



Republic of the Philippines
Province of Pangasinan
MUNICIPALITY OF URBIZTONDO
OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE RECORD OF PROCEEDINGS OF THE 40th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF URBIZTONDO, PANGASINAN, HELD ON OCTOBER 1, 2018 AT THE LEGISLATIVE HALL

Present:

Vice Mayor Marilyn S. Sison	Presiding Officer
Coun. Dyna P. de Guzman	Member
Coun. Zenaida P. Espinosa	Member
Coun. Volter D. Balolong	Member
Coun. Edwin T. Tamondong	Member
Coun. Danilo M. Tamondong	Member
Coun. Pepito N. Calugay	Member
Coun. Vicente A. Frias, Jr.	Member
Coun. Brandy M. Palisoc	Member
Coun. Fernando L. Tapiador	Member (ABC Pres.)
Coun. Rozel Clyde D. Uson	Member (SKF Pres.)

Absent:

None

MUNICIPAL ORDINANCE NO. 5 – 2018

Sponsored by: Coun. Volter D. Balolong

Ordinance Prohibiting the Roaming, Loitering or Sleeping of Unchaperoned Children Below Eighteen (18) Years of Age From 10:00 o’Clock P.M. to 5:00 o’Clock A.M. Outside of Their Residence and Providing Penalties for Violation Thereof

WHEREAS, Section 13, Article II of the Philippine Constitution provides that, “The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs”.

WHEREAS, Article 3(8) of PD 603 states that: “Every child has the right to protection against exploitation, improper influences, hazards and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.”

WHEREAS, under Section 447 (a) provides that, “The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants xxx.”

WHEREAS, the municipal government of Urbiztondo, Pangasinan believes that a curfew imposed on minors or those under the age of eighteen is in the best interest not only of the young constituents but of the public in general as what will be promoted is the entire community’s safety and welfare. It also aims to ensure the safety and self-esteem of children, prevent them from being used to commit crime, and protect them from abuse and exploitation;

WHEREAS, further, in the interest of public order and safety to regulate the movement of minor children during night time by setting curfew hours, protect them from

neglect, abuse, cruelty and exploitation, and other conditions prejudicial or detrimental to their development.

NOW, THEREFORE, be it ordained by the Sangguniang Bayan of Urbiztondo, Pangasinan that a Curfew Ordinance for Minors be established.

SECTION 1. Title. This Ordinance, shall be known as the “**Curfew Ordinance for Minors**”.

SECTION 2. Definitions. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

- a. **Curfew Hours** – means the hours from 10:00 p.m. every night up to 5:00 a.m. the next morning.
- b. **Emergency** – means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- c. **Minor** – means any person under eighteen (18) years of age.
- d. **Parent** – means a person who is a natural parent, adoptive parent, or step-parent of a minor.
- e. **Guardian** – means:
 - i. A person who, under court order, is the guardian of the person of a minor;
 - ii. A public or private agency with whom a minor has been placed for custody by a court;
 - iii. A person in charge of the custody or who is taking care of a minor, whether relative or not; or
 - iv. A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.
- f. **Habitual Violator** – refers to minor/s who frequently or repeatedly violates this Ordinance.
- g. **Public Place** – means a place located within the juridical boundaries of the Municipality of Urbiztondo where the general public, or a substantial group of people, have access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as computer shop and similar places or establishments.
- h. **Remain** – means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.
- i. **Residence** – means the house or home wherein the minor and his/her parent/s or guardian/s actually lives.

SECTION 3. Prohibited Activities/Offenses.

- a. All minor children are prohibited to roam around, loiter, wander, stay or meander in all public places during curfew hours – 10:00 P.M. every night up to 5:00 A.M. the next morning – whether singly or in groups without lawful purpose or justifiable reason.
- b. It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place within the municipality during curfew hours.

SECTION 4. Exceptions. The activities prohibited by Section 3 hereof shall not be unlawful in the following circumstances:

- a. When the minor is accompanied by the minor's parent or guardian;
- b. Those on their way to or from a party, graduation ceremony, religious activities, and/or other extra-curricular activities of their school or organization wherein their attendance are required or otherwise indispensable, or when such minors are out and unable to go home early due to circumstances beyond their control as verified by the proper authorities concerned;
- c. When the minor is riding on a motor vehicle or on travel accompanied by parents or guardians is in no violation of this ordinance;
- d. When the minor is engaged in an authorized employment activity, or going to or returning home from the same place or employment activity, without any detour or stop;
- e. When the minor is involved in an emergency;
- f. When the minor is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the authorities about the minor's presence;
- g. When the minor is out of his/her residence attending an official school, religious, recreational, educational, social community or other organized activity sponsored by the municipality, barangay, school or other similar private civic/religious organization/group that supervises the activity or when the minor is going to or returning home from, without any detour or stop, such activity;
- h. When the minor can present papers certifying that he/she is a student and was dismissed from his/her class/es late in the evening or that he/she is a working student;
- i. When the minor is engaged in a lawful pursuit of livelihood or providing assistance in any lawful activity;
- j. When the minor is on an errand to save life or property like calling for the services of a physician, midwife, priest, police officers, fireman and other similar circumstances;
- k. When the minor is attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, law enforcers encounter, and similar incidents;
- l. When the minor can show proof or explain to the satisfaction of the apprehending officer that he/she has just arrived from travel and is on his/her way home and similar circumstances;

- m. One (1) day before and after Christmas Day; New Year's Day; Election Day; All Soul's Day;
- n. Two (2) days before and after the day of the Town Fiesta and the Barangay Fiesta where the minor resides.

SECTION 5. Role of Educational Institutions and Other Public or Private Establishment. All educational institutions and other public or private establishments must try to conduct their programs or activities wherein minors are involved within a period of time that will be finished before the start of the curfew hour. Otherwise, a written authority from the parents or guardians of the minor shall be required for minor's attendance/participation in such activity or program.

Business establishments operating during night time shall only allow entry of minors within the curfew hours if accompanied by their parents or guardians.

SECTION 6. Enforcement Procedure. In compliance with the Juvenile Justice and Welfare Act of 2006 or Republic Act No. 9344, a police officer, barangay officials and tanods enforcing action under this ordinance, shall observe the prescribed provision under Section 21 of R.A. 9344 in dealing with the minor or minors believed to be in violation of the herein ordinance as follows:

"R.A. No. 9344, Section 21. Procedure for Taking the Child into Custody. - From the moment a child is taken into custody, the law enforcement officer shall:

- (a) *Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;*
- (b) *Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;*
- (c) *Properly identify himself/herself and present proper identification to the child;*
- (d) *Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;*
- (e) *Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;*
- (f) *Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;*
- (g) *Avoid violence or unnecessary force;*
- (h) *Determine the age of the child pursuant to Section 7 of this Act;*
- (i) *Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;*

- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
 1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
 2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
 3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell."

SECTION 7. Penalties and Manner of Dealing with the Violator.

- a. The penalty for parent/guardian of the minor who violates this ordinance shall be:
 - i. For the First Offense – a minor found violating this ordinance for the first time will be referred to the nearest barangay hall or police station.

The Barangay Council for the Protection of Children or the PNP's Children's Desk shall conduct the counselling before the minor will be properly turned over to his/her parent/s or guardian/s.

The parent/s or guardian/s of the minor in violation of this ordinance shall be summoned to fetch the minor from the barangay hall or police station.

The parent/s or guardian/s of the minor who violated this ordinance for the first time shall be penalized with a fine of Five Hundred Pesos (₱500.00).

That after due notice, non-compliance with the prescribed penalty within thirty (30) days warrants the filing of the case against the parent/s or guardian/s of the minor who violated this ordinance to the proper court and shall be punish by a fine of One Thousand Five Hundred Pesos (₱1,500.00) or imprisonment of not more than twenty days (20), or both at the discretion of the court.

- ii. For the Second Offense – a minor found violating this ordinance for the second time will be required to attend, together with his/her parent/s or guardian/s, two (2) consecutive regular sessions of the Barangay for the Protection of Children, for counselling, which shall include this matter as part of its session's agenda, provided that the BCPC Chairperson shall certify

compliance or non-compliance by the concerned minor and his/her parent/s or guardian/s with this penalty.

Provide, further, that the violator and/or his/her parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and the apprehending officer within a period not to exceed two (2) months from date of violation.

The parent/s or guardian/s of the minor who violated this ordinance for the second time shall be fine for One Thousand Five Hundred Pesos (₱1,500.00).

That after due notice, non-compliance with the prescribed penalty within thirty (30) days warrants the filing of the case against the parent/s or guardian/s of the minor who violated this ordinance to the proper court and shall be punish by a fine of Two Thousand Five Hundred Pesos (₱2,500.00) or imprisonment of not more than thirty days (30), or both at the discretion of the court.

