

Republic of the Philippines
Province of Iloilo
Municipality of Tigbauan

Office of the Sangguniang Bayan

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COMMITTEE REPORT NOS. 2019-021 & 2019-022

TO: The Honorable Presiding Officer and the Members of the August Body

BY: By the Committee on Rules, Ordinances, Resolutions & Legal Matters, Chaired by: Hon. Vice-Mayor Virgilio T. Teruel

SUBJECT: re: Barangay Buyu-an Ordinances:
a. No. 006-2019-*“Children And Youth Welfare Act Of Buyu-an”*

• **Re: Barangay Buyu-an Ordinance No. 006-2019-*“Children And Youth Welfare Act Of Buyu-an”*:
*“FINDINGS AND DISCUSSIONS:***

The above-mentioned Barangay Ordinance was referred to this Committee for review and recommendation and the Committee has the following findings, to wit:

The said ordinance was accordingly presented in a barangay assembly on March 24, 2019 and re consistent with the provisions of Section 391 of the Local Government Code, to wit:

SECTION 391. Powers, Duties and Functions. – (a) The sangguniang barangay, as the legislative body of the barangay, shall:

- (1) Enact ordinances as may be necessary to discharge the responsibilities conferred upon it by law and ordinance and to promote the general welfare of the inhabitants therein;**
- (24) Exercise such other powers and perform such duties and functions as maybe prescribed by law or ordinance;**

x x x”

It is also consistent with SECTION 16 of the LGC which provides that every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

It is a declared state policy under the Philippine Constitution to recognize the vital role of the youth in nation building and to promote their physical, moral, spiritual, intellectual, and social well-being.

However, this ordinance must comply with:

- **Section 7(c) of the Smoking Ordinance of Tigbauan (Municipal Ordinance No. 2017-003) to wit:**

“Section 7. Persons Liable. — The following persons shall be liable under this Ordinance:

- c. *If the violator is a minor, the enforcer of this Ordinance shall report the incident to the school principal/dean exercising jurisdiction over the minor-offender where he shall be required to comply with disciplinary measures under the school where he/she is enrolled, and/or Municipal Social Welfare and Development Office for the appropriate action or intervention, pursuant to Republic Act 9344. Should the school have no policy for offenses committed by their pupils outside school premises or if the minor is an out-of-school youth, the enforcer shall ensure that the minor is referred to the Municipal Social Welfare and Development Office, which may likewise involve the parents or guardians and/or Barangay Official where the minor is a resident”.*

- **Section 21, R.A. 9344, “Juvenile Justice Welfare Act of 2006” to wit:**

“SEC. 21. Procedure for Taking the Child into Custody. - From the moment a child is taken into custody, the law enforcement officer shall:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- (c) Properly identify himself/herself and present proper identification to the child;
- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of this Act;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
 - 1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
 - 2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
 - 3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

RECOMMENDATIONS:

In view of the foregoing considerations, the Committee hereby recommend that a resolution be passed declaring as **LEGAL** and **VALID** the above-mentioned ordinance of Barangay Buyu-an, Tigbauan, Iloilo provided it complies with Section 7(c) of Municipal Ordinance No. 2017-003 and Section 21, R.A. 9344 as indicated above.

The Committee further recommends for adoption of the Committee's findings and recommendations.”

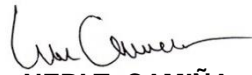
Respectfully Submitted:

June 26, 2019.


HON. VIRGILIO T. TERUEL
Chairman



HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO
Vice-Chairman

HON. JOHN GERSHWIN C. TUERES
Member


HON. NERI T. CAMIÑA
Member


HON. SUZETTE MARIE HILADO-BANNO
Member

ATTESTED:


MARLENE TAYO-NAVA
S.B. Secretary

HON. VIRGILIO T. TERUEL, LAWYER
Municipal Vice Mayor

Sangguniang Bayan Members:

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| Hon. Dennis T. Valencia | Hon. Suzette Marie Hilado-Banno, <i>M.D.</i> | Hon. Ma. Gerrylin Santuyo-Camposagrado, <i>LLB,MPA</i> |
| Hon. John Gershwin C. Tueres, <i>LLB</i> | Hon. Neri T. Camiña | Hon. Ricky T. Nulada |
| Hon. Ariel I. Bernardo | Hon. Julius T. Ledesma, <i>O.D.</i> | Hon. Jerry T. Tuares, (LnB-Pres.) <i>Civil Engineer</i> |
| | | Hon. Dyossa Marie Teruñez – (SKMF President) |

“Public office is a public trust. Public Officials must at all times be accountable to the people.”