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of the
**SANGGUNIANG
BAYAN**



MONCADA, TARLAC

EXCERPT FROM THE MINUTES OF THE 38th REGULAR SESSION OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC FOR CY 2023 HELD ON THE 20th DAY OF NOVEMBER 2023 AT THE SB SESSION HALL, NEW SB-ABC-SK BUILDING.

PRESENT:

HON. RAMON BENITO M. AQUINO

..VICE MAYOR / PRESIDING OFFICER

HON. JANIUS M. YASAY

..MEMBER

HON. RODOLFO C. ESPEJO, JR.

..MEMBER

HON. ALBERTO C. MARZAN, JR., MD

..MEMBER

HON. THELMAFLOR A. ESPEJO

..MEMBER

HON. CELESTE A. AYSON

..MEMBER

HON. GEORGE MICHAEL P. AGUILAR

..MEMBER

HON. CONSTANCE NESTOR A. FAVIS

..MEMBER

HON. DEAN MICHAEL V. DUQUE

..MEMBER

HON. JAYVEE B. NATIVIDAD

..MFSK PRESIDENT

VACANT:

LNB PRESIDENT

**MUNICIPAL ORDINANCE NO. 26
Series of 2023**

**AMENDING SECTION 4 OF MUNICIPAL ORDINANCE NO. 05, SERIES
OF 2016 OTHERWISE KNOWN AS THE CURFEW ORDINANCE OF
MONCADA 2016, AS AMENDED**

**Principal Authors and Sponsors: Coun. Janius M. Yasay;
Coun. Rodolfo C. Espejo Jr.**

WHEREAS, the Municipality of Moncada, Tarlac, has observed a significant increase in the number of children in conflict with the law, posing a threat to their safety and well-being, as well as the overall peace and order within the community;

WHEREAS, the Municipality of Moncada, Tarlac, has witnessed a concerning rise in HIV cases, particularly among the youth population, attributed to risky sexual behavior and the prevalence of hookup culture during nighttime hours;

WHEREAS, the existing curfew ordinance of the Municipality of Moncada, Tarlac, requires necessary amendments to address these emerging challenges, protect the welfare of minors, and promote healthier behaviors among the youth;

NOW, THEREFORE, on motion by Coun. Janius M. Yasay, duly seconded;

BE IT ENACTED by the Sangguniang Bayan of Moncada, Tarlac, in session assembled, that:

SECTION 1. *Section 4 - Penalty Clause of Municipal Ordinance No. 05, Series of 2016 is hereby amended in toto to read as follows:*





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(a) The penalty for parent/s or guardian/s of the minor who is found to have violated the provisions of this Ordinance shall be subject to the following:

a.1 For the first offense

a.1.1. A minor found violating this Ordinance for the first time shall be referred to the nearest barangay hall or police station as may be warranted by the situation. The Barangay Council for the Protection of Children (BCPC) shall conduct child counseling before such minor be properly turned over to his parent/s or guardians.

a.1.2 The parent/s or guardian/s of the minor in violation of this Ordinance shall be summoned to fetch the minor from the barangay hall, and prior to the turn-over of the latter, such parent/s or guardians shall be informed of the consequences they will be dealing with in case of subsequent violations of the minor pursuant to the applicable provisions under this section.

a.2 For the second offense

a.2.1 Parent/s or guardian/s of the minor who violated this Ordinance for the second time shall be penalized with a fine of One Thousand Pesos (P 1,000.00).

a.2.2 A minor found violating this Ordinance for the second time will be required to attend, together with his or her parent/s or guardian/s, two (2) consecutive regular sessions of counseling conducted by the BCPC, which shall include this matter as part of its session's agenda; Provided, that the BCPC Chairperson shall certify the fact of compliance or non-compliance by the concerned minor and his/her parent/s or guardian/s with this penalty. Provided that the violator and/or his or her parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and the apprehending officer within a period not exceeding two (2) months from the date of violation.

a.3 For the third offense and every subsequent offense

a.3.1 Parent/s or guardian/s of the minor who violated this Ordinance for the third time and for subsequent offenses shall be penalized with a fine of Two Thousand Five Hundred Pesos (P 2,500.00).

a.3.2 A minor found violating this Ordinance for the third instance and every succeeding instance thereafter, given the intervention prescribed in the preceding paragraphs, shall be turned over to the Municipal Social Welfare and Development (MSWD) office for appropriate counseling and proper disposition on the matter.

a.3.3 Minors who are habitual violators of this Ordinance shall be turned over to the MSWDO for counseling and be subject to the intervention program of the said office.





