

Republic of the Philippines  
Province of Ilocos Norte  
SOLSONA  
OFFICE OF THE SANGGUNIANG BAYAN

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EXCERPTS FROM THE MINUTES OF THE 13TH JOINT REGULAR SESSION OF THE 7<sup>TH</sup> SANGGUNIANG BAYAN AND THE ASSOCIATION OF BARANGAY COUNCILS OF SOLSONA, ILOCOS NORTE HELD IN ITS SESSION HALL OF SOLSONA, ILOCOS NORTE ON AUGUST 4, 2008 AT NINE O'CLOCK IN THE MORNING.

PRESENT:

Hon. Jonathan L. de Lara,	Vice Mayor/Presiding Officer,
Hon. Ismael L. Agulay,	Member,
Hon. Jose A. Martin,	Member,
Hon. Bob G. Sacro,	Member,
Hon. Francis Gerald L. Ganotisi,	Member,
Hon. Dixie C. Miguel,	Member,
Hon. Andresito A. Luis,	Member,
Hon. Lorenzo M. Pascua,	Member,
Hon. Jovencio M. Pascua,	ABC President/Member,
Hon. Joselito T. Cabang,	SK President/Member.

ALSO PRESENT:

14 Punong Barangays

ABSENT:

Hon. Christopher A. Curameng, Jr., Member.

**MUNICIPAL ORDINANCE NO. 2008 - 568**

**AN ORDINANCE PROHIBