



Republic of the Philippines
Province Of Nueva Vizcaya
Municipality of Solano
BARANGAY OSMEÑA



SANGGUNIANG BARANGAY OF OSMEÑA, SOLANO, NUEVA VIZCAYA

Excerpts from the minutes of the Regular Session of the Sangguniang Barangay Members of Barangay Osmeña held on November 23, 2015 at the Barangay Session Hall from 8:07 AM to 9:30 AM.

PRESENT:

HON. DANILO E. DOMINGO

HON. JUANITA A. BANGLOY

HON. OSCAR D. CORPUZ

HON. MELVIN M. PADILLA

HON. CESAR M. DAGUIO

HON. MELIZZA D. MERCADO

HON. EVANGELINE M. HERNAEZ

PUNONG BARANGAY/
PRESIDING OFFICER
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD
BARANGAY KAGAWAD

ABSENT:

HON. FREDO M. LABASAN

BARANGAY KAGAWAD

BARANGAY ORDINANCE NO. 13
Series of 2015

AUTHORED BY:

HON. MELIZZA D. MERCADO

Chairman, Committee on Youth and Sports Development
Chairman, Committee on Women and Families

SANGGUNIANG BARANGAY
Solano, Nueva Vizcaya



AN ORDINANCE PROHIBITING THE ROAMING, LOITERING OR SLEEPING OF UNCHAPERONED CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE AT LATE HOURS OF THE EVENING OUTSIDE THEIR DOMICILE AND PROVIDING PENALTIES THEREOF.

SECTION 1. – LEGISLATIVE FINDINGS AND DECLARATIONS. Barangay Osmeña is widely regarded as a peaceful community, with a government giving utmost importance to the promotion of the well-being of children and families to ensure their collective safety and selfesteem;

The Barangay Osmeña is cognizant of the fact that persons who, because of their young age and vulnerability to be influenced by despicable street activities, need protection against societal ills that could jeopardize their future;

In light of the above premises, the barangay has the obligation and duty to enact measures aimed at reducing opportunities for juvenile crime to thrive in the community;

The Sangguniang Barangay of Osmeña believes that a curfew imposed on minors or those under the age of eighteen will aid in effectively carrying out these noble goals, and such a move is in the best interest not only of the young constituents but of the public in general as what will be promoted is the entire community's safety and welfare.

[Handwritten signatures]

SECTION 2. – TITLE. This Ordinance shall be known as the “PROHIBITION OF ROAMING, LOITERING OR SLEEPING OF UNCHAPERONED CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE”.

SECTION 3. – DEFINITIONS. The following words and phrases, whenever used in this ordinance, shall be construed as defined in this section:

(a) “PROHIBITED HOURS” means the hours from 10:00 p.m. every night up to 4:00 a.m. the next morning;

(b) “MINOR” means any person under eighteen (18) years of age;

(c) “PARENT” means a person who is a natural parent, adoptive parent, or step-parent of a minor.

(d) “GUARDIAN” means: 1) A person who, under court order, is 2) the guardian of the person of a minor; 3) A public or private agency with whom a minor has been placed for custody by a court; 4) A person in charge of the custody or who is taking care of a minor, whether relative or not; or 5) A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.

(e) “PUBLIC PLACE” means a place located in the Barangay where the general public, or a substantial group of people, have access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as movie theaters and similar places or establishments.

(f) “REMAIN” means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

(g) “EMERGENCY” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;

SECTION 4. – PROHIBITED ACTIVITIES/OFFENSES. *specified prohibited*

(a) It shall be unlawful for a minor to remain in a public place during curfew hours (10:00 p.m. every night up to 4:00 a.m. the next morning).

(b) It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient allow the minor to remain in any public place within the Barangay during prohibited hours.

SECTION 5. – EXCEPTIONS. The activities prohibited by Section 4 shall not be unlawful in the following circumstances:

(a) When the minor is accompanied by the minor's parent or guardian;

(b) When the minor is out in the street during the prohibited period for such purposes like doing some errand at the instance of his/her parent/s, guardian/s or relative/s; PROVIDED, that such minor is authorized to do so with/under a written and signed note/certification by any of the above-mentioned persons who allowed him/her to go out at night during prohibited hours for legitimate purposes or errands; PROVIDED FURTHER, that such minor shall not loiter after performing his/her errand/s;

(c) When the minor is in a motor vehicle or other travel in no violation of this ordinance;

(d) When the minor is engaged in an authorized employment activity, or going to or returning home from the same, without any detour or stop;

(e) When the minor is involved in an emergency;

(f) When the minor is on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the authorities about the minor's presence;

(g) When the minor is out of his/her residence attending an official school, religious, recreational, educational, social, community or other organized activity sponsored by the city, barangay, school or other similar private civic/religious organization/group (recognized by the

community) that supervises the activity or when the minor is going to or returning home from, without any detour or stop, such activity; and

(h) When the minor can present papers certifying that he/she is a student and was dismissed from his/her class/es late in the evening or that he/she is a working student.

SECTION 6. – ENFORCEMENT PROCEDURE. Before taking any enforcement action under this ordinance, a police officer, barangay tanod or task force on youth development enforcer shall ask the apparent offender's age and reason for being in the public place. The officer or enforcer shall issue a citation to the violator, after reasonably believing that a violation was committed and explaining the circumstances of such violation under this ordinance, to be dealt with pursuant to the applicable provisions in the succeeding section.

SECTION 7. – PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR.

The penalty for a minor who violates this ordinance shall be:

For the 1st OFFENSE - a minor found violating this ordinance for the first time will be referred to the barangay hall or tanod outpost and will be turned over to his/her parent/s or guardian/s; and will be called the following day with the parents/guardians for advising;

For the 2nd OFFENSE - a minor found violating this ordinance for the second time, shall be requested to attend another counseling from the MSWDO with their parents at the Barangay hall ;

For every SUBSEQUENT OFFENSE- the minor together with their parents will be endorsed to MSWDO for appropriate actions and shall include and participate in one of the succeeding programs or activities of the Barangay to encourage them to become more active and participative.

SECTION 8. – SEPARABILITY CLAUSE. Any provision or portion of this ordinance found to be violative of the constitution or invalid shall not impair the other provisions or parts thereof which shall continue to be in force and in effect.

SECTION 9. – REPEALING CLAUSE. All Ordinances, rules and regulations, or parts thereof, whose provisions are in conflict with, or contrary to, the provisions of this Ordinance are hereby repealed, amended and modified accordingly;

SECTION 10. – EFFECTIVITY. This Ordinance shall take effect immediately upon its approval.

Enacted on this 23rd day of November, 2015, Barangay Osmeña, Solano, Nueva Vizcaya.

I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was duly enacted and approved by the Sangguniang Barangay last November 23, 2015.


HARREN JESSIE D. BAÑA
Barangay Secretary

ATTESTED AND APPROVED BY:


HON. DANILO E. DOMINGO
Punong Barangay


HON. JUANITA A. BANGLOY
Barangay Kagawad


HON. OSCAR D. CORPUZ

Barangay Kagawad


HON. MELVIN M. PADILLA

Barangay Kagawad


HON. CESAR M. DAGUIO

Barangay Kagawad

(on leave)
HON. FREDO M. LABASAN

Barangay Kagawad


HON. MELIZZA D. MERCADO

Barangay Kagawad


HON. EVANGELINE M. HERNAEZ

Barangay Kagawad