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SEC.2. REPEALING CLAUSE. Any ordinance, resolution, or part thereof that is inconsistent with this ordinance is hereby repealed or modified accordingly.

SEC. 3. EFFECTIVITY. This ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality and on the official social media platforms of the LGU of Moncada.

ENACTED, this 20th day of November, 2023 at Moncada, Tarlac.

X-----X
I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.


VICTOR SANDINO S. MOLINA
Secretary, Sangguniang Bayan

**ATTESTED AND CERTIFIED
TO BE DULY ENACTED:**


RAMON BENITO M. AQUINO
Vice Mayor & Presiding Officer

APPROVED BY THE MAYOR, THIS 28th DAY OF NOV, 2023.


ESTELITA M. AQUINO
Municipal Mayor



Republic of the Philippines
MUNICIPALITY OF MONCADA
Province of Tarlac

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EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE
SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 12TH DAY OF
DECEMBER 2016 AT THE LEGISLATIVE BUILDING SB SESSION HALL.

P R E S E N T :

HON. JAIME O. DUQUE	.. <i>PRESIDING OFFICER</i>
HON. RODOLFO A. ESPEJO	.. <i>PRO-TEMPORE</i>
HON. EDWARD V. TOLENTINO	.. <i>MEMBER</i>
HON. JANIUS M. YASAY	.. <i>MEMBER</i>
HON. RUBEN V. GAMBOA, JR.	.. <i>MEMBER</i>
HON. THELMAFLOR A. ESPEJO	.. <i>MEMBER</i>
HON. CLEOFE D. FAVIS	.. <i>MEMBER</i>
HON. GEORGE MICHAEL P. AGUILAR	.. <i>MEMBER</i>

A B S E N T :

HON. GEORGE R. CUCHAPIN	.. <i>EXCUSED (OB)</i>
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RESOLUTION NO. 36-2016

WHEREAS, the number of juvenile offenders and lawbreakers in the municipality has grown alarmingly big in recent years necessitating the adoption of an effective tool that will regulate the movement of minors at night time;

NOW, THEREFORE, on motion presented by COUN. JANIUS M. YASAY, Chairperson, Committee on Rules & Ordinances, Justice, Ethics and unanimously seconded;

RESOLVED, as it is hereby resolved, that in the interest of public service and welfare, the Sangguniang Bayan of Moncada, Tarlac hereby promulgates and enacts:

**ORDINANCE NO. 05
SERIES 2016**

**“AN ORDINANCE IMPOSING CURFEW HOURS ON MINORS IN THE
MUNICIPALITY OF MONCADA AS AMENDED.”**

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF MONCADA:

- T H A T -

Section 1. Title. This ordinance shall be known as **“THE CURFEW ORDINANCE OF MONCADA 2016 AS AMENDED.”**

Section 2. Definition of Terms.

- > CURFEW– a fixed time during which no citizen may remain outdoors, particularly in public places.
- > MINOR– a person not having reached the full legal age of 18 years.

Section 3. Statutory Provisions:

1. The hours of 10:00 o'clock in the evening to 4:00 o'clock in the morning the following day is hereby declared as “CURFEW HOURS” for any person below 18 years of age.

