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Republic of the Philippines
Province of Cagayan
City of Tuguegarao

OFFICE OF THE SECRETARY TO THE SANGGUNIANG

February 13, 2017

Dr. Rosalinda P. Callang
Secretary to the Sanggunian
Sangguniang Panlalawigan, Province of Cagayan
Capitol Hills, Tuguegarao City

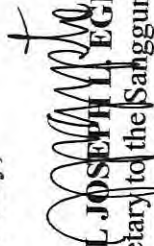
Madam:

Pursuant to Section 54 of the Local Government Code, we are now submitting for review and action the attached legislative measure enacted by the Sangguniang Panlungsod on February 06, 2017, to wit:

CITY ORDINANCE NO. 03-2017 – “AN ORDINANCE AMENDING THE PROVISIONS ON THE CREATION OF PERSONS WITH DISABILITY AFFAIRS OFFICE IN TUGUEGARAO CITY AND APPROPRIATING FUNDS THEREFOR”.

Thank you.

Yours truly,


JOEL JOSEPH M. EGIPTO
Secretary to the Sanggunian



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao



SEVENTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE 26TH REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON FEBRUARY 06, 2017, 9:00 A.M., MONDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Danilo L. Baccay	Sangguniang Panlungsod Member, Acting City Vice Mayor Temporary Presiding Officer
Hon. Jude T. Bayona	Sangguniang Panlungsod Member
Hon. Maila Rosario T. Que	-do-
Hon. Arnel T. Arugay	-do-
Hon. Winnoco R. Abraham	-do-
Hon. Imogen Claire M. Callangan	-do-
Hon. Mary Marjorie P. Martin-Chan	-do-
Hon. Raymund P. Guzman	-do-
Hon. Grace B. Arago	-do-
Hon. Anthony C. Tuddao	-do-
Hon. Jose Pedro G. Velasco	-do-

ABSENT:

Hon. Kendrick S. Calubaquib	Sangguniang Panlungsod Member
Hon. Gilbert S. Labang	-do- (on Sick Leave)

NOTE:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Presiding Officer (Acting City Mayor)
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CITY ORDINANCE NO. 03-2017

**AN ORDINANCE AMENDING THE PROVISIONS ON THE CREATION OF PERSONS
 WITH DISABILITY AFFAIRS OFFICE IN TUGUEGARAO CITY
 AND APPROPRIATING FUNDS THEREFOR**

Sponsor: **HON. MAILA ROSARIO T. QUE**

Co-Sponsors: **HON. MARY MARJORIE P. MARTIN-CHAN
 HON. GRACE B. ARAGO
 HON. GILBERT S. LABANG
 HON. RAYMUND P. GUZMAN
 HON. DANILO L. BACCAY
 HON. JUDE T. BAYONA
 HON. JOSE PEDRO G. VELASCO
 HON. ARNEL T. ARUGAY
 HON. WINNOCO R. ABRAHAM
 HON. IMOGEN CLAIRE M. CALLANGAN
 HON. ANTHONY C. TUDDAO**

WHEREAS, Republic Act No. 7277, otherwise known as the “Magna Carta for Disabled Persons”, provides for the rehabilitation, self-development and self-reliance of disabled persons and their integration into the mainstream of society and for other purposes;

WHEREAS, Republic Act No. 10070 establishes an Institutional Mechanism to ensure the Implementation of Programs and Services for Persons with Disabilities in Every Province, City and Municipality;

WHEREAS, it is a declared policy of Republic Act No. 7277 that persons with disabilities are part of Philippine society, thus the state shall give full support to the improvement of their total well-being and their integration into the mainstream of society;

WHEREAS, Implementing Rules and Regulations was enacted and approved on August 25, 2016 which provide guidelines on the proper implementation of Republic Act No. 10070;

WHEREAS, in order to carry out the purpose of these laws and provide guidelines on its proper implementation, there is a need to amend pertinent provisions of City Ordinance No. 06-2013 approved on November 2013 by the Sixth City Council of Tuguegarao City.

