

Item No.: 10

Date: 28 OCT 2022

Republic of the Philippines
PROVINCE OF LEYTE

PROVINCIAL LEGAL OFFICE
2nd INDORSEMENT
October 11, 2022

Province of Leyte
Legal Office
Released: [Signature]
Time: 12:45
Date: 10-12-22

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 133 and 134 S. 2022 of the SB of Matag-ob, Leyte, recommending to declare its validity pursuant to its power under Section 56 (c) of R.A 7160, for it is within the powers of the local council to repeal or amend its prior acts either expressly, or by the passage of an essentially inconsistent resolution (Constantino v. Desierto 288 SCRA 654).

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
06 October 2022



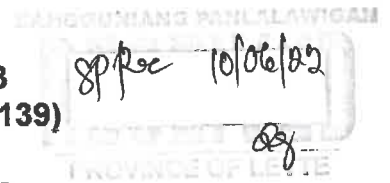
The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO.133, SERIES OF 2022 OF THE MUNICIPALITY OF MATAG-OB, LEYTE, ENTITLED: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 81 S. 2018, ENTITLED: AN ORDINANCE IMPOSING CURFEW WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE.**


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



Republic of the Philippines
Province of Leyte
MUNICIPALITY OF MATAG-OB
OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 133
(Proposed Municipal Ordinance No. 139)
Series 2022
Author: Hon. Orlando G. Viacrusis



AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 81 s. 2018, entitled: "AN ORDINANCE IMPOSING CURFEW WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE."

Section. 1. Definition of Terms. Section 1 of Municipal Ordinance No. 81 s. 2018 shall be amended so that the foregoing term will be added, to wit:

1.7 Sound Machines - Any device with loudspeakers such as Video Karaoke machine, stereo components, musical instruments such as drums, and horn is prohibited from 10PM until 7AM in the morning of the next day, except for the following:

- 1) Clearly or self-evident that it does not cause public disturbance;
- 2) One day before and on the official day of all fiesta celebrations;
- 3) Public events;
- 4) Government initiated events;
- 5) Permitted or authorized by the LGU with proper documentation.

ORIGINAL VERSION:

SECTION 1. Definition of Terms. – The following terms, when used in this ordinance shall mean the following:

- 1.1. *Minors* – a person below 18 years of age;
- 1.2. *Adults* – a person above 18 years old;
- 1.3. *Curfew* – an order or law that requires people to be indoors after a certain time at night;
- 1.4. *PNP* – Philippine National Police Station of Matag-ob;
- 1.5. *MTO* – Municipal Treasurer's Office;
- 1.6. *MSWDO* – Municipal Social Welfare Officer

OR



Section 2. Curfew Period. – Section 3 of Municipal Ordinance No. 81 s. 2018 shall be amended as follows:

This ordinance shall be enforced to cover minors only within the territorial jurisdiction of the Municipality of Matag-ob, Leyte. It shall also include minors who may not be bonafide residents of the municipality, and who may be attending activities, social functions and the likes being conducted or held in the municipality.

The curfew hours shall be from 10 in the evening to 4 in the morning of the following day.

ORIGINAL VERSION

SECTION 3. Curfew Period. - The curfew hours shall cover the following period of time:

*For Minors – 10Pm to 3AM;
For Adults – 12MN to 3AM.*

Provided however, that minors are exempted from curfew period if the minor is accompanied by parent or guardian who is an adult.

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Section 3. Citation Ticket Issuance. Section 4 of Municipal Ordinance No. 81 s. 2018 shall be amended as follows:

The PNP is hereby authorized to apprehend violators. Upon apprehension, the PNP shall then issue the corresponding Citation Ticket, which shall be the basis for payment of fines. The payment shall be made to the Municipal Treasurer's Office only.

The violator shall pay the fine immediately upon apprehension or within the next 5days after apprehension.

The Barangay Officials and their Barangay Tanod shall also be authorized to apprehend violators and coordinate with the PNP for proper disposition.

ORIGINAL VERSION:

SECTION 4. Citation Ticket Issuance. – The PNP is hereby authorized to apprehend violators. Upon apprehension, the PNP shall then issue the corresponding Citation Ticket, which shall be the basis for payment of fines. The payment shall be made to the Municipal Treasurer's Office only.

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The Barangay Tanod shall also be authorized to apprehend violators and coordinate with the PNP for proper disposition.

