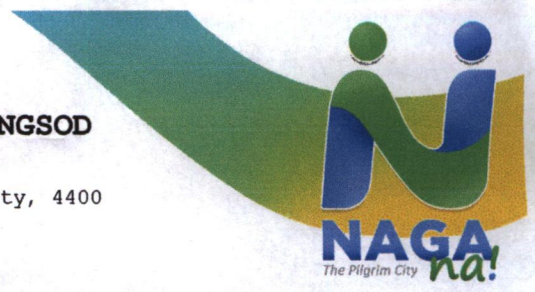




Republika ng Pilipinas
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
Lungsod ng Naga

City Hall Compound, J. Miranda Avenue, Naga City, 4400
 ☒ www.naga.gov.ph / sp@naga.gov.ph
 ☎ 205-2980 local 2060



ORDINANCE NO. 2021-038
 VVVVVVVVVVVVVVVVVVVVVVV

AN ORDINANCE SETTING THE GUIDELINES FOR THE ACTIVATION, DEPUTATION, AND OPERATIONS OF PEACE AND ORDER, PUBLIC SAFETY, AND TRAFFIC VOLUNTEERS IN NAGA CITY AND FOR OTHER PURPOSES:-

Authors: **City Councilor JOSELITO S.A. DEL ROSARIO, Ph.D.** *Jose Del Rosario*
City Youth Councilor AVERLY JERRYL A. ESCOTO *Averly Escoto*

EXPLANATORY NOTE

The maintenance of peace and order is a key factor in the development process. The enactment of Republic Act No. 7160, otherwise known as "The Local Government Code (LGC) of 1991" ushered a new development paradigm that placed local governments at the center stage of national development including the promotion of peace and order in local communities.

In Naga City, volunteers have shown support and dedication to the efforts of the local government in the maintenance of peace and order as well as in traffic management. But while their activities must be strengthened, they should be regulated to conform to the tradition of participatory and good local governance and to prevent the proliferation of unscrupulous organizations/pseudo volunteer groups. Hence this ordinance.

SECTION 1. - TITLE. - This ordinance shall be known and may be cited as "**Ordinance Governing the Operations of Peace and Order, Public Safety, and Traffic Volunteers in Naga City**".

SECTION 2. - DECLARATION OF POLICY. - It is hereby a declared policy of the City Government of Naga (CGN) to promote and enhance the responsiveness of volunteers - such as in peace and order, public safety and traffic - and to acknowledge their indispensable role in the maintenance of peace and order and in the promotion of public good. In the pursuit thereof, this policy covers guarding the city against the proliferation of pseudo groups that would exploit the accommodating arms of the local government.

SECTION 3. - DEFINITION OF TERMS. - For purposes of this ordinance, the following terms are defined as follows:

crisis

- (a) Volunteer - refers to a civilian volunteer, who, on his/her own volition, is willing to assist the city and barangay officials in traffic management and promotion of public order and safety in the barangay/city level.
- (b) Public Safety Office (PSO) - is an office in the City Government of Naga which is tasked to implement traffic rules and regulations and in the maintenance of public safety, among others.
- (c) City Disaster Risk Reduction Management Office (CDRRMO) - is an office of the city government in charge of disaster management.
- (d) Volunteer group/association - where the volunteer

9

[Handwritten signature]

- (e) Philippine National Police (PNP) - is an organization under the Department of Interior and Local Government (DILG) which is national in scope and is tasked to implement laws and regulations for the maintenance of peace and order.
- (f) Bureau of Fire Protection (BFP) - is an organization under the Department of Interior and Local Government (DILG) which is tasked to implement the Fire Code of the Philippines and ensure that laws relating to fire safety are enforced.
- (g) Federation of volunteer groups - is an umbrella organization of accredited volunteer groups.

SECTION 4. - QUALIFICATIONS OF VOLUNTEER. - In order to avoid the scenario that non-Naga City residents will be enforcing rules in the city, the following are the minimum qualifications that volunteer groups should consider when they activate membership and recruit membership therein:

- (a) Must be a registered voter of Naga City;
- (b) At least eighteen (18) years old but not more than sixty (60) years old;
- (c) Of good moral character as certified by the Punong Barangay where he/she resides;
- (d) Mentally and physically fit;
- (e) Must not have been convicted of any crime involving moral turpitude;

For this purpose, a thorough background check on the previous employment/activities/business interests of the volunteer shall be conducted by the PSO/CDRRMO. Any adverse report thereon shall be strongly considered against the issuance of deputation, or holding, if one has already been issued.