- iii. For the Third and every subsequent Offense – a minor found violating this ordinance for the third time and every time thereafter, his/her parent/s or guardian/s shall be penalized with a fine of Two Thousand Five Hundred Pesos (₱2,500.00) or imprisonment of sixty (60) days, or both at the discretion of the court.
- iv. Habitual violator/s of the herein ordinance shall be turned over to the Office of the Municipal Social Welfare and Development for counseling and be subject to intervention program of the said office.
- v. In case where the residence of a minor, who violates this ordinance, is that of another municipality or city, the provisions under sub-paragraph (i) shall be observed for first violation, in coordination with the Barangay Office/Official thru the Barangay Council for the Protection of Children (BCPC) where the place of residence of the minor is in question.

When the residence of the minor is from far away municipality or city, custody of the child shall immediately by not later than eight (8) hours after apprehension, turn over to the Office of the Municipal Social Welfare and Development or other accredited NGO's and notify the minor's apprehension as provided for under Par. (i) Section 21 of R.A. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006."

For every offense committed, the minor together with his/her parents/guardians shall undergo a mandatory counselling from the apprehending office for proper disposition on the matter and informing them the consequence for violating the Ordinance.

- b. The penalty for business establishment who violates this ordinance shall be:
 - i. First Offense – fine of ₱1,500.00 or suspension of operation for 15 days, or both at the discretion of the court.
 - ii. Second Offense – fine of ₱2,000.00 or suspension of operation for 30 days, or both at the discretion of the court.
 - iii. Third Offense – fine of ₱2,500.00 or immediate revocation and cancellation of business, or both at the discretion of the court.

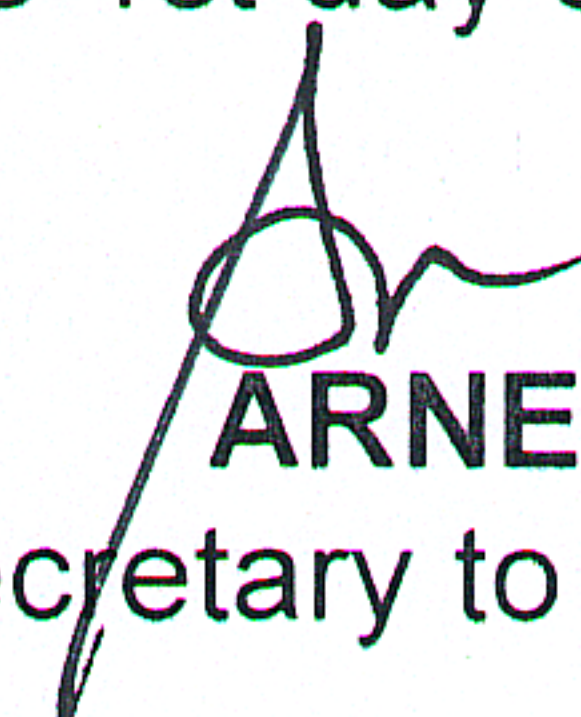
The corresponding share of the PNP and the barangay from the fines mentioned above shall be 50% of the corresponding fine and shall be credited quarterly by the Municipal Accountant's Office to the account of the PNP and the barangay concerned.

Section 8. Separability Clause. If any part of this ordinance is declared unconstitutional or unlawful, such declaration shall not affect the other parts or sections hereof and thereby shall continue to be in full force and effect.

