

94

Item No.: 94

Date: 04 OCT 2022

Republic of the Philippines
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE

SANGGUNIANG PANLALAWIGAN

2nd INDORSEMENT
September 15, 2022

SP/SC 9/27/22
SEP 28 2022
SP Records
PROVINCE OF LEYTE

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2022-07 of the SB of Hindang, Leyte, with the following comments/opinion and recommendation:

1. That Ordinance No. 2022-07 is a local legislative act which ADOPTS the provisions of R.A 9994 or the "Expanded Senior Citizens Act of 2010";
2. That as defined by Webster Comprehensive Dictionary (International Edition), the word "ADOPT" MEANS TO TAKE AND FOLLOW AS ONE'S OWN, AS A COURSE OF ACTION";
3. That following the above definition, it appears that the LGU of Hindang, Leyte, through its Sangguniang Bayan, takes the provisions of RA. 9994 as if those are its own provisions;
4. That Section 447 (5), (xvii) of the Code (R.A 7160) states:

"Section 447 (5), (xvii)-xxxx, and adopt measures mutually beneficial to the elderly", x x x x x
5. That based on the provision of Section 447 (5), (xvii) of the Code (R.A 7160), the Provincial Legal Office (PLO), is of the opinion that Local Government Units through their respective sanggunian, are legally authorized to "ADOPT" or take as its own, measures that are beneficial to the elderly or senior citizens;
6. That on the other hand, Section 3 and Section 5 of subject Ordinance No. 2022-07 states:

"Sections 3. PRIVILEGES AND RESPONSIBILITIES. Section 4 of R.A No. 7432 as amended by R.A No. 9257, or the "Expanded Senior Citizens Act of 2003", " is hereby further amended to read as follows":

"Section 5. GOVERNMENT ASSISTANCE:

Section 5 of the same act, as amended, "is hereby further amended to read as follows:

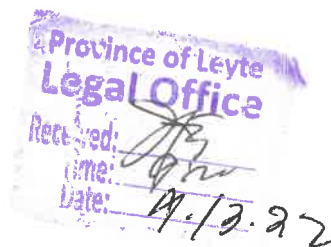
7. That based on the above-quoted provisions of Section 3 and Section 5 of subject Ordinance No. 2022-07, it appears that the Sangguniang Bayan of Hindang, Leyte, exercises an "Amendatory" or "Corrective" act over a national law (R.A 9994), which power only CONGRESS can exercise;
8. That Ordinance No. 2022-07 is recommended for declaration of validity the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power to "ADOPT" measures mutually beneficial to the elderly as provided under Section 447 (5), (xvii) of the Code. Provided, That, the above-cited provisions of Sections 3 and 5 of subject ordinance No. 2022-07 are DELETED".

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer




Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN



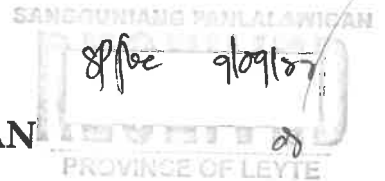
1ST INDORSEMENT
12 September 2022

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **ORDINANCE NO. 2022-07 OF THE MUNICIPALITY OF HINDANG, LEYTE, ENTITLED: AN ORDINANCE ADOPTING RA 9994, OTHERWISE KNOWN AS THE EXPANDED SENIOR CITIZENS ACT 2010.**


FLORINDA JILL S. UYVICO
Provl. Govt. Dept. Head
(SP Secretary)



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF HINDANG
-oOo-



OFFICE OF THE SANGGUNIANG BAYAN

31 August, 2022

HON. LEONARDO M. JAVIER, JR.
Vice Governor/Presiding Officer
Sangguniang Panlalawigan
Province of Leyte

THRU: FLORINDA JILL S. UYVICO
Secretary to the Sangguniang Panlalawigan
Province of Leyte

Sir:

I am submitting herewith to your office Sixteen (16) sets of ORDINANCE No. 2022-07 of the Sangguniang Bayan, Hindang, Leyte, RE: "An Ordinance adopting RA 9994 otherwise known as the Expanded Senior Citizens Act of 2010", for review and approval of this Body.

Anticipating your favorable action on the matter.

Thank you.


ANNABEL A. MABALE
Secretary to the Sanggunian



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF HINDANG

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OFFICE OF THE SANGGUNIANG BAYAN

SANGGUNIANG PANLALAWIGAN
9/10/22
PROVINCE OF LEYTE

EXCERPT FROM THE MINUTES OF THE SANGGUNIANG BAYAN OF HINDANG, LEYTE, IN ITS REGULAR SESSION HELD ON JUNE 28, 2022 AT THE SB SESSION HALL

ORDINANCE NO. 2022-07

AN ORDINANCE ADOPTING RA 9994, OTHERWISE KNOWN AS THE EXPANDED SENIOR CITIZENS ACT 2010.

Authored and sponsored by:

HON. EDNA B. MAPALO
SB Member

BE IT ORDAINED by the Sangguniang Bayan of the Municipality of Hindang, in its regular session assembled this date, that:

SECTION 1. TITLE. This ordinance shall be known as "*An ordinance adopting RA 9994, otherwise known as the Expanded Senior Citizens Act of 2010*".

SECTION 2. ADOPTION OF POLICIES AND OBJECTIVES. The Municipality of Hindang hereby adopts the Additional Benefits and Privileges to Senior Citizens, Further Amending Republic Act No. declared policies and objectives in Section 2 of R.A. 9994, otherwise known as "An Act Granting 7432 as Amended. Otherwise known as '*An Act to Maximize the Contribution of Senior Citizens to Nation Building, Grant Benefits and Special Privileges and for Other Purposes*', more specifically:

- a. To establish mechanisms whereby the contributions of the senior citizens maybe maximized
- b. To adopt measures whereby our senior citizens are assisted and appreciated by the community as whole;
- c. To establish a program beneficial to senior citizens, their families, and the rest of the community they serve
- d. To establish community-based health and rehabilitation programs for Senior citizens in every political unit of society.

SECTION 3. PRIVILEGES AND RESPONSIBILITIES. Section 4 of Republic Act No. 7432, as amended by Republic Act No. 9257, otherwise known as the "Expanded Senior Citizens Act of 2003", is hereby further amended to read as follows:

"SEC. 4. Privileges for the Senior Citizens.

The Senior Citizens shall be entitled to the following:

"(a) The grant of twenty percent (20%) discount and exemption from the value -added tax (VAT) if applicable, on the sale of the following goods and services from all establishments, for the exclusive use and enjoyment or availment or the senior citizens.

Edna B. Mapalo

**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
An Ordinance adopting RA 9994, otherwise known as the expanded senior citizens act
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(1) on the purchase of medicines, including the purchase of influenza and pneumococcal vaccines and such other essential medical supplies, accessories and equipment to be determined by the Department of Health (DOH);

The DOH shall establish guidelines and mechanism of compulsory rebates in the sharing of burden of discounts among retailers, manufacturers and distributors, taking into consideration their respective margins;

(2) On the professional fees of attending physicians in all private hospitals, medical facilities, outpatient clinics and home health care services;

(3) On the professional fees of licensed professional health providing home health care services as endorsed by private hospitals or employed through home health care employment agencies;

(4) On medical and dental services, diagnostic and laboratory fees in all private hospitals, medical facilities, outpatient clinics, and home health care services, accordance with the rules and regulations to be issued by the DOH, in coordination with the Philippine Health Insurance Corporation (PhilHealth);

(5) In actual fare for land transportation travel in public utility buses (PUBs), public utility jeepneys (PUJs), taxis, Asian Utility Vehicles (AUVs) and shuttle services;

(6) In actual transportation fare for domestic air transport services and sea shipping vessels and the like, based on the actual fare and advanced booking;

(7) On the utilization of services in hotels and similar lodging establishments, restaurants and recreation centers;

(8) On admission fees charged by theaters, cinema houses and concert halls, circuses, leisure and amusement; and

(9) On funeral and burial services for the death of senior citizens;

"(b) exemption from the payment of individual income taxes of senior citizens who are considered to be minimum wage earners in accordance with Republic Act No. 9504;

"(c) the grant of a minimum of five percent 5% discount relative to the monthly utilization of water and electricity supplied by the public utilities: Provided, That the individual meters for the foregoing utilities are registered in the name of the senior citizen residing therein: Provided, further, That the monthly consumption does not exceed one hundred kilowatt hours (100 kWh) of electricity and Thirty cubic meters (30 cm) of water: Provided, furthermore, That the privilege is granted per household regardless of the number of senior citizens residing therein.

"(d) exemption from training fees for socio-economic programs;

"(e) free medical and dental services, diagnostic and laboratory fees such as, but not limited to, x-rays, computerized tomography scans and blood tests, in all government facilities, subject to the guidelines to be issued by the DOH in coordination with the PhilHealth;

"(f) the DOH shall administer free vaccination against the influenza virus and pneumococcal disease for indigent senior citizen patients;

"(g) educational assistance to senior citizens to pursue post secondary, tertiary, post tertiary, vocational and technical education, as well as short-term courses for retooling in both public and private schools through provision of scholarships, grants, financial aids, subsidy and other



Atty. A. Cabal



**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
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incentives to qualified senior citizens, including support for books, learning materials, and uniform allowances, to the extent feasible: Provided, That senior citizens shall meet minimum admission requirements;

"(h) to the extent practicable and feasible, the continuance of the same benefits and privileges given by the Government Service Insurance System (GSIS), the Social Security System (SSS) and the PAG-BIG as the case may be, as enjoyed of those in actual service;

"(i) retirement benefits of retirees from both the government and the private sector shall be regularly reviewed to ensure their continuing responsiveness and sustainability, and to the extent practicable and feasible, shall be upgraded to be at par with the current scale enjoyed by those in actual service;

"(j) to the extent possible, the government may grant special discounts in special programs for senior citizens on purchase of basic commodities, subject to the guidelines to be issued for the purpose by the Department of Trade and Industry (DTI) and the Department of Agriculture (DA);

"(k) provision of express lanes for senior citizens in all commercial and government establishments; in the absence thereof, priority shall be given to them; and

"(l) death benefit assistance of a minimum of Two Thousand Pesos (Php2, 000.00) shall be given to the nearest surviving relative of a deceased senior citizen which amount shall be subject to adjustments due to inflation in accordance with the guidelines to be issued by the DSWD;

In the availment of the privileges mentioned above, the senior citizen, or his/ her duly authorized representative, may submit as proof of his/her entitled thereto any of the following:

"(1) an identification card issued by the Office of the Senior Citizen Affairs (OSCA) of the place where the senior citizen resides: Provided. That the identification card issued by the particular OSCA shall be honored nationwide;

"(2) the passport of the senior citizen concerned; and

"(3) other documents that establish that the senior citizen is a citizen of the Republic and is at least sixty (60) years of age as further provided in the implementing rules and regulations.

"In the purchase of goods and services which are on promotional discount, the senior citizen can avail of the promotional discount or the discount provided herein whichever is higher.

"The establishment may claim the discounts granted under subsections (a) and (c) of this section as tax deduction based on the cost of the goods sold or services rendered: Provided, That the cost of the discount shall be allowed as deduction from gross income for the same taxable year that the discount is granted: Provided, further, That the total amount of the claimed tax deduction net of VAT, if applicable, shall be included in their gross sales receipts for tax purposes and shall be subject to proper documentation and to the provisions of the National Internal Revenue Code (NIRC), as amended."

SECTION 4. ADDITIONAL PRIVILEGES AND RESPONSIBILITIES. In addition to the benefits and privileges enumerated in Section 4 of R.A.9994,

a. All senior citizens shall be entitled to the following benefits and privileges:

- 1) Comfortable seats in public conveyances, e.g. buses, vans, jeepneys, tricycles;
- 2) Priority In services in restaurants, groceries, markets:



Atty. A. Cabal



**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
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3) Financial assistance of Two Thousand Pesos (2,000.00) to the family for the death of an affiliated senior citizen:

b. In this regard, the management of establishments shall assume the following responsibilities;

1) Where customers must queue for service, as in fast food centers or payment counters to provide marked lanes that shall give priority to senior citizens;

2) In restaurants and on buses to reserve seats most convenient for entrance and exit or for embarking and disembarking;

3) In dealing with senior citizens, to extend the utmost patience and due respect.

SECTION 5. GOVERNMENT ASSISTANCE.

Section 5 of the same Act, as amended, is hereby further amended to read as follows:

"SEC. 5. Government Assistance. - The government shall provide the following:

"(a) Employment

"Senior citizens who have the capacity and desire to work, or be re-employed, shall be provided information and matching services to enable them to be productive members of society. Terms of employment shall conform with the provisions of the Labor Code as amended and other laws, rules and regulations.

"Private entities that will employ senior citizens as employees, upon the effectivity of this Act, shall be entitled to an additional deduction from their gross income, equivalent to fifteen percent (15%) of the total amount paid as salaries and wages to senior citizens, subject to the provision of Section 34 of the NIRC, as amended: Provided, however, That such employment shall continue for a period of at least six (6) months: Provided, further, That the annual income of the senior citizen does not exceed the latest poverty threshold as determined by the National Statistical Coordination Center (NSC) or the National Economic and Development Authority (NEDA) for that year.

"The Department of Labor and Employment (DOLE), in coordination with other government agencies such as, but not limited to, the Technology and Livelihood Resource Center (TLRC) and the Department of Trade and Industry (DTI) shall assess, design and implement training programs that will provide skills and welfare or livelihood support for senior citizens.

"(b) Education

The Department of Education (DepED), the Technical Education and Skills Development Authority (TESDA) and the Commission on Higher Education (CHED), in consultation with nongovernmental organizations (NGOs) and people's organizations (POs) for senior citizens, shall institute programs that will ensure access to formal and non-formal education.

"(c) Health

"The DOH, in coordination with local government units (LGUs), NGOs and POs for senior citizens, shall institute a national health program and shall provide an integrated health service for senior citizens. It shall train community-based health workers among senior citizens and health personnel to specialize in the geriatric care and health problems of senior citizens.

Atty. G. Cabal

**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
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"The national health program for senior citizens shall among others, be harmonized with the National Prevention of Blindness Program of the DOH.

"Throughout the country, there shall be established a "senior citizens' ward" in every government hospital. This geriatric ward shall be for the exclusive use of senior citizens who are in need of hospital confinement by reason of their health conditions. However, when urgency of public necessity purposes so requires, such geriatric ward may be used for emergency purposes after which such senior citizens ward shall be reverted to its nature as geriatric ward.

"(d) Social Services

"At least Fifty percent (50%) discount shall be granted on the consumption of electricity, water, and telephone, the senior citizens center and residential care/ group homes that are government-run or non-stock, non-profit domestic corporation organized and operated primarily for the purpose of promoting the well-being of abandoned, neglected, unattached homeless senior citizens, subject to the guidelines formulated by the DSWD.

"(1) "self and social enhancement services which provide senior citizens opportunities for socializing, organizing, creative expression, and self-improvement;

"(2) "after care and follow-up services" for citizens who are discharged from the homes or institutions for the aged, especially those who have problems of reintegration with family and community. Wherein both the senior citizens and their families are provided with counseling:

"(3) "neighborhood support services wherein the community or family members provide caregiving services to their frail, sick, or bedridden senior citizens; and

"(4) "substitute family care" in the form of residential care or group homes for the abandoned, neglected, unattached or homeless senior citizens and those incapable or self-care.

"(e) Housing

"The national government shall include in its national shelter program the special housing needs of senior citizens, such as establishment of housing units for the elderly.

"(f) Access to Public Transport

"The Department of Transportation and Communications (DOC) shall develop a program to assist senior citizens to fully gain access to public transport facilities.

"(g) Incentive for Foster Care

"The government shall provide incentives to individuals or nongovernmental institution caring for or establishing homes, residential communities or retirement villages solely for, senior citizens, as follows:

"(1) realty tax holiday for the first five (5) years starting from the first year of operation; and

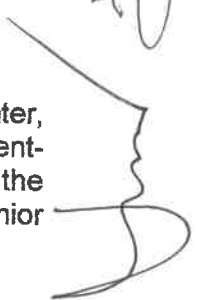
"(2) priority in the construction or maintenance of provincial or municipal roads leading to the aforesaid home, residential community or retirement village.

