



REPUBLIC OF THE PHILIPPINES
PROVINCE OF ILOILO
MUNICIPALITY OF PAVIA
-oOo-
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON JANUARY 09, 2023 AT 9:00 A M. IN THE SESSION HALL, MUNICIPAL BUILDING, PAVIA, ILOILO.

PRESENT:

1. Hon. Edsel G. Gerochi - Municipal Vice-Mayor
Presiding Officer
2. Hon. Jo Jan Paul J. Peñol - Municipal Councilor
3. Hon. Ariel B. Gerada - -do-
4. Hon. Jose Maria D. Trimañez - -do-
5. Hon. Leonardo L. Belasa - -do-
6. Hon. Daniel S. Fajardo, II - -do-
7. Hon. Roy H. Gorriceta, Sr. - -do-
8. Hon. Rhia B. Sotomil - -do-
9. Hon. Joshua Philippe B. Gumban - -do-
10. Hon. Hanson H. Guyos - Liga President, Ex-Officio Member
11. Hon. Kervin Matthew G. Zaldarriaga- SK Fed. President, Ex-Officio Member

MUNICIPAL ORDINANCE 2023-05

AN ORDINANCE PENALIZING THE UNAUTHORIZED TAKING, STEALING, KEEPING, AND TAMPERING OF GOVERNMENT RISK REDUCTION AND PREPAREDNESS EQUIPMENT, ACCESSORIES AND SIMILAR FACILITIES.

Section 1. Short Title. This Act shall be known as the "Pavia Risk Reduction and Preparedness Equipment Protection Ordinance".

Section 2. Declaration of Policy. It is the policy of the State to protect the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. The State shall continue the policy to create, develop, maintain and improve conditions under which man and nature can thrive in productive and enjoyable harmony with each other. Towards this end, all government agencies are mandated to institute measures to ensure the safety of its citizens and their properties through the installation of data and information gathering devices and the network of national and local authorities to disseminate risk reduction warning and advice.

Section 3. Coverage. Government Risk Reduction and Preparedness Equipment, Accessories and other vital facility items, or parts thereof refer to:

1. Pieces of equipment or devices, or parts thereof that gather, store, archive or monitor meteorological and seismological data and information which are analyzed and used to warn the public about weather conditions, earthquake, and similar natural calamities, such as, but not limited to, weather forecasting equipment, automated weather systems, water level sensors & flood monitoring instruments;
2. Equipment or devices and its corresponding component that monitors real-time traffic, human-induced hazard and water level such as closed circuit television cameras and its corresponding system components (optic fiber cables, switch boxes, data boxes, etc).
3. Ambulance and vehicles and its component equipage prepositioned and utilized by the MDRRMO and other response cluster members for search, rescue and retrieval, fire rescue, collapsed structure rescue, water rescue and the like, and;
4. Equipment constructed or prepositioned to complement disaster preparedness and response actions such as but not limited to mass notification siren, standing dry pipes and public information or early warning signages.
5. The Municipal Disaster Risk Reduction and Management Office shall provide a list of all government risk reduction and preparedness equipment, accessories and other vital facility items in the municipality attached as Annex A of this Ordinance. The list shall be regularly updated.

Section 4. Prohibited Acts. The government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof shall, at all times, be protected and it shall be unlawful for any person to commit any of the following acts:

- (a) Steal, or take, or possess any of the equipment, or any part thereof;
- (b) Sell or buy stolen equipment or any part thereof;
- (c) Tamper, dismantle, vandalize, or disassemble equipment or any part thereof;
- (d) Attempt to commit any of the abovementioned prohibited acts; and
- (e) Benefit from the proceeds or fruits of any of the abovementioned prohibited acts knowing that the proceeds or fruits are derived from the commission of said prohibited acts.

(f) Any other acts that are in violation or related to stealing, taking, possessing, selling, dismantling, vandalizing or disassembling equipment.

Section 5. *Prima Facie Evidence.* The possession or custody of any government risk reduction and preparedness equipment, accessories and other vital facility items, or any part thereof, as defined in Section 3 hereof, by any person, natural or juridical, without proper authority shall be *prima facie* evidence that such instrument, part or accessory, is the fruit of the offense defined in Section 4 hereof and therefore such equipment, instrument, accessory, or other vital facility items, or parts thereof may be immediately confiscated from the person in possession, control or custody thereof.

