

Republic of the Philippines  
SANGGUNIANG PANLUNGSOD  
CITY OF SURIGAO

MINUTES OF THE 6<sup>th</sup> REGULAR SESSION OF THE SANGGUNIANG  
PANLUNGSOD OF THE CITY OF SURIGAO HELD AT THE SP  
SESSION HALL ON FEBRUARY 8, 2024.

PRESENT:

- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| Hon. Sebastian Ric. A. Nagas      | - City Councilor                     |
| Hon. Cacer R. Azarcon             | - City Councilor (Presiding Officer) |
| Hon. Joenil B. Aldonza            | - City Councilor                     |
| Hon. Joshua Emilio S. Geli        | - City Councilor                     |
| Hon. Baltazar C. Abian            | - City Councilor                     |
| Hon. Noel Christian G. Catre, Jr. | - City Councilor                     |
| Hon. Joseph Joey S. Yuipco        | - City Councilor                     |
| Hon. Karl Duane A. Casurra        | - City Councilor                     |
| Hon. Florenillo B. Ravelo         | - Liga ng mga Barangay President     |
| Hon. Jenelyn Edulzura             | - SK Federation President            |

ABSENT:

- |                               |  |
|-------------------------------|--|
| Hon. Alfonso S. Casurra       | - City Vice Mayor (CMO-Office Caretaker) |
| Hon. Joel E. Tinio            | - City Councilor (OL)                    |
| Hon. Jose Expeditus B. Bayana | - City Councilor (OT)                    |

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The session was called to order at 1:59 o'clock in the afternoon of February 8, 2024.

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**OPENING PRAYER**

**HON. JENELYN EDULZURA:**

Let us pray.

In the name of the Father, and of the Son,  
and of the Holy Spirit. Amen.

ABBA FATHER, thank You for Your grace and mercy that we receive  
everyday. As we gather today, give us guidance and wisdom. Help us to  
work together in harmony and purpose. Grant us clarity of thought and unity  
of mind, so that our decisions may reflect Your will and contribute to the  
greater good of all involved. Bless our discussions and efforts with Your  
Grace. In Jesus name we pray. Amen.

In the name of the Father, and of the Son,  
and of the Holy Spirit. Amen.

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**SINGING OF THE PHILIPPINE NATIONAL ANTHEM**

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**ROLL CALL**

The roll call was conducted with all the members of the Sangguniang Panlungsod listed herein as present in attendance, and thereafter a **QUORUM** was declared.

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**PERUSAL AND APPROVAL OF THE  
PREVIOUS MINUTES**

Before the approval of the Minutes, Acting SP Secretary, Mrs. Edna B. Siega read the resolutions that were passed and approved in the previous regular session.

Thereafter, Honorable Sebastian Ric A. Nagas was recognized and presented a motion for the approval of the Minutes of the previous regular session, seconded by Honorable Joseph Joey S. Yuipco, Honorable Baltazar C. Abian, Honorable Joshua Emilio S. Geli, Honorable Karl Duane A. Casurra, it was unanimously

**029**

**RESOLVED:** That the Minutes of the Regular Session held on February 1, 2024, re: Resolution Nos. 20-28 be as it is hereby approved.

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**MATTERS OF INFORMATION**

None

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**INCLUSION, AMENDMENT AND  
APPROVAL OF THE AGENDA**

On motion of Honorable Joshua Emilio S. Geli, duly seconded by Honorable Sebastian Ric A. Nagas, it was unanimously

**030**

**RESOLVED,** to approve, as it is hereby approved, the agenda of the 6<sup>th</sup> Regular Session of the Sangguniang Panlungsod dated 8 February, 2024, as prepared and presented.

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**FIRST READING:**

None

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**REFERRAL TO COMMITTEES:**

a. Committee on Rules —

- Indorsement from the City Vice Mayor, the herein Proposed Ordinance "An Ordinance for the Abolition of Existing Plantilla Positions in the Office of the Sangguniang Panlungsod Secretary and the Office of Vice

Mayor, Creating New Plantilla Positions in Lieu Thereof, Retitling of Existing Positions and for Other Purposes, for favorable consideration and approval

b. Committee on Social Welfare —

- Letter from the Regional Director of Commission on Population and Development, Mr. Alexander A. Makinano, requesting to the City Council for the support and cooperation in the Implementation of the Philippine Population and Development - Plan of Action (PPD-POA) for 2023-2028.
- Indorsement from the City Mayor, requesting the City Council to authorize the City Mayor to enter into a Memorandum of Agreement (MOA) with the Department of Social Welfare and development of the latter's assistance to (LGU) Surigao, CSWDO Bahay Pag-asa Facilities

c. Committee on Ways and Means and Committee on Public Works and Infrastructure —

- Indorsement from the City Mayor, forwarding to the City Council the Draft Ordinance, Adopting / Approving the Revised Schedule of Fees and Charges for Laboratory Testing of Construction Materials as Prescribed by Department Order No. 188, series of 2022 of the Department of Public Works and Highways

d. Committee on Appropriations —

- Letter from the City Budget Officer, Submitting the Annual Budget for CY 2024 of Barangays Canlanipa and Punta Bilar, all of this city, with Technical Review Analysis sheet

e. Committee on Women and Family—

- Indorsement from the City Mayor, forwarding to the City Council the draft ordinance, "An Ordinance Establishing the VAWC Desk in Every Barangay of the City of Surigao and Prescribing the Protocol in the Handling of all VAWC Cases Filed Thereof

Honorable Catre, the Chairman, Committee on Women and Family requested the Acting SP Secretary to schedule the committee meeting with regard the matter, on the same day as the Committee Meeting on Environment and Natural Resources.

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### COMMITTEE REPORT

Honorable Yuipco was recognized.

**HON. JOSEPH JOEY S. YUIPCO:**

*Good afternoon, Mr. Chair and to my colleagues.*

**COMMITTEE REPORT**  
**COMMITTEE ON AGRICULTURE AND FISHERIES**

**SUBJECT:**

*REFERRAL OF THE CITY MAYOR FOR THE PASSAGE OF A RESOLUTION  
 DECLARING A PORTION OF THE SURIGAO CITY BOULEVARD AS MARINE  
 SANCTUARY AREA (AREA TO DECLARED: 5,328 SQ. M. MORE OR LESS)*

**FACTS/FINDINGS:**

**COMMITTEE HEARING:**

*A Committee Hearing was conducted on February 7, 2024 at the SP Session Hall  
 attended to by:*

<i>HON. ALFONSO S. CASURRA</i>	<i>- Vice Mayor and Presiding the Meeting</i>
<i>HON. JOSEPH JOEY S. YUIPCO</i>	<i>- Chair, Committee on Agriculture</i>
<i>HON. JOSHUA EMILIO S. GELI</i>	<i>- Member, Committee on Agriculture</i>
<i>MS. AMELITA N. DELA CERNA</i>	<i>- Acting City Agriculturist, City Agriculture Office, Surigao City</i>
<i>MR. ALFIE JAN CULLA</i>	<i>- Agriculturist Technologist, City Agriculture Office, Surigao City</i>
<i>MR. CLEAVEN HOPE T. DUMARAN</i>	<i>- FRMS Staff, BFAR Caraga, Butuan City</i>
<i>MR. MATT ALCANTARA</i>	<i>- FRMS Staff, BFAR Caraga, Butuan City</i>
<i>MR. FILBEN D. IBURAN</i>	<i>- CFARM C</i>
<i>MR. FELIXBERTO M. TANDUYAN</i>	<i>- Provincial Fisheries Officer, Provincial Fishery Office, Surigao City</i>
<i>MR. ERNANIE B. ANDING</i>	<i>- Agriculturist I, PFO – Staff, PFO – SDN</i>

*During the meeting, the BFAR Regional Office recommended the following:*

- 1. Instead of Declaring the subject area as Marine Sanctuary, the Resource Persons recommended that the same be instead declared as CORAL REEF PRESERVATION AREA as this is the most fit in the area;*
- 2. That the area be open for fishing activities but limited only to Hook and Line Fishing and can later be on opened for snorkeling activities under regulation that would be covered by an Ordinance to be passed by the SP.*
- 3. That the area be extended near the Parola Area, with a buffer zone of at least 50 meters more or less;*
- 4. That artificial coral reef be considered as a regular activity on a year round basis;*

**RECOMMENDATION OF THE COMMITTEE:**

*The Committee after being apprised of the Resource Persons findings, hereby recommend that their recommendation be duly adopted and for the Office of the City Mayor to draft an Ordinance declaring the subject area as Coral Reef Preservation Area with the necessary regulations in the conduct of fishing activities in said area, imposing fines and penalties for its violation and providing funds for its implementation.*

*I therefore move that the said Committee Report be adopted, Mr. Chair.*

The motion to adopt the committee report was approved. However, during discussion, the Presiding Officer asked few questions to the proponent.

**HON. CACEL R. AZARCON / PRESIDING OFFICER:**

*So, have you, in your committee report, have you measured the area to be called as Coral Reef Reservation Area?*

**HON. JOSEPH JOEY S. YUIPCO:**

*Ang recommended nila sa permiro pa more or less half hectares, pero, jaon may tag more or less taglong nila na kay e-finalize pa nato ang kuan kay maghimo pa man nan...*

**HON. CACEL R. AZARCON / PRESIDING OFFICER:**

*It could be more, it could be less.*

**HON. JOSEPH JOEY S. YUIPCO:**

*More or less. oo. So ang ako recommendation nila na from I Love Surigao to Parola with buffer zone of 50 meters. Pero kun 5,000 is mubo ra karajaw. Dili ma kuan sa...amo gani taghimo jaon na...*

**HON. CACEL R. AZARCON / PRESIDING OFFICER:**

*What about the area now being used as warf?*

**HON. JOSEPH JOEY S. YUIPCO:**

*An jaon ija pasingod didto sa lawod, 'di ta moabot na jaoy boya na taghimo nan PPA 'di kita malagpas diha kay shipping lane kuno jaon, amoy taglaong... so before nan jaon boya anhi ra kita dapit dinhi.*

