

ORDINANCE NO.2013-007
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AN ORDINANCE DECLARING UNLAWFUL THE POSTING, DISPLAYING OR EXHIBITING OF ELECTION CAMPAIGN MATERIALS AND ORDERING THEIR REMOVAL, CONFISCATION AND DESTRUCTION, THEREBY PROTECTING THE WELFARE, DIGNITY AND LIBERTY OF THE PUBLIC UTILITY DRIVERS, OPERATORS AND/OR OWNERS.

Authors:

Hon. Nelson S. Legacion, Hon. Cecilia V. De Asis, Hon. Esteban R. Abonal
Hon. Maria Elizabeth Q. Lavadia, Hon. Ray-AnCydrick G. Rentoy,
Hon. Jose A. Tuason, Hon. Raoul T. Rosales, and Hon. Jose B. Importante

WHEREAS, Section 7, paragraph (f) of COMELEC Resolution No. 9615 prohibits the posting, displaying or exhibiting of any election campaign or propaganda material outside of authorized common poster areas, in public places, or in private properties without the consent of the owner thereof;

WHEREAS, per paragraph (g) Section 7 of the same COMELEC resolution included in the term “public places” are public utility vehicles, such as jeepneys, tricycles and pedicabs, whether motorized or not;

WHEREAS, for public utility vehicles and pursuant to item no. 6, paragraph (g), Section 7 of the same COMELEC resolution the corresponding penalty for violation of the cited provision is not only revocation of the public utility franchise but also imprisonment;

WHEREAS, unaware of such prohibition and its corresponding penalty, jeepney, pedicab and/or tricycle drivers, operators and/or owners are enticed by irresponsible candidates and/or their over-eager supporters to post, display or exhibit in their pedicabs and/or tricycles tarpaulins and other campaign materials or propaganda of candidates seeking elective public office even long before the start of the campaign period;

WHEREFORE, pursuant to its authority and for the primary purpose of protecting the welfare, dignity and liberty of the jeepney, pedicab and/or tricycle drivers, operators and/or owners,

Be it therefore ordained by the Sangguniang Panlungsod of the City of Naga in session assembled, that:

Section 1. Definition of Terms. For purposes of this ordinance the following terms shall mean:

- (a) **Candidate** - refers to any person seeking an elective public office, who has filed his certificate of candidacy, and who has not died, withdrawn his certificate of candidacy, had his certificate of candidacy denied due course or cancelled, or has been otherwise disqualified before the start of the campaign period for which he filed his certificate of candidacy. It also refers to any registered national, regional, or sectoral party, organization or coalition thereof that has filed a manifestation of intent to participate under the party-list system, which

has not withdrawn the said manifestation, or which has not been disqualified before the start of the campaign period.

- (b) **Election Campaign Materials** – refers to and shall include: (a) decals, stickers or other written or printed materials; (b) Streamers, tarpaulin and/or posters made of cloth, paper, cardboard or any other material, whether framed or posted; and (c) such other materials, showing or depicting, among others, the name and/or photographs of a candidate to any elective public office;

Section 2.Prohibited Act.At any given time after the filing of a certificate of candidacy for any elective public office up to the daybefore the start of the campaign period, herein declared unlawful is the act by any candidate, his supporters and/or persons acting in his behalf, of posting, displayingand/or exhibiting any election campaign material in public utility vehicles.

Section 3.Summary Removal, Confiscation and Destruction of Election Campaign Materials.Any election campaign material posted, displayed, and/or exhibited in public utility vehicles shall be summarily removed, confiscated, destroyed and/or torn down.

Section 4.Deputation.The Naga City Police Office of the Philippine National Police as well as any or all of the elective barangay officials of the city are hereby deputized and directed to enforce the provision of this ordinance particularly Section 3 hereof.

In the performance of such mandate, the City Director of the Naga City Police Office of the Philippine National Police may designate such elements thereof and the barangay officials may direct their respective barangay tanods to assist them and do the act of removing, confiscating, destroying or tearing down of the subject election campaign materials.

Section 5.Effectivity. This Ordinance shall take effect immediately upon the approval hereof.

ENACTED: February 12, 2013.

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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:
JOHN G. BONGAT
City Mayor