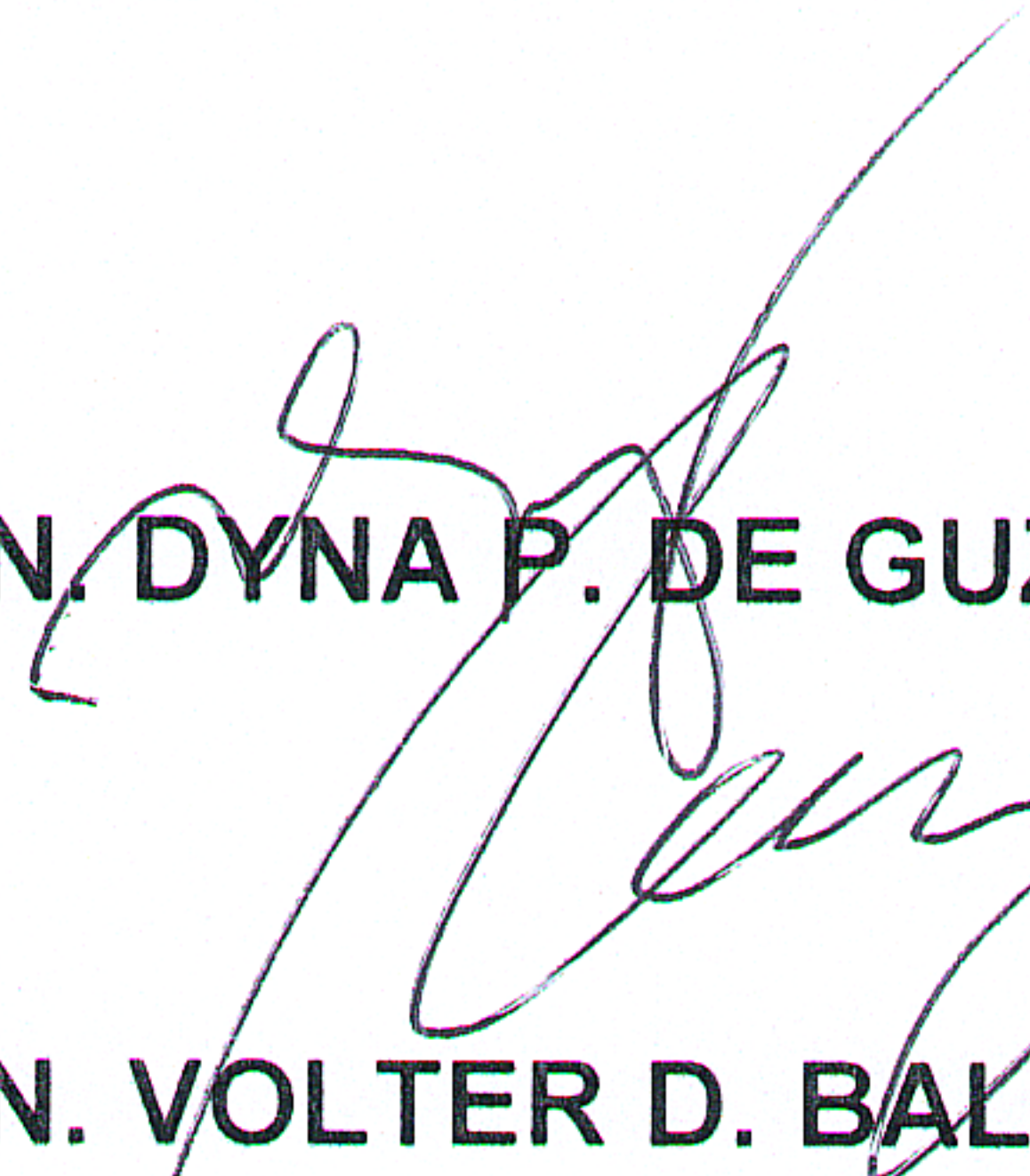
Section 9. Repealing Clause. All provisions of local ordinances, orders, and resolutions inconsistent herewith are hereby repealed and/or modified accordingly.

Section 10. Effectivity - This ordinance shall take effect upon favorable review and approval by the Sangguniang Panlalawigan and fifteen (15) days after its publication in a newspaper of local circulation pursuant to and in conformity with pertinent provisions of the Local Government Code of 1991 (R.A. 7160).

I hereby certify to the passage of the foregoing Ordinance which was duly approved by the Sangguniang Bayan of Urbiztondo on the 1st day of October, 2018.


ARNEL C. RUFO
Secretary to the Sanggunian

CONCURRED:


