

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.

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.

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.

(SGD.) **ABRAHAM S. SALES, JR.**
ACTING SB SERETARY

ATTESTED BY:

(SGD.) **HON. JAIME O. DUQUE**
MUNICIPAL VICE-MAYOR & PRESIDING OFFICER

APPROVED:

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