**HON. CACEL R. AZARCON / PRESIDING OFFICER:**

*I think it's more prudent and necessary, that we should be definite with the, at the exact area to be covered, and to be called as coral reef preservation area. And then, in your recommendation, you stated here that the Office of the City Mayor will draft an Ordinance. I think that is not the job of the City Mayor's Office, because this is purely legislative in nature. So, there must be somebody from among us who will sponsor for the passage of the possible Ordinance, referring that area as coral reef preservation area. That is my take, Hon. Yuipco.*

**HON. JOSEPH JOEY S. YUIPCO:**

*Okay, Mr. Chair. Noted.*

**HON. CACEL R. AZARCON / PRESIDING OFFICER:**

*Okay. So kindly reiterate your motion with, and consider my points? Well, there is already a motion, duly seconded. For purposes of discussion, I interjected something.*

*Any objection? Discussions? More discussions? No more? Hearing none. The motion of the Hon. Yuipco is APPROVED.*

Thereafter, a motion was presented and favorably seconded and approved, to wit:

**RESOLUTION NO. 31 - 2024**

**A RESOLUTION ADOPTING THE RECOMMENDATIONS OF  
BUREAU OF FISHERIES AND AQUATIC RESOURCES (BFAR)  
REGIONAL OFFICE AND REFERRING THE SAME TO THE OFFICE OF  
THE CITY MAYOR.**

**WHEREAS**, the Sangguniang Panlungsod was in receipt of an endorsement from the City Mayor, requesting the City Council to pass a resolution for the Declaration of the area located at Surigao City Boulevard (I Love Surigao) Area as Marine Sanctuary with an approximate area of 5,326 square meters;

**WHEREAS**, during the committee hearing, the BFAR Regional Office recommended the following:

- *Instead of declaring the subject area as Marine Sanctuary, BFAR Regional Office recommended that the same be instead declared as CORAL REEF PRESERVATION AREA as this is the most fit in the area;*
- *That the area be open for fishing activities but limited only to Hook and Line Fishing and can later be on opened for snorkeling activities under regulation that would be covered by an Ordinance to be passed by the SP.*
- *That the area be extended near the Parola Area, with a buffer zone of at least 50 meters more or less;*
- *That artificial coral reef be considered as a regular activity on a year round basis;*

**WHEREAS**, the committee adopted the recommendations after being apprised of the findings from the BFAR Regional Office;

**NOW THEREFORE**, on motion of Honorable Joseph Joey S. Yuipco seconded by Honorable Joshua Emilio S. Geli, it was unanimously

**RESOLVED:** To pass a resolution adopting the recommendations of Bureau of Fisheries and Aquatic Resources (BFAR) Regional Office and referring the same to the Office of the City Mayor.

**RESOLVED FURTHER:** That copies of this resolution be furnished Honorable City Mayor Pablo Yves L. Dumlao II and Bureau of Fisheries and Aquatic Resources (BFAR) Regional Office, for their information and guidance.

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Honorable Aldonza was recognized.

**HON. JOENIL B. ALDONZA:**

*Good afternoon Mr. Chair and to my colleagues. My committee report pertains to the Proposed Ordinance Establishing a Senior Citizen Center in Surigao City in its 54 Barangays, Appropriating Funds Thereof and for other Purposes. With the facts and findings for the purpose of this Ordinance, as we have conducted a committee hearing last*

February 6, 2024, with the present members and focal persons. The proposed ordinances were in order, with the discussion of one additional section amended.

For this Mr. Chair, I just have to ask for the adoption of my committee report.  
The motion to adopt the committee report was approved.

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1. CALENDAR OF BUSINESS

A. Pending Matters:

None

- - - - -

B. Urgent Matters:

None

- - - - -

C. Business of the Day:

2<sup>nd</sup> Reading:

- Proposed Ordinance, “An Ordinance Amending Ordinance No. 219, Series of 2004, entitled the Child Welfare Code of Surigao City” (By Committee on Women and Family)

Honorable Catre was recognized. The motion to take up the proposed ordinance on 2<sup>nd</sup> reading was presented and approved. The Proponent moved for the suspension of the rules to allow the resource person to join the discussion. **RULES ARE SUSPENDED.**

The resource person read the specific sections and articles to be amended and it was raised during the discussion that although these amendments might be repetitive as these provisions were already present under International Law, which the Philippines should observe, being one of the members of the United Nations, the DILG required that the same be localized.

After all the proposed amendments were presented, the motion to approve on 2<sup>nd</sup> reading was presented and was approved.

