



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
 City Government of Naga

ORDINANCE NO. 2023-009
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AN ORDINANCE PRESCRIBING A FEE FOR THE ISSUANCE OF CERTIFICATE OF DETENTION AND CERTIFICATE OF TIME ALLOWANCES FOR PDL PRESENTLY AND/OR PREVIOUSLY CONFINED IN NAGA CITY DISTRICT JAIL:-

Sponsor: Hon. Salvador M. del Castillo 

Explanatory Note

WHEREAS, Section 5 of Article X (Local Government) of the 1987 Philippine Constitution provides that each local government unit shall have the power to create its own sources of revenue and to levy taxes, fees and charges, subject to such guidelines and limitations, as the Congress may provide, consistent with the basic policy of local autonomy. Such local taxes, fees and charges shall accrue exclusively to the local governments.

WHEREAS, Section 153 of Article 5 (Common Revenue-Raising Powers) of the Local Government Code, states that local government units may impose such reasonable fees and charges for services.

WHEREAS, Article 218 (power to create Sources of Revenue) of the Implementing Rules and Regulations of the Local Government Code, provides that consistent with the basic policy of local autonomy, each LGU shall exercise its power to create its own sources of revenue and to levy taxes, fees, or charges, subject to the provisions of this Rule. Such taxes, fees, charges shall accrue exclusively to the LGU.

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WHEREAS, paragraph (XV) (5) Article 99, (Powers, Duties and Functions of the Sangguniang Panlungsod) of the Implementing Rules and Regulations of the Local Government Code states that the Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approved resolutions and appropriate funds for the general welfare of the city and its inhabitants, pursuant to Section 16 of the Local Government Code and in the proper exercise of its corporate powers of the city, as provided in rule IX, shall establish and provide for the maintenance and improvement of jails and detention centers, institute a sound jail management program and appropriate funds for the subsistence of detainees and convicted prisoners in the city.

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WHEREAS, comparably, the two other bureaus under the Department of the Interior and Local Government (DILG), such

as the Philippine National Police (PNP) and the Bureau of Fire protection (BFP) have ways and means of generating revenues that surely go to and contribute to the national treasury;

WHEREAS, the PNP collects fees for police clearance, firearm use and regulations, charges for security agencies and other. In the BFP, a permit/clearance is required for every commercial establishment, while the BMP on the other hand, contributes nothing to the coffer of the government;

WHEREAS, the BJMP is one sector of the government that merely masticates the treasury for the upkeep of jails and maintenance of safekeeping of PDL. Verily, the BJMP does not contribute to the national treasury, neither to the local government units, a liability where government money is continuously being funneled out without any return of investment;

WHEREAS, to make the lives of our less fortunate constituents, who are detained in jails and to improve their conditions thereat, it is apposite that a legislative flat be enacted, to help augment the meager operational budget of the BMP for expenses not provided in the General Appropriations Act, or those expense item not provided in the national budget;

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Naga, in regular session duly assembled, that:

SECTION 1. PURPOSE AND GENERAL COVERAGE. - This ordinance is in line with the provisions of the Local government Code and its Implementing Rules and Regulations, concerning common revenue-raising powers, power to create sources of revenue of a local government unit and the duties and functions of the Sangguniang Panlungsod, respectively. This shall cover BJMP-manned jails, Naga City District Jail Male and Female Dorm particularly;

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SECTION 2. DECLARATION OF POLICY. - Consistent with the City Government's commitment to make the lives of our less fortunate constituents, who are detained in jails and to improve their conditions thereat, providing means for the BJMP to generate revenue will, in return, pave way for the realization of the above-cited;

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SECTION 3. GOVERNING PRINCIPLES.

3.1 Extending help to PDL, by augmenting the operational budget of BJMP-manned jails.

3.2 Assisting the BJMP in their mandate in the safekeeping and rehabilitation of PDL.

SECTION 4. SCOPE.

4.1 This ordinance shall govern the issuance of Certificate of Detention and Certificate of Time Allowances for all PDL presently and/or previously detained in a jail, situated within the jurisdiction of this LGU and other concerned individuals who wish to secure a copy for whatever legal purpose it may serve.

4.2 This ordinance shall be enforced by the warden, wardress, or his/her authorized representatives and the City of Naga;

SECTION 5. PROCEDURES.

5.1 A PDL or his representative, or any other party who wishes to secure a copy of certificate of detention and/or certificate of time allowances shall first verify with the warden, wardress, or his/her authorized representatives, who will provide a verification slip or order of payment which shall contain the details of the request and the indeed said PDL is presently confined/detained or has been confined/detained in the said facility.

5.2 After having been issued a verification slip, a payment of Fifty Pesos (P50.00) shall be made at the Naga City Treasurer's Office thru the Naga City Veterinary Office which is situated and in a closer proximity to the jail facility, who in turn shall issue official receipt, as proof that payment has already made thereat.

5.3 The jail warden, Wardress, or his/her authorized representatives shall cause the printing/issuance of a certificate of detention, after presentment of the official receipt issued by the Treasurer's Office.

5.4 A PDL so declared by court, as indigent, shall avail of the Certificate of Detention and/or Certificate of Time Allowance free of charge.

SECTION 6. SEPARABILITY CLAUSE. - If for any purpose, any part or provision of this Code shall be held unconstitutional or invalid, other parts or provisions hereof, which are not affected, shall continue to be in full force and effect.

SECTION 7. REPEALING CLAUSE. - All ordinances and administrative circulars and executive orders, or parts thereof, which are found to be inconsistent with the

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