NOW THEREFORE, be it ordained by the Seventh City Council, to enact:

SECTION 1. TITLE. This Ordinance shall be known as “*AN ORDINANCE AMENDING THE PROVISIONS ON THE CREATION OF PERSONS WITH DISABILITY AFFAIRS OFFICE IN TUGUEGARAO CITY AND APPROPRIATING FUNDS THEREFOR*”.

Section II of Ordinance No. 06-2013 is hereby amended as follows:

SECTION 2. DEFINITION OF TERMS. For the purpose of this ordinance, the following terms shall be construed to mean:

1. **Disability** – refers to a physical impairment that substantially limits one or more physiological or anatomical functions of an individual or activities of such individual
2. **Disabled People’s Organization (DPO)** – refers to an organization organized and controlled by persons with disabilities
3. **Federation of Persons with Disabilities** – refers to a group composed of organizations of and for persons with disabilities from the national, regional, provincial, city and municipality levels
4. **Focal person** – refers to an official/staff designated or appointed by the city mayor to perform the functions of PDAO
5. **Persons with disabilities** – include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others (UNCRPD Article 1)
6. **Persons with Disability Affairs Office (PDAO)** – refers to an office created pursuant to Republic Act No. 10070 to ensure the implementation of programs and services for persons with disabilities in every province, city or municipality

Section III of Ordinance No. 06-2013 is hereby amended as follows:

SECTION 3. ESTABLISHMENT OF THE OFFICE. The Persons with Disability Affairs Office (PDAO) shall be established under the Office of the City Mayor to be directly supervised by the Office of the City Social Welfare and Development Office.

Section V of Ordinance No. 06-2013 is hereby amended as follows:

SECTION 4. HEAD OF PDAO AND FOCAL PERSON. The provisions laid down under Rule V of the Implementing Rules and Regulations of Republic Act No. 10070 are hereby adopted as part of the ordinance.

Appointment to the position of Head of PDAO and Focal Person shall be subject to qualifications requirements as approved by the Civil Service Commission.

The Head of PDAO shall perform the following duties and responsibilities:

- a. Manage and oversee the efficient operations of the Persons with Disability Affairs Office and general supervision of its personnel;

- b. Develop, promote and monitor the implementation of policies, plans, programs, and services for the development of persons with disabilities in coordination with national and local government agencies;
- c. Ensure representation of persons with disabilities in the local development councils and other special bodies;
- d. Build the capacity of non-government organizations and peoples organizations to participate in the implementation of all disability related laws and policies;
- e. Establish coordination with the province, city or municipality, as the case maybe and ensure the inclusion of disability concerns in all local government programs and services;
- f. Network with local, national and international organizations and peoples organizations to participate in the implementation of all disability related laws and policies;
- g. Develop and submit to the concerned City Mayor an Annual Work and Financial Plan.

The focal person shall perform the same functions except for (a) above.

Section VIII of Ordinance No. 06-2013 is hereby amended as follows:

SECTION 5. FUNCTIONS OF PDAO. PDAO shall perform the following functions as stated in RA No. 10070:

- a. Formulate and implement policies, plans and programs for the promotion of the welfare of persons with disabilities in coordination with concerned national and local government agencies;
- b. Coordinate and implement the provisions of RA No. 10070, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level;
- c. Represent persons with disabilities in meetings of local development councils and other special bodies;
- d. Recommend and enjoin the participation of Non-Government Organizations (NGOs) and People's Organizations (POs) in the implementation of all disability-related laws and policies;
- e. Gather and compile relevant data on persons with disabilities in their localities;
- f. Disseminate information including but not limited to programs and activities for persons with disabilities, statistics on persons with disabilities, including children with disabilities, and training and employment opportunities for persons with disabilities;
- g. Submit reports to the Office of their respective City Mayor on the implementation of programs and services for the promotion of the welfare of persons with disabilities in their respective areas of jurisdiction;
- h. Ensure that policies, plans and programs for the promotion of the welfare of persons with disabilities are funded by both the national and local government;
- i. Monitor fundraising activities being conducted for the benefit of persons with disabilities;
- j. Advocate for the equal opportunity and accessibility of disabled persons in education employment, health, sociocivic, cultural and sports program of the City;
- k. Propose to the City Council pertinent legislative measures for the welfare of persons with disabilities;
- l. Establish community-based rehabilitation program, production and livelihood sheltered workshops, group homes and training centers, and other facilities and programs for persons with disabilities;
- m. Conduct on-line registration and issuance of PWDs Identification Card;
- n. Seek or receive donations in cash or in kind from local or foreign donors to implement an approved work plan for persons with disabilities which shall be exempted from donor's tax, value added tax, tariffs and customs duties, provided such donations are actually and exclusively used for Persons with Disabilities as certified by the City Social Welfare and Development Officer; provided further that such donations are recorded and remitted as Trust Funds in accordance with accounting and auditing laws with official acknowledgment by the Office of the City Mayor; and,
- o. Perform such other functions as may be necessary for the promotion and protection of the welfare of persons with disabilities.

Section IV of Ordinance No. 06-2013 is hereby amended as follows:

SECTION 6. COMPOSITION OF THE OFFICE. In compliance with Rule VI of the Implementing Rules and Regulations of RA 10070, the PDAO shall have at least four (4) personnel on a permanent status.

The four (4) permanent positions shall perform the following functions:

- a. Head of PDAO/Officer
 - Who shall be responsible in overseeing the management and operations of PDAO;
 - Represent persons with disabilities in meetings of local government councils and other special bodies; and,
 - Submit report to the Office of the City Mayor on the implementation of programs and services for the promotion of the rights and welfare of persons with disabilities in the areas of jurisdiction
- b. Three (3) technical/administrative staff who will perform the following tasks:
 - Planning and formulation/development of programs concerning mainstreaming the disability perspective in the local government units' projects and activities and development of disability specific programs;
 - Monitoring and implementation of the provisions of this Act, Batas Pambansa Blg. 344, otherwise known as the Accessibility Law, and other relevant laws at the local level; and,
 - Assist in day to day operations and maintain updated database on disability and ensure its availability

SECTION 7. QUALIFICATION STANDARDS. The PDAO Personnel shall have the following qualification standards:

Position Title	Salary Grade	Education	Experience	Training	Eligibility
Disability Affairs Officer IV	22	Bachelor's Degree	3 years of relevant experience on disability affairs	10 hours of relevant training on disability affairs	Career Service Professional/Second Level Eligibility
Disability Affairs Officer III	18	Bachelor's Degree	2 years of relevant experience on disability affairs	8 hours of relevant training on disability affairs	Career Service Professional/Second Level Eligibility
Disability Affairs Officer II	15	Bachelor's Degree	1 year of relevant experience on disability affairs	4 hours of relevant training on disability affairs	Career Service Professional/Second Level Eligibility
Disability Affairs Officer I	11	Bachelor's Degree	Non-required	Non-required	Career Service Professional/Second Level Eligibility

The selection process prescribed under Section 8 and qualification standard under Section 7 shall be observed only upon issuance of proper local budget circular, DBM Circular and civil service rules prescribing and authorizing the creation of the above mentioned positions.

SECTION 8. PUBLICATION AND POSTING REQUIREMENTS. The PDAO positions shall be subject to the publication and posting requirements under RA No. 7041, otherwise known as "An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor, and for Other Purposes." All vacant positions shall be posted and announced in three (3) conspicuous places and published in the CSC Bulletin of Vacant Positions and official website of the concerned local government unit for at least fifteen (15) days. The announcements should indicate full details about the vacancy (position title, item number, the full qualification standards required, and the work station).

SECTION 14. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.


On motion of Hon. Maila Rosario T. Que, duly seconded by Hon. Raymund P. Guzman and without any objection, **CITY ORDINANCE NO. 03-2017** was **APPROVED** in plenary, on its Third and Final Reading under suspended rules.

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I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPIO, Ph.D.
Secretary to the Sanggunian

ATTESTED:

 02-17-2017
HON. DANILO L. BACCAY
City Councilor/Acting City Vice Mayor
Temporary Presiding Officer

APPROVED:


HON. JEFFERSAN P. SORIANO
City Mayor
Date: 02/06/17

ed

SECTION 9. NOMINATION OF HEAD OF PDAO. Upon publication of the position, the concerned City Mayor shall instruct the Local Government Operations Officer, the Local Social Welfare and Development Officer and the President of the local federation/association of persons with disabilities to prepare for a general assembly of persons with disabilities which shall be conducted on the last day of the posting period. The general assembly shall nominate at least three (3) qualified applicants for consideration of the local Selection Board and the Local Chief Executive. The Human Resource Management Officer shall document the proceedings of the General Assembly.

