

Republika ng Pilipinas
Lungsod ng Dagupan
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD, DAGUPAN CITY, HELD via ZOOM Conference Meeting), ON NOVEMBER 18, 2021.

PRESENT:

Hon. Karlos Liberato E. Reyna IV	Presiding Officer Pro Tempore, Member
Hon. Jose Netu M. Tamayo	Deputy Presiding Officer, Member
Hon. Michael B. Fernandez	Majority Floor Leader, Member
Hon. Dennis C. Canto	Second Asst. Majority Floor Leader, Member
Hon. Celia C. Lim	Asst. Minority Floor Leader, Member
Hon. Marvin V. Fabia	City Councilor, Member
Hon. Cisco Jay P. Flores	City Councilor, Member
Hon. Teresa T. Coquia	City Councilor, Member
Hon. Marcelino D. Fernandez	Liga ng mga Barangay President, Ex-Officio Member
Hon. Joshua Bon Bon F. Bugayong	Pederasyon ng mga Sangguniang Kabataan President, Ex-Officio Member

ABSENT:

Hon. Dean Bryan L. Kua	City Vice Mayor & Presiding Officer (O.B.)
Hon. Maria Librada Fe M. Reyna	Minority Floor Leader, Member (O.B.)
Hon. Luis M. Samson, Jr.	Asst. Majority Floor Leader, Member (O.B.)

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ORDINANCE NO. 2241-2021

AN ORDINANCE PRESCRIBING A FEE FOR ISSUANCE OF CERTIFICATION OF DETENTION FOR PERSONS DEPRIVED OF LIBERTY/ INMATES CONFINED IN BJMP-MANNED JAIL FACILITIES IN THE CITY OF DAGUPAN.

WHEREAS, Article X, Section 5 of the 1987 Constitution provides that: "Each local government unit shall have the power to create its own sources of revenues 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 taxes, fees, and charges shall accrue exclusively to the local governments;"

WHEREAS, Rule XXX, Part One, Art. 218 of the Implementing Rules and Regulation of R.A. 7160 otherwise known as the Local Government Code of 1991 specifically 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, and charges subject to the provisions of this Rule. Such taxes, fees, and charges shall accrue exclusively to the LGU;

WHEREAS, Article 100, (a), (5), (XV) of the Implementing Rules and Regulation of R.A. 7160 states that the Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of the Code and in the proper exercise of the corporate powers of the municipality as provided in Rule IX of

these Rules, and shall establish and provide for the maintenance and improvement of jails and detention center, institute sound jail management programs, and appropriate funds for the subsistence of detainees and convicted prisoners in the city;

WHEREAS, in comparison, under the Department of the Interior and Local Government (DILG), the Philippine National Police (PNP) and the Bureau of Fire Protection (BFP) have ways and means of generating revenues for the National Treasury;

WHEREAS, the Philippine National Police collects fee for the issuance of police clearances, permits related to firearms use and regulation, and charges for the inspections and other regulatory fees for the operation of security agencies and similar security offices, while the BFP similarly issues paid permits and clearances to inspected commercial establishments on matters of fire prevention and protection;

WHEREAS, the BJMP is one of those organizations in government, specifically within the DILG, that do not have institutional ways and means of contributing to the national treasury nor to the local government units while charged with safekeeping inmates;

WHEREAS, to improve lives and living conditions of our less fortunate constituents detained in jails, a legislative fiat apposite to the augmentation of BJMP's meagre operational resources particularly those not provided in the General Appropriation Act or expense items not provided in the national budget, is called for;

WHEREAS, it was the BJMP Dagupan City, thru Jail Warden Roque Constantino Sison III who proposed this measure;

WHEREAS, the city government also provides assistance in the maintenance and operation of the BJMP Dagupan;

NOW THEREFORE, on joint motion of Councilors Jose Netu M. Tamayo and Michael B. Fernandez, duly and jointly seconded by Councilors Celia C. Lim, Marcelino D. Fernandez, Joshua Bon Bon F. Bugayong, and Cisco Jay P. Flores, be it ordained by the Sangguniang Panlungsod of Dagupan City in regular session assembled that:

SECTION 1. SHORT TITLE: This ordinance shall be called "AN ORDINANCE PRESCRIBING A FEE FOR THE ISSUANCE OF CERTIFICATE OF DETENTION FOR INMATES CONFINED IN BJMP-MANNED JAIL FACILITIES IN THE CITY OF DAGUPAN".

