



Office of the Sangguniang Panlungsod

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ORDINANCE NO. 05, S. 2019

“AN ORDINANCE PROHIBITING, DISALLOWING AND BANNING THE USE AND WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES OF PERSONS, MOTORCYCLE DRIVERS AND BACKRIDERS AND IMPOSING PENALTIES IN VIOLATION THEREOF.”

(Sponsored by Honorable Atty. Ernesto M. Butawan)

PREFATORY STATEMENT

WHEREAS, one of the alarming issues affecting our City very recently are the incidents involving unknown assailants or motorcycle driving assailants, wherein the perpetrators wore and used helmets, bonnets and masks to cover their identities in order to escape arrest from Police Authorities and authorized law enforcers and evade prosecution;

WHEREAS, the residents of the entire City of Baybay now greatly feared for their safety and security due to the continuous and uncontrolled assaults, threats and shooting incidents perpetuated by mask/bonnet-wearing assailants, motorcycle drivers and back riders, thereby significantly affecting the peace and order situation of this City;

WHEREAS, there were some cases related to physical assault by mask/bonnet-wearing assailants and drive-by shooting incidents which have remained unsolved due to lack of witnesses to identify the perpetrators and most likely, due to the tinted helmets, bonnets and masks worn by these criminals during the incident;

WHEREAS, the Local Government Code empowers the Local Government Unit to draft and formulate measures, ways and means to ensure the well-being of the community, thus, the common interest shall be primordially attended;

NOW THEREFORE, on motion of Honorable Atty. Ernesto M. Butawan, and duly seconded by Honorable Edgardo R. Ompoy, Honorable Vicente Victor G. Veloso and Honorable Filemon F. Avila,

BE IT ORDAINED, by the Sangguniang Panlungsod of the City of Baybay in session, on May 6, 2019, thus this ordinance, entitled;

“AN ORDINANCE PROHIBITING, DISALLOWING AND BANNING THE USE AND WEARING OF HELMETS, BONNETS AND MASKS TO COVER AND HIDE THE FACE AND IDENTITIES OF PERSONS, MOTORCYCLE DRIVERS AND BACKRIDERS AND IMPOSING PENALTIES IN VIOLATION THEREOF.”

Section 1. Prohibition Within the City Proper/Poblacion.

All motorcycle drivers and back riders are prohibited, disallowed and banned to wear helmets, bonnets and masks when driving within the city proper/poblacion of the City of Baybay.

Section 2. Medical Condition.

Drivers and back riders wearing and using masks and bonnets to prevent inhaling dusts because of medical condition must present a medical record/documents to justify their intention.

Section 3. Driving Outside City Proper/Poblacion.

When driving outside city proper/poblacion the driver or his back-rider must immediately remove his/her helmet, bonnets or mask once the motorcycle is in complete stop whether the engine is still on or off;

Section 4. Valid Identification Card.

Individuals not driving a motorcycle are prohibited to wear bonnet, mask, or helmet in all places except in their respective homes or private places, as a consequence hereof, the authorized law enforcers shall require the person to remove their mask, helmet or bonnet and present valid identification card for their identity to avoid apprehension and prosecution under this ordinance;

Section 5. Checkpoints.

All motorcycle drivers and back riders must take off their helmets, bonnets or masks upon order of the law enforcements agencies manning the checkpoints.

Section 6. Violation of any provision/s of this Ordinance shall suffer the following fines and penalties:

- a. For motorcycle driver – citation ticket plus fine of P500.00 and imprisonment of 15 days;
- b. For non-driver and back rider violators an imprisonment of 15 days;

Section 7. All traffic enforcers of the city and all Barangay Tanods in their respective barangays and the members of the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) shall enforce this Ordinance;

Section 8. SEPARABILITY CLAUSE.

The provisions of this Ordinance are hereby declared separable and if any provision shall be held invalid, or unconstitutional, the remaining portions hereof are not affected and shall remain valid and effective.

Section 9. REPEALING CLAUSE.

All ordinances, resolutions, rules and regulations inconsistent with or contrary to the provisions of this Ordinance are hereby repealed, amended or modified accordingly.

Section 10. EFFECTIVITY.

This Ordinance shall take effect 15 days after its publication and after due compliance with all the requirements provided for under R.A. 7160, otherwise known as the Local Government Code of 1991.

Enacted: May 6, 2019

Baybay City, Leyte, Philippines

CARRIED BY ALL OF THE MEMBERS PRESENT:

ATTY. ERNESTO M. BUTAWAN
SP Member

ARTURO ELISA O. ASTORGA
SP Member

RODULFO S. PALMA, JR.
SP Member

ALAN D. FERNANDEZ
SP Member

FILEMON F. AVILA
SP Member

EDGARDO R. OMPOY
SP Member

LEONCIO P. ASILOM, JR.
SP Member

VICENTE VICTOR G. VELOSO
SP Member

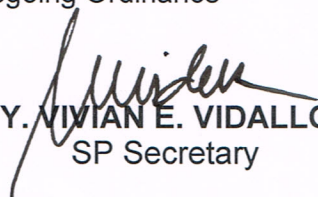
DOMINADOR K. MURILLO, DM
SP Member

JORGE V. REBUCAS
SP Member

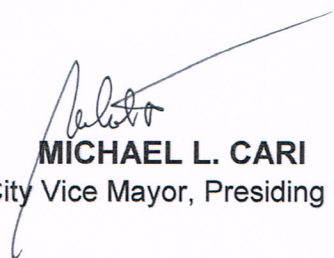
NATALIE B. ANDRES
President, SK City Federation,
Ex-Officio, SP Member

RESOLVED FURTHER, to furnish copies of this Ordinance each to the City Mayor, Honorable Carmen L. Cari, the City Administrator, Deogracias E. Pernitez, the City Legal Officer, Atty. Avito C. Cahig, Jr., the City Budget Officer, Raul A. Mabini, the City Accountant, Evelinda A. Oppus, the City Treasurer, Evelyn P. Relente, CLGOO Mr. Vicente B. Maraon, and to all other offices/agencies concerned for their information, guidance and appropriate action.

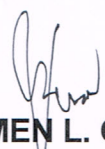
I HEREBY CERTIFY to the correctness of the foregoing Ordinance


ATTY. VIVIAN E. VIDALLON
SP Secretary

ATTESTED & CERTIFIED
TO BE DULY ADOPTED:


MICHAEL L. CARI
City Vice Mayor, Presiding Officer

Approved by Her Honor:


CARMEN L. CARI
City Mayor

Date Approved: 5/7/2019