Thereafter, a motion to approve on 3<sup>rd</sup> and final reading was presented and approved, to wit:

On motion of Honorable Noel Christian G. Catre, Jr., seconded by Honorable Sebastian Ric A. Nagas and Honorable Florenillo B. Ravelo, it was unanimously

RESOLVED: That the following Ordinance, be as it is hereby enacted, to wit:

ORDINANCE NO. 495  
SERIES OF 2024

**AN ORDINANCE AMENDING ORDINANCE NO. 219 SERIES OF 2004, OTHERWISE KNOWN AS THE CHILD WELFARE CODE OF SURIGAO CITY.**

The Sangguniang Panlungsod of the City of Surigao hereby ORDAINS:

**Section 1.** Section 1, Article 2 of Ordinance No. 219 Series of 2004, otherwise known as the “Child Welfare Code” is hereby amended, as follows:

**“SECTION 1. RIGHTS OF CHILDREN. - xxx**

The United Nations Convention on the Rights of the Child (UNCRC) states that there are four basic rights of the child to be fulfilled. xxx

a. xxx

xxx

d) **PARTICIPATION RIGHTS** which protect the right to freedom of expression, and the right to freedom of association and peaceful assembly. The following are the Participation Rights:

1. Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of a national law;

2. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;

3. Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;

4. Every child has the right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her;

5. Every child has a right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.”

**Section 2.** Section 2, Article 3 of the Ordinance is hereby amended, as follows:

“b) State of the Children Report - xxx

The Annual State of the Children Report shall be part of the yearly observance of the Children's Month every November.”

**Section 2.** Section 2, Article 3 of the Ordinance is hereby amended, as follows:

“a) xxx

b) State of the Children Report - The Office of the City Mayor shall deliver an Annual State of the Children Report highlighting the progress of the implementation of the planned and targeted programs and projects for children, including developments in the implementation of the Local Development Plan for Children, Local Investment Plan for Children, and the Child welfare Code.



The Annual State of the Children Report shall be part of the yearly observance of the Children's Month every November.

c) xxx

The City Government of Surigao shall regularly appropriate funds of not less than 1% of its annual development fund to support the administrative and operational needs of the Local Council for the Protection of Children (LCPC) in accordance to Republic Act 9344, Section 15.

Composition of the CCPC/LCPC:  
xxx

Members

xxx

-BJMP Warden

-The City Prosecutor

-The DOLE Officer

Xxx”

**Section 3.** Section 6, Article 5 of the Ordinance is hereby amended, as follows:

**“SECTION 6. CHILDREN'S MONTH AND CHILDREN'S DAY CELEBRATION. -**

a) xxx

b) In accordance with Republic Act No. 10661, declaring the month of November as the National Children’s Month, the City of Surigao hereby declares and affirms the month of November of every year as the “National Children’s Month.” Thus, to give credence to the talents and achievements of the local children in the arts and sciences, as well as in sports and other disciplines, a group of Ten Outstanding Children shall be recognized every year in an appropriate ceremony spearheaded by the City Council for the Protection of Children (CCPC).”

**Section 4.** Section 5 (b) (9), Article 6 of Ordinance No. 219 series of 2004 is hereby deleted.

**Section 5.** Section 5 (d), Article 6 of the Ordinance is hereby amended, as follows:

**“SECTION 5. CRISIS INTERVENTION CENTER.**

a) xxx

xxx

d) Budget Allocation for Crisis Intervention Center

The City Government of Surigao shall include in its annual budget appropriations necessary for the continued operation of the Crisis Intervention Center, as well as the establishment of the operation of drug rehabilitation center. Annual appropriations for the operation and maintenance of the center shall form part of the budgetary outlay of the City Social Welfare & Development Office.”

**Section 6.** Section 8, Article 6 of the Ordinance is hereby amended, as follows:

**“SECTION 8. CHILDREN IN CONFLICT WITH THE LAW (CICL) and CHILDREN AT RISK (CAR). -**

a) Cases involving Children in conflict with Law and Children at risk shall be generally dealt with in accordance with the pertinent stipulations of P.D. 603, Family Courts Law, the Rules of Court on Juveniles in Conflict with the Law, the Rules on Commitment of Children, the Protocol in handling cases CICL and CAR with its defined institutional arrangements, procedures and policies, as well as statutory functions of mandated agencies in handling youthful offenders as stipulated in RA 9344, as amended by the RA 10630 and other pertinent rules thereof.

b) xxx”

**Section 7.** Section 11, Article 6 of the Ordinance is hereby amended, as follows:

**“SECTION 11. VIOLENCE AGAINST WOMEN AND CHILDREN. -**

a) In keeping with the fundamental guarantees of protection of national and international issuances, the City Government of Surigao in coordination with concerned government agencies, non-government organization and members of the civil society shall establish a program that shall provide protective, medical legal and social work services to victims of acts of violence against women and children, particularly focusing to the mother and her child. Such program shall include the training of persons in responding to cases involving violence against women and their children and community-based education for Barangay officials, members of the Philippine National Police and other concerned sectors.

b) xxx “

**Section 7.** Sections 2 and 3, Article 7 of the Ordinance is hereby amended, as follows:

**“SECTION 2. CHILDREN'S CONGRESS. -** There shall be a Children's Congress to be held in November of every year. The congress shall be participated in by Children Representatives from all barangays of the Local Government Unit.

xxx

**SECTION 3. FUN DAY. -** There shall be a FUN DAY for children including those with Special Needs to be held in November of every year.

xxx”

**Section 8.** The rest of the provisions of Ordinance No. 219 series of 2004 and all other provisions of existing Ordinances which protects, promotes, and advances the welfare of children not affected by this amendment shall continue to remain in full force and effect.

