



Republic of the Philippines  
Tanggapan ng Sangguniang Panlungsod  
City of Naga



**ORDINANCE NO. 2004-095**

**AN ORDINANCE REVISING ORDINANCE NO. 315, ENTITLED: “AN ORDINANCE PROHIBITING VAGRANTS IN THE CITY OF NAGA AND PROVIDING PENALTIES THEREOF” AND PROVIDING STIFFER PENALTIES FOR VIOLATIONS THEREOF:-**

Author: Hon. John G. Bongat

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

**SECTION 1. TITLE.** – This Ordinance, for brevity, shall be known as “THE NAGA CITY ANTI-VAGRANCY ORDINANCE”.

**SECTION 2. SCOPE.** – This Ordinance shall cover the violation herein defined within the territorial jurisdiction of the City of Naga.

**SECTION 3. LEGISLATIVE FINDINGS AND PURPOSE.** – The problem on vagrancy should be faced head-on and solved using stricter regulations, for it is becoming a problem of every city in the country and a real threat to public safety and welfare and even considered as one of the major causes of crimes against property and persons and other street crimes.

The alarming increase of population of vagrants in the City of Naga must be stopped, considering that it is detrimental to the safety and welfare of its residents.

It is high time that the city adopts a more responsive anti-vagrancy system to promote and strengthen the peace and order program of the city and to safeguard the welfare of its constituents.

**SECTION 4. DEFINITION OF TERMS.** - The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this Section:

- (a) visible lawful means of support – shall mean any employment, occupation or profession, or any livelihood activity or undertaking, not otherwise prohibited by law, that serves as the source of income or earnings of a person to support himself/herself and/or his/her family;
- (b) idle or dissolute person – shall mean any person who is unemployed or is not engaged in any occupation, profession or livelihood activity or undertaking, and does not exert efforts to engage himself therein in spite of his physical ability and/or capability;
- (c) drunkard – shall mean any person who is under the influence of intoxicating liquor, beverage or drink;

- (d) gambling – shall mean any form of game of chance or betting the conduct of which is proscribed by the Revised Penal Code and other special laws as well as existing ordinances;
- (e) private part – shall mean the sexual organ or buttocks of a male or female person or the breast/s of a female person;
- (f) public place – shall mean 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 or any unsupervised place, 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 and business establishments.

**SECTION 5. VAGRANT.** – The word “vagrant” used for purposes of this Ordinance shall be penalized under Section 5 hereof and shall mean:

- (a) any person who, having no visible lawful means of support and has the physical ability or capability to work, but neglects to apply himself/herself to some lawful calling;
- (b) any person not being physically able to earn but is seen loitering or wandering about public or semi-public building or places or tramping or wandering about the streets without visible means of support;
- (c) any idle or dissolute person who lodges in houses of ill-fame, ruffians or pimps and those who habitually associate with prostitutes;
- (d) any person who, without any lawful purpose, shall be found loitering around the school campus and school premises;
- (e) any person who, not being included in the provisions of the Revised Penal Code, shall be found loitering in any inhabited or uninhabited place belonging to another without any lawful or justifiable purpose;
- (f) any person who, having no visible lawful means of support or insufficient lawful means, does not, on being charged before a court, give to its satisfaction a good account of his/her means of support;
- (g) any person occupying a house frequented by reputed thieves or persons who have no visible lawful means of support;
- (h) any person who is a drunkard, and behaves in a riotous, disorderly, or indecent manner in any public place;
- (i) any person who habitually consorts with reputed criminals or known prostitutes;
- (j) any person who, without lawful excuse or purpose (the proof of which shall be upon the person)-
  - i) is found in any dwelling house, warehouse, or in any enclosed yard, garden, lot or area;
  - ii) has in his/her custody or possession any picklock or false key, crow, jack, bit, or other tools of housebreaking, or any dangerous or explosive substance;

