

ORDINANCE NO. 2009-028

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**AN ORDINANCE PROVIDING FINANCIAL ASSISTANCE TO VICTIMS OF
STREET CRIMES IN THE FILING OF CASES BEFORE THE PROSECUTION
OFFICE OF THE CITY OF NAGA, ADOPTING FOR THE PURPOSE THE
IMPLEMENTING RULES AND GUIDELINES, AND AUTHORIZING THE
APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES:-**

Author: Hon. John G. Bongat
Chairman, Committee on Public Safety

WHEREAS, Section 458 (a) (1)(ii) and (6) of Republic Act 7160, otherwise known as the Local Government Code of 1991 states that "*the Sangguniang Panglungsod, as the Legislative Body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants xxx and shall:*

(1) *Approve ordinances and pass resolutions necessary for an efficient and effective city government, and in this connection, shall:*

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(ii) *Maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, xxx;*

(6) *Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.*

WHEREAS, incidents of snatching and other forms of street crimes in the City of Naga have caused alarm among the constituents and remain a threat to the security of the general public, and concrete measures should be undertaken by law enforcers and the city government;

WHEREAS, it has been observed that several suspects already apprehended and detained at the Naga City Police Office for alleged snatching and other forms of street crimes were released without any charges having been filed against them due to the incapacity or unwillingness of the victim to pay the required filing fees and charges imposed by the Naga City Prosecution Office, and as a result of which the suspected perpetrators go scot free and are back in the streets to victimize helpless civilians;

WHEREAS, there is a need for the Sangguniang Panglungsod to appropriate the amount of one hundred thousand pesos (P100,000.00) annually as petty cash to assist victims of street crimes particularly in the payment of filing fees and charges required upon filing of appropriate charges against the suspects before the prosecution office and in court;

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NOW THEREFORE, BE IT ORDAINED by the Sangguniang Panlungsod of the City of Naga that:

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. - TITLE. - This ordinance, for brevity, shall be known as the **"STREET CRIME VICTIM ASSISTANCE ORDINANCE"**.

SECTION 2. - DECLARATION OF POLICY. - It is hereby declared the policy of the State to provide necessary assistance and protection for victims of street crimes. Toward this end, the city government shall coordinate with various agencies and non-government organizations to work hand in hand for the assistance and protection of street crimes' victims in the filing of cases against the perpetrators.

SECTION 3. - DEFINITION OF TERMS. - As used in this Ordinance, the following terms shall mean:

- a) **STREET CRIMES** - shall refer to criminal offenses taking place in public places particularly crimes/offenses against property in the streets which include snatching (e.g. cellphone, bag, and other personal belongings), pickpocketing, and stealing. Crimes against persons, estafa and other crimes are not covered by this ordinance.
- b) **PUBLIC SAFETY OFFICE OR PSO** - shall refer to the Public Safety Office of the City Government of Naga which shall serve as the custodian of the petty cash fund for assistance to victims of street crimes, subject to the usual accounting and auditing rules and procedures;
- c) **IMPLEMENTING RULES & GUIDELINES (IRG)** - shall refer to the system to be followed in providing financial assistance and protection for victims of street crimes.

SECTION 4. - COVERAGE. - These rules shall apply to all complaints of street crimes where the victim does not have the capacity or is unwilling to pay the required filing and other fees in connection with the filing of appropriate criminal charges before the prosecution office and in court.

**ARTICLE II
IMPLEMENTING RULES & GUIDELINES**

Pursuant to the authority vested under Section 458(a) (1)(ii) and (6) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the following Implementing Rules and Guidelines in providing financial assistance and protection to victims of street crimes in the City of Naga are hereby prescribed and promulgated:

SECTION 5. - PROCEDURE TO BE FOLLOWED IN PROVIDING FINANCIAL ASSISTANCE AND PROTECTION TO VICTIMS OF STREET CRIMES. - The implementation of this Ordinance and its Implementing Rules and Guidelines shall be guided by the following procedure, to wit:

- a) Upon receipt by the police of the complaint of the victim of a particular street crime, the police officer concerned shall immediately record the incident in the police blotter logbook and indorse the same to the police officer on case who shall immediately prepare the necessary sworn statement of the victim and his/her witnesses, if any, and immediately endorse the filing of appropriate charges with the Naga City Prosecution Office if the suspect has been caught and detained; otherwise, the police shall conduct the necessary follow up investigation.
- b) Copy of the indorsement with attached complaint and sworn statement/s shall be furnished the Public Safety Office which shall assist the police officer on case in the payment of the required filing and other fees with the City Prosecution Office.
- c) The Public Safety Office, the custodian of the petty cash fund, shall pay the required filing and other fees directly to the City Prosecution Office upon filing of the complaint.
- d) The Public Safety Office shall retain a complete set of all documents filed with the City Prosecution Office, for record and accounting purposes.

SECTION 6. - DUTY OF THE PUBLIC SAFETY OFFICE (PSO). - The Public Safety Office (PSO) shall be the lead agency in the effective implementation of this Ordinance. It shall be in-charge of the following important functions, to wit:

- a) Coordinate with various agencies and non-government organizations for the immediate identification, assistance, and protection of street crimes' victims in the litigation of their cases;
- b) Facilitate the immediate approval and release of the financial assistance to victim/s of street crimes in the City of Naga during the filing of the case before the City Prosecution Office and in Court;
- c) Ensure the annual appropriation of the fund for the effective implementation of the Ordinance and its Implementing Rules & Guidelines;

- d) Provide monthly report of the assistance and protection program given to the victims of street crimes to the SP Chairman, Committee on Public Safety.

**ARTICLE III
FUNDING REQUIREMENT**

SECTION 7. - APPROPRIATION. - During the first year of implementation, a funding in the amount of one hundred thousand pesos (P100,000.00) shall be allocated which will be used for the administration and immediate enforcement of this Ordinance and its Implementing Rules & Guidelines and it shall be taken from or charged against the existing appropriation for Public Safety Support Fund. Thereafter, the necessary amount for its effective implementation shall be included in the annual budgetary allocations for the Public Safety Office (PSO).

**ARTICLE IV
EFFECTIVITY**

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.

If any provision of this Ordinance, or its application to any person, legal entity or circumstance, is held invalid, the remainder of the Ordinance, or the application of the provision to other persons, legal entities or circumstance, shall not be affected.

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 or modified accordingly.

SECTION 10. - EFFECTIVITY. - This ordinance shall take effect immediately upon its approval and publication in a local newspaper of general circulation.

ENACTED: March 31, 2009.

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

GABRIEL H. BORDADO, JR.
City Vice Mayor &
Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor