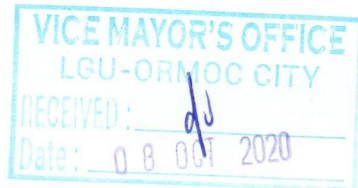


REPUBLIKA NG PILIPINAS
SANGGUNIANG PANLUNGSOD
LUNGSOD NG ORMOC



EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
FIFTEENTH SANGGUNIANG PANLUNGSOD NG ORMOC HELD
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL,
ORMOC CITY HALL BUILDING
ON OCTOBER 06, 2020



PRESENT:

Leo Carmelo L. Locsin, Jr.
Benjamin S. Pongos, Jr.,
Roiland H. Villasencio,
Tomas R. Serafica,
Nolito M. Quilang,
Eusebio Gerardo S. Penserga,
Jasper M. Lucero,
Peter M. Rodriguez,
Vincent L. Rama,
Gregorio G. Yrastorza III,
Lalaine A. Marcos,
Esteban V. Laurente,

Joan Marbie C. Simbajon,

Panlungsod na Pederasyon ng mga Sangguniang Kabataan ng Ormoc

City Vice Mayor & Presiding Officer

SP Member

SP Member

SP Member

SP Member, Majority Floor Leader

SP Member

SP Member, Asst. Majority Floor Leader

SP Member

SP Member

SP Member

SP Member

Ex-Officio SP Member, Chapter President,

Liga ng mga Barangay ng Ormoc

Ex-Officio SP Member, Chapter President,

EXPLANATORY NOTE

Proclamation No. 929, dated March 16, 2020, mandates all government agencies and Local Government Units (LGUs) to render full assistance and cooperation with each other and to mobilize the necessary resources to eliminate the threat posed by COVID-19 pandemic. Thereafter, the City Government of Ormoc, under the leadership of Mayor Richard I. Gomez, has been consistent in continuous cooperation and collaboration not only with the National Government Agencies through their regional and provincial offices but with private entities and individuals as well with the end in mind that only through coordinated efforts that the threat of COVID - 19 will be defeated. Hence, the slogan: "WE HEAL AS ONE".

One of the most affected segments of our society that has been shaken by the global pandemic caused by the novel coronavirus, SARS COV-2, is the education sector. The COVID-19 pandemic has affected the lives of all learners in the Philippines. Moved by the current predicament and challenges especially in the implementation of the School Learning Continuity Plan at the local level, DepEd Ormoc City Division requested for assistance from the City Government for a legislative action.

In a letter dated August 25, 2020, Schools Division Superintendent, Lani H. Cervantes of Department of Education (DepEd) Ormoc City Division, requested City Mayor Richard I. Gomez for an endorsement to the Liga ng mga Barangays for the crafting of an Ordinance to be implemented by all Barangays in Ormoc City to help DepEd Ormoc in implementing the School's Learning Continuity Plan (SLCP), thereby, including the following in the Barangay Ordinances:

1. Prohibiting/Limiting school-aged learners from going outside their houses during class hours:
2. Creating a Special Committee at the barangay level to assist in the delivery and retrieval of learning modules from school to residences and vice-versa:

3. Assigning leaders to be assisted by SBM Members in monitoring of the availability, delivery and retrieval of learning packages and the implementation of modular distance learning; and,
4. Initiating support for the education of the school-aged learners in their respective barangays under the new normal set-up.

Upon consideration of the request of DepEd Ormoc, the Liga ng mga Barangay contemplated that the legislative action would far more provide operative efficiency if it would emanate from the 15th Sanggunian ng Ormoc instead of localized barangay ordinances. Aside from responding to urgent call of DEPED the proposal to pass an ordinance from the Sangguniang Panlungsod will also ensure uniformity in the major strategies to be carried out to all barangays. Subsequently, the ordinance has been drafted for the consideration of this Sanggunian.

In response to constitutional mandate and willingness to help the national government, Local Government Unit (LGU) of Ormoc and Department of Education (DepEd)- Ormoc City Division acted as a team to provide for mechanisms so as not to compromise the health, safety and welfare of the learners and educators while DepEd Ormoc is implementing the SLCP.

