

Republic of the Philippines
Province of Iloilo
Municipality of Tigbauan
Office of the Sangguniang Bayan
Tigbauan Municipal Hall, Tigbauan, Iloilo 5021 Philippines
(033) 511-8530 sbtigbauan@yahoo.com



EXCERPT FROM THE MINUTES OF THE 15th REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON APRIL 11, 2018 AT 2:00 O'CLOCK IN THE AFTERNOON

PRESENT:

HON. VIRGILIO T. TERUEL,	- Vice Mayor & Presiding Officer
HON. DENNIS T. VALENCIA	- S.B. Member (<i>Official Business; late 2:15 P.M.</i>)
HON. JOHN GERSHWIN C. TUERES	- S.B. Member
HON. ARIEL I. BERNARDO	- S.B. Member
HON. SUZETTE MARIE HILADO-BANNO	- S.B. Member
HON. JULIUS T. LEDESMA	- S.B. Member
HON. NERI T. CAMIÑA	- S.B. Member
HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO	- S.B. Member
HON. JERRY T. TUARES	- S.B. Member
HON. RONNIE T. PAGUNTALAN	- Liga President

ABSENT: NONE

Resolution No. 2018-057

RESOLUTION DECLARING AS **LEGAL AND VALID** BARANGAY 8 (POBLACION) ORDINANCE NO. 001 SERIES OF 2017 - ***“AN ORDINANCE PROHIBITING MINORS TO SAUNTER AND LOITER WITHIN THE BARANGAY OF BARANGAY 8, POBLACION, MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO, AFTER 10:00 O’CLOCK IN THE EVENING UNTIL 4:00 O’CLOCK IN THE MORNING”.***

WHEREAS, the above-mentioned subject matter was referred to the S.B. Committee on Rules, Ordinances, Resolutions and Legal Matters for review and recommendation and the Committee has the following findings, to wit:

Records show that the ordinance was presented in a barangay assembly. It is 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”

WHEREAS, the same 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 therefrom, 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;*

WHEREAS, however, in the enforcement of the Barangay Ordinance, the law enforcement officer **shall observe the provisions of Section 21 of R.A. No. 9344 (Juvenile Justice Welfare Act of 2006) in dealing with a minor or minors believed to be in violation of this Ordinance**, as follows:

- (a.) *Explain to the child in simple 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 present proper identification to the child;*
- (d.) *Refrain from using vulgar or profane words and from sexually harassing or abusing, or sexual advances on the child 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 separation, if appropriate;*
- (j.) *Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination result 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 of 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 parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.*

A child 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;

NOW, THEREFORE, on motion of HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO, *Vice Chairperson, Committee on Rules, Ordinances, Resolutions and Legal Matters (under the sponsorship of the Committee Chairman, Vice Mayor, Atty. Virgilio T. Teruel)*, and duly seconded by Hon. Dennis T. Valencia, Hon. Ariel I. Bernardo, Hon. Suzette Marie Hilado-Banno, Hon. Neri T. Camiña, Hon. Julius T. Ledesma, Hon. Jerry T. Tuares and Hon. Ronnie T. Paguntalan;

RESOLVED, to declare as **Legal and Valid** Barangay 8 (Poblacion) Ordinance No. 001 Series of 2017 - *"An Ordinance Prohibiting Minors to Saunter and Loiter Within the Barangay of Barangay 8, Poblacion, Municipality of Tigbauan, Province of Iloilo, after 10:00 O'clock in the Evening Until 4:00 o'clock in the Morning"*;

RESOLVED FURTHER, to forward copies of this Resolution to Mayor Suzette Tenefrancia-Alquisada, Municipal Mayor, this municipality, to Liga ng mga Barangay, to Brgys. 8 (Poblacion) and to all concerned for their information.

APPROVED.

CERTIFIED CORRECT:



MARLENE TAYO-NAVA
S.B. Secretary

ATTESTED:



VIRGILIO T. TERUEL
Vice Mayor & Presiding Officer

HON. VIRGILIO T. TERUEL, LAWYER
Municipal Vice Mayor

Sangguniang Bayan Members:

Hon. Dennis T. Valencia

Hon. Suzette Marie Hilado-Banno, *M.D.*

Hon. Ma. Gerrylin Santuyo-Camposagrado, *LLB,MPA*

Hon. John Gershwin C. Tueres, *LLB*

Hon. Neri T. Camiña

Hon. Jerry T. Tuares, *Civil Engineer*

Hon. Ariel I. Bernardo

Hon. Julius T. Ledesma, *O.D.*

Hon. Ronnie T. Paguntalan (LnB-Pres.)

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