

OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON OCTOBER 21, 2014.

PRESENT:	<p>Hon. Earl James C. Aquino Hon. Jose Antonio Miguel Y. Perez Hon. Joseph T. Bacay Hon. Oscar A. Boling Hon. Jan Marianne R. Fontelera Hon. Margielou Orange D. Humilde Hon. Rany S. De Leon Hon. Perlito V. Rabago Hon. Fatima Ann S. Isla Hon. Orlando R. Go Hon. Salvador C. Camba, LBP</p>	<p>- City Vice Mayor/Presiding Officer - Presiding Officer/Pro-Tempore - Majority Floor Leader - Minority Floor Leader - Member - Member - Member - Member - Member - Member - Ex-Officio Member - OB</p>
ABSENT:	<p>Hon. Rufina J. Gabriel</p>	

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ORDINANCE NO. 2014-20

"AN ORDINANCE FOR THE SPECIAL PROTECTION FOR CHILDREN DURING NIGHT TIME BY IMPOSING CURFEW ON MINORS FROM 10:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK THE FOLLOWING MORNING, PROVIDING MEASURES THEREFORE"

EXPLANATORY NOTE

WHEREAS, 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;

WHEREAS, the State shall protect the best interest of the child through measures that will ensure the observance of international standards of child protection;

WHEREAS, one of the priority thrusts of the LGU-Alaminos City is to reduce if not eradicate child delinquency by establishing a child-friendly community;

WHEREAS, the goal of a child-friendly community is to provide all children with a healthy, safe and nurturing environment that presents opportunities and conditions for developing their full potential and provide systems that promote peace, unity and community spirit;

WHEREAS, in order to attain this goal and to ensure special protection for the youth of the city of Alaminos, the corresponding ordinance protecting their best interest must be enacted;

NOW THEREFORE, on motion of Councilor Fatima Ann S. Isla, co-sponsored by Councilor Joseph T. Bacay, Councilor Margielou Orange D. Humilde, Councilor Jan Marianne R. Fontelera and Councilor Jose Antonio Miguel Y. Perez, duly seconded by Councilor Rany S. De Leon, Councilor Oscar A. Boling, Councilor Perlito V. Rabago, Councilor Orlando R. Go and Liga ng mga Barangay President Salvador C. Camba;

BE IT ENACTED, as it is hereby enacted, by the Sangguniang Panlungsod of the City of Alaminos, in session assembled that:

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(Cont. Ord. No. 2014-20, enacted on 21st day of October, 2014)

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SECTION 1. Title of the Ordinance – This ordinance shall be known as **“AN ORDINANCE PROVIDING SPECIAL PROTECTION FOR CHILDREN DURING NIGHTTIME BY IMPOSING CURFEW ON MINORS FROM 10:00 O’CLOCK IN THE EVENING TO 4:00 O’CLOCK THE FOLLOWING MORNING, PROVIDING MEASURES THEREFORE”**

SECTION 2. Definition of terms – the following terms as used in this Act shall be defined as follows:

- a) **“Best Interest of the Child”** - refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child’s physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- b) **“Child/Minor”** - refers to a person under the age of eighteen (18) years.
- c) **“Intervention”**- refers to a series of activities which are designed to address the issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- d) **“Children’s Desk”**- refers to a 24-hour residential care facility to be managed by competent staff from the City Social Welfare and Development Office, POSO, PNP, which provide care, treatment, rehabilitation services and intervention program for children/minors.
- e) **“Release and Citation Slip”** - refers to a document to be signed by the parents/guardian or any person to which a child/minor apprehended for violation of this ordinance upon release from custody of the Child Protection Desk
- f) **“CSWDO”**- refers to the City Social Welfare and Development Office of LGU-Alaminos City
- g) **“POSO”**- refers to the Public Order and Safety Office of the LGU-Alaminos City
- h) **“PNP”**- refers to the Alaminos City Police Station

SECTION 3. Minors are prohibited from loitering around or sleeping in public places between ten o’clock in the evening to four o’clock the following morning unless:

- a. When accompanied by their parents/guardian or person exercising parental authority over the minor
- b. When attending mass services of their respective religion, funeral wake
- c. When attending program/activities in school or activities of any educational institutions, trainings, sportsfest.
- d. When attending meetings provided that they have a written notice of the meeting or clearance from their guardian/parent.
- e. Those who are out of their residence due to a medical emergency to his person or that of any member of his family.
- f. When there are fiestas, holiday seasons and other related special occasions provided that they are accompanied by adults.
- g. Students who are attending night classes or sessions.

Handwritten signatures and initials of the Sangguniang Panlungsod members, including names like 'Alfaro' and 'Alfaro'.