To note, while the government and health officials are trying to flatten the epidemiological curve of the deadly virus, the DepEd is working hard to transition the modality of teaching from conventional "face-to-face" learning, or the traditional "brick-and-mortar schools" to so-called "BLENDED LEARNING." Blended learning is also known as "hybrid learning" or a fusion of "online distant learning" and "in-person" delivery of printed materials to the homes of the learners through the barangays (villages) for those who do not have internet access and interactive facilities in the comfort of their homes.

Finally, it is important to note further that the engagement of the community is essential in bringing along the significant roles of the Barangays to support and assist DepEd in the implementation of the relatively new processes of the SLCP;

WHEREFORE, on joint motion of SP Member Nolito M. Quilang, Chairman of the Committee on Education and SP Member Esteban Laurente, Chairman, Committee on Barangay Affairs and Rural Development, severally seconded by SP Members Joan Marbie C. Simbajon, Lalaine A. Marcos, Gregorio G. Yrastorza III, Jasper M. Lucero, Eusebio Gerardo S. Penserga, Tomas R. Serafica, Peter M. Rodriguez, Roiland H. Villasencio and Vincent L. Rama;

RESOLVED, to enact:

**ORDINANCE NO. 042
(Series 2020)**

**AN ORDINANCE ESTABLISHING STRUCTURES AND
MECHANISMS TO ENSURE CONTINUITY IN THE
ACCESS OF BASIC EDUCATION FOR THE DURATION
OF THE PUBLIC HEALTH EMERGENCY THEREBY
SUPPORTING THE SCHOOL LEARNING CONTINUITY
PLAN (SLCP) OF THE DEPARTMENT OF EDUCATION
(DepEd) - ORMOC CITY DIVISION.**

BE IT ORDAINED, by the 15th Sangguniang Panlungsod in its session duly assembled, that

SECTION 1. TITLE – This Ordinance shall also be known as the "ACCESS TO BASIC EDUCATION DURING PUBLIC HEALTH EMERGENCY ORDINANCE."

SECTION 2. DECLARATION OF POLICY – It shall be the policy of the CITY GOVERNMENT OF ORMOC to seek organized means and systematic methods other than conventional face to face learning and find for other alternative ways effective enough for the delivery of quality basic education. Thus, it is declared the policy of the City to protect the health, safety and welfare of the learners and educators while ensuring the delivery of quality education to DepEd learners.

SECTION 3. DEFINITION OF TERMS – The words and phrases used in this Ordinance are hereby defined as follows:

- a. **CLASS HOURS** – is defined in this ordinance from 8:00 o'clock in the morning to 4:00 o'clock in the afternoon, Monday to Friday.
- b. **LAW ENFORCEMENT OFFICER** - refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod.
- c. **MODULAR DISTANCE LEARNING** - involves individualized instruction that allows learners to use SLMs in print or digital format, whichever is applicable in the context of the learner, and other learning resources like learner's materials, textbooks, activity sheets, study guides, and other study materials. Learners access electronic copies of learning materials on a personal computer (PC), tablet PC, or smartphone. CDs, DVDs, USB storage, and computer-based applications can all be used to deliver e-learning materials, including offline ebooks. The teacher takes the responsibility of monitoring the progress of the learners. The learners may ask assistance from the teacher via email, telephone, text message/instant messaging, etc. Where possible, the teacher shall do home visits to learners needing remediation or assistance. Any member of the family or other stakeholders in the community need to serve as para-teachers.
- d. **PUBLIC HEALTH EMERGENCY** – as defined in R.A. 11332, refers to an occurrence or imminent threat of an illness or health condition that:
 1. Is caused by any of the following:
 - i. Bio terrorism;
 - ii. Appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
 - iii. A natural disaster;
 - iv. A chemical attack or accidental release;
 - v. A nuclear attack or accident; or
 - vi. An attack or accidental release of radioactive materials; and
 2. Poses a high probability of any of the following:
 - i. A large number of deaths in the affected population;
 - ii. A large number of serious injuries or long-term disabilities in the affected population;
 - iii. Widespread exposure to an infectious or toxic agent that poses a significant risk of substantial harm to a large number of people in the affected population;
 - iv. International exposure to an infectious or toxic agent that poses a significant risk to the health of citizens of other countries; or
 - v. Trade and travel restrictions;

- e. **SCHOOL-AGED LEARNERS** – refers to the learners aged 5 to 17 years old or those who attend basic education curriculum.

SECTION 4. ROLE OF THE CITY GOVERNMENT OF ORMOC IN IMPLEMENTING SLCP. The City Government of Ormoc through the Local School Board (LSB) shall create a Technical Working Group (TWG) to monitor implementation of SLCP and provide support to DEPED Division Office in ensuring access to quality of Education during public health emergencies.

SECTION 5. CREATION AND COMPOSITION OF BARANGAY EDUCATION TASK FORCE (BETF). Every Barangay in Ormoc City shall create a BETF to implement the Schools Learning Continuity Plan (SLCP) at barangay level and shall be composed of the following:

- CHAIRPERSON : Punong Barangay
CO-CHAIRPERSON : Principal/School Head/ Teacher
In-charge of all schools located in a Barangay
MEMBERS : Sangguniang Barangay Member – Chairperson on the
Committee on Education
: All Purok Leader/Representative from each Purok
: PTA President
: Representative of secondary schools in catchment
Barangays
: Chief Tanod
: SK Chairperson
: Child Development Worker

Secondary schools shall communicate with Punong Barangays of their catchment areas indicating their interest to sit as members in the BETF. Punong Barangays shall ensure that they are included as members and shall be invited during BETF meetings and other activities.

SECTION 6. SECRETARIAT TO THE BETF. The school heads in the BETF shall agree on the teacher to serve as Secretary of the BETF and may form a team to perform the secretariat functions of the BETF.

SECTION 7. FUNCTIONS OF BETF. The primary task and functions of the BETF is to provide support and assistance in the implementation of the School Learning Continuity Plan, viz:

- a. Delivery and retrieval of learning modules from school to the residences or designated posts and vice versa; and
- b. Monitoring of the availability, delivery and retrieval of learning packages.
- c. Implementation of health protocols and other measures to protect health and safety of learners and teachers.
- d. Ensure security of instructional materials or modular needed, as well as, safety on the delivery of such materials.
- e. Perform other functions that maybe assigned by the Local School Board or by the Barangay Council.

SECTION 8. PROHIBITED ACTS.

- a. School-aged learners shall not be allowed to go outside their residences during class hours that is, from 8 o'clock in the morning to 4 o'clock in the afternoon, Monday to Friday.

- b. It is unlawful for any parent/guardian of any school-aged learner to permit or cause the said learner to go outside of the residences during class hours.

SECTION 9. EXCEPTIONS. The following acts or occasions shall be exceptions from Section 8:

- a. The school-aged learner is involved in a health or emergency situation. This includes unforeseen circumstances such as fires, calamities, disasters, automobile accidents, or other similar circumstances or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property.
- b. When regulations and other issuances from national or local inter-agency task forces on health emergencies allow minor learners to go outside of their residences.
- c. The school-aged learner needs to go to another area for access or better access to internet connection when required by the school and subject to regulations issued by the BETC and subject to health protocols.

SECTION 10. PENALTY. The following penalties shall be imposed upon the parent or guardian of the school-aged learner found to be in violation of this Ordinance.

First Offense: The parent/guardian of a school-aged learner violating this Ordinance shall be required to meet with the SBM on Education within three (3) days from commission of an offense for a verbal reprimand and a fine of not more than TWO HUNDRED (PHP 200.00) PESOS at the discretion of the court.

Second Offense: The parent/guardian shall pay a fine of not more than SIX HUNDRED (PHP 600.00) PESOS at the discretion of the Court and one-hour session on discipline and health emergencies risks.

Third Offense: The parent/guardian shall pay a fine of not more than ONE THOUSAND PESOS (PHP 1,000.00) at the discretion of the court and one-hour session on discipline and health emergencies risks.

The parent/guardian may opt to pay administrative fine in the amount equivalent to fifty percent (50%) of the maximum amount as penalty of an offense to avoid further prosecution of the offense.

