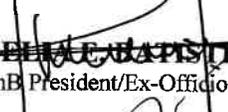

RODOLFO S. BILBAO, JR.
SB Member


ROBERTO C. COLASITO
SB Member I

Absent
ALBERTO C. SUMALJAG
SB Member I


ROMEO M. JUNCO
SB Member I


ANDRES C. TUDIO
SB Member I


DENNIS C. BATISTIS
LnB President/Ex-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 12TH Sangguniang Bayan of Albuera, Leyte on its 1st Special Session on August 7, 2023 at the Sangguniang Bayan Session Hall.


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


MARIEL E. MARINAY
Municipal Vice-Mayor I/Presiding Officer

APPROVED:


ROLAN E. ESPINOSA
Municipal Mayor

Date: AUG 14 2025



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Albuera

OFFICE OF THE SANGGUNIANG BAYAN
ATTENDANCE SHEET

SPECIAL SESSION
of the 12th Sangguniang Bayan

SB Session Hall
Venue

August 07, 2025

No.	Name & Designation	Signature
1	Hon. MARIEL E. MARINAY Mun. Vice Mayor / Presiding Officer	
2	Hon. CARL KEVIN E. BATISTIS SB Member	
3	Hon. ROLANDO M. EBCAS JR. SB Member	
4	Hon. JOJE B. YBAÑEZ SB Member	
5	Hon. RODOLFO S. BILBAO JR. SB Member	
6	Hon. ALBERTO C. SUMALJAG SB Member	ON LEAVE
7	Hon. ROBERTO C. COLASITO SB Member	
8	Hon. ROMEO M. JUNCO SB Member	
9	Hon. ANDRES C. TUDIO SB Member	
10	Hon. DELIA E. BATISTIS ABC President, Ex-Officio	
11	Hon. BERNARD JOEY D. MESTULA SK Federation President, Ex-Officio	

CERTIFICATION

I hereby certify that those who have affixed their signatures above, have actually attended the SPECIAL SESSION of the Sangguniang Bayan of Albuera, Leyte, held at the SB Session Hall on August 07, 2025

PAMELA M. BOHOLST
Secretary to the Sanggunian Bayan