



ORDINANCE NO. 2004-072

AN ORDINANCE REVISING CITY ORDINANCE NO. 91-021, ENTITLED “AN ORDINANCE RE-ENACTING ORDINANCE NO. 192, SERIES OF 1958 ENTITLED: ‘AN ORDINANCE PROHIBITING THE ROAMING, LOITERING OR SLEEPING OF UNCHAPERONED CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE AT LATE HOURS OF THE EVENING OUTSIDE THEIR DOMICILE AND PROVIDING PENALTIES THEREOF’, WITH AMENDMENTS TO ITS SECTION 6 ON PENALTY”:-

Author: Hon. John G. Bongat

SECTION 1. – LEGISLATIVE FINDINGS AND DECLARATIONS. – Naga City is widely regarded as a peaceful community, with a government giving utmost importance to the promotion of the well-being of children and families to ensure their collective safety and self-esteem.

The Naga City government is cognizant of the fact that persons who, because of their young age and vulnerability to be influenced by despicable street activities, need protection against societal ills that could jeopardize their future.

In light of the above premises, the city government of Naga has the bounden duty to enact measures aimed at reducing opportunities for juvenile crime to thrive in the city;

The city government believes that a curfew imposed on minors or those under the age of eighteen will aid in effectively carrying out these noble goals, and such a move is in the best interest not only of the young constituents but of the public in general as what will be promoted is the entire community's safety and welfare.

It is therefore ordained by the Sangguniang Panlungsod of the City of Naga that the Naga City Curfew Ordinance for Minors be established.

SECTION 2. – TITLE. – This Ordinance, as now revised, shall be known as the “NAGA CITY CURFEW ORDINANCE FOR MINORS”.

SECTION 3. – DEFINITIONS. – The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

- (a) **“CURFEW HOURS”** means the hours from 10:00 p.m. every night up to 5:00 a.m. the next morning;
- (b) **“MINOR”** means any person under eighteen (18) years of age;

- (c) **“PARENT”** means a person who is a natural parent, adoptive parent, or step-parent of a minor.
- (d) **“GUARDIAN”** means:
- 1) A person who, under court order, is
 - 2) the guardian of the person of a minor;
 - 3) A public or private agency with whom a minor has been placed for custody by a court;
 - 4) A person in charge of the custody or who is taking care of a minor, whether relative or not; or
 - 5) 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 and custody over him/her.
- (e) **“PUBLIC PLACE”** means a place located in the City of Naga where the general public, or a substantial group of people, have access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as movie theaters and similar places or establishments.
- (f) **“REMAIN”** means to linger or stay, 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 a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.
- (g) **“EMERGENCY”** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;

SECTION 4. – PROHIBITED ACTIVITIES/OFFENSES.

- (a) It shall be unlawful for a minor to remain in a public place during curfew hours.
- (b) It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place within the city during curfew hours.

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

- (a) When the minor is accompanied by the minor's parent or guardian;
- (b) When the minor is out in the street during the prohibited period for such purposes like doing some errand at the instance of his/her parent/s, guardian/s or relative/s; PROVIDED, that such minor is authorized to do so with/under a written

and signed note/certification by any of the above-mentioned persons who allowed him/her to go out at night during curfew hours for legitimate purposes or errands; PROVIDED FURTHER, that such minor shall not loiter after performing his/her errand/s;

- (c) When the minor is in a motor vehicle or other travel in no violation of this ordinance;
- (d) When the minor is engaged in an authorized employment activity, or going to or returning home from the same, without any detour or stop;
- (e) When the minor is involved in an emergency;
- (f) When the minor is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the authorities about the minor's presence;
- (g) When the minor is out of his/her residence attending an official school, religious, recreational, educational, social, community or other organized activity sponsored by the city, barangay, school or other similar private civic/religious organization/group (recognized by the community) that supervises the activity or when the minor is going to or returning home from, without any detour or stop, such activity; and
- (h) When the minor can present papers certifying that he/she is a student and was +dismissed from his/her class/es late in the evening or that he/she is a working student.

SECTION 6. – ENFORCEMENT PROCEDURE. Before taking any enforcement action under this ordinance, a police officer, barangay tanod or neighborhood crime watch enforcer (such as BANKAT officer or unit patrol member as defined in Ordinance No. 2003-020) shall ask the apparent offender's age and reason for being in the public place. The officer or enforcer shall issue a citation to the violator, after reasonably believing that a violation was committed and explaining the circumstances of such violation under this ordinance, to be dealt with pursuant to the applicable provisions in the succeeding section.

SECTION 7. – PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR.

- a) The penalty for a minor who violates this ordinance shall be:

For the 1st OFFENSE - a minor found violating this ordinance for the first time will be referred to the nearest police station, barangay hall or tanod outpost for counseling before being properly turned over to his/her parent/s or guardian/s;

For every subsequent OFFENSE - a minor found violating this ordinance for the second time and every time thereafter will be required to attend, for every offense, two (2) consecutive regular barangay council sessions of the barangay where he/she is residing, for counseling by the barangay council, which shall include this matter as part of its session's agenda; PROVIDED, that the Barangay Chairman shall certify compliance or non-compliance by the concerned minor with this penalty; PROVIDED FURTHER, that the violator shall be required to submit the certification issued by the

Barangay Chairman to the apprehending officer within a period not to exceed two (2) months from date of violation; AND PROVIDED FURTHER, that every non-compliance with the prescribed penalty shall be automatically converted to an additional fine of two hundred (P200.00) pesos to be imposed against the violator's parent or guardian concerned on top of the fine already imposed upon said parent or guardian in paragraph b hereof.

- b) Any parent or guardian in charge of the custody of minor who violated this ordinance shall be penalized with a fine of THREE HUNDRED PESOS (P300.00) or an imprisonment of not less than ten (10) days but not more than fifteen (15) days or both such fine and imprisonment, at the discretion of the Court.

SECTION 8. – SEPARABILITY CLAUSE. – Any provision or portion of this ordinance found to be violative of the constitution or invalid shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 9. – REPEALING CLAUSE. – Ordinances, rules and regulations or parts thereof, which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed and/or modified accordingly.

SECTION 10. – EFFECTIVITY. – This Ordinance shall take effect thirty (30) days after publication in a newspaper of general circulation in Naga City.

ENACTED: June 30, 2004.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

(Sgd.) FIEL L. ROSALES
Secretary to the
Sangguniang Panlungsod

(Sgd.) ESTEBAN R. ABONAL
City Vice Mayor & Presiding Officer

APPROVED:

(Sgd.) JESSE M. ROBREDO
City Mayor