Payments of fines shall be paid directly to the Barangay through the Barangay Treasurer. Fines collected shall be used to support the operations of the BETF.

Barangay officials and other officials who refuses or neglects to perform their duties under this ordinance shall be subject to administrative liabilities under pertinent laws and regulations.

SECTION 11. TREATMENT OF SCHOOL-AGED LEARNERS CONSIDERED CHILD AT RISK. No penalty shall be imposed on a school-aged learner for violation of this Ordinance and he/she shall instead be brought to the barangay hall to be released to the custody of his/her parent/s or guardian/s. The school-aged learner shall also be recorded as a "child at risk" and not as a "child in conflict with the law". However, the school-aged learner shall be required to attend intervention programs, such as advice and attendance in group activities for children. The SB Member in charge of education shall take charge of proper documentation and ensure that advice and lectures are properly given to the school-aged learner classified as at risk and their parents.

The BETF with the assistance from the City Social Welfare Department shall prepare the module for the one-hour session on discipline and Health Emergency risks and designate from its members the resource persons.

SECTION 12. PROCEDURES FOR TAKING THE SCHOOL-AGED LEARNER INTO CUSTODY. Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006 as amended by Republic Act No. 10630, prescribes proper procedures to be observed by the law enforcement officers (barangay officials and tanods) in taking the child into custody, which shall also apply to school-aged children in this ordinance, to wit:

- 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;
- e. Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraints, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- f. Refrain from subjecting the child to greater restraint that is necessary for his/her apprehension;
- g. Avoid violence or unnecessary force;
- h. Determine the age of the child;

SECTION 13. OBLIGATIONS AND LIABILITIES OF PARENT/S OR GUARDIAN/S. The parent/s or guardian/s who is/are in actual custody or living together with the school-aged learner is/are under obligation to supervise the conduct and activities of the school-aged learner and see to it that the latter is in his/her home during class hours.

SECTION 14. CONCERNED CITIZEN PARTICIPATION. Any person who has personal knowledge of the presence of a school-aged learner outside residences during class hours may report the same to the barangay office for appropriate action.

SECTION 15. SEPARABILITY CLAUSE. Should any part or provision of this Ordinance be held unconstitutional and declared invalid by competent court, the other parts or provisions hereof not affected shall continue to be in full force and effect.

SECTION 16. REPEALING CLAUSE. Any provision of ordinance, rules and regulations and/or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 17. EFFECTIVITY. This Ordinance shall take effect immediately following compliance with the publication and posting requirements in the Local Government Code of 1991.

ENACTED, October 06, 2020.

RESOLVED, FURTHER, to furnish copies of this ordinance one each to the City Mayor Richard I. Gomez, the City Administrator; the City Legal Officer; the CSWD; the Local School Board; the Schools Division Superintendent, Lani H. Gervantes of DepEd - Ormoc City Division; the President, Liga ng mga Barangay; 110 Barangays in Ormoc City; the President, Panlungsod na Pederasyon ng mga Sangguniang Kabataan; the City Prosecutor's Office; the Municipal Trial Court in Cities; the City Local Government Operations Officer-DILG; and other offices concerned;

CARRIED by Eleven (11) Affirmative Votes. SP Member Benjamin S. Pongos, Jr. was out during the voting.

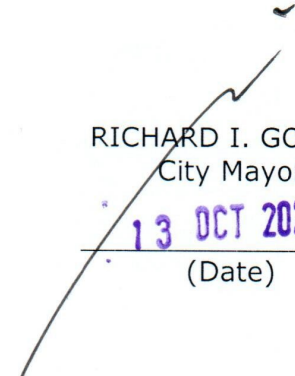
I HEREBY CERTIFY to the correctness of the above ordinance.


MARIA ANTONIETA G. CO HAT
Secretary to the
Sangguniang Panlungsod

ATTESTED:


LEO CARMELO L. LOCSIN, JR.
City Vice Mayor & Presiding Officer

APPROVED:


RICHARD I. GOMEZ
City Mayor

13 OCT 2020
(Date)

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