"(h) Additional Government Assistance

"(1) Social Pension



Atty. A. Latorra



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"Indigent senior citizens shall be entitled to a monthly stipend amounting to Five hundred pesos (Php500.00) to augment the daily subsistence and other medical needs of senior citizens, subject to a review every two (2) years by Congress, in consultation with the DSWD.

"(2) Mandatory PhilHealth Coverage

"All senior citizens shall be covered by the national health insurance program of PhilHealth. The LGUs where the indigent senior citizens reside shall allocate the necessary funds to ensure the enrollment of their indigent senior citizens in accordance with the pertinent laws and regulations.

"(3) Social Safety Nets

"Social safety assistance intended to cushion the effects of economics shocks, disasters and calamities shall be available for senior citizens. The social safety assistance which shall include, but not limited to, food, medicines, and financial assistance for domicile repair, shall be sourced from the disaster/ calamity funds of LGUs where the senior citizens reside, subject to the guidelines to be issued by the DSWD."

SECTION 6. SENIOR CITIZENS COORDINATING AND MONITORING BOARD.

Pursuant to Rule VIII, Section 5 of the Implementing Rules and Regulations (IRR) of R.A. 9994, there shall be a mechanism on the implementation of R.A. 9994 to be known as the Senior Citizens Coordinating and Monitoring Board (SCCMB).


a. The SCCMB shall be composed of: the Social Welfare and Development Officer as Chairman; the Department of Interior and local Government (DILG) Officer as Vice-Chairman; and as members: the Head or the OSCA, the Municipal Health Officer, the Department of Trade and Industry (DTI) Field Officer, and the Representative of the Municipal Advisory Council.

b. The SCCMB shall have the following duties and functions:

- 1) To formulate a Municipal Plan of Activities for Senior Citizens in coordination with the Municipal Government, the Social Welfare and Development Office and Stakeholders;
 - 2) To develop an effective monitoring and reporting system toward efficient and uniform implementation or the law;
 - 3) To develop and institute effective and innovative approaches and methods to address emerging concerns or the senior citizens
 - 4) To coordinate the programs and projects of the Municipal Government with responsibilities under R.A. 9994 and its IRR
 - 5) To monitor the conduct of orientation, training and other capability building programs to maximize the contributions and participation or the senior citizens
 - 6) To coordinate the conduct and evaluation of the plan of action, research and documentation of good practices and disparities for policy and program development and
 - 7) To prepare a yearly report for the Municipal Mayor and concerned local government units.
- c. The SCCMB shall meet at least quarterly to promulgate policies, rules and regulations, and resolve issues complaints and other concerns related to senior citizen's affairs.



Atty. G. Cabal



**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
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- d. The SCCMB shall use part of the special purpose appropriation for the senior citizens budgeted for operation and implementation of its function
- e. The OSCA shall serve as the SCCMB secretariat

SECTION 7. OFFICE OF THE SENIOR CITIZENS AFFAIRS. Pursuant to Section 6 of R.A. 9994, there shall be the Office of the Senior Citizen Affairs (OSCA).

a. The head of the OSCA shall be a senior citizen chosen from a list of three (3) nominees of the general assembly of the accredited senior citizens association of the Municipality Hindang. He shall be selected and appointed by the Municipal Mayor for a single term of three (3) years without prejudice to an extension if exigency so requires. During his term, he may not be removed except for reason of death, permanent disability or ineffective performance of his duties to the detriment of fellow senior citizens.

b. The OSCA shall serve the interest of the senior citizens and shall function:

- 1) To plan, implement and monitor yearly work programs in pursuance of the objectives of this ordinance:
- 2) To draw up a list of available and required services which can be provided by senior citizens.
- 3) To maintain and regularly update on a quarterly basis the Senior Citizens Master List and to issue, free of charge for the first instance, the Senior Citizen Official Identification Card D and Purchase Booklet which shall be valid anywhere in the country but shall be distinguishably for Municipality of Hindang senior citizens;
- 4) To serve as a general information and liaison center to serve the needs of the senior citizens;
- 5) To monitor compliance of the provisions of this ordinance and other national laws particularly the grant or special discount and privileges to senior citizens;
- 6) To report to the Municipal Mayor, individuals but especially establishment round Violating any provision or this ordinance and applicable national laws; and Refusal to grant a 20% discount and VAT exemption on delivery orders it appearing that the purchase is for the exclusive use and enjoyment of senior citizens.

