



OFFICE OF THE SANGGUNIANG PANLUNGSOD

EXCERPT TAKEN FROM THE JOURNAL OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON NOVEMBER 12, 2019.

PRESENT:

- | | |
|-------------------------------------|--------------------------------------|
| Councilor Cirilo B. Radoc | - Temporary Presiding Officer |
| Councilor Apolonia G. Bacay | - Presiding Officer Pro-Tempore |
| Councilor Oscar A. Boling | - Minority Floor Leader |
| Councilor Carolyn D. Sison | - Member |
| Councilor Michelle S. Segundera | - Member |
| Councilor Joselito O. Fontelera | - Member |
| Councilor Verna S. D. Rabago | - Member |
| Councilor Froebel A. Ranoy | - Member |
| Councilor Dahlia M. de Leon | - Member |
| Councilor Alfred Felix E. de Castro | - Member |
| LBP Raul B. Bacay | - Ex-Officio Member |
| PPSKP Lovely V. Bernabe | - Ex-Officio Member |

ABSENT:

- | | |
|---|----------------------|
| Vice Mayor Jose Antonio Miguel Y. Perez | - On official travel |
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ORDINANCE NO. 2019-08

AN ORDINANCE PROHIBITING TRUANCY IN THE CITY OF ALAMINOS

Sponsor: Councilor Apolonia G. Bacay

WHEREAS, Section 17, Article II OF THE 1987 Constitution of the Republic of the Philippines provides that the state shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

WHEREAS, Section 13, Article II of the 1987 Constitution of the Republic of the Philippines 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;

WHEREAS, Section 2, par. (1) of Article XIV of the Constitution states that it is the duty of the state to establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society. Title 1, Chapter 2, Section 16 of the Local Government Code of 1991 provides the every local government unit shall exercise the powers expressly granted for its efficient and effective governance and those which essential to the promotion of the general welfare.

WHEREAS, Pursuant to Department of Education's (Dep-Ed) Department Order 74, s. 2010, entitled: "Guidelines on Mainstreaming the Dropout Reduction Program (DORP) in the Public Secondary Schools", the policy was embraced by Dep-Ed, Division of Alaminos City, as embodied in the Division Memorandum No. 95, Series of 2017 entitled: "Division Education Development Plan (DEDP) For CY 2016-2019". However, "truants" or students are being seen loitering in public places and entering internet cafes, business establishments and playing video/computer games and billiards during school hours resulting into dropouts. Further, some students are intermittently found to be involved in prohibited activities during school hours that they are supposed to be in school attending their classes. Because of truancy, some students also became victims of street crimes.

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WHEREAS, it is high time for the City of Alaminos, being the center of education in the North Luzon, to pass a measure supporting the noble plan of Dep-Ed, Division of Alaminos City, so that the best interests of children in the school will be protected.

NOW, THEREFORE, on motion of Councilor Apolonia G. Bacay, duly seconded by Councilor Carolyn D. Sison, Councilor Oscar A. Boling and Councilor Verna S. D. Rabago

BE IT ORDAINED by the Sangguniang Panlungsod of Alaminos City, in session assembled that:

SECTION 1. TITLE. – This Ordinance shall be known as "*ANTI-TRUANCY ORDINANCE IN THE CITY OF ALAMINOS.*"

SECTION 2. POLICY. – This ordinance aims to:

- (a) Protect the interests of our students;
- (b) Help the students to be more responsible and productive by attending classes regularly and prevent them from lingering outside school campuses where they are susceptible to street crimes and other forms of danger;
- (c) Assure parents of the students that their children are safe in school, regularly attending their classes and school activities;
- (d) Control and prevent juvenile delinquency; and
- (e) Impose sanctions for truants, commercial establishments, parents, school administrators and teachers who violate the provisions of this ordinance.

SECTION 3. DEFINITION OF TERMS. – The following words and phrases, whenever used in this ordinance shall be construed as defined in this Section:

- (a) "*STUDENT*" covers all students enrolled in any school within the city regardless of the latter's residence;
- (b) "*TRUANT*" pertains to students/pupils who are absent from school without valid cause including those who are present in the morning, escape or cut classes in the morning and forthwith return to school in the afternoon;
- (c) "*SCHOOL*" means all public and private academic institutions in Alaminos City;
- (d) "*SCHOOL HOURS*" means the time of classes during weekdays (Monday to Friday) and weekend (Saturday) when used as make-up class period except when a weekday falls on a holiday;
- (e) "*BUSINESS ESTABLISHMENT*" means malls, department stores, internet cafes, computer shops/centers, video shops/centers, billiard halls, movie houses, and other similar entertainment establishments in Alaminos City;
- (f) "*OPERATOR*" means the owner, manager, administrator, lessee or any person who operates and is responsible for the operation of a business establishment;
- (g) "*PARENT*" means a person who is natural parent, adoptive parent, or step-parent of a minor;
- (h) "*PARENT GUARDIAN*" means:

