



Republic of the Philippines
Province of Sorsogon
CITY OF SORSOGON



Office of the Sangguniang Panlungsod

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH CITY COUNCIL
HELD AT THE SESSION HALL ON SEPTEMBER 27, 2016.**

PRESENT:

ATTY. JONATHAN G. BALINTONG
City Vice Mayor/Presiding Officer

EAST DISTRICT

City Councilor Florencio J. Jamisola, Jr.
City Councilor Mary Ellen D. Jamisola
City Councilor Ralph Walter R. Lubiano
City Councilor Joven G. Laura

WEST DISTRICT

City Councilor Fernando David H. Duran, III
City Councilor Nestor J. Baldon
City Councilor Jonas Oliver E. Duran

BACON DISTRICT

City Councilor Hilario D. Dioneda
City Councilor Melchor P. Atutubo
City Councilor Emmanuel D. Diolata
City Councilor Iñigo D. Destacamento

EX-OFFICIO MEMBER

City Councilor Edwin A. Divina

ABSENT: City Councilor Aldin V. Ayo

Resolution No. 098, Series of 2016

(Author: City Councilor Nestor J. Baldon)

RESOLUTION ENACTING AN ORDINANCE ENFORCING CURFEW TO MINORS AND THEREBY PROHIBITING THE PARENTS TO ALLOW THEM FROM LOITERING IN THE STREETS, PARKS, ESTABLISHMENTS AND ALL OTHER PUBLIC PLACES IN THE CITY OF SORSOGON FROM 10:00 PM TO 4:00 AM.

WHEREAS, this measure aims to prohibit parents and guardians in allowing their children to stand by or loitering, thus, preventing our youngsters, who are less than 18 years old from staying or loitering in the streets, parks, establishments and other public places during late nights;

WHEREAS, pursuant to the UN Declaration of the Rights of the Child, the best interest of the child shall be the paramount consideration in the enactment of laws that would enable the child to enjoy special protection, including protection from all forms of neglect, cruelty and exploitation;

WHEREAS, Article 211 of the Family Code of the Philippines explicitly expressed that the father and mother shall jointly exercise parental authority and responsibility over the persons of their common children;

WHEREAS, it is the policy of the Sorsogon City Government to protect the interest of the children from reckless, careless and negligent parents and to shield them from dangerous or predatory situations arising from such irresponsibility;

WHEREAS, the parents have the primary right and obligation to provide for their children's upbringing and the right to discipline the children as may be necessary for the formation of his good character and may require from him obedience to just and reasonable rules, suggestions and admonitions;

WHEREAS, the City Government of Sorsogon thereby exercising police power to impose upon parents and guardians in the supervision and installing discipline to the juvenile sector and proper conduct to citizenry in order to minimize the incidence of crimes committed or involving the youth sector;

WHEREAS, every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom; as well as powers necessary, appropriate or incidental for its efficient and effective governance and those which are essential to the promotion of the **general welfare**; Within their respective territorial jurisdiction, local government units shall ensure and support, among other things, the preservation and enrichment of culture, **promote health and safety, improve public morals**, enhance economic prosperity and social justice, **maintain peace and order and preserve the comfort and convenience of their inhabitants**;

NOW THEREFORE, on motion of **City Councilor Hon. Nestor J. Baldon**, duly seconded by **City Councilor Mary Ellen D. Jamisola** resolve as it is hereby resolved to enact:

City Ordinance No. 05, Series of 2016

AN ORDINANCE ENFORCING CURFEW TO MINORS AND THEREBY PROHIBITING THE PARENTS TO ALLOW THEM FROM LOITERING IN THE STREETS, PARKS, ESTABLISHMENTS AND ALL OTHER PUBLIC PLACES IN THE CITY OF SORSOGON FROM 10:00 PM TO 4:00 AM

BE IT ORDAINED by the Sangguniang Panlungsod of Sorsogon in session assembled:

SECTION 1 TITLE

This ordinance shall be known as **"The Sorsogon City Curfew Ordinance of 2016."**

SECTION 2 OBJECTIVES

This measure aims to:

- a. Promote peace and order within the City jurisdiction of Sorsogon by imposing to parents and guardians the responsibility of direct supervision over their children's nighttime activities, thus, preventing our youngsters, who are less than 18 years old from staying or loitering in the streets and in other public places during late nights;
- b. Avoid unnecessary and illegal activities of the bystanders and other elements which could possibly bring harm and destruction to the lives and properties of the constituents.

- c. Redress possible social breakdown and lawlessness brought by misunderstandings, gang wars and adversities of some groups and/or individual thereby protecting our youth from being victims of illegal drugs and other criminal elements present in the streets or public places, particularly during nighttimes.
- d. Facilitate the natural flow of social order, peace and harmony within the city.
- e. Assuring that our children are at home, safe from the dangers at nighttimes.
- f. Invoke and/or exercise police power by imposing upon parents and guardians in the supervision and installing discipline to the juveniles sector and proper conduct to the citizenry, in order to minimize the incidence of crimes committed or involving the youth sector.