**Section 9. EFFECTIVITY.** This Ordinance shall take effect after its approval.

Enacted on February 8, 2024.

**SPONSORED BY: HON. NOEL CHRISTIAN G. CATRE, JR.**  
Chairman, Committee on Women and Family

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- Proposed Ordinance, An Ordinance Amending Ordinance No. 263, Series of 2007, entitled "An Ordinance Providing for the Gender and Development Code of Surigao City" (By Committee on Women and Family)

The motion to take up the proposed ordinance on 2<sup>nd</sup> reading was presented and approved. The same resource person read the specific sections and articles to be amended. The Presiding Officer hoped that the proponent monitors the execution of the ordinance as it is of great importance.

It was also added by the proponent that under the Republic Act 11648, the age of sexual consent has been raised to 16 years old from 12 years old. The same was noted by the Acting SP Secretary.

The provision of imposition of death penalty was also deleted from the Ordinance.

There being no more discussion, the proponent moved for the approval of the ordinance on 2<sup>nd</sup> reading. The same was favorably seconded and approved.

Thereafter, a motion to approve on 3<sup>rd</sup> and final reading was presented and approved, to wit:

On motion of Honorable Noel Christian G. Catre, Jr., seconded by Honorable Sebastian Ric A. Nagas and Honorable Florenillo B. Ravelo, it was unanimously

RESOLVED: That the following Ordinance, be as it is hereby enacted, to wit:

**033**

**ORDINANCE NO. 496**  
**SERIES OF 2024**

**AN ORDINANCE AMENDING ORDINANCE NO. 263 SERIES OF 2017 AND FOR OTHER PURPOSES, “AN ORDINANCE PROVIDING FOR THE GENDER AND DEVELOPMENT CODE OF SURIGAO CITY.**

The Sangguniang Panlungsod of the City of Surigao hereby ORDAINS:

**Section 1.** Section 3, Article I, Chapter I, Book I of Ordinance No. 263 Series of 2017, otherwise known as the “Gender and Development Code of the City of Surigao” is hereby amended by inserting and/or modifying the following provisions:

“xxx

**GAD DATABASE** - is an organized collection of interrelated data that serves as basis for gender-responsive planning, programming and policy formulation.

xxx

**RAPE** - an act committed:

a. xxx

xxx

iv) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: Provided, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: Provided, further, That if the victim is under thirteen (13) years of age, this exception shall not apply.

As used in this Act, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities.

xxx

**SIMPLE SEDUCTION** - an illicit sexual intercourse committed against a child who is over sixteen but under eighteen years of age committed by means of deceit and persuasion.

**QUALIFIED SEDUCTION** - an illicit sexual intercourse committed through persuasion of a child over sixteen but under eighteen years of age by a person in public authority, priest, home servant, domestic, guardian, teacher, or any person, who, in any capacity shall be entrusted with the education or custody of the child seduced.”

**Section 2.** Section 19, Article III, Chapter II, Book I of the Ordinance is hereby amended, as follows:

**“Section 19. Girl-Child Week.** The City Government shall set the fourth (4<sup>th</sup>) Week of March as the ‘Protection an Gender-Fair Treatment of the Girl Child Week.’ It shall be spearheaded by the City Social Welfare and Development Office and the Division of City Schools.”

**Section 3.** Section 27, Article V, Chapter II, Book I of the Ordinance is hereby amended, as follows:

**“Section 27. Maternity Leave benefits for married and unmarried Mothers in the Private Sector** - Any pregnant female worker in the private sector shall be granted a maternity leave of one hundred five (105) days with full pay, regardless of whether she gave birth via caesarian section or natural delivery, while maternity leave of sixty (60) days with full pay shall be granted for miscarriage or emergency termination of pregnancy.

(a) A female Social Security System (SSS) member who has paid at least three (3) monthly contributions in the twelve (12)-month period

immediately preceding the semester of her childbirth, miscarriage, or emergency termination of pregnancy shall be paid her daily maternity benefit which shall be computed based on her average monthly salary credit for one hundred five (105) days, regardless of whether she gave birth via caesarian section or natural delivery, subject to the following conditions:

(1) That the female worker shall have notified her employer of her pregnancy and the probable date of her childbirth, which notice shall be transmitted to the SSS in accordance with the rules and regulations it may provide;

(2) That the full payment shall be advanced by the employer within thirty (30) days from the filing of the maternity leave application;

(3) That payment of daily maternity benefits shall be a bar to the recovery of sickness benefits provided under Republic Act No. 1161, as amended, for the same period for which daily maternity benefits have been received;

(4) That the SSS shall immediately reimburse the employer of one hundred percent (100%) of the amount of maternity benefits advanced to the female worker by the employer upon receipt of satisfactory and legal proof of such payment; and

(5) That if a female worker should give birth or suffer a miscarriage or emergency termination of pregnancy without the required contributions having been remitted for her by her employer to the SSS, or without the latter having been previously notified by the employer of the time of the pregnancy, the employer shall pay to the SSS damages equivalent to the benefits which said female member would otherwise have been entitled to.

In case the employee qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents' Welfare Act", the employee shall be paid an additional maternity benefit of fifteen (15) days.

(b) An additional maternity leave of thirty (30) days, without pay, can be availed of, at the option of the female worker: Provided, That the employer shall be given due notice, in writing, at least forty-five (45) days before the end of her maternity leave: Provided, further, That no prior notice shall be necessary in the event of a medical emergency but subsequent notice shall be given to the head of the agency.

(c) Workers availing of the maternity leave period and benefits must receive their full pay. Employers from the private sector shall be responsible for payment of the salary differential between the actual cash benefits received from the SSS by the covered female workers and their average weekly or regular wages, for the entire duration of the maternity leave, with the following exceptions, subject to the guidelines to be issued by the Department of Labor and Employment (DOLE):

(1) Those operating distressed establishments;

(2) Those retail/service establishments and other enterprises employing not more than ten (10) workers;

(3) Those considered as micro-business enterprises and engaged in the production, processing, or manufacturing of products or commodities including agro-processing, trading, and services, whose total assets are not more than Three million pesos (₱3,000,000.00); and

(4) Those who are already providing similar or more than the benefits herein provided.

Provided, That said exemptions shall be subject to an annual submission of a justification by the employer claiming exemption for the approval of the DOLE.

Government employees are also entitled to leave benefit as mandate by Sections 12, 13 and 14, Rule XVI of the Civil Service Commission Resolution No. 91-1631 and Section 4 of RA 11210 otherwise known as the 105-Day Expanded Maternity Leave Law.”

**Section 4.** Article V, Chapter II, Book I of Ordinance 263 series of 2017 is hereby amended by inserting the following provisions:

**“Section 30. Installation of Anti-Sexual Harassment (ASH) Desk Officer.** - All local and national government agencies and private offices, commercial/industrial establishments operated within the city shall/establish Anti-Sexual Harassment (ASH) Desk Officer to ensure quality, security and safety to both women and men while at work.

**Section 31. Installation of Violence Against Women and Children Desk Officer.** - All local and national government agencies and private offices, commercial/ industrial establishments operated within the city shall install/establish Violence Against Women and Children Desk Officer to ensure equality, security, and safety of both women and men while at work.”

**Section 5.** Section 4, Article I, Chapter I, Book II of the Ordinance is hereby amended, as follows:

**“Section 4. Rape** - Rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat, or intimidation;

b) When the offended party is deprived of reason or otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority; and

d) When the offended party is under sixteen (16) years of age or is demented, even though none of the circumstances mentioned above be present: Provided, That there shall be no criminal liability on the part of a person having carnal knowledge of another person under sixteen (16) years of age when the age difference between the parties is not more than three (3) years, and the sexual act in question is proven to be consensual, non-abusive, and non-exploitative: Provided, further, That if the victim is under thirteen (13) years of age, this exception shall not apply.

As used in this Act, non-abusive shall mean the absence of undue influence, intimidation, fraudulent machinations, coercion, threat, physical, sexual, psychological, or mental injury or maltreatment, either with intention or through neglect, during the conduct of sexual activities with the child victim. On the other hand, non-exploitative shall mean there is no actual or attempted act or acts of unfairly taking advantage of the child's position of vulnerability, differential power, or trust during the conduct of sexual activities.

2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

Rape committed under paragraph 1 of this section and those committed under the following circumstances shall be punished by reclusion perpetua:

- a. Whenever the rape is committed with the use of a deadly weapon or by two or more persons;
- b. When by reason or on the occasion of the rape, the victim has become insane;
- c. When the rape is attempted and a homicide is committed by reason or on the occasion thereof;
- d. When by reason or on the occasion of the rape, homicide is committed;
- e. When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
- f. When the victim is under the custody of the police or military authorities or any law enforcement or penal institution;
- g. When the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity;
- h. When the victim is a religious engaged in legitimate religious vocation or calling and is personally known to be such by the offender before or at the time of the commission of the crime;
- i. When the victim is a child below seven (7) years old;
- j. When the offender knows that he is afflicted with the Human Immuno-Deficiency Virus (HIV)/Acquired Immune Deficiency Syndrome (AIDS) or any other sexually transmissible disease and the virus or disease is transmitted to the victim;
- k. When committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate the commission of the crime;
- l. When by reason or on the occasion of the rape, the victim has suffered permanent physical mutilation or disability;
- m. When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; and
- n. When the offender knew of the mental disability, emotional disorder and/or physical handicap of the offended party at the time of the commission of the crime.

Rape committed under paragraph 2 of this section shall be punished by prision mayor.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be prison mayor to reclusion temporal.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be reclusion temporal.