SECTION 5. - ACCREDITATION OF VOLUNTEER GROUPS. - This ordinance covers the accreditation of:

- (a) Traffic volunteer group/s;
- (b) Rescue group/s;
- (c) Other public safety groups, whether attached to other agencies outside of the city government but are doing volunteer work within the territorial jurisdiction of Naga City.

SECTION 5.A- The following are the guidelines to be considered in accrediting volunteer groups:

- 1) Performance of at least one year of volunteer work.

credulous

9

- 2) Certification from the PSO/CDRRMO, based on available and/or previous list, that any of its officer/member has not been discharged and/or removed from other volunteer group/s.
- 3) Submission of the roster of officers and members.
- 4) Organization/s bearing national accreditations are subject to this Ordinance.

SECTION 5.B- Only volunteer groups and its members who are duly accredited/deputized by the city government are authorized to perform traffic management, rescue, environment, and other public safety functions within the territorial jurisdiction of the city. Hence, a database for purposes of Section 5.A above is to be kept and maintained by the PSO/CDRRMO.

SECTION 5.C- The accreditation shall be issued by the City Mayor's Office (CMO) upon submission and completion of the requirements set forth herein. The PSO, in case of public safety and traffic volunteers, and the CDRRMO, in case of rescue groups, shall process the documents and shall submit recommendation to the CMO within 15 days from receipt of the supporting papers herein required.

SECTION 6. - DEPUTATION. - The City Mayor, thru the recommendation of the City Legal Office (CLO) and the PSO/CDRRMO, shall issue deputation to a volunteer upon observance of Section 4 hereof.

SECTION 6.A- In recommending for deputation, the CLO, PSO, and/or CDRRMO must also strongly consider the applicant's previous engagement with other group/s as contemplated in the second paragraph of Section 4 hereof.

SECTION 6.B- Those already issued deputation shall be given 60 days from the approval of this Ordinance to comply/process their applications with the PSO/CDRRMO, as the case may be. Failure to do so shall mean forfeiture of the deputation issued.

SECTION 7. - GUIDELINES IN THE DEPLOYMENT OF VOLUNTEERS. -

- (a) The deployment of volunteers shall be in coordination with the PSO.
- (b) Provided, that volunteers, their groups, and members:
 - 1) Shall only be deployed in the daytime;
 - 2) Shall not be deployed during the entire election period (national and local elections).

For purposes of Section 2.A hereof, volunteers may be deployed during night time in cases of large events such as fiesta, Undas, or in cases of emergency/eventuality.

- (c) In case of large events which require cross-barangay

crossing

①

- 1) A request from the host Punong Barangay is addressed to the CMO, furnished the PSO, stating that he/she intends to tap the services of other volunteers to ensure peace and order/traffic management in his community.
- 2) The CMO or any other office duly designated, in writing or verbal instruction, should cascade the same to the PSO.
- 3) Requests from the PNP for assistance and deployment of volunteers are covered by this provision.

In all cases, the requests, either from barangays or the PNP, shall be processed by the PSO and should conform to the guidelines set forth herein.

In case of rescue or similar groups, their activities shall be coordinated with the CDRRMO.

SECTION 8. - RESPONSIBILITY OF THE PSO/CDRRMO IN THE DEPLOYMENT OF VOLUNTEERS. - It shall be the primary responsibility of the PSO and/or CDRRMO, to deploy volunteers. In case the PNP or barangays need the assistance and support of volunteers, the requesting party shall communicate the same to the PSO/CDRRMO and shall observe the provisions of Section 7 hereof.

SECTION 9. - DECORUM. - Being the reflection of the City Government of Naga, proper decorum, uniform, and, if necessary, equipage shall be observed.

The uniform of the volunteers consists of decent pants, t-shirts with proper markings, and rubber shoes. Deputation ID, to be issued by the City Government of Naga, shall also be worn as part of their uniform. The use of the uniform and the ID outside of the time of deployment is prohibited.

SECTION 10. - DUTIES, FUNCTIONS AND RESPONSIBILITIES. - Volunteers may only be required to extend services upon their own volition.

The volunteers may:

- (a) Assist in traffic management and in the promotion of peace and order and public safety;
- (b) Report any occurrence of crime, accident, public disturbance, environmental degradation activity, and other similar nefarious activities.