1. A person who, under court order, is the legal guardian of the person of a minor; 2. A public or private agency with which a minor has been placed for custody by court; 3. A person in charge of the custody or who is taking care of a minor, whether relatively or not; or 4. 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 or custody over him/her;

Carolyn D. Sison

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- (i) "PUBLIC PLACE" means a place located in Alaminos City where the general public, or a substantial group of people, have access, including, but not limited to, streets, highways, sidewalks, parking slots, vacant lots, or any unsupervised place, parks, and the common areas in about churches, apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters and similar places and business establishments;
- (j) "LINGER OR STAY" means to loiter or remain, 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 public place. This term also encompasses activities which may be mobile, such as walking, driving and riding about in a public place or business establishment; and
- (k) "EMERGENCY" means an unforeseen combination of circumstances or the resulting state that calls for immediate action to prevent serious bodily injury or loss of life.

SECTION 4. PROHIBITED ACTIVITIES.

- (a) It shall be unlawful for a student to loiter, linger, or stay in a public place or business establishments during school hours, from 7:30 o'clock in the morning to 5:00 o'clock in the afternoon;
- (b) It shall be unlawful for dropouts and out-of-school youth to loiter, linger or stay in a public place or business establishments within one hundred (100) meter radius from any school during school hours considering their influence to in-school students;
- (c) It shall be unlawful for a parent or guardian to knowingly permit, or by insufficient control, allow the student to loiter, linger, or to stay in any business establishment or place within the city during school hours;
- (d) It shall be unlawful for any public utility vehicles of any kind to transport students anywhere during class hours without written permission from their respective schools or parents;
- (e) As for operator of business or amusement establishment who knowingly permit, or by insufficient control, allow the student to loiter, linger, or to stay within his/her business establishment or place within the city during schools hours, shall be governed by City Ordinance No.2018-12, Series of 2018, otherwise known as "An Ordinance Updating Ordinance No. 2005-03 entitled " An ordinance adopting the Code on Children of the City of Alaminos".

SECTION 5. EXCEPTIONS. – The activities prohibited by section 4 hereof shall not be unlawful in the following circumstances:

- (a) When the student leaves the school for emergency purposes with a written authorization from his or her parent/guardian noted by the school authority;
- (b) When the student is going for a medical appointment with a written authorization from his or her teacher or accompanied by his or her parent or guardian;
- (c) When the student is permitted by the school to leave the campus for some school-related activity and has in his/her possession a valid, school-issued, off-campus permit; and
- (d) When the student is accompanied by his/her parent or guardian or teacher or any school authority.

SECTION 6. THE ANTI-TRUANCY BOARD AND ITS COMPOSITION. – The City Mayor through an Administrative Order shall create the Anti-Truancy Board in the City Government of Alaminos and shall be composed of the following:

- (a) Chairperson of the Board: The City Mayor;
- (b) Vice-Chairperson of the Board: The Chairperson of the Sangguniang Panlungsod Committee on Education;

Alaminos

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(c) Members of the Board:

1. The Division Superintendent, Department of Education;
2. The City Social Welfare and Development Officer;
3. The Chief of the Alaminos City Police Station;
4. The City Local Government Operations Officer of the DILG-Alaminos Field Office;
5. The Federation President of Parent Teachers Association in Alaminos City;
6. The President of the Association of Private Schools Administrators (APSA);
7. The City Treasurer;
8. Other stakeholders and NGO's to be identified by the Chairperson of the Board.
9. Focal Person- SDO Child Protection Policy

SECTION 7. FUNCTIONS OF THE ANTI-TRUANCY BOARD. - The Anti-Truancy Board shall have the following functions:

1. Make responsive and essential the implementation of this ordinance;
2. Deputize all local police units, barangay officials, parents' and teachers' associations officers, the school officials, and the teachers as truant officers in the implementation of this ordinance;
3. Control and prevent juvenile delinquency in order that the safety and welfare of students and public welfare will be protected;
4. Take active steps in ensuring that the procedure set forth in Chapter 1, Section 21 of the Juvenile Justice and Welfare Act of 2006 will be strictly followed;
5. Institute a mechanism on a continuous information and education campaign;
6. Serve as an advisory body to the Sangguniang Panlungsod relative to the ordinance; and
7. Constantly remind the operators of business or amusement establishment anent the Ordinance No.2018-12, Series of 2018, otherwise known as "An Ordinance Updating Ordinance No. 2005-03 entitled "An ordinance adopting the Code on Children of the City of Alaminos."

SECTION 8. SANCTIONS. - Subject to the requirements on due process and upon the discretion of the court, the following sanctions shall be imposed on violators of this ordinance:

- (a) The sanction for a student, dropout and out-of-school youth who violates this ordinance shall be:
Dropouts and out-of-school youth found violating this ordinance shall be brought to their residences or to the office of the Barangay Council for the Protection of Children and to be released to the custody of their parents or guardians-student shall undergo counseling session/s to reorient him/her of his/her responsibilities before being properly turned over him/her to their parents/guardians or the concerned school authorities; and
- (b) The sanction for any parent/legal guardian who is found violating this ordinance shall be:

For the 1st Offense – attend parenting education services;

For the 2nd Offense – a fine of P1,000.00 and attend another parenting education services;

For Subsequent Offenses – a fine of P3,000.00 and/or be required to render community service for 1 (one). day at the discretion of the court.



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(c) Drivers of public utility vehicles found violating any provision of this ordinance shall be fined:

For 1st Offense- P500.00

For 2nd Offense- P1,000.00

For subsequent Offenses – P2,000.00

For operators of business establishment, the penalties provided under Ordinance No. 2018-12 Series of 2018, otherwise known as an "Ordinance updating City Ordinance No. 2005-03 entitled "Code on Children of the City of Alaminos, Pangasinan" shall govern.

The City Legal Officer shall assist the Anti-Truancy Board in reviewing reports of and complaints for violations of this ordinance and in determining liability or appropriate cases to file. Further, the City Legal Officer shall also extend any legal assistance and/or file cases on matters pertaining to this ordinance.

SECTION 9. ROLE OF PARENTS-TEACHERS ASSOCIATIONS. - To strengthen the implementation of this ordinance, Parents-Teachers Associations of the all schools within the territorial jurisdiction of the City of Alaminos, Pangasinan may adopt the policy on the use of "Gate Pass" or any similar policy to ensure the validity of the reason of the student in going out of the school campus during school hours;

SECTION 10. FUNDING. - The amount of P100,000.00 is hereby allocated from the General Fund of the City Government of Alaminos for the initial funding to defray to expenses necessary for or incidental to the implementation of this ordinance.

The initial funding and funds generated from other sources, such as but not limited to, the proceeds from administrative penalties, shall be placed in a trust fund, specifically intended to defray expenses and operationalize activities of this ordinance.

The Anti-Truancy Board shall be empowered to determine how the trust fund is to be utilized in furtherance of this ordinance, subject however to the usual government accounting and auditing procedures. The expenses include, but are not limited to:

- (a) Cost of printing copies of this ordinance, the citation tickets, and information, education, and communication (IEC) materials pertaining to this ordinance;
- (b) Cost of regular or periodic meetings of the Anti-Truancy Board;
- (c) Incentive or reward for private citizens who report violations of this ordinance;
- (d) Institutional and operating expenses for the intervention program; and
- (e) Other expenses associated with the implementation and enforcement of this ordinance.

SECTION 11. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS.

The formulation of implementing rules and regulations for better implementation of this ordinance shall be directed by the City Mayor with the approval of the Sangguniang Panlungsod.



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SECTION 12. SEPARABILITY CLAUSE. - If any provision or section of this Ordinance, or the application thereof to any person or circumstance is held invalid, the other provisions or sections hereof and the application of such circumstance shall not be affected thereby.


SECTION 13. REPEALING CLAUSE. - All prior Ordinance, Executive Orders, Administrative Orders, Rules and regulations, or part/s thereof that are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

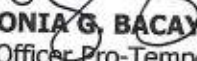
SECTION 14. EFFECTIVITY CLAUSE. - This Ordinance shall take effect in accordance with the Local Government Code of 1991, as amended.

SO ORDAINED/ENACTED

I HEREBY CERTIFY to the correctness of the foregoing ordinance consisting of six (6) pages including this page.


ATTESTED:

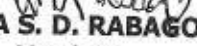

CIRILO B. RADO
Temporary Presiding Officer


APOLONIA G. BACAY
Presiding Officer Pro-Tempore


CAROLYN D. SISON
Member


MICHELLE S. SEGUNDERA
Member


JOSELITO O. FONTELERA
Member

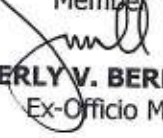

VERNA S. D. RABAGO
Member


FROEBEL A. RANOY
Member



DAHLIA M. DE LEON
Member


ALFRED FELIX E. DE CASTRO
Member


RAUL B. BACAY, LBP
Ex-Officio Member


LOVERLY V. BERNABE, PPSKP
Ex-Officio Member

APPROVED BY:


ARTH BRYAN C. CELESTE
City Mayor

12/10/19
Date