COUN. DYNA P. DE GUZMAN


COUN. ZENAIDA P. ESPINOSA

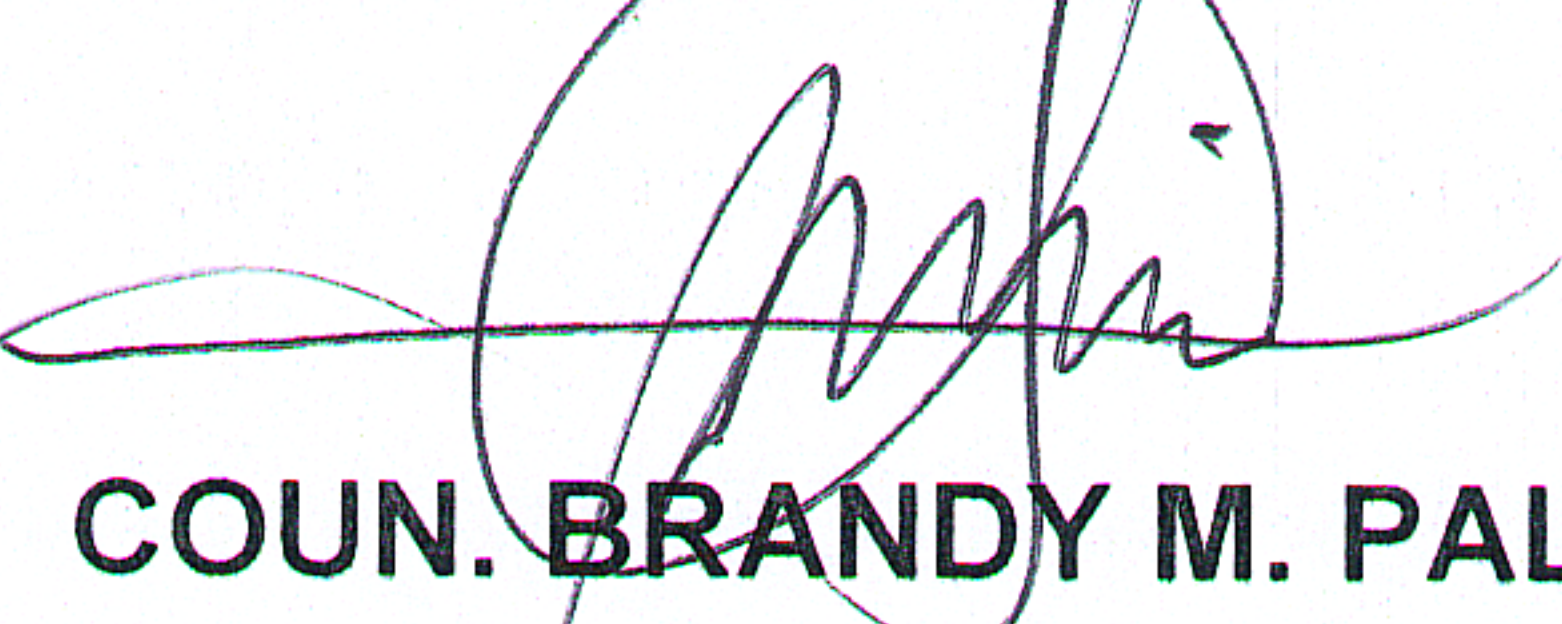
COUN. VOLTER D. BALOLONG


COUN. EDWIN T. TAMONDONG


COUN. DANILO M. TAMONDONG


COUN. PEPITO N. CALUGAY

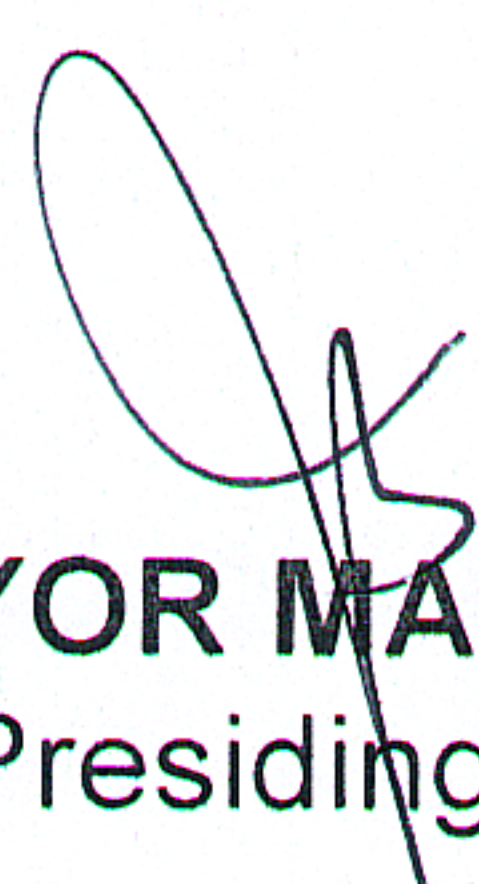

COUN. VICENTE A. FRIAS, JR.


COUN. BRANDY M. PALISOC


COUN. FERNANDO L. TAPIADOR


COUN. ROZEL CLYDE D. USON

ATTESTED:


VICE MAYOR MARILYN S. SISON
Presiding Officer

APPROVED:


MAYOR MARTIN RAUL S. SISON, II