SECTION 11. - AGENTS OF PERSONS IN AUTHORITY. - In case of traffic volunteers, they are recognized as agents of persons in authority, as provided in Chapter 2, Sec. 388 of the Local Government Code (LGC) of 1991:

"Sec. 388 - Persons in Authority. - For purposes of the Revised Penal Code, the punong barangay, sangguniang barangay members, and members of the lupong tagapamayapa in each barangay shall be deemed as persons in authority

and charged with the maintenance of public order, protection and security of life and property, or the maintenance of a desirable and balanced environment, and any barangay member who comes to the aid of persons in authority, shall be deemed agents of persons in authority".

SECTION 12. - ANTI-ILLEGAL DRUGS POLICY. - All public safety, peace and order, and traffic volunteers shall strictly adhere to the anti-illegal drug policy of the city government, which prohibits:

- (a) The use, possession, solicitation for, or sale of dangerous drugs;
- (b) Being impaired or under the influence of dangerous drugs;

SECTION 13. - MANDATORY DRUG TEST AS REQUIREMENT BEFORE DEPUTATION. - All applicant-volunteers are mandated to undergo drug testing before deputation. He/she shall be denied deputation outright, or his/her deputation will be cancelled, if one is already issued, if he/she is found positive for drug use. The applicant/volunteer shall assume the cost of the drug test.

The city government, thru the Naga City Dangerous Drugs Board (NCDDDB), in close coordination with the Philippine Drug Enforcement Agency (PDEA), shall conduct the drug testing, if necessary.

In case of those presently serving as volunteers, coordination must be made by the PSO and/or CDRRMO with the Naga City Hospital (NCH) for their drug test to be free of charge.

SECTION 14. - SKILLS TRAININGS AND CAPACITY-BUILDING PROGRAMS. - The City Government of Naga shall ensure the sustainability and continuity of the capacity-building programs by implementing on a regular basis the following trainings and other accredited training portfolios:

- (a) Fire suppression;
- (b) Traffic management;
- (c) Public safety trainings;
- (d) Basic life support and first aid trainings;
- (e) Disaster and emergency response trainings;
- (f) Training on incident command system;
- (g) Other capability-building trainings.

For this purpose, the PSO/CDRRMO shall initiate the necessary training and/or orientation to equip volunteers with knowledge, attitude, and skills that are vital to the performance of their duties and functions.

In this regard, the support and assistance of the Naga City Police Office (NCPO), Naga City Central Fire Station (NCCFS), Naga City Community First Responders Program Management Office (NCCFRPMO), Lingkod Barangay Office (LBO), Philippine Red Cross (PRC), and other concerned government agencies may be enlisted for

SECTION 15. - RECOGNITION OF VOLUNTEER FEDERATION. - The City Government of Naga officially recognizes the Naga City Volunteer Federation. For this purpose, the member-groups, including their individual members, shall:

- (a) Adhere to the good governance mantra of the city government;
- (b) Adhere to principles that will not harm/affect the reputation of volunteer organizations;
- (c) Voluntarily participate in the activities of the barangays and the city government;
- (d) Voluntarily participate and attend in meetings duly called by the city government or any of its office.

SECTION 16. - RECOGNITION OF PERFORMANCE. -

Section 16.A- Volunteers who have shown dedication to duty shall be recognized in an appropriate occasion by the city government. The guidelines shall be prepared by the Special Committee that will be created by the CMO and shall form part of this Ordinance, provided that the same shall not delimit the prohibitions herein.

Section 16.B- The City Government of Naga shall likewise endeavor to provide some form of assistance to the volunteers within the bounds of law.

SECTION 17. - PROHIBITED ACTS. -

(a) Listed hereunder are acts considered prohibited with their corresponding definitions, and violations thereof shall make the volunteer-enforcers liable:

- 1) **Grave abuse of discretion** - it is the arbitrary or despotic exercise of power due to passion, prejudice, or personal hostility;
- 2) **Whimsical, arbitrary, or capricious exercise of power** - it amounts to an evasion or refusal to perform a positive duty enjoined by law or to act at all in contemplation of law;
- 3) **Grave misconduct** - it is the transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a volunteer with wilful intent to violate the law or to disregard established rules;
- 4) **Abuse of authority** - it is the improper use of power or authority inherent in the position held, by means of intimidation, threats, blackmail, or coercion;
- 5) **Extortion** - it refers to obtaining or attempting to obtain money, goods, services, or information from another by force or the threat of force;
- 6) **Dishonesty** - it is the lack of honesty or integrity or the disposition to defraud or deceive someone;

enforcers

9

or other documents to the PSO/CDRRMO, as the case may be, as required by law or existing ordinance/s.

