



Quezon City
17th City Council

PO2008-136

43rd Regular Session

ORDINANCE NO. SP-1884, S-2008

AN ORDINANCE PROVIDING FREE LEGAL ASSISTANCE TO ALL SENIOR CITIZEN RESIDING WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY THROUGH PUBLIC ASSISTANCE AND LEGAL AID OFFICE (PALAO) RELATIVE TO VIOLATION OF REPUBLIC ACT NO. 9257, OTHERWISE KNOWN AS THE "EXPANDED SENIOR CITIZEN ACT OF 2003 WHICH GRANTS ADDITIONAL BENEFITS AND PRIVILEGES TO SENIOR CITIZENS".

Introduced by Councilors FRANCISCO A. CALALAY, JR., RICARDO T. BELMONTE, JR., DOROTHY A. DELARMENTE, VICTOR V. FERRER, JR., WINSTON "Winnie" T. CASTELO, RAMON P. MEDALLA, EDEN "Candy" A. MEDINA, JORGE B. BANAL, JR., FRANZ S. PUMAREN, JAIME F. BORRES, JESUS MANUEL C. SUNTAY, JANET M. MALAYA, EDCEL B. LAGMAN, JR., BAYANI V. HIPOL, CONCEPCION S. MALANGEN and ALEXIS GRACE R. MATIAS.

WHEREAS, Section 11, Article II of the Constitution provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, as enunciated in Republic Act No. 7160, otherwise known as an Act providing for a Local Government Code of 1991, more distinctively in Title 1, Chapter II, Section 16, the General Welfare Clause, endow with that local government units with its essential powers is mandated to ensure among others the following concerns: (i) Promotion of Health and Safety, (ii) Economic Prosperity and Social Justice, (iii) Peace and Order, and (iv) Comfort and Convenience of its inhabitants;

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WHEREAS, in addition, the Local Government Code, Article III, Section 458, Paragraph (5) (XIV), Powers, Duties, Functions and Compensation, contemplates that local government units shall provide for the care of disabled persons, paupers, the aged xxx;

WHEREAS, moreover, the Local Government Code, Article III, Section 458, Paragraph (5) (XVII), states that the Sangguniang Panlungsod shall approve ordinance which shall ensure the efficient and effective delivery of the basic services and facilities xxx and in addition shall, formulate policies and adopt measure mutually beneficial to the elderly and to the community; provide incentives for non-governmental agencies and entities and, subject to the availability of funds, appropriate funds to support programs and projects for the benefit of the senior citizens;

WHEREAS, senior citizens belong to a special sector that needs singular attention to promote their social, economic and spiritual aspect of their lives as well as allow them convey their special concerns and other vital issues confronting them through establishment of Legal Aid service;

WHEREAS, the enactment of Republic Act No. 9257 greatly contemplates assistance to the Senior Citizen by providing discount privileges beneficial to their contribution to the nation building and enjoyment of life;

WHEREAS, a great number of Senior Citizen were financially dependent to their monthly pensions for their day-to-day activities;

WHEREAS, providing substantial discounts on establishments as provided under Republic Act No. 9257 and basic services and needs gives the senior citizen an aid to their daily life;

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WHEREAS, quandaries augment in establishments who fervidly failed to comply with Republic Act No. 9257 by not providing necessary discounts and privileges to senior citizen;

WHEREAS, Republic Act No. 9257 created the Office for Senior Citizen Affairs (OSCA) to render services to the senior citizen such as legal assistance, however, the agency having no capacity to prosecute violators of the same, thus, will defeat the primary objective of the law;

WHEREAS, City Ordinance No. NC-83, S-89, elucidated the creation of Public Assistance and Legal Aid Office to cater the needs of our indigent citizenry within the territorial jurisdiction of Quezon City, provided however, that they are qualified to the same;

WHEREAS, enhancing the promotion of justice and the quality of life to the senior citizen, is to afford them open, easy and free legal services relative to violation of Republic Act No. 9257 for the enhancement of their role in nation building and to enjoy a quality and prosperous life; and

WHEREAS, the continuing faith of the Senior Citizen to uphold their rights and privileges granted by law will be aided by the establishment of legal assistance service through Public Assistance and Legal Aid Office (PALAO) relative to all violation of Republic Act No. 9257, otherwise known as the Expanded Senior Citizen Act of 2003, which grants additional benefits and privileges to senior citizens.

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NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. This enactment shall be known and cited as the "Free Legal Services in Violation to Senior Citizens Act."

SECTION 2. Free legal assistance shall be provided to all senior citizens residing within the territorial jurisdiction of Quezon City through Public Assistance and Legal Aid Office (PALAO) relative to the violation of Republic Act No. 9257, otherwise known as the Expanded Senior Citizens Act of 2003.

SECTION 3. Senior Citizens of Quezon City in order to avail the free legal services must concur to the following conditions, to wit:

- a. Duly registered member of the Office for the Senior Citizen Affairs Office;
- b. The problem or case needing free legal assistance must be meritorious and must be confined to the violation of Republic Act No. 9257.

SECTION 4. Pre-assessment shall be conducted by the Office for the Senior Citizen Affairs Office (OSCA) to ascertain the validity of the complaint and to make necessary endorsement thereof;

SECTION 5. All existing ordinances, resolutions, local executive orders, and other rules and regulations are hereby repealed and/or modified accordingly.

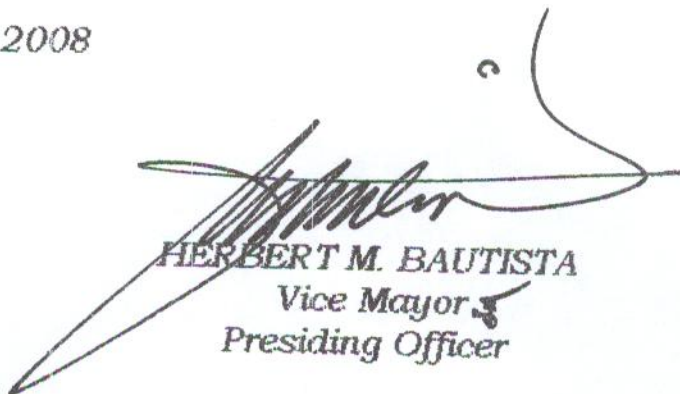
SECTION 6. Should any of these clauses or parts of this ordinance be declared unconstitutional by any court of competent jurisdiction, all other remaining portions not so declared shall remain valid and effective.

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SECTION 7. This Ordinance shall take effect upon its approval.

ENACTED: October 20, 2008




HERBERT M. BAUTISTA
Vice Mayor
Presiding Officer

ATTESTED:



DOROTHY D. LAGRADA, DPA
City Gov't. Dept. Head III

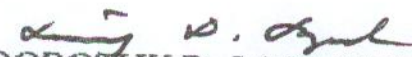
APPROVED: Dec. 18, 2008




FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on October 20, 2008 and was finally PASSED on Third/Final Reading under Suspended Rules on the same date.



DOROTHY D. LAGRADA, DPA
City Gov't Dept. Head III



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