- iii) has in the person's custody or possession any instrument of gambling or any instrument which, in the opinion of the court, is constructed or kept or used as a means of gambling or cheating;
  - iv) willfully exposes his or her private part in plain view of any person in any public place;
- (k) any person who, by his overt acts, shows intent to commit any indictable offense and -
  - i) has in his/her custody any deleterious drug, firearm, sword, bludgeon, or other offensive weapon or instrument; or
  - ii) is found by night having his/her face masked, or being dressed in disguise;
- (l) any person who is found armed with any firearm, sword, bludgeon or other offensive or deadly weapon or instrument, and does not, on being charged before a court, give to its satisfaction a good account of his lawful means of support and a valid reason for his being so armed;
- (m) any person who loiters or places himself or herself in a public place to beg or gather alms, or solicits, gathers, or collects subscriptions or contributions;
- (n) any person who causes, procures, or encourages any child to loiter or place himself or herself in a public place to beg or gather alms;
- (o) any person who solicits, gathers or collects alms, subscriptions or contributions under any false pretense;
- (p) any person who pretends or professes to tell fortunes for gain or payment of any kind;
- (q) any person who, without lawful excuse (the proof of which shall be upon the person), by himself/herself or together with others, enters or remains in or upon any part of an inhabited or uninhabited place, building or structure belonging to another, whether public or private, or any occupied or unoccupied land or lot.

SECTION 5A. However, the provisions of subsection 5(f) shall not extend to any person who is *bonafide* out of work and who is *bonafide* in search of employment.

Priests, missionaries, authorized preachers of religious denominations or pilgrims gathering alms or preaching shall not be deemed vagrants, if the gathering of alms or the preaching is prescribed by their religion or order, or is in performance of any religious vow or obligation, or if they are prohibited by their religion or order or by any such vow or obligation as aforesaid from working for their own livelihood.

SECTION 5B. Every implement or tool, offensive weapon, instrument, drug, substance, thing and money referred to in subsections 5(j)(ii) and (iii) and (k) to (o) shall, by the conviction of the offender, become forfeited in favor of the city government.

**SECTION 6. PENALTIES.** Any person or persons deemed vagrant under Section 5 hereof shall, upon conviction by the proper court, be punishable by a fine of not less than P100.00 but not more than P200.00 or by imprisonment of not less than five (5) days but not more than 30 days or by both fine and imprisonment at the discretion of the court.

The penalties provided herein shall be served and/or paid by the offender, inclusive of those provided by existing laws of national application; and nothing in this Section shall be construed as in any manner lessening penalties and/or fines provided by said laws.

**SECTION 7. SPEEDY TRIAL.** – With all due regard to the requirement of due process, violations of this Ordinance shall be speedily investigated and be subject to summary proceedings and/or continuous trial in order to achieve its purpose.

**SECTION 8. IDENTITY OF THE OFFENDER.** – It is hereby imposed a duty of the apprehending and/or investigating officer/s to exercise utmost diligence to ascertain the true identity and other personal circumstances of the offender.

**SECTION 9. TRUST FUND.** – Any and all sums of money which shall accrue to the city government by reason of this ordinance whether as fines or produce of the sale of confiscated or seized offender's property like implement or tool, offensive weapon, instrument, and thing referred to in subsections 5(j)(ii) and (iii) and (k) to (o) shall be placed in a trust fund which shall be devoted solely for the peace and order program of the City of Naga.

Illegal drugs and substances found in possession of the vagrant shall be turned over to the custody of the PNP, the proper court or other government agencies responsible for the keeping or disposal of these illegal items.

**SECTION 10. 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 11. 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 12. EFFECTIVITY.** – This ordinance shall take effect upon its approval and publication in a local newspaper of general circulation.

**ENACTED:** September 27, 2004.

**WE HEREBY CERTIFY** to the correctness of the foregoing ordinance.

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

**(Sgd.) GABRIEL H. BORDADO, JR.**  
City Vice Mayor & Presiding Officer

APPROVED:

**(Sgd.) JESSE M. ROBREDO**  
City Mayor