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SECTION 4. Minors are prohibited to enter nightclubs, videoke bars, restobars, computer shops billiard/pool halls, and the like from ten o'clock in the evening to four o'clock the following morning unless they are accompanied by their parents/guardian or person exercising parental authority over them.








SECTION 5. CHILDREN'S DESK - There shall be established in the City of Alaminos, Pangasinan a Children's Desk which will be charged with providing care, treatment, rehabilitation/intervention program to children/minors apprehended for violating this ordinance. It shall be manned by a qualified staff from the CSWDO, POSO and PNP, who are responsible for the preparation/accomplishment of the release slip upon release of the apprehended child/minor to his/her parent/guardian or to the person exercising parental authority over the child.

SECTION 6. APPREHENSION PROCESS AND DISPOSITION OF CURFEW VIOLATION

- a. Barangay duty officers and officials, members of the POSO, or any regular members of the PNP who apprehend minors in their respective Barangay shall escort and turn-over said minors immediately to their respective residences or homes to ascertain their parents who shall be indicated in the release and citation slip to be issued by the apprehending party.
- b. Apprehended minors who reside from another Barangay shall be turned-over immediately to the nearest Children's Desk for proper processing, but shall likewise be escorted home by apprehending Barangay volunteers when the proximity of said Barangay warrants it as the case maybe.
- c. Upon turning over the person of the minor-violator to the parents or guardian, the apprehending officer shall issue a release and citation slip to said parents/guardians.
- d. Parents or guardians of curfew violators shall within 72 hours from receipt of the citation-order be required to appear before their respective Punong Barangay as stated in the citation-order for processing, determination and disposition in accordance with Sec. 22 of this Rule.
- e. Parents or guardians who fail to report to the specified center within the period as stated, or comply with the prescribed sanction shall be proceeded against in accordance with Sec. 515, Book IV, Title 1 in relation to Sec. 389 Chapter 3, Book III of RA 7160, otherwise known as the Local Government Code of 1991.
- f. Parents of first offenders shall be required to attend a whole day Parenting Course to be conducted by the CSWDO in relation to R.A. 9344, as amended.

Parents of Second-time or subsequent offenders shall be required to complete a total of 15-day community service to be rendered on Saturdays, Sundays or any holidays of their choice or fine of Two Thousand Pesos (Php2,000.00). Community service shall include direct participation in the installation of basic amenities, cleanliness drive or in any other community project in depressed areas of one's district. Second time or subsequent offender minor shall be introduced into psycho-social programs of Children's Concern Division through its appropriate section.

- g. Owners of business establishments who allow minors to enter into their business establishments during the prohibited hours under this ordinance shall be required to pay:

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1. First Offense - Fine of Five Hundred Pesos (Php 500.00)
2. Second Offense - Fine of Two Thousand Five Hundred Pesos (Php 2,500.00)
3. Third or subsequent Offense - Fine of Five Thousand Pesos and Cancellation of Business Permit.

SECTION 7. BARANGAY ASSISTANCE

All Punong Barangays, Kagawads of Sangguniang Barangays, and duly appointed Barangay Tanods, are hereby authorized, for purposes of implementing this ordinance, to take violators of this ordinance and to immediately turned-over apprehended children/minors to the Children's Desk to be established by the LGU-Alaminos City.

SECTION 8. The Local Chief Executive may lift the implementation of this ordinance during Festas, Foundation Day, Anniversary, School/Religious Activities and such other occasions:

- a- by the City Mayor, for not more than 5 days within the city, and;
- b- by the Punong Barangay, for not more than 3 days for occasions within his/her barangay.

SECTION 9. SEPARABILITY CLAUSE. If any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 10. REPEALING CLAUSE. All ordinances, resolutions, executive orders and other issuances which are inconsistent with this ordinance are hereby repealed or modified accordingly.

SECTION 11. EFFECTIVITY CLAUSE. This Code shall take effect upon approval.

ENACTED this 21st day of October, 2014.

I **HEREBY CERTIFY** to the correctness of the foregoing ordinance consisting of four (4) pages including this page.

ATTESTED:

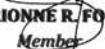

EARL JAMES C. AQUINO
City Vice Mayor/Presiding Officer


LUZ B. VALE
Secretary

JOSE ANTONIO MIGUEL Y. PEREZ
Presiding Officer/Pro-Tempore


JOSEPH T. BACAY
Majority Floor Leader

OSCAR A. BOLING
Minority Floor Leader


JAN MARIANNE R. FONTELEA
Member

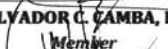

MARGIELOU ORANGE D. HUMILDE
Member


RANY G. DE LEON
Member


PERLITO W. RABAGO
Member


FATIMA ANN S. ISLA
Member

ORLANDO R. GO
Member


SALVADOR C. GAMBAL, LBP
Member

APPROVED BY:


ARTHUR F. CELESTE
City Mayor

11-4-14

Date