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2. During curfew hours, no minor shall be allowed outside his residence except:

- a) When accompanied by either parent, or any other member of the family of legal age;
- b) When running lawful errands during emergencies such as buying medicines for the sick or using telecommunications facilities for emergency purposes and the like;
- c) During the celebration of New Year (January 1-6); Moncada Town Fiesta; Holy Week ; All Saints & All Souls Day (November 1-2); Christmas (December 16-31) and all other occasions including local, special and national holidays like attending birthdays, weddings, debut, and school activities; attending J.S. Prom, Graduation Day, Foundation Day, and Coronation Night, provided, that they are covered by a pass issued by the Barangay Officials where they come from subject, however, to provision of Section 6 hereof.
- d) When enrolled at night schools or attending school activities provided, they can show proof of their status or show a duly signed pass issued by school authorities.

3. Minors falling under category c and d of sub-section 2 shall secure a Certification from the Punong Barangay exempting them from the coverage of this ordinance, or present a document or identification proving his qualification.

4. a) The Punong Barangay , members of the Barangay Council and duly appointed Barangay Tanods, the Philippine National Police (PNP) and duly constitute authorities are hereby authorized to apprehend and bring violators to the Barangay Hall or Holding Centers until 4:00 AM, the expiration time of curfew hours where a record of any apprehension is made or accomplished.

b) For a violator who is a resident of same barangay, the Punong Barangay, without necessary delay, shall inform either the parents, relatives or guardians of the apprehend minor;

c) For a violator who is not a resident of the barangay where he is apprehended, minor shall be released at the soonest time but only after parent's/relatives' notification and subsequent personal intervention.

d) For a violator who is not a resident of the Municipality of Moncada, the apprehending office shall turn over the minor to the PNP the soonest possible time for the procedural requirements.

5. A violator shall be held for not more than six (6) hours.

6. An offender, who is a vagrant, abandoned , neglected or has no known parent, relative or guardian residing in the municipality, shall be referred with out unnecessary delay within six (6) hours or at the earliest office hours from the time of apprehension, whichever comes first, to the custody or care of the Municipal Social Welfare Office.

Section 4. PENALTY CLAUSE.

1. Any person below 18 years of age who violates this ordinance shall be penalized as follows.

a. If an offender is Twelve (12) years of age and below, the sanction shall consist of:

1. FIRST OFFENSE– the parents, together with the offender, shall report to the Municipal Social Welfare Office for guidance counseling.

2. SECOND OFFENSE– a reprimand of the offender in the presence of parent or guardian.

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b. If offender is 12 years above but below 18 years of age, the sanction or penalty shall be:

1. FIRST OFFENSE– Reprimand and to render four (4) hours of community service.
2. SECOND OFFENSE– to render twelve (12) hours of community service.
3. THIRD AND SUBSEQUENT OFFENSES – to render twenty four (24) hours of cumulative community service.

Section 5. The Secretary of the Barangay, shall keep and maintain a record of all cases brought to them, including such information as to the name, address, date of birth, time and place of apprehension, name of parents or guardians and furnish a copy of the Apprehension Report within 24-hours the Municipal Mayor; PNP and DSWD.

Section 6. The Local Chief Executive, through administrative issuances may suspend the implementation of this ordinance in any particular barangay, or other specific areas, for a length of time as may be necessary.

Section 7. The Barangay Council and the PNP shall be the lead implementing and monitoring agencies.


Section 8. REPEALING CLAUSE– Any municipal or Barangay Ordinance Inconsistent with the spirit of this ordinance are hereby repealed or amended, as the case may be.

Section 9. EFFECTIVITY CLAUSE– This ordinance shall take effect 10-days from the day a copy posted on the Bulletin Board at the entrance of the Municipal Hall and at least 2 copies posted in 2 conspicuous places in the municipality are done.

RESOLVED FURTHER, that copies of this Resolution be forwarded to the Honorable Mayor ESTELITA M. AQUINO, the Barangay Chairmen of the municipality and the Sangguniang Panlalawigan through the HON. CARLITO S. DAVID, Vice-Governor and Presiding Officer for their information and appropriate action.

APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing Resolution.


ABRAHAM S. SALES, JR.
ACTING SB SECRETARY

ATTESTED BY:


HON. JAIME O. DUQUE
MUNICIPAL VICE-MAYOR & PRESIDING OFFICER

APPROVED:


(SGD.) HON. ESTELITA M. AQUINO
MUNICIPAL MAYOR