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1-20-09

Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF OTON
OFFICE OF THE SANGGUNIANG BAYAN



ORDINANCE NO. 99-73

AN ORDINANCE PROHIBITING MINORS, 16 YEARS OF AGE AND BELOW FROM LOITERING IN THE STREETS AND OTHER PUBLIC PLACES OF THE MUNICIPALITY OF OTON AND PENALIZING VIOLATORS THEREOF INCLUDING THEIR PARENTS OR GUARDIANS.

NOW THEREFORE on motion of the Committee on Legal Affairs, namely: Hon. Felimon Gregorio M. Calvo, Hon. Edgar N. Javellana and Hon. Vicente B. Flores, Jr. and duly seconded by Hon. Jose F. Tiapon III

BE IT ORDAINED by the Sangguniang Bayan of Oton, Iloilo in its Regular Session held at the Municipal Session Hall last September 29, 1999 at 2:00 in the afternoon, an Ordinance to wit:

SECTION 1. PROHIBITED ACT.

All minors are prohibited from loitering in the streets and other public places at night within the territorial jurisdiction of the Municipality of Oton, without any justifiable, valid or exempting reason as provided under Section 7 hereof. Violators shall be apprehended and shall be subject to temporary detention by any police or peace officer, or by any barangay official, accredited barangay tanod and thereafter placed in the custody of the MSWD as soon as practicable for proper disposition except as may be provided otherwise in the succeeding paragraphs hereof;

SECTION 2. DEFINITION OF TERMS.

1. **Minors** – under this ordinance refer to those who are 16 years of age or below;
2. **Loiter** – to spend time idly; to hang about, to be outside of one's home without a justifiable or valid reason;
3. **Home** – include the perimeter within the Fifty (50) meter radius from one's home;
4. **Community Work** – shall mean but shall not be limited to the following:
 - a. Sweeping the Municipal or Barangay Streets;
 - b. Weeding and/or cleaning the Municipal or barangay plaza or streets and public buildings;
 - c. Planting trees; and
 - d. Other civic works;
5. **MSWD** – shall refer to the Municipal Social Welfare and Development;
6. **GSO** – shall refer to General Services Office;
7. **Barangay officials** – shall refer to Punong Barangays and Barangay Kagawads.

SECTION 3. PROHIBITED HOURS.

The prohibition against loitering shall be imposed everynight except during Municipal Fiesta, Barangay Fiesta, (including vesper day) December 24, 25, 31 and January 1, Holy Thursday, Good Friday, Nov. 1 (All Saint's Day), School and Barangay Related/Sanctioned Activities approved by the Mayor and shall begin from 10:00 o'clock in the evening up to 4:00 o'clock the following morning.

SECTION 4. LIABILITY FOR THE FIRST OFFENSE.

All Minors caught violating the prohibition against loitering for the first time shall be advised and warned of the prohibition by the apprehending officer. His/Her parents shall be informed of the minors violation and shall be properly admonished of their responsibility along with the minor concerned by the MSWD Officer.

In the case of wards, his/her guardian shall be admonished and properly advised by the MSWD Officer concerned.

Handwritten signatures and initials on the left margin, including a large signature that appears to be 'Hon. J. Tiapon III' and other initials.

SECTION 5. LIABILITY OF MINORS AND PARENTS OR GUARDIANS FOR THE SECOND OFFENSE.

All minors caught violating this ordinance for the second time shall as soon as practicable be placed in the custody of the MSWD for a period not exceeding eight (8) hours. They shall be required to render community work for one (1) hour, duly supervised by GSO.

The father or in his absence or incapacity, the mother, or the guardian as the case may be of the offending minor, shall be admonished for the second time of their responsibility;

SECTION 6. LIABILITY OF MINORS AND PARENTS OR GUARDIAN FOR THE THIRD AND SUBSEQUENT VIOLATION

All minors caught violating this ordinance for the third time and subsequently thereto, shall as soon as practicable be placed in the custody of the MSWD for a period not exceeding eight (8) hours. They shall be required to render community work for Two (2) hours duly supervised by the GSO.

The parent concerned, or the guardian of the minor as the case may be, shall in accordance with the provision of the Civil Code, after being found remiss by the proper court in the performance of his/her natural obligation to discipline his/her minor child, that he or she may grow to be a responsible member of society, be penalized of with a fine not exceeding Two Hundred Pesos (P200.00) or community work for one (1) hour, or both at the discretion of the court;

SECTION 7. EXEMPTION FROM THE PROHIBITED HOURS

- (a) Minor accompanied by any of their parents, grandparents, elder brother or sister of legal age, Aunts, Uncles and other elder relatives out on a justifiable cause, provided this is verifiable;
- (b) All minors out on a legitimate errand, provided this is verifiable;
- (c) In case the minor is engaged in a lawful calling, or due to any justifiable reason or emergency requiring the minor to be out in the streets during the prohibited hours;
- (d) Minors who are non-residents of the Municipality and who visit the municipality for a vacation when caught violating the prohibition for the first time, shall be exempted from rendering community work and shall be released after being admonished to stay away from the streets during the prohibited hours subsequent violation shall be dealt with in accordance with Section 5 and 6 hereof.

SECTION 8. WHO MAY IMPLEMENT THE PROHIBITED HOURS.

- (a) Police Officer;
- (b) Accredited Barangay Tanod;
- (c) Barangay Officials (Punong Barangay, Barangay Kagawad)

SECTION 9. EFFECTIVITY.

This ordinance shall take effect ten (10) days after approval, upon posting in at least two (2) conspicuous places in the municipality and upon distribution of implementing rules and guidelines.

UNANIMOUSLY APPROVED.

I HEREBY CERTIFY to the correctness of the foregoing Resolution.

Attested: *[Signature]*
JOSE V. OLIVARES, JR.
 Vice Mayor

Approved: *[Signature]*
ATTY. CARINA V. FLORES
 Municipal Mayor

Date Approved: **OCT 11 1999**

[Signature]
NICOLAS C. DAMASCO
 Secretary to the Sanggunian

Concurred: *[Signature]*
VICENTE B. FLORES, JR.
 Floor Leader

Date Posted: 10/21/99

ABC (37) - *[Signature]* 10/21/99

MO - *[Signature]* 10/21/99

MTC - *[Signature]* 10/21/99

MBO - *[Signature]* 10/21/99

PNP - *[Signature]* 10/21/99

MIPDC - *[Signature]* 10/21/99

Accty - *[Signature]* 10/21/99

HRMO - *[Signature]* 10/21/99

MSWD - *[Signature]* 10/21/99

[Signature] 10/21/99

GSO - *[Signature]* 10/21/99

MTC - *[Signature]* 10/21/99

PNP - *[Signature]* 7/22/02

INS. B. Casanova