SECTION 10. THE GENERAL ASSEMBLY. The purposes of the general assembly are to ensure the participation of persons with disabilities in the recruitment process in compliance to Article 4.3 of the UN Convention on the Rights of Persons with Disabilities and to express the local government unit's recognition on the importance of Persons with Disability Affairs' Office in the development of the disability sector.

The General Assembly for PDAO shall be open to all persons with disabilities, with or without organizational membership, representatives of civil society organizations working on disability within the LGU and parents or representative of children with disabilities. The Convenors shall be responsible in inviting the participants. The Department of the Interior and Local Government shall issue the guidelines that will govern the conduct of the General Assembly.

The General Assembly shall be guided by pro-forma program as follows:

- a. Registration and Final Acceptance of Applications-HRMO
- b. Invocation/National Anthem
- c. Roll Call
- d. Opening of the Assembly
- e. Orientation about RA No. 10070 and the Appointment of Head of Office/Focal Person
- f. Presentation of Qualified Applicants
- g. Open Forum
- h. Nomination Process through secret ballots
- i. Announcement of Nominees
- j. Closing of the Assembly

SECTION 11. SELECTION PROCESS. The Convenors shall submit the names of the nominees to the Local Personnel Selection Board (PSB) to comply with the usual hiring and recruitment process such as submission of requirements, interview and shortlisting in case of nominees exceeded the least number. Persons with disabilities should be represented within the PSB by an employee with disability to be a part of the deliberations. In case there is no employee with disability, the assembly may include nominating a member of the PWD organization as an observer to the deliberations. In shortlisting or ranking of nominees for appointment, gender balance must be observed.

Upon completion of the requirements and processes set by the PSB, the names of shortlisted nominees with ranking shall be submitted to the concerned City Mayor for consideration.

The responsible City Mayor shall appoint the head of PDAO/Focal Person within thirty (30) days upon submission of the recommended nominees of the Local Personnel Selection Board.

A temporary appointment may be issued by the City Mayor, in case the nominees do not possess the appropriate career service eligibility, subject to Civil Service law and rules. The corresponding qualification standards set under Section 15 of Rule VI of the Implementing Rules and Regulations of RA No. 10070 shall likewise be considered.

The Human Resource Management Officer shall post a notice announcing the appointment issued by the City Mayor in three (3) conspicuous places in the agency within fifteen (15) days of signing.

SECTION 12. SOURCE OF FUNDING. Section 4 of RA No. 10070 mandates that LGUs shall ensure that the necessary fund from any available local revenue is allocated for the implementation of PDAO activities for the benefit of the PWDs in their jurisdiction. For the succeeding years of implementation, PDAO shall be included in the LGUs Annual Plans and Budget.

SECTION 13. SEPARABILITY CLAUSE. If for any reason any part or provision is declared invalid or unconstitutional, any part or provision not affected thereby shall remain in full force and effect.



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 Tuguegarao City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

March 20, 2017

HON. JUDE T. BAYONA

Acting Vice Mayor
 Tuguegarao City, Cagayan

Thru: DR. JOSEPH L. EGIPTO
 Secretary to the Sanggunian

Dear Vice Mayor Bayona:

Greetings!

This pertains to your legislations submitted to the Sangguniang Panlalawigan for review as required under Section 56 of the Local Government Code (LGC).

As we acknowledge receipt of the hereunder listed legislation from your city, kindly consider the observations of this humble representation being the Presiding Officer of the Sangguniang Panlalawigan on the said measures as the Sanggunian cannot, at the moment, calendar the same during our Regular Sessions as we are proscribed to do so under Section 323 of the LGC.