SECTION 3 DEFINITION of TERMS

- a) **LOITERING**- to hang around idly and linger in certain places.
- b) **MINORS** - shall refer to all young people who are less than 18 years of age on the date of the implementation of this ordinance.
- c) **PARENTS** - shall include the mother, father, guardian, and those exercising substitute parental authorities over the child, as defined under Article 216 and Article 217 of the Family Code.
- d) **PUBLIC PLACES** - any highway, boulevard, avenue, road streets, bridge or other thoroughfare, park, plaza, square and/or open space ownership where people are allowed access of public.

SECTION 4 CURFEW PROVISIONS

No minors below eighteen (18) years of age shall roam around or loiter in public places or move about outside their residences between the hours of ten (10:00) o'clock in the evening and four (4:00) o'clock in the morning without any justifiable reason. Justifiable reason includes but is not limited to emergency errand and the like.

Should necessity arise for them to be outside their residences during curfew hours, they should secure a curfew pass, otherwise, they should be accompanied by their parent/s, responsible elder or guardian.

The curfew pass shall be issued by the concerned Punong Barangays in the following form:

Republic of the Philippines
Province of Sorsogon
Sorsogon City
BARANGAY _____

OFFICE OF THE PUNONG BARANGAY

CURFEW PASS No. _____

Date: _____

_____ (name) _____ is hereby exempt from the coverage of Section 4 of City Ordinance No. _____, Series of 2016, otherwise known as **The Sorsogon City Curfew Ordinance of 2016.**

This pass slip is valid only on date appeared hereat.

Punong Barangay
(date)

SECTION 5 EXECUTION AND PROCEDURES

Minor shall not be detained inside a prison cell or jail, whether in police station or at barangay hall, unless the minor is in the influence of liquor and drugs and is exhibiting violent tendencies.

The barangay official/s on duty shall bring the minor to his/her parents, however, if the minor refused to be accompanied to go home, the barangay official on duty shall inform the parents or legal guardians of the minor that the latter is in the custody of the barangay or of the PNP and they shall be informed of the violation of this ordinance.

In case the minor and /or the parents are not residents of the barangay, the apprehending barangay official/s, tanod/s or member/s of the PNP on duty shall coordinate with the barangay official/s of the barangay where the minor or parents reside. The latter shall immediately inform the parents or legal guardians of the minor and advice them to immediately proceed and get their minor in the apprehending barangay or the police station. The barangay which has the custody of the minor shall inform the parents or guardians that they are in violation of this ordinance.

In all cases, minors shall be released to the custody of the parents, and in the absence of the latter, to any nearest responsible relative, elder or guardian.

Should the minor refused to go home with his or her parents, or he/she and her/his parents are residence of other municipalities, the barangay shall bring the said minor to the CSWD for coordination and proper guidance counselling.

SECTION 6 PARENTAL REGULATIONS

Parents/ guardians are prohibited to allow their minor children who are less than 18 years old from roaming around or loiter in public places or move about

outside their residences between the hours of ten (10:00) o'clock in the evening and four (4:00) o'clock in the morning without any justifiable reason.

SECTION 7 DEPUTIZED OFFICERS

Barangay Officials and or through their Barangay Police Force (Barangay Tanods) are deputized authorities or enforcers in the barangay for collection of fines and for the identification and custody of minors.

SECTION 8 TEMPORARY SUSPENSION OF THE ORDINANCE

The following occasions, social or religious gatherings, City, Provincial or Barangay Affairs and the likes shall automatically suspend the operation of the ordinance.

1. Barangay Assemblies
2. Barangay Fiesta
3. Benefit/social dance, sports activities and the likes sponsored by the Barangay, Youth Organization or any individual or associations in the said barangay, the city government or by the provincial government and its instrumentalities, church and other similar entities.
4. Night vigil over departed/deceased/dead person (lamay). Applicable only to Barangay of the deceased and only to the place or area where the deceased is being vigil/mourned.

The City Mayor has the authority to temporarily suspend the operation of this ordinance during festivities, national or local celebrations. Punong Barangay has also the authority to temporarily suspend the operation of the ordinance within their respective barangay during any barangay festivities with prior notice to the City Mayor and to the City PNP Chief and shall not exceed to two (2) days.

SECTION 9 PRIOR NOTICE RULE

Educational institutions, religious organizations and all other similar groups with members who are minors, or the parents of such minors are enjoined or obliged to inform the concerned barangays, city government, and the PNP, of any activities, whose participants and the time duration of the activity may affect the operation of this ordinance, so as to exempt them from the coverage during such duration. The corresponding curfew pass shall be secured thereat.

