



SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 9th DAY OF OCTOBER 2019 AT THE SB SESSION HALL, LEGISLATIVE BUILDING.

PRESENT:

HON. JAIME O. DUQUE	.. VICE MAYOR/PRESIDING OFFICER
HON. CLEOFE D. FAVIS	.. MEMBER
HON. RODOLFO C. ESPEJO, JR.	.. MEMBER
HON. ALBERTO C. MARZAN, JR., MD	.. MEMBER
HON. RUBEN V. GAMBOA, JR.	.. MEMBER
HON. THELMAFLOR A. ESPEJO	.. MEMBER
HON. GEORGE MICHAEL P. AGUILAR	.. MEMBER
HON. JANIUS M. YASAY	.. MEMBER
HON. CELESTE A. AYSON	.. MEMBER
HON. GEORGE R. CUCHAPIN, MD	.. LnB PRESIDENT
HON. EZEKIEL C. RIVERA	.. SKF PRESIDENT

ABSENT:

NONE

MUNICIPAL ORDINANCE NO. 08

Series of 2019

AN ORDINANCE PROVIDING FOR THE SAFETY OF CHILDREN ABOARD MOTORCYCLES IN THE MUNICIPALITY OF MONCADA

Authored by:

COUN. RODOLFO C. ESPEJO, JR.

Chairperson, Committee on Peace and Order, Public Safety and Security

COUN. ALBERTO C. MARZAN, JR., MD

Chairperson, Committee on Health, Social Services, Women and Children

WHEREAS, motorcycle accidents remain the leading cause of death and injury on Philippine highways;

WHEREAS, one of the troubling findings of the World Health Organization (WHO) Philippines reveals that there were a total of 11,264 deaths from vehicular accidents on Philippine roads in 2019. Around 5,970 or 53 percent of which were riders or passengers of motorcycles and other two-wheeled or three-wheeled vehicles;

WHEREAS, the Sangguniang Bayan, as a legislative body, is empowered to enact Ordinances deemed vital in the promotion of the general welfare of the populace, whereby providing safety measures for riders, particularly children;

NOW, THEREFORE, on motion by Coun. Rodolfo C. Espejo, Jr., duly seconded by Coun. Alberto C. Marzan, Jr. in special session assembled;

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



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Section 1. Short Title. This Ordinance shall be known as “**Children’s Safety on Motorcycle Ordinance of Moncada 2019**”

Section 2. Declaration of Policy. – It is the policy of the Municipality of Moncada to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

Towards this end, the Municipality shall pursue a more proactive and preventive approach to secure the safety of passengers, especially children, by regulating the operation of motorcycles along roads and highways.

Section 3. Definitions. – For purposes of this Ordinance, the following terms shall mean:

- (a) *Motorcycle* refers to any two (2)-wheeled motor vehicle having one (1) or two (2) riding saddles;
- (b) *Public roads* refer to roads designed by the national government or local government units as roads for public use such as, but not limited to, national highways, provincial roads, municipal and barangay streets;
- (c) *Foot peg* refers to a flat form attached to the motorcycles on which to stand or brace the feet; and
- (d) *Rider* refers to the driver or operator of a motorcycle.

Section 4. Prohibition. – It shall be unlawful for any person to drive a two (2)-wheeled motorcycle with a child on board on public roads where there is heavy volume of vehicles, there is a high density of fast-moving vehicles or where a speed limit of more than 60/kph is imposed, unless:

- (a) The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle;
- (b) The child's arms can reach around and grasp the waist of the motorcycle rider; and
- (c) The child is wearing a standard protective helmet referred to under Republic Act No. 10054, otherwise known the "Motorcycle Helmet Act of 2009."

Section 5. Exception. – Notwithstanding the prohibition provided in the preceding section, this Ordinance shall not apply to cases where the child to be transported requires immediate medical attention.

Section 6. Penalties. – Any person who operates a motorcycle in violation of Section 4 of this Ordinance shall be fined with an amount of five hundred pesos (P500.00) for the first offense; one thousand pesos (P1,000.00) for the second offense; and one thousand five hundred pesos (P1,500.00) for the third and succeeding offenses.



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Province of Tarlac

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Moreover, for the third offense, the driver's license of the offender shall be confiscated by persons of authority and shall be endorsed to the Land Transportation Office for their appropriate action.

Section 7. Implementation. – To effectively implement the provisions of this Ordinance, the Local Government Unit of Moncada is hereby given authority to deputize local traffic enforcers and the members of the Philippine National Police to carry out enforcement functions and duties.

Section 8. Separability Clause. If any provision, section, or part of this Ordinance is declared unconstitutional by a court of competent jurisdiction, such judgment shall not affect or impair the remaining provisions, sections, or parts which shall continue to be in force and effect.

Section 9. Repealing Clause. All ordinances, rules and regulations, or parts thereof, in conflict with, or inconsistent with any of the provisions of this Ordinance are hereby repealed or amended accordingly.

Section 10. Effectivity. This Ordinance shall take effect fifteen (15) days following its posting in three (3) conspicuous places in the Municipality.

ENACTED, this 9th day of October 2019 at Moncada, Tarlac.

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I hereby certify that the above-quoted Ordinance was passed on Third and Final Reading on the above-mentioned date and place.


VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian

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


JAIME Q. DUQUE
Vice-Mayor & Presiding Officer

APPROVED by Her Honor, the Mayor, this 16th day of October 2019.


ESTELITA M. AQUINO
Municipal Mayor