c. Any person who refuses to honor the senior citizen card or violates any provision of the ordinance shall suffer the following penalties: One Thousand Pesos (P1,000.00) for first Offense, Two Thousand Pesos (P2,000.00) Second Offense, and Two Thousand Five Hundred Pesos (P2,500.00) for the Third Offense and every succeeding offense thereafter.

d. If the offender is a corporation, partnership, organization or any similar entity, the officials thereof directly involved such as the president, general manager, managing partner, or other officer charged with the management of the business affairs shall be liable.

e. Provided, however, that any person/establishment of any of the provisions of this ordinance and does not wish to contest the charges) and is willing to pay the fine voluntarily prior to the filing of charges before the proper Court shall be allowed to pay the corresponding fine at the Municipal Treasurer's Office to avoid criminal prosecution within twelve (12) hours from apprehension; otherwise, the case shall be prosecuted.



Atty. A. Cabre



**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
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f. Upon filing of an appropriate complaint, and after due notice and hearing, the proper authorities may also cause the cancellation or revocation of the permit, permit to operate, franchise and other similar privileges granted to any person, establishment or business entity that fails to abide by the provisions of the Act, the Implementing Rules, and/or this ordinance;

SECTION 8. SEPARABILITY CLAUSE. Any provision of this ordinance found Constitution or declared invalid lot impair the other parts thereof and shall continue to be in force and in effect.

SECTION 9. REPEALING CLAUSE. Ordinances, rules and regulations or parts thereof which are inconsistent or in conflict with provisions of this ordinance are hereby repealed.

SECTION 10. EFFECTIVITY. This ordinance shall become effective immediately upon approval.

ENACTED this 28th day of June, 2022 by this Sanggunian in its regular session held for the purpose at the SB Session Hall, this Municipality, with the following votes:


Yes (7)

No (0)


Abstain (0)

(On leave)


NESTOR J. ABOYME
SB Member


ROMULO D. BASAÑEZ
SB Member


BENEDICTO L. YANOLA
SB Member

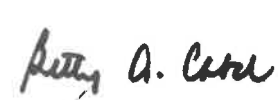

EDNA B. MAPALO
SB Member


SERAFIN A. CAVERIO
SB Member


SALVADOR E. BANEZ, JR.
SB Member










**(ORDINANCE NO. 2022-07 of the Sangguniang Bayan of Hindang, Leyte, entitled
An Ordinance adopting RA 9994, otherwise known as the expanded senior citizens act
2010.....continued)**

**(On leave)
JUN A. CABAL
SB Member**


**ABSALON A. BARDOS
LIGA Pres-Ex Officio Member**



**JESSA MONICA C. BUENAFE
SK Federation Pres-Ex Officio Member**

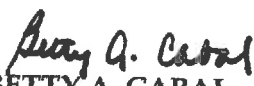
CERTIFIED CORRECT:


**ANNABEL A. MABALE
Secretary to the Sanggunian**

ATTESTED:

APPROVED:


**TEODULO A. CLAVEJO
SB Member-Temporary
Presiding Officer**


**BETTY A. CABAL
Municipal Mayor**



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF HINDANG

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OFFICE OF THE SANGGUNIANG BAYAN

CERTIFICATION

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY *that* **ORDINANCE NO. 2022-07** of the Sangguniang Bayan, Hindang, Leyte, RE: *"An Ordinance adopting RA 9994 otherwise known as the Expanded Senior Citizens Act of 2010"*, had been correspondingly posted in three (3) conspicuous places of the municipality as prescribed under the Local Government Code of 1991 otherwise known as Republic Act 7160.

GIVEN this 22nd day of August, 2022 at Hindang, Leyte, Philippines.


ANNABEL A. MABALE
Secretary to the Sanggunian