



Republic of the Philippines
Tanggapan ng Sangguniang Panlungsod
City of Naga



ORDINANCE NO. 2004-096

“THE ANTI-TRUANCY ORDINANCE FOR ELEMENTARY PUPILS AND HIGH SCHOOL STUDENTS IN THE CITY OF NAGA”

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-TRUANCY ORDINANCE”.

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

SECTION 3. LEGISLATIVE FINDINGS AND PURPOSE. – It is a standing policy of administrations of elementary and high schools that students who have incurred more than twenty (20) absences are considered drop-outs. In spite of this, “truants” or students playing hooky, or the so-called “bulakboleros” in Tagalog or “paralook” in Bicol can be seen loitering in public places and entering internet cafes, business establishments and playing video/computer games and billiards during school hours.

Worse, some students are occasionally found to be involved in prohibited activities during hours that they are supposed to be in school attending their classes. Because of truancy, some students also become victims of street crimes.

This ordinance, therefore, aims to protect the interests of students for the peace of mind of their parents and guardians, by isolating them from the effects of societal ills that destroy their student life and their future, and also to control and prevent juvenile delinquency. It will apply to elementary pupils and high school students enrolled in public and private schools in Naga City.

The ordinance proposes the establishment of a Truancy Board, and the deputation of all barangay captains, barangay tanods, BANKAT officers and members, school officials and teachers as action officers in the implementation of the ordinance.

Under this ordinance, corresponding disciplinary measures and penalties are imposed against both the erring owners of business establishments, truant students and their parents or guardians as well.

It is high time that the city government adopt a truancy system so that the best interests of children whom the government and parents have provided a place in school are protected.

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

- (a) "STUDENT" means any elementary and high school student under eighteen (18) years of age enrolled in a public or private school in the City of Naga;
- (b) "TRUANT" means a student who is absent from school without valid cause;
- (c) "SCHOOL" means public and private elementary and secondary school in the City of Naga;
- (d) "SCHOOL HOURS" mean the time from 7:00 a.m. to 12:00 noon and from 1:00 to 5:00 p.m. during weekdays (Monday to Friday), except when a weekday falls on a holiday;
- (e) "BUSINESS ESTABLISHMENT" means internet cafes, computer shops/centers, video shops/centers, billiard halls, movie houses and other similar entertainment establishments in the City of Naga;
- (f) "OPERATOR" means the owner, manager, administrator, lessee or any person who operates and is responsible for the operation of a business establishment;
- (g) "PARENT" means a person who is a natural parent, adoptive parent, or step-parent of a minor;
- (h) "GUARDIAN" means:
 - 1) A person who, under court order, is the guardian of the person of a minor;
 - 2) A public or private agency with whom a minor has been placed for custody by a court;
 - 3) A person in charge of the custody or who is taking care of a minor, whether relative or not; or
 - 4) 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.
- (i) "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 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.
- (j) "LINGER OR STAY" means to loiter or remain, 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 or business establishment.

- (k) "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 5. – PROHIBITED ACTIVITIES/OFFENSES.

- (a) It shall be unlawful for a student to linger or stay or be in or upon public place or business establishment during school hours.
- (b) It shall be unlawful for a parent or guardian, teacher and school authorities to knowingly permit, or by insufficient control allow, the student to linger or stay in any business establishment or public place within the city during school hours.
- (c) It shall be unlawful for an operator of any business establishment to knowingly permit or by insufficient control allow a student to linger or stay and play computer/video, billiard or other games during school hours.

SECTION 6. – EXCEPTIONS. The activities prohibited by Section 5 shall not be unlawful in the following circumstances:

- (a) When the student is in a motor vehicle or other travel in no violation of this Ordinance;
- (b) When the student is involved in an emergency;
- (c) When the student is going to or from a medical appointment; and
- (d) When the student has been permitted to leave school campus for some school-related activity and has in his/her possession a valid, school-issued, off-campus permit, letter or authorization.

SECTION 7. – ENFORCEMENT PROCEDURE. Before taking any enforcement action under this Ordinance, a barangay captain, 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 or business establishment. 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 Section 10 hereof.

The Truancy Board, created under this Ordinance, shall deputize all barangay captains, barangay tanods, BANKAT officers and members, school officials and teachers as action officers in the implementation of the ordinance.

SECTION 8. THE TRUANCY BOARD AND ITS COMPOSITION – The Truancy Board herein created shall be composed of the following:

Chairman of the Board:

Chairman, Sangguniang Panlungsod Committee on Peace & Order,
Public Safety and Human Rights

Vice Chairman of the Board:

Superintendent, Division of City Schools, Naga City or his/her authorized representative

Members of the Board:

ABC President, Naga City
Head, Task Force Ordinance of the Naga City PNP
and the City Government
President, Pag-iribang Bantay Barangay Federation
President, Naga City Bantay-Kataid (BANKAT) Federation

SECTION 9. FUNCTIONS OF TRUANCY BOARD - The Truancy Board shall have the following functions:

1. Make responsive and essential the implementation of the “Naga City Anti-Truancy Ordinance”;
2. Deputize all barangay captains, barangay tanods, BANKAT officers and members, school officials and teachers as action officers in the implementation of this Ordinance;
3. Control and prevent juvenile delinquency and in order that the health, safety and welfare of students under the age of eighteen and public welfare will be protected;
4. Take active steps in ensuring the welfare of elementary pupils and high school students in the City of Naga.

SECTION 10. – PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR.

a) The penalty for a **student** who violates this ordinance shall be:

For the 1st OFFENSE - a student 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 or to the concerned school authorities;

For every subsequent OFFENSE - a student 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 student with this penalty; PROVIDED FURTHER, that the violator shall be required to submit the certification issued by the Barangay Chairman to the apprehending officer and school administrator or principal 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 a 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 under Section 10(b) hereof.

- b) Any parent or guardian and teacher or school authorities in charge of the custody and in direct supervision of student 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.
- c) Any operator of business establishment covered under this Ordinance found violating any provision hereof shall be meted with the following penalties:
- 1st OFFENSE - a fine of not less than one thousand pesos (P1,000.00) but not more than two thousand pesos (P2,000.00), at the discretion of the court;
- 2nd OFFENSE - a fine of not less than two thousand pesos (P2,000.00) but not more than three thousand pesos (P3,000.00), at the discretion of the court;
- 3rd OFFENSE - a fine of not less than three thousand pesos (P3,000.00) but not more than five thousand pesos (P5,000.00) and/or imprisonment of not less than thirty days and one day (31 days) but not more than six (6) months, at the discretion of the court;
- 4th OFFENSE – the same penalty imposed for the 3rd offense and the business establishment concerned faces automatic closure, and the business permit of the operator will be cancelled and the establishment padlocked. The penalty will be lifted after one year and upon completion of necessary requirements, to wit: (1) Affidavit of Undertaking that the operator will not violate the ordinance again and that in case of any further violation by such operator, he/she shall be meted with the maximum penalty of permanent closure of his/her business establishment; (2) seminar with the City Mayor or his designated representative.

SECTION 11. – 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 12. – 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 13. – EFFECTIVITY. – This Ordinance shall take effect **thirty (30) days** after publication in a newspaper of general circulation in Naga City.

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