When the rape is attempted and a homicide is committed by reason or on the occasion thereof, the penalty shall be reclusion temporal to reclusion perpetua.

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be reclusion perpetua.

Reclusion temporal shall be imposed if the rape is committed with any of the ten aggravating/ qualifying circumstances mentioned in this article.

The subsequent valid marriage between the offended party shall extinguish the criminal action or the penalty imposed.

In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: Provided, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is void ab initio.

Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts constitutive of rape.

Intimate or marital relations shall not be a legal impediment to any complaint against acts of rape. Further, marital relations shall not be a legal impediment to the prosecution of rape where spouses are legally separated or there is a separation in fact for at least six (6) months."

**Section 6. RENUMBERING OF OTHER PROVISIONS OF CHAPTER II, BOOK I OF ORDINANCE NUMBER 263 SERIES OF 2017.** Section Numbers 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 are hereby renumbered to Sections 32, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, and 96, respectively.

**Section 7. SEPARABILITY CLAUSE.** The rest of the provisions of Ordinance No. 263 series of 2017 and all other provisions of existing Ordinances which advances and fosters equality of men and women shall remain in force and effect in so far as they are not inconsistent with this amendatory ordinance.

**Section 8. EFFECTIVITY.** This Ordinance shall take effect after its approval.

Enacted on February 8, 2024.

**SPONSORED BY: HON. NOEL CHRISTIAN G. CATRE, JR.**  
Chairman, Committee on Women and Family



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**RULES ARE REINSTATED.**

- Proposed Ordinance "An Ordinance Establishing a Senior Citizen Center in Surigao City and its Fifty-Four Barangays, Appropriating Funds Thereof and for Other Purposes"

Honorable Aldonza was recognized and moved for the suspension of the rules to allow the resource person to join the discussion. **RULES ARE SUSPENDED.**

The resource person read the sections of the proposed ordinance. During the discussion, it was pointed out that this ordinance should also be properly discussed with the Budget Officer to make sure that the Local Government of Surigao City has the 1% total of the National Tax Allocation for the establishment and continuous implementation of the Local Government Unit and Barangay Senior Citizens Center.

There being no other discussion, the proponent presented a motion to approve the ordinance on 2<sup>nd</sup> reading. The same was favorably seconded and approved.

Thereafter, a motion to approve on 3<sup>rd</sup> and final reading was presented and approved, to wit:

On motion of Honorable Joenil B. Aldonza, seconded by Honorable Joseph Joey S. Yuipco and Honorable Joshua Emilio S. Geli, it was unanimously

RESOLVED: That the following Ordinance, be as it is hereby enacted, to wit:

**ORDINANCE NO. 497  
SERIES OF 2024**

**AN ORDINANCE ESTABLISHING A SENIOR CITIZEN CENTER  
IN SURIGAO CITY AND ITS FIFTY-FOUR (54) BARANGAYS,  
APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES**

**WHEREAS**, Section 2 on the Declaration of Policy of Republic Act No. 7876 provides that it is declared policy of the State to provide adequate social services and an improved quality of life for all. For this purpose, the State shall adopt an integrated and comprehensive approach towards health development giving priority to the elderly, among others.

**WHEREAS**, by virtue of the objectives of Republic Act No. 9994 or the “Expanded Senior Citizens Act of 2010”, the government is mandated to adopt measures whereby our Senior Citizens are properly assisted, accommodated, and appreciated by the community as a whole. The government is likewise mandated to establish mechanisms whereby the contributions of the senior citizens are maximized.

**WHEREAS**, under Section 17 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the local government units, more particularly the barangays, shall exercise such powers, and discharge such functions and responsibilities which are necessary, appropriate, or incidental to efficient and effective provisions of the

basic services and facilities. These facilities would include, but are not limited to, infrastructure facilities such as multi-purpose hall, multi-purpose pavement, plaza, sports center, and other similar facilities;

**WHEREAS**, by virtue of the provisions of Republic Act No. 9498, also known as the “2003 General Apparitions Act”, the Local Government Units (LGUs) shall set aside one percent (1%) from their General Budget to fund the various programs/projects and activities of the Senior Citizens and Persons with Disabilities.

**NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANGLUNGSOD OF SURIGAO CITY IN SESSION ASSEMBLED**, That:

**Section 1. TITLE** – This Ordinance shall be known and referred to as “**SURIGAO CITY SENIOR CITIZENS CENTER ORDINANCE**”.

**Section 2. ESTABLISHMENT OF SENIOR CITIZENS CENTER**– By virtue of this Ordinance, it is hereby allowed the establishment of Senior Citizen Centers in the Surigao City including the fifty-four (54) barangays under its jurisdiction:

**Section 3. PURPOSE** –The purpose of the Senior Citizens Center in Surigao City and its fifty-four (54) barangays is to provide a venue for its Senior Citizens and Elderly Persons for their social, recreational, educational, health, and leisure programs and activities designed for the full enjoyment of their rights, privileges, and benefits.

