

Office of the Sangguniang Panlungsod

Excerpt from the
MINUTES OF THE 9th REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD
OF BAYBAY CITY, LEYTE HELD ON MARCH 2, 2009.

PRESENT:

- | | |
|-----------------------------------|--|
| HON. REX A. RETANA..... | City Vice Mayor &
Presiding Officer |
| HON. ERNESTO M. BUTAWAN..... | Sangguniang Panlungsod Member |
| HON. CRISTELO S. LORETO..... | -do- |
| HON. EDUARDO S. GUINOCOR, JR..... | -do- |
| HON. LEONIDO A. BERAY..... | -do- |
| HON. LOLITO C. MUÑEZ..... | -do- |
| HON. ERLINDO P. LAPLANA..... | -do- |
| HON. TERESITA J. VELOSO..... | -do- |
| HON. CARLO S. ENRIQUEZ..... | -do- |
| HON. MARGARITA C. CARI..... | -do- |
| HON. CARL NICOLAS C. CARI..... | -do- |

ABSENT:

NONE

CITY ORDINANCE NO. 002 S. 2009

AN ORDINANCE IMPOSING CURFEW ON MINORS IN THE CITY OF BAYBAY FROM 10:00
PM TO 4:00 AM

INTRO: & SPONSORED BY : HON. SP MEMBER ERNESTO M. BUTAWAN AND
ALL MEMBERS PRESENT:

WHEREAS, police records show the alarming increase in the statistics in the crime against
property and person committed between the hours of 10:00 p.m. to 4:00 a.m. wherein the
perpetrators or victims are mostly minors.

WHEREAS, the policy of the state recognizes the vital role of children and 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, it is the duty of every Local Government Unit (LGU) to enact measures and
ordinances intended to prevent and suppress activities inimical to the welfare of the youth in
particular and the citizenry in general.

NOW, THEREFORE

Be it Ordained by the Sangguniang Panlungsod of the City of Baybay, Province of Leyte,
in session assembled that:

SECTION I. -- Definition of Terms

- a) Minor – refers to a person below 18 years of age.
- b) Curfew hours – from 10:00 PM to 4:00 AM;
- c) Holding facility – refers to the establishment provided by the city government and manned
by the City Social Welfare and Development office (CSWDO) personnel where minors are
temporarily sheltered during curfew hours.

- more over -

LOLITO C. MUÑEZ
SP MEMBER

LEONIDO A. BERAY
SP MEMBER

EDUARDO S. GUINOCOR, JR.
SP MEMBER

CRISTELO S. LORETO
SP MEMBER

ERNESTO M. BUTAWAN
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ERLINDO P. LAPLANA
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SP MEMBER

CARLO S. ENRIQUEZ
SP MEMBER

MARGARITA C. CARI
SP MEMBER

CARL NICOLAS C. CARI
SP MEMBER

- d) Republic Act No. 9344 – An Act Establishing A Comprehensive Juvenile Justice and Welfare System.
- e) Authorities – refers to the persons authorized to enforce this ordinance;
- f) Escorting – refers to the initial contact of a child with the authorities during curfew hours and it includes a. interview with the child to determine his/her identity and other personal background, b. accompanying the child to his/her residence if practical or turnover to his/her parents or guardian; c. to bring the child to the nearest holding facility;
- g) Children at risk – refers to children who are vulnerable to and at the risk of committing criminal offenses or becoming a victim;

SECTION II. Curfew Hours

There shall be a curfew to be observed by all minors from 10:00 o'clock in the evening until 4:00 o'clock in the following morning in the entire city of Baybay;

SECTION III.

Minors who are seen outside their respective houses during curfew hours are considered children at risk and have to be escorted by the authorities to their respective houses/homes or residents if practical and turned over to their parents or guardian as the case may be otherwise they shall be turned over to the nearest holding facility.

SECTION IV. Initial Contact

During the initial contact the authorities must ascertain the identity of the minor, his/her parents, and address which has to be recorded which record shall be kept confidential from the public. During this time authorities are enjoined to exercise utmost diligence, tolerance and patience in dealing with the minors. No excessive force or other coercive acts shall be employed during initial contact.

SECTION V. School Related Activities

All evening campus related activities by the schools, colleges and universities are limited up to 9:00 o'clock in the evening unless the whole activity shall last until the following day and the venue is confined inside the campus but in all cases the school administrator shall file a notification to the police authorities copy furnished the city mayor and the barangay chairperson where the school is situated of their intention to conduct such activities.

SECTION VI. Parents and or guardian

Should the minor be accompanied by a parent or guardian during curfew hours this ordinance will not apply, however, if the authorities has a well founded belief that the companion of the minor is not his/her parent or guardian they can ask searching question to the companion and verify his/her relationship with the minor. Should it be found that the companion is not the parent or guardian of the minor the former may be investigated for possible violation of Section 6 and 10 of RA 7610;

more over -

[Signature]
LOLITO C. MUNEZ
SP MEMBER

[Signature]
LEONILDA A. BERNAL
SP MEMBER

[Signature]
EDUARDO S. GUINOCOR, JR.
SP MEMBER

[Signature]
CRISTELO S. LORETO
SP MEMBER

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SP MEMBER

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TERESITA D. VELOSO
SP MEMBER

[Signature]
CLO S. ENRIQUEZ
SP MEMBER

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MARGARITA C. CARI
SP MEMBER

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CARL NICHOLAS C. CARI
SP MEMBER

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SECTION VII. Holding Facility

In order to fully implement this ordinance the city government shall provide holding facility or facilities manned by the employees of the Department of Social Welfare of the city which facility or facilities are equipped with the basic amenities such as lavatories for boys and girls, quarters including cots for boys and girls. The head of office of the City Department of Social Welfare in coordination with the City Planning Office and the local Philippine National Police shall formulate rules and regulation designed to implement this provision in accordance with RA 9344;

SECTION VIII. Temporary billeting

All minors escorted to the holding facility shall stay up to 6:00 o'clock in the morning and they shall be allowed to leave without any obligation to the city government unless their continued stay is warranted for valid and legal cause. The administrator of the holding facility shall maintain a record to all its minor occupants which shall be kept confidential from the public;

SECTION IX. Offenses committed during curfew hours

If the minor had committed any offense during curfew hours he/she should be considered a child in conflict with the law and shall be treated in accordance with RA 9344;

SECTION X. Employment of Minors

Minors are allowed to work during nighttime provided the limitations set forth under Section 3 of RA 9231 amending Sections 12-A, 12-B, 12-C and 12-D of RA 7610 are complied with. For this purpose authorities should see to it that all establishments which offer services during the curfew hour comply with the provisions provided under said national law;

SECTION XI. Penalty

Violation by any law enforcers tasked to enforce this ordinance of any provision hereof shall be penalized administratively and criminally as provided for under Section 2 of RA 9344.

SECTION XII. Persons authorized to enforce this ordinance

The following are the primary persons authorize to enforce this ordinance;

- 1 Police authorities
- 2 City Social Welfare and Development Office (CSWDO)
- 3 Barangay officials and their tanods
- 4 LEAG personnel provided they are accompanied by police authorities;

SECTION XIII. Repealing Clause

All ordinances or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION XIV. Effectivity

This ordinance shall take effect fifteen (15) days from its publication in a local newspaper.

RE VED, FURTHER, to let certified copies of this ordinance be furnished to the Sangguniang Panlalawigan of Leyte, Tacloban City, the Philippine National Police, and offices concerned for the information and appropriate action..

ENACTED, March 2, 2009.

[Signature]
LOLITO C. MUNIZ
SP MEMBER

[Signature]
LEONIDO A. BRAY
SP MEMBER

[Signature]
EDUARDO S. GUINOCOR, JR.
SP MEMBER

[Signature]
CRISTIANO S. LORETO
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SP MEMBER

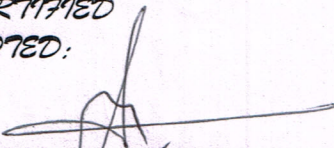
[Signature]
CARL NECOLAS C. CARI
SP MEMBER

[Signature]

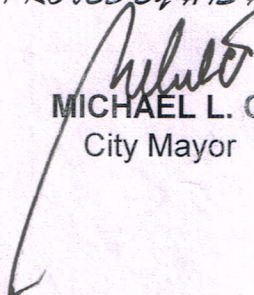
I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its regular session on March 2, 2009.

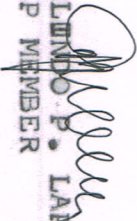

AMELITO V. BORNEO
Secretary to the SP

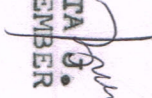
*ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:*


REX A. RETANA
City Vice Mayor &
Presiding Officer


APPROVED BY HIS HONOR



MICHAEL L. CARI
City Mayor


ERLINDO P. LARLANA
SP MEMBER

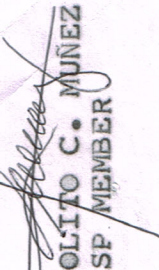

TERESITA G. VELOSO
SP MEMBER

ERLINDO P. LARLANA
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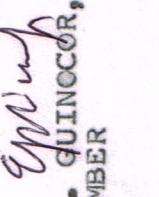

CARLO S. ENRIQUEZ
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