

Republic of the Philippines

Province of Pampanga

Municipality of Mexico

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF MEXICO, PROVINCE OF PAMPANGA HELD ON JANUARY 23, 2006 AT THE SANGGUNIANG BAYAN SESSION HALL.

PRESENT:

- Hon. Roy D. Manalastas - Municipal Vice-Mayor / Presiding Officer
- Hon. Trina T. Dizon-S. B.Member
- Hon. Jonathan R. Pangan-"
- Hon. Merly E. Manalo-"
- Hon. Emmanuel R. Manalo-"
- Hon. Rex DL. Calma- "
- Hon. Nestor C. Sotto-"
- Hon. Lourdes G. Sicat-"
- Hon. Renato G. Colis-"
- Hon. Marcelino T. Reyes - A.B.C.President
- Hon. Bryan T. David - S.K.M.F.President

ABSENT: N O N E

MUNICIPAL ORDINANCE NO. 001-2006

A MUNICIPAL ORDINANCE IMPOSING CURFEW HOUR FROM 10:00 P.M. TO 4:00 A.M. AGAINST MINORS; AND FOR OTHER PURPOSES.

WHEREAS, the rise on cases of juvenile delinquency obtaining from the different barangays resulting from youth hooliganism has contributed considerably to the deterioration of the peace and order situation in our locality;

WHEREAS, this unhealthy situation which greatly disturbs our elders and greatly alarms the Municipal Administration demands immediate remedy; and

WHEREAS, to protect the interest and welfare of our young men and women, the Sanggunian strongly believes that an authoritative imposition to keep them indoors and out of trouble during the unholy hour appears urgent and highly in order.

NOW THEREFORE –

On motion of Honorable Lourdes G. Sicat and jointly seconded by Honorable Renato G. Colis and Honorable Jonathan R. Pangan,

BE IT ORDAINED BY THE SANGGUNIANG BAYAN, MUNICIPALITY OF MEXICO, PROVINCE OF PAMPANGA, in regular session assembled, that:

Section 1. Title. This municipal ordinance shall be known as the **CURFEW ORDINANCE OF THE MUNICIPALITY OF MEXICO.**

Section 2. Objective. This municipal ordinance which is in full accord of Section 447 (1) v of Republic Act No. 7160 aims to curb juvenile delinquency in the Municipality to ensure the well being of the youth.

Section 3. Definition of Terms. When used in this municipal ordinance, the following terms shall mean, apply and be construed as follows:

3.1. Minors refer to persons below eighteen (18) years old, whether male or female;

3.2. Parents refer to the natural father or mother of the minor and / or his / her foster father or mother;

3.3. Guardian refers to a person who takes care of a minor under his / her custody; and

3.4. Authorities refer to law enforcers who are members of the local police force and Punong Barangay of the different barangays of the municipality, including the latter's authorized agents like Barangay Kagawads and Tanods.

Section 4.Imposition.There is hereby imposed curfew hour from 10:00 P.M. to 4:00 A.M. against minors within the territorial jurisdiction of this municipality.

Section 5.Scope and Coverage.This imposition shall apply to all people below eighteen (18) years old, whether resident or non-resident of this municipality.

Section 6.Enforced Regulation.All minors are enjoined strict compliance of the curfew hour prescribed in Section 4 hereof, under which, they shall stay home or indoors during the curfew hour, otherwise, they shall be apprehended under pain of penalty as provided herein.

Section 7.Other Prohibited Acts.The following acts are prohibited:

7.1.Selling or serving liquors or intoxicating beverages to minors;

7.2.Serving and drinking liquors or intoxicating beverages in public places like parks, plazas, streets and in public or private cemeteries and in sari-sari stores or similar business establishments;

7.3.Selling or dispensing liquors or intoxicating beverages from 12:00 A.M to 5:00 A.M.; and

7.4.Carrying deadly weapons and in possession of prohibited drugs.

Section 8. Exemption.Minors are exempted from the curfew hour if and when he or she is:

8.1.In the company of one of his / her parents;

8.2.In the company of his / her legal guardian;

8.3.Legally employed as certified by the employer or the Department of Labor and Employment and duly noted by the Barangay Captain of his place of residence;

8.4.Self-employed as certified by the Barangay Captain and the Barangay Council for the Protection of Children (BCPC) of his place of residence;

8.5.Inside a motor vehicle, which is in transit;

8.6.During emergency errands for the family;

8.7.When for justifiable reasons, minor was not able to reach his / her residence within the prescribed curfew hour; and

8.8.Elected SK officials performing emergency and related official functions.

Section 9.Suspension on the Enforcement of the Curfew Hour.The curfew hour is deemed suspended on the following occasions:

9.1.Christmas season from December 15 to January 6;

9.2.Pampanga Day Celebration from December 9 to 11;

9.3.Holy Week;

9.4.Town Fiesta from May 1 to 4;

9.5.Barangay Fiesta in barangay where such affair / celebration is held; and

9.6.On such other date or dates staging special occasion/s through public proclamations.

Provided, however, the curfew hour is automatically restored immediately after the staging of such affair/s or celebration/s.

Section 10.Deputization.The local police force and all Punong Barangay of the different barangays of this municipality, including the latter's authorized agents like barangay kagawads and tanods are hereby deputized and authorized to carry out the purposes of this municipal ordinance.

Section 11.Implementing Rules.Deputized agents mentioned in the preceding section hereof shall exercise prudence and courtesy in apprehending minors found violating the penal provisions of this Municipal Ordinance and shall perform the following tasks:

11.1.Upon apprehension in violation of Section 4 hereof, bring the minor to a holding center for appropriate booking, secure and register in the official logbook his / her full name, age, date / place of birth, sex, address, name of parents and date and time of apprehension;

11.2. Inform the offending minor on the nature of his / her offense, admonish him or her and release him or her immediately after the expiration of the prescribed curfew hour;

11.3.Upon apprehension of any person whether minor or otherwise found in conflict of Section 7 hereof, shall be committed to the local PNP Kababayan Center for appropriate booking and interrogation under which the law enforcer on duty shall inform the offending party on the nature of his or her offense and constitutional rights, and should there exists a strong probable cause for such violation, charge him or her in court or require him or her to pay the fines prescribed in the following sections hereof, as the case may be; and

11.4. Minors found violating the curfew hour imposed in Section 4 hereof on five (5) or more occasions, shall be committed to the Department of Social Welfare and Development (DSWD) for custody and counseling.

Section 12.Penal Provisions.Imposed hereunder are penalties against minors and / or persons found violating this Municipal Ordinance:

12.1. For minors violating Section 4 hereof:

12.1.1. First Offense – admonition and warning;

12.1.2. Second Offense – summon to parents and reprimand with a fine of TWO HUNDRED (P 200.00) PESOS or one (1) day of community service;

12.1.3. Third Offense – referral of minors and parents to MSWDO for appropriate counseling with a fine of THREE HUNDRED FIFTY (P 350.00) PESOS or two (2) days of community service;

12.1.4. Fourth Offense – Fine of FIVE HUNDRED (P 500.00) PESOS or seven (7) days of community service with stern warning; and

12.1.5. Fifth and Succeeding Offense – commitment to Department of Social Welfare and Development (DSWD) for custody and rehabilitation under which the concerned minor may be released from custody at the sound discretion of the department.

12.2. Any person found violating subsection 7.1., 7.2. and 7.3. of Section 7 hereof shall be penalized as follows:

12.2.1. First Offense – reprimand and a fine of THREE HUNDRED (P 300.00) PESOS;

12.2.2. Second Offense – reprimand, admonition and a fine of SIX HUNDRED (P 600.00) PESOS;

12.2.3. Third Offense – stern reprimand and warning and a fine of ONE THOUSAND FIVE HUNDRED (P 1,500.00) PESOS;

12.2.4. Fourth Offense – a fine of TWO THOUSAND FIVE HUNDRED (P 2,500.00) PESOS;

12.2.5. Fifth Offense – revocation of business permit

12.3. Any person found violating Subsection 7.4. of Section 7 hereof shall be arrested, detained and charged appropriately in court in accordance with existing laws.

Section 13.Repealing Clause.All municipal ordinances and other administrative issuances inconsistent with this Municipal Ordinance are deemed repealed and / or modified accordingly.

Section 14. Separability Clause. If for any reason any part of this Municipal Ordinance shall be declared unconstitutional or invalid, the other parts or provisions hereof which are not affected thereby shall remain in full force and effect.

Section 15. Effectivity. This Municipal Ordinance shall take effect ten (10) days after copies hereof are posted in the bulletin board at the ground floor of the Town Hall and in every Barangay Hall of the different barangays of this municipality.

UNANIMOUSLY ENACTED.

I HEREBY CERTIFY to the correctness of the above Municipal Ordinance.

ADONIS L. COSIO

Secretary to the Sanggunian

ATTESTED :

TRINA T. DIZON – SB Member

JONATHAN R. PANGAN – SB Member

MERLY E. MANALO – SB Member

EMMANUEL R. MANALO – SB Member

REX DL. CALMA – SB Member

NESTOR C. SOTTO – SB Member

LOURDES G. SICAT – SB Member

RENATO G. COLIS – SB Member

MARCELINO T. REYES – ABC President

BRYAN T. DAVID – SKMF President

ROY D. MANALASTAS

Municipal Vice-Mayor / Presiding Officer

APPROVED BY:

TEDDY C. TUMANG

Municipal Mayor