SECTION 10 THE PNP AND BARANGAY – YOUTH DESK

The PNP and Barangay Youth Desk in all PNP Stations/Precincts and in barangays are hereby created that will, in coordination with the City Social Welfare and Development Office to provide guidance and counselling programs/activities for the offenders.

SECTION 11 PENALTY CLAUSE

No penalty shall be imposed on a minor for violation of this ordinance. In all cases, minors shall be released to the custody of the parents, and in the absence of the latter, to any nearest responsible relative, elder or guardian.

If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the minor may be released to any of the following:

- a) A duly registered non-governmental or religious organization;
- b) Barangay official or a member of the Barangay Council for the Protection of Children (BCPC); or
- c) City Social Welfare and Development Officer, or when and where appropriate, to the DSWD.

If the minor has been found by the City Social Welfare and Development Officer to be dependent, abandoned, neglected or abused by his/her parents and the best interest of the child requires that he/she be placed in a youth care facility or "Bahay Pag-asa", the minor's parent or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, if the minor has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the City Social Welfare and Development Officer pursuant to Presidential Decree No. 603 as amended, otherwise known as the "Child and Youth Welfare Code" and the Supreme Court Rulings on commitment of children. Provided further, that the minimum age for children committed to a youth care facility or "Bahay Pag-asa" shall be twelve (12) years old.

Minors violating this ordinance shall be recorded as "child at risk" and not as a child in conflict with the law and shall undergo intervention programs to be determined by the City Social Welfare and Development Office, such as but not limited to counselling, skills training, education and other activities that will enhance their psychological, emotional and psycho-social well-being in accordance with the National Intervention Program (NIP), unless the best interest of the child requires the referral of the child to a youth care facility or "Bahay Pag-asa" managed by the city or licensed and/or accredited NGOs monitored by the DSWD.

Violation of Section 6 hereof, the following penalty shall be imposed to the parents or guardian:

- a) **FIRST OFFENSE** – a fine of P1,000.00 or three (3) months imprisonment, or both, at the discretion of the court.
- b) **SECOND OFFENSE** – a fine of P3,000.00 or six (6) months imprisonment, or both, at the discretion of the court.
- c) **THIRD OFFENSE** – maximum penalty of a fine of P5,000.00 or one (1) year imprisonment, or both, at the discretion of the court.

SECTION 12 NO CONTEST PROVISION AND ALTERNATIVE PENALTIES

The parents concerned who wish not to contest their liability may pay the fine for the offense with the City Treasurer before the institution of formal charges. In case of inability to pay the fine, the parents concerned shall render community service as follows:

- a) For a penalty of a fine of P1,000.00= eight (8) hours;
- b) For a penalty of a fine of P3,000.00= sixteen (16) hours;
- c) For a penalty of a fine of P5,000.00= twenty-four (24) hours;

Provided that, should the parent concerned already availed of the benefits of this Section three (3) times, he can no longer avail of the same, and the corresponding complaint for violation of the ordinance with the maximum penalty imposed shall be filed against him;

The Barangay Chairman shall designate places or areas in the barangay for the rendition of community service which must be related to any environmental works and activities.

SECTION 13 PENALTY FOR BUSINESS ESTABLISHMENT

Business establishments that caters services and accommodate or otherwise insinuated minors to perform any activity during the herein prescribed hours shall be fined Php2,000.00 for the 1st offense, Php3,000.00 for the 2nd offense and for the 3rd offense the same shall be fined Php5,000.00, cancellation of business license and permit and closure of the establishment.

SECTION 14 ADMINISTRATIVE PROVISIONS

The Punong Barangays and the City PNP Chief shall transmit Notices of Violation to the City Treasurer's Office for collection of fines and to the City Legal Office for institution of proper charges against the offenders.

The amount of fines collected to the offenders shall always be accompanied by a corresponding receipt. Such receipt shall be presented to the City Legal Office for recording and documentation purposes.

The Barangay Councils shall submit monthly summary report of violations to the PNP-Sorsogon City. Likewise, the PNP shall submit quarterly summary report of violations to the City Mayor and to the Sangguniang Panlungsod.

The Sangguniang Panlungsod at any time may amend, suspend, revoke or repeal this ordinance when deemed necessary.

SECTION 15 REPEALING CLAUSE

All ordinances, resolutions and regulations, or any part(s) thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 16 SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 17 EFFECTIVITY

This ordinance shall take effect immediately upon its approval by the Sangguniang Panlungsod and after compliance with the law on public dissemination and of publication.

DATE APPROVED: **September 27, 2016**

I HEREBY CERTIFY to the correctness of the foregoing resolution and ordinance.


JONATHAN G. BALINTONG
City Vice Mayor/Presiding Officer

Attested:


NOEL G. DREU
Secretary to the Sangguniang Panlungsod

Approved:


SALLY A. LEE
City Mayor