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Section 4. There shall be added a section which shall be assigned as section 5, to wit:

Section 5. Barangay Share from Administrative fines. The Barangays comprising the municipality of Matag-ob shall be given 60% share from the income generated from administrative fines paid by violators of this ordinance.

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Section 5. Penal Provisions. Section 5 of Municipal Ordinance No. 81 s. 2018 - Penal Provisions shall be assigned as **Section 6**, and shall be amended as follows:

The following penalties shall be imposed against minors who shall violate any provision of this ordinance.

First Offense – Php300.00
Second Offense – Php500.00
Third Offense - Php1,000.00 or imprisonment of
Seventy Two Hours (72) or 3 days, or both such fine and
imprisonment at the discretion of the Court.

ORIGINAL VERSION:

SECTION 5. Penal Provisions. The following penalties shall be imposed on violators of this ordinance.

First Offense – Php200.00 or Community Service
equivalent to Three (3) Hours;

Second Offense – Php300.00 or Community Service
equivalent to Five (5) Hours;

Third Offense - Php500.00 or Community Service
equivalent to Eight (8) Hours, or imprisonment of Seventy Two
Hours (72) at the discretion of the Court.

In case of minor-offender, their Parents or Guardian shall be required to pay the corresponding fine.

5.2. Should the violator opt to comply with the penalty of Community Service, the PNP shall determine the place or

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area service. It shall also be incumbent upon the PNP to monitor compliance of the required hours of service.

The PNP shall file in a competent court that has jurisdiction over the case against any violator who refuse to comply with the provisions of this ordinance.

5.3. In the case where the violator is a minor, the same shall be referred to the MSWDO to undergo counselling together with the parents.

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Section 6. Renumbering of Sections. The foregoing Sections of Municipal Ordinance No. 81 s. 2018 shall be renumbered accordingly:

Section 6. Repealing Clause shall be renumbered – Section 8

Section 7. Effectivity Clause shall be renumbered – Section 9

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Section 7. Separability Clause. If for any reason, any provision of this ordinance is found unconstitutional or contrary to law, the other provisions not affected thereof shall continue to be in full force and effect.

Section 8. Repealing Clause. All ordinances, resolutions, rules and regulations inconsistent with the provisions herein are hereby repealed or modified accordingly.

Section 9. Effectivity Clause. This ordinance shall take effect after three (3) consecutive weeks of publication by way of posting copies hereof in the bulletin board located in the Legislative Building and in at least two (2) conspicuous places within the Municipality of Matag-ob, Leyte.

PASSED AND ENACTED on September 19, 2022 by the Sangguniang Bayan assembled.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian



ATTESTED:

HONORABLE ROMEO N. ALBARIDA
Senior SB Member

HONORABLE ARTEMIO T. ALMOROTO
SB Member

HONORABLE JOEL N. DENOY
SB Member

HONORABLE EVANGELINE C. CARNO
SB Member

HONORABLE ORLANDO S. VIACRUSIS
SB Member

HONORABLE EDUARDO E. TOLEDO
SB Member

HONORABLE PAOLO ANTONIO C. LAURENT
SB Member (ABSENT)

HONORABLE RICARDO L. GIVA
SB Member

HONORABLE RODOLFO N. SUÑIR
Ex-Officio Member, LnB President

HONORABLE MARTIN LUTHER P. VELARDE
Ex-Officio Member, SK Federation President
(ABSENT)

HONORABLE VINCENT LYNBERN P. TACOY
Municipal Vice-Mayor
Presiding Officer

APPROVED:

HONORABLE BERNANDINO G. TACOY
Municipal Mayor

Date Signed: 10-03-22



Republic of the Philippines
Province of Leyte
Municipality of Matag-ob
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OFFICE OF THE SECRETARY TO THE SANGGUNIAN

CERTIFICATION

THIS IS TO CERTIFY that copies of the **MUNICIPAL ORDINANCE NO. 133** Series 2022 entitled: AN ORDINANCE AMENDING CERTAIN PROVISIONS OF MUNICIPAL ORDINANCE NO. 81 s. 2018, entitled: "AN ORDINANCE IMPOSING CURFEW WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF MATAG-OB, LEYTE.", have been posted in three conspicuous places within the Municipality since August 22, 2022.

This certification is issued in compliance with Section 59 of R.A. 7160, otherwise known as the Local Government Code of 1991.

Issued this 5th. Day of October, 2022.


ANA MARIA SANORIA-ECIJA
Secretary to the Sanggunian