	Ordinances/ Resolution	Observations/ Suggestions
1	Ordinance No. 3-2017 entitled: AN ORDINANCE AMENDING THE PROVISIONS ON THE CREATION OF PERSONS WITH DISABILITIES AFFAIRS OFFICE IN TUGUEGARAO CITY AND APPROPRIATING FUNDS THEREFOR.	We would like to commend you for coming up with such a piece of legislation as it creates permanent positions in the Persons with Disabilities Affairs Office (PDAO) of Tuguegarao City as mandated by the Magna Carta for Disabled Persons (RA7277). However, these positions must still be compliant with pertinent Civil Service Rules on Regulations particularly on the creation of permanent positions in the local government units. Hence, a referral should be made to the Civil Service Commission.
2	Ordinance No. 24-2016 entitled: AN ORDINANCE ENACTING THE TUGUEGARAO CITY TOURISM CODE	A committee hearing was already conducted by the Committee on Tourism and the ordinance is already due for consideration by the Sangguniang Panlalawigan. The same is consistent with the Tourism Act of 2009 (RA 9593) and the Provincial Ordinance No. 2016-09-005 or the Cagayan Tourism Code. In summary, the following are the suggestions/observations to be reflected in your Tourism Code, <i>to wit</i> : a. Section 4 of the ordinance shall be read as follows: <i>"This Ordinance shall apply to all primary tourism enterprises such as resorts, hotels,</i>



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PROVINCE OF CAGAYAN
Tuguegarao City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

travel agencies, tourist guides, transport operations whether by land, sea or air and to secondary tourism enterprises, among others such as restaurants, health and wellness facilities like spa, tertiary hospitals, rest areas, gas stations."

b. Section 8(r) Pre-Accreditation shall be stated, as follows: *the certificate of accreditation shall be issued by the City Tourism Office recognizing that the establishment has complied with the minimum requirements set for its operation;*

c. The regular accreditation process shall be undertaken by the Department of Tourism (DOT) for a period of one year from its issuance of the certificate, after which, the DOT shall assess and evaluate if these primary and secondary organizations have, indeed, complied with the pertinent operating standards;

d. Under Section 9, instead of the creation of Tuguegarao City Tourism Council, it should be named as **Tuguegarao City Tourism Committee**. In coming up with the membership of the committee, reference should be made with the guidelines set forth by the Department of Tourism as the same should have complied 60-40% membership requirement; 60% coming from the government and 40% from the private sector. Also, its duties and responsibilities must be patterned from the Guidebook on Local Tourism released by the DOT;

e. Under Section 12 (c)(1) **PARKS AND GARDENS**, Rizal Park should be removed from those under the maintenance and supervision of the City it being maintained and supervised by the Provincial Government of Cagayan. Instead, Section 12 (c) (2) shall be paraphrased as follows:
In partnership with concerned agencies and institutions...

f. Section 20. **ACCREDITATION BASIS** shall also be read as follows:
"All primary and secondary tourism enterprises in Tuguegarao City shall be registered,



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PROVINCE OF CAGAYAN
 Tuguegarao City

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

		<p>classified and accredited..."</p> <p>9. Under Section 25. CREATION OF A COMPOSITE INSPECTION TEAM, the Chairman of the Committee on Tourism of the Sangguniang Panlalawigan and the Provincial Tourism Chairman shall also be included as members of the Inspection Team;</p> <p>h. The administrative sanction imposed under the ordinance shall only cover those public officials and employees found to have violated the same. Hence, clear distinctions should be made between those administrative penalties and those pertaining to civil and criminal sanctions with respect to those in the private sector;</p> <p>i. Lastly, the perennial problems involving the tricycle drivers in the City cannot be overemphasized as this has adversely affected the tourism industry of the City. Hence, the City Government of Tuguegarao should initiate measures that shall concretely address the issue. Among those that were raised are as follows:</p> <ol style="list-style-type: none"> a. stiffer penalties should be imposed against erring tricycle drivers including the revocation of franchise to operate deemed reasonable under the circumstances; b. strategic locations for parking areas should be delineated so as to avoid the congestion of tricycles plying within the city proper; and c. a strong political will in implementing the concrete plans and strategies to instill discipline among them.
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The undersigned hopes that you will find the above observations as useful guides before the implementation of the subject ordinances.

Thank you very much.

Very truly yours,

MELVIN K. VARGAS, JR., DPA
 Vice Governor

Copy furnished:
 Hon. Maria Olivia B. Pascual
 Chairman, Committee on Tourism