**Section 4. FUNCTIONS** –Surigao City and its fifty-four (54) barangays shall carry out the following functions of the Senior Citizens Center:

- (a) Identify the needs, trainings, and opportunities of senior citizens in the city and in the fifty-four (54) barangays;
- (b) Initiate, develop and implement productive activities and work schemes for senior citizens in order to provide income or otherwise supplement their earnings in the Local Government Unit and in the barangays;
- (c) Promote and maintain linkages with the National Government, Provincial Government, Local Government Unit/s and other instrumentalities for the Elderly Persons, the Federation of Senior Citizens Association, and other non-government organizations for the delivery of health care services, facilities, professional advice services, volunteer training and community self-help projects; and
- (d) To exercise such other functions which are necessary to carry out the purpose for which the centers are established.

**Section 5. LOCATION** – The Senior Citizens Center shall be established within the premises of the Local Government Unit of Surigao City and the premises of the barangays where it is deemed viable.

**Section 6. WORKERS OF THE CENTER** – The Local Government Unit of Surigao City through the Local Chief Executive and the Barangay Council, may designate, among others, the necessary manpower for the implementation and conceptualization of the center’s programs and services according to the respective needs of the Senior Citizens and Elderly Persons including those Senior Citizens who are Persons with Disabilities for this purpose.

**Section 7. FUNDING FOR THE SENIOR CITIZENS CENTER** – The funding requirement necessary for the establishment and continuous

implementation of the Local Government Unit and Barangay Senior Citizens Center shall be charged to the one percent (1%) total NTA (National Tax Allocation) from both the Local Government Unit (LGU) and Barangay Local Government Unit (BLGU) or with the support of non-government units and private agencies concerned.

**Section 8. SUPERVISION OF SENIOR CITIZENS CENTER** – The Office of the Senior Citizens Affairs (OSCA) Head, in coordination with the City Social Welfare and Development Office (CSWDO), shall exercise supervision over the operation and activities of all the Senior Citizens Centers.

**Section 9. IMPLEMENTING RULES AND REGULATIONS** – The Local Government Unit (LGU), Barangay Operations Center (BOC), Office of the Senior Citizens Affairs (OSCA), City Budget Department, Department of Interior and Local Government (DILG), of Surigao City, shall be enjoined to craft the Implementing Rules and Regulations of this ordinance.

**Section 10. SEPARABILITY CLAUSE** – Should any provisions of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts that are not so declared shall remain in full force and effect.

**Section 11. REPEALING CLAUSE** – Any previous Ordinance/s or parts thereof, which are inconsistent with this Ordinance are hereby repealed, superseded, or modified accordingly.

**Section 12. EFFECTIVITY CLAUSE** – This Ordinance shall take effect immediately upon its approval.

Enacted on February 8, 2024.

**SPONSORED BY: HON. JOENIL B. ALDONZA**  
Chairman, Committee on Social Welfare

**RULES ARE REINSTATED.**

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**PRIVILEGE HOUR/SPEECH**

None

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**OTHER MATTERS**

None

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**ADJOURNMENT**

There being no other matters discussed, the 6<sup>th</sup> Regular Session was adjourned at 3:10 o'clock in the afternoon of February 8, 2024.

1079 (As to what transpired in the discussion, the transcribed stenographic notes of the  
1080 same are kept and filed in the SP Office for record purposes and reference.)

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1085 **CLOSING PRAYER:**

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1087 **HON. JENELYN EDULZURA:**

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1089 Let us pray.

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1091 In the name of the Father, and of the Son, and of the Holy Spirit. Amen.  
1092 As we close this meeting Lord, we want to give honor to You.  
1093 Thank you, God, for the time we had today  
1094 to discuss issues and make decisions.  
1095 May You bless each one of us who took the time and effort  
1096 To gather today and let Your hand of protection be on us  
1097 throughout the rest of the week.  
1098 Let the work here today will be fruitful, and let it all for Your glory.  
1099 In Jesus name, we pray. Amen.

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1101 In the name of the Father, and of the Son, and of the Holy Spirit. Amen.

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1105 APPROVED, this \_\_\_\_ day of February 2024.

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1108 WE HEREBY CERTIFY that the foregoing statements, resolutions and the like  
1109 were passed and approved by us, members of the Sangguniang Panlungsod of the City of  
1110 Surigao, Province of Surigao del Norte.

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1113 **EDNA B. SIEGA**  
1114 Acting Sanggunian Secretary

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1118 **SEBASTIAN RIC A. NAGAS**  
City Councilor

**JOENIL B. ALDONZA**  
City Councilor

**JOSHUA EMILIO S. GELI**  
City Councilor

**BALTAZAR C. ABIAN**  
City Councilor

**NOEL CHRISTIAN G. CATRE, JR.**  
City Councilor

**JOSEPH JOEY S. YUIPCO**  
City Councilor

**KARL DUANE A. CASURRA**  
City Councilor

**FLORENILLO B. RAVELO**  
Liga ng mga Barangay President

**JENELYN EDULZURA**  
SK Federation President

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ATTESTED BY:

**CACEL R. AZARCON**  
City Councilor  
Presiding Officer