

AN ORDINANCE PROHIBITING THE DEFAECING, SCRIBBLING/WRITING AND/OR SPRAY PAINTING AND PASTING OF DECALS OR ANY FORM OF PRE-DESIGNED STICKERS ON WALLS AND FENCES OF PUBLIC AND PRIVATE BUILDINGS, LANDMARKS AND PLAZAS, PUBLIC ANNOUNCEMENT BOARDS, TRAFFIC AND DIRECTIONAL SIGNS, MONUMENTS AND HISTORICAL STRUCTURES AND WORKS OF ART, IMPOSING PENALTIES FOR VIOLATIONS THEREOF:-

Authored by City Councilor Jose B. Perez *ju*
 Co-authored by City Youth Councilor Ezra M. Baylon

EXPLANATORY NOTE

Residents, homeowners, and school officials in the city, as well as the general public, are alarmed that vandals, especially in the dead of the night, are again out in the streets defacing and spray painting walls and fences, and other concrete structures of both private and public buildings and establishments, putting into the spotlight the otherwise clean and neat physical surroundings of our communities.

As had been underscored by concerned citizens, such defacement and destruction of public and private properties say a lot about public discipline, the people's character and values -- or the lack of them. Moreover, the affected private property owners and the government itself spend a significant amount of personal and taxpayers' money, respectively, for the repair and restoration of the damaged and defaced structures, which amounts could have been used for more productive endeavors or projects.

Although there are government attempts to conceal these eyesores through artworks, such as murals, such intention do not really address the root of the problem, which is, as have been mentioned, the lack of discipline and impending lawlessness. It is in this light that this Ordinance seeks to prohibit acts of vandalism by defining the same and imposing penalties for violations thereof. It is hoped that passage of this local Ordinance will finally put to stop the threatening anarchy in our streets.

ORDINANCE NO. 2021-034
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AN ORDINANCE PROHIBITING THE DEFACING, SCRIBBLING/WRITING AND/OR SPRAY PAINTING, AND PASTING OF DECALS OR ANY FORM OF PRE-DESIGNED STICKERS ON WALLS AND FENCES OF PUBLIC AND PRIVATE BUILDINGS, LANDMARKS AND PLAZAS, PUBLIC ANNOUNCEMENT BOARDS, TRAFFIC AND DIRECTIONAL SIGNS, MONUMENTS AND HISTORICAL STRUCTURES AND WORKS OF ART, IMPOSING PENALTIES FOR VIOLATIONS THEREOF:-

Co-authored by City Youth Councilor Ezra M. Baylond

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

SECTION 1. Title - This Ordinance shall otherwise be known as the "Anti-Vandalism Ordinance of the City of Naga."

SECTION 2. Definition of Terms - For the purpose of this Ordinance, the following terms shall mean:

1. "Act of Vandalism" - the act of doing any of the following without the written authority of the Office of the City Mayor or its authorized representative or office in the case of public property, or without the written consent of the owner or occupant in the case of private property-
 - (i) Writing, drawing, painting, spray painting, marking on any public property or private property any word, slogan, caricature, drawing, mark, symbol, or other things; or
 - (ii) Affixing, posting, or displaying on any public property or private property any poster, placard, advertisement, bill, notice, paper, or other document; or
 - (iii) Hanging, suspending, hoisting, affixing or displaying on or from any private property or private property any flag, bunting, standard, banner, or the like, with any word, slogan, caricature, drawing, mark, symbol, or other thing.
2. "Vandal" - a person who willfully destroys, damages, or defaces property belonging to another or to the public. His action includes property damage, such as graffiti and defacement directed towards any property without permission of the owner.
3. "Private Property" means movable or immovable property other than public property.
4. "Public Property" means movable or immovable property belonging to the Government or to the government of any foreign country, or to any statutory body lawfully present in Naga City or the Philippines.

SECTION 3. Penal Provision -

- a) Any person found committing Acts of Vandalism shall, in addition to payment of expenses for restoration of the property vandalized, suffer a penalty of fine not exceeding Five Thousand Pesos (P5,000) or imprisonment of Twenty-One to Thirty (30) days, or both such fine and imprisonment at the discretion of the Court. If the act is committed by a juridical person, the erring personnel shall be criminally liable therefor. Every violation of this Ordinance shall be construed as a distinct and separate offense and shall be punishable as herein provided;

- b) As to the extent of the liability of fraternities and gangs, the Chapter Leader/President shall be held liable for the violation of their erring subordinates/members;
- c) If the violator is below Eighteen (18) years of age at the time of the commission of the crime, he/she shall be fined the amount of Three Thousand Pesos (P3,000.00) in addition to the Community Service, together with his/her parent or guardian, consisting of removing, cleaning and repairing to its former condition the damaged wall, gate, and building at the expense of such violator;
- d) However, if the minor is indigent and his/her parent cannot pay the penalty of P3,000.00, he/she shall be referred to the City Social Welfare and Development Office (CSWDO); provided, further, if the violator is below Fifteen (15) years old, he/she shall also be referred to the CSWDO for an Intervention Program.

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SECTION 4. Responsibility of Schools. Studies conducted by behavioral psychologists reveal that most acts of vandalism are committed by students in high school and college, including campus fraternity members. Further the studies show that schools and their surrounding vicinities are also the most vandalized areas where high incidence occur when no guards are present or during nighttime or vacation periods or health crisis when such campuses are locked down or unoccupied. In this regard, school administrators are hereby enjoined to conduct information dissemination among the students and inform their parents regarding the implementation of this Ordinance.

[Signature]

SECTION 5. Authorized Enforcers/Implementors. The following agencies/personnel are hereby authorized, deputized and mandated to strictly enforce this Ordinance:

- Enforcers*
- a. Any officer or personnel of the PNP, Military, or their authorized Auxiliary units;
 - b. Barangay officials, whether elected or appointed, including their deputized Barangay Tanods;
 - c. Any personnel of the Public Safety Office;
 - d. Persons to be duly deputized by the Office of the City Mayor.

[Signature]

SECTION 6. Separability Clause - If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 7. Repealing Clause - All ordinances, rules and regulations or parts thereof, which are consistent or in conflict with the provision of this Ordinance are hereby repealed and/or modified accordingly.

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SECTION 8. Effectivity Clause - This Ordinance shall take effect upon its approval and publication in a local newspaper of general circulation.


ENACTED: May 11, 2021

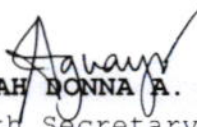
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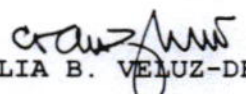
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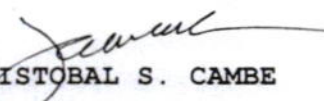
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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

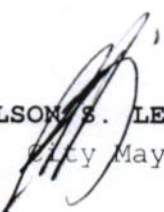

GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

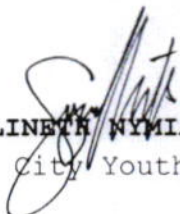

JOHANNAH DONNA A. AGUAYO
City Youth Secretary to the
Sangguniang Panlungsod


CECILIA B. VELUZ-DE ASIS
City Vice Mayor
& Presiding Officer


CHRISTOBAL S. CAMBE
City Youth Vice Mayor &
Presiding Officer

APPROVED:


NELSON S. LEGACION
City Mayor 5/12/21


BERLINETH NYMIA T. MONTES
City Youth Mayor