Section 6. *Penalties.* The following penalties are hereby imposed:

(a) The penalty of not less than two thousand five hundred pesos (Php 2,500) shall be imposed upon any person found guilty of stealing or unauthorized taking or possession without authority or selling or buying with intent to gain of any stolen government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof. It shall also be imposed upon any person found guilty of unauthorized tampering, dismantling or disassembling of government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof;

(b) The penalty of not less than two thousand five hundred pesos shall be also be imposed upon any person who attempts to commit any of the prohibited acts provided in Section 4 of this Ordinance and to any person found guilty of unlawfully benefiting from the proceeds or fruits of any of the prohibited acts enumerated in Section 4 of this Ordinance knowing that such proceeds or fruits are derived from the commission of said prohibited acts.

Payment of the full cost of repair or replacement of the government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, which is the object of the crime shall likewise be imposed upon any person who shall commit any of the prohibited acts described in Section 4 of this Ordinance.

The prosecution or conviction under this Ordinance shall not bar the filing of any case for the violation of Republic Act No. 10344, otherwise known as the "Risk Reduction and Preparedness Equipment Protection Act. "

Section 7. *Penalty for Government Officers or Employees.* Any government officer or employee who shall assist in the commission of any of the prohibited acts enumerated in Section 4 of this Ordinance shall suffer the same penalty imposed upon the person who committed the prohibited act.

In addition, after due notice and hearing, they shall be administratively dismissed from the service and all their benefits from the government, shall

be forfeited. They shall likewise be perpetually disqualified from holding any public office at the Municipality of Pavia.

The prosecution or conviction under this Ordinance shall not bar the filing of any case for the violation of Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act"; Republic Act No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees"; Republic Act No. 7080, entitled "An Act Denning and Penalizing the Crime of Plunder"; and other laws.

Section 8. *Non-Applicability on the Provisions of Theft of the Revised Penal Code.* The prosecution under this Ordinance shall bar any prosecution arising from the same Act under Articles 308, 309, 310 and 311 of the Revised Penal Code.

Section 9. *Public Education and Information.* At least once a year, Pavia Municipal Disaster Risk Reduction and Management Council through the Municipal Disaster Risk Reduction and Management Office shall disseminate information and conduct continuing education on the provisions of this Ordinance through the media and other lawful means available. The dissemination of information and continuing education on the provisions of this Ordinance shall commence within sixty (60) days from the approval of its implementing rules and regulations.

Such information dissemination and continuing education shall:

(a) Aim to develop public awareness of: (1) the ill effects of unlawful taking or stealing, tampering and buying and selling of stolen government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof; and (2) the community-based solutions to prevent the occurrence of such offense; and

(b) Encourage the public and the community to safeguard and protect these government risk reduction and preparedness equipment, accessories and other vital facility items, or parts thereof, within their areas of jurisdiction.

Section 10. *Separability Clause.* If any part or provision of this Ordinance shall be declared invalid or unconstitutional, the remaining provisions or parts not affected shall remain in full force and effect.

Section 11. *Repealing Clause.* All other laws, presidential decrees, executive orders, rules and regulations or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

Section 12. *Effectivity.* This Ordinance shall take effect fifteen (15) days after its publication in two (2) local newspapers of general circulation.

BE IT ORDAINED FURTHER to furnish copies of this ordinance to the Sangguniang Panlalawigan of the Province of Iloilo for review, and other concerned agencies for their information and appropriate action

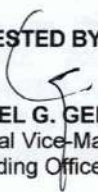
ENACTED this 9TH day of January, 2023 at Pavia, Iloilo Philippines.

Approved.

**I HEREBY CERTIFY to the correctness
of the above-quoted ordinance:**


GYNNYN G. GUMBAN
Secretary to the Sangguniang Bayan

ATTESTED BY:


HON. ESEL G. GEROCHI
Municipal Vice-Mayor
Presiding Officer

APPROVED:


HON. LAURENCE ANTHONY G. GORRICETA
Municipal Mayor