(b) In addition to the foregoing acts, the following are considered as violations of this Ordinance:

1) For the individual volunteer:

- i) Forging residence requirement;
- ii) Non-disclosure of that stated in letter (e), Section 4 hereof.

2) For the Chairman/President/Team Leader/Supervisor:

- i) Failure to coordinate with the PSO before deployment of volunteers;
- ii) Failure to supervise the demeanor and conduct of members while on duty;
- iii) Failure to observe the provisions of Section 7 hereof;

3) For the Officers who will handle the deployment and supervision of volunteers:

- i) Failure to diligently observe the provisions of this ordinance, particularly Sections 5, 6, 7, and 8.

SECTION 18. - VIOLATIONS. -

(a) Any violation of or non-compliance with Section 17 hereof in relation to Sections 7, 8, 9 above by a deputized volunteer, upon investigation and hearing, shall be penalized as follows:

- First offense - Written warning;
- Second offense - Suspension/non-deployment for 15 days;
- Third offense - Revocation of deputation and termination from service.

(b) If the violator is the head/chairman/team leader of the volunteer group that deploys, the same shall be meted out the following penalties:

- First offense - Written warning;
- Second offense - Suspension of 15 days;
- Third offense - Revocation of deputation and termination from service.

(c) In case of violation of Section 17 in relation to Sections 5, 6, 7, 8, and 9 hereof, the responsible official/s shall be meted out the following penalties:

- First offense - Written warning, in case the officer involved is a city government official or employee;

In the case of a PNP/BFP official or employee, the action/complaint shall be forwarded to the IAS or the

cravins

Second offense - Suspension for 10 days, as determined by the Court, in case the officer involved is a city government official or employee;

In the case of a PNP/BFP official or employee, the complaint shall be forwarded to the IAS or the corresponding office of the BFP, for the necessary pre-charge investigation.

Third offense - Suspension of 30 days, as determined by the Court, in case the officer involved is a city government official or employee.

In the case of a PNP/BFP official or employee, the complaint shall be forwarded to the IAS for the necessary pre-charge investigation and administrative action, as the case may be.

(d) In case injury or death befalls any volunteer while in the performance of acts not sanctioned by this Ordinance, the LGU/PNP/BFP official who authorized the same shall be held administratively liable, without prejudice to the filing of whatever criminal or civil action by the immediate family.

(e) The PSO/CDRRMO shall have the power to recommend to the CMO, copy furnished the Office of the Sangguniang Panlungsod, the revocation of accreditation of a traffic, public safety, or rescue volunteer group once it is established that majority of its members, or that a number thereof, is deemed to imperil public perception of the group's performance, and that such necessitates said revocation.

SECTION 19. - ADMINISTRATIVE RECOURSE. -

(a) The City Legal Officer is tasked to prosecute in Court violations of this Ordinance.

(b) However, considering the voluntary nature of the service, this Ordinance provides for an administrative recourse so as not to clog the courts of cases. For this purpose, the City Legal Office (CLO) shall receive, hear, and decide complaint/s against erring volunteer/s within 30 days from receipt thereof. Its decision shall be appealable within seven (7) days from its issuance to the Appeals Board created herein.

(c) A volunteer may appeal from the decision and for such

creations

9

evidence, if warranted, in relation to the complaints filed or violations made. The Board shall be composed of the following:

- Chairman - Chairman, SP Committee on Peace and Order
- Members - City Legal Officer;
- City Administrator.

The Chairman shall convene the Board within ten (10) days from receipt of the appeal, and shall proceed with its investigation, hearing, and decision. All parties may be invited to the hearing, as warranted.

All decisions of the Board shall be submitted to the City Mayor for his concurrence or disapproval, and his decision shall be final and executory.

SECTION 20. - SEPARABILITY CLAUSE. - Any provision or portion of this ordinance found to be unconstitutional or invalid shall not impair the other provisions or parts hereof which shall continue to be in force and effect.

SECTION 21. - REPEALING CLAUSE. - Any or all ordinances, rules, and regulations which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 22. - EFFECTIVITY. - This ordinance shall take effect upon its approval and after publication in a newspaper of local circulation.

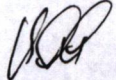
ENACTED: May 25, 2021

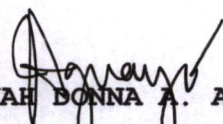
xxx

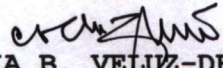
xxx

xxx

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


BERLINETH NYMIA T. MONTES
 City Youth Mayor