SECTION 2. 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 (LGU) and the duties and functions of the Sangguniang Panlungsod respectively. This shall cover BJMP-manned jail(s) in a Local Government Unit.

SECTION 3. DECLARATION OF POLICY. Consistent with the Local government's commitment to improve the lives and living conditions of our less fortunate constituents who are detained in jails, providing means for the BJMP to generate revenue will indirectly contribute to the easement of operational requisites for the realization of objectives that are intended for such purposes.

SECTION 4. SCOPE

5.1. This ordinance shall govern the issuance of Certificate of Detention for all inmates/PDL confined in a jail situated within the jurisdiction of Dagupan City Jail, and other concerned individuals who wish to secure a copy for whatever legal purpose it may serve.

5.2. This ordinance shall be enforced by the warden or by his/her authorized representative, and by the city treasurer.

SECTION 5. DEFINITION OF TERMS:

5.1. **City** refers to the City of Dagupan.

5.2. **BJMP-Manned Jail Facility** refers to jail facility managed and supervised by the Bureau of Jail Management and Penology (BJMP) within the territorial jurisdiction of the City of Dagupan.

5.3. **Certificate of Detention** refers to the certificate issued to the Person Deprived of Liberty (PDL) after actual and physical detention.

5.4. **Person Deprived of Liberty** (PDL) refers to a person charged on an offense by virtue of which he is physically detained in a jail/detention facility. This term includes persons serving sentence by final judgement.

5.5. **Fee** refers to the amount collected by the city government from the PDL for the issuance of Certificate of Detention.

SECTION 6. PROCEDURE

6.1 A person deprived of liberty (inmate) or his representative or any other party who wish to secure a certificate of detention or an authenticated copy thereof, for any legal purposes shall first seek from the warden or his/her authorized representatives a verification slip that indicate the inmate whose certificate is being sought was actually or is presently confined/detained in the said facility.

6.2 After securing the verification slip, payment shall be made at the Treasurer's Office, which shall issue an Official Receipt as proof of payment.

6.3 The cost of Certificate of Detention shall be One Hundred Pesos (Php 100.00). Payment shall be made at the Treasury Office of the city of Dagupan.

6.4 The Jail Warden or his/her Authorized Representatives shall cause the printing and issuance of the Certificate of Detention for the concerned inmate, upon presentation of the official receipt issued by the treasurer's office.

6.5 An inmate so declared by the court as indigent shall avail of the Certificate of Detention free of charge.

6.6 That any and all collections made shall accrue exclusively to the LGU Dagupan City.

SECTION 7. SEPARABILITY CLAUSE. If for any reason or reasons, any part or provisions of this ordinance shall be held unlawful or invalid, other parts or provision thereof shall continue to be in full force and effect.

SECTION 8. REPEALING CLAUSE. All Ordinances, Rules or Regulations or parts thereof in conflict with or inconsistent with any provision of this Ordinance are hereby repealed, amended or modified accordingly.

SECTION 9. EFFECTIVITY. This Ordinance shall take effect upon its approval.

ENACTED UNANIMOUSLY.

Principal Author:

COUNCILOR JOSE NETU M. TAMAYO

Co-Authors:

COUNCILOR MICHAEL B. FERNANDEZ

COUNCILOR CISCO JAY P. FLORES

KARLOS LIBERATO E. REYNA IV

Presiding Officer Pro Tempore

ATTESTED:

REA L. MANUEL

Asst. City Secretary

APPROVED:

MARC BRIAN C. LIM

City Mayor

Date: _____