

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



EXCERPTS from the Minutes of the Sangguniang Bayan of Oton, Iloilo in its Regular Session held at the Municipal Session Hall of Oton, Iloilo last **April 21, 2004** at 2:00 in the afternoon.

PRESENT:	Hon. Jose V. Olivares, Jr.	Vice Mayor (Presiding Officer)
	Hon. Jafet P. Salinas	SB Member (Asst. Floor Leader)
	Hon. Eusebio G. Villavicencio, Jr.	SB Member
	Hon. Honorato P. Nad	SB Member
	Hon. Pablo S. Guevara, Jr.	SB Member
	Hon. Feilmon Gregorio M. Calvo	SB Member
	Hon. Simplicio R. Carreon, Jr.	SB Member
	Hon. Victoriano P. Burgos	SB Member
	Hon. Edgar N. Javellana	SB Member (ABC Representative) (O.B.)
	Hon. Lee C. Allison	SB Member (SK Representative) (O.B.)
ABSENT:	Hon. Vicente B. Flores, Jr.	SB Member (Floor Leader)

ORDINANCE NO. 2004 - 119

AN ORDINANCE AMENDING ORDINANCE NO. 46, SERIES OF 1996 INTO AN ORDINANCE AUTHORIZING DESIGNATED AND DEPUTIZED POLICEMAN(EN) AND TRAFFIC ENFORCER(S) TO ISSUE TRAFFIC CITATION TO DRIVER OF ANY MOTOR VEHICLE VIOLATING THE MUNICIPAL TRAFFIC ORDINANCE(S) OF OTON, ILOILO.

ON MOTION of the Committees on Peace and Order, namely: Hon. Pablo S. Guevara, Jr., Hon. Simplicio R. Carreon, Jr. and Hon. Edgar N. Javellana; and Public Utilities, namely, Hon. Simplicio R. Carreon, Jr., Hon. Victoriano P. Burgos and Hon. Edgar N. Javellana and duly seconded by Hon. Honorato P. Nad

BE IT ORDAINED by the Sangguniang Bayan of Oton, Iloilo, an Ordinance, to wit:

SECTION 1. Amending Section 1 to be read as: Designated and Deputized Policeman(en) and Traffic Enforcers are hereby authorized to issue traffic citations to any driver of motor vehicle violating the Municipal Traffic Ordinance. Upon issuance of such traffic citation, the Policeman(en) and or Traffic Enforcer(s) concerned can confiscate the Driver's License of the Driver of the motor vehicle who made such violation(s).

SECTION 2. DEFINITION OF TERMS - as used in this Ordinance:

- a. **Citation** - an official summon or notice given to a person to appear as before a tribunal of justice.
- b. **Abuse of Authority** - any traffic officer or traffic enforcer who committed illegal act(s) like bribery and such other act(s) violative against and / or contrary in the enforcement of the Municipal Traffic Ordinances, after being complained and thorough investigation by PNP - Oton and / or concerned government agency committed such acts.

SECTION 3. Amending Section 3 to be read as: Traffic Citation shall be similar in form and substance with the Temporary Operator's Permit (TOP) issued by the Land Transportation Office, which shall be forwarded by the Policeman(en) and or Traffic Enforcer(s) to the Office of the Municipal Treasurer upon its issuance to a traffic violator.

SECTION 4. Such person issued a Traffic Citation, if he does not intend to question or protest, the issuance of such traffic citation shall, within forty eight (48) hours from such apprehension, immediately pay the fine as imposed in the Municipal Traffic Ordinance concerned to the Office of the Municipal Treasurer, who shall then issue an Official Receipt evidencing payment of such fine and release, if may, the Driver's License confiscated. In the event such person desire to question or protest the issuance of such traffic citation or payment of such fine is not made within the forty eight (48) hour period, it shall be presumed that that it is being protested and the Office of the Municipal Treasurer shall stamp mark the traffic citation as "PROTESTED" and within forty eight (48) hours thereof, forward the same to the Office of the Chief of Police - Oton for immediate filing at the same time, to be dealt with in accordance with law.

SECTION 5. Amending Section 5 to be read as: Policeman(en) and Traffic Enforcer(s) shall attend a seminar to be periodically conducted for the purpose of education, updating and familiarizing them with Municipal Traffic Ordinance(s), such as Seminar to be conducted by the Committee on Public Utilities and Facilities in the Municipality of Oton. Funding in this Seminar shall be appropriated as the need arises.

SECTION 6. Amending Section 6 to be read as: any person who refuses to obey the lawful command of a Policeman(en) and or Traffic Enforcer(s) who apprehended him for violation of a Municipal Traffic Ordinance, be punishable by a fine of not less than One Hundred Pesos (P100.00) but not more than Five Hundred Pesos (P500.00) and / or imprisonment of one (1) day but not more than five (5) days, or both fine and imprisonment at the discretion of the court.

SECTION 7. Amending Section 7 to be read as: Any Policeman(en) and or Traffic Enforcer(s) who shall abuse the authority herein granted, such as but not limited to bribery shall, in addition to any criminal liability be subjected to dismissal from his position after thorough investigation was made and was found out to had made such violation.

SECTION 8. REPEALING CLAUSE. All Ordinances and Resolutions inconsistent herewith are hereby considered repealed or modified accordingly.

SECTION 9. SEPARABILITY CLAUSE. In the event that any of the provisions of this Ordinance is declared is illegal, the validity of the other provisions shall not be affected by such declaration.

SECTION 10. EFFECTIVITY CLAUSE. This Ordinance shall take effect after its approval and ten (10) days of posting in 2 conspicuous places in the Municipality.

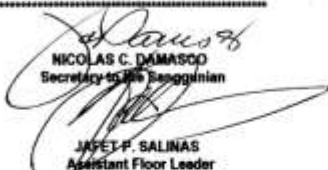
SECTION 11. Copies of this Ordinance shall be furnished to the Office of the Mayor; PNP - Oton; MTO; MBO; Acctg. Office; MPDC; OJODAI; SOJODA; MCH Associations and the Sangguniang Panlalawigan of Iloilo for information and guidance.

UNANIMOUSLY APPROVED

I HEREBY CERTIFY to the correctness of the foregoing ORDINANCE.

Attested: 
JOSE V. OLMARES, JR.
Vice Mayor

Concurred:


NICOLAS C. DAMASCO
Secretary to the Sanggunian


Approved: 
ATTY. CARINA V. FLORES
Municipal Mayor

JAFEL F. SALINAS
Assistant Floor Leader

Date Approved: ARR 4-27-04

Date Posted: 28 /jodi

NO - 4-27-04 p
PNP - for 4/27/04 / MB
MTO - for 4/27/04
MBO - for 4/27/04
Acctg - C 4/27/04
MPDO - 4/27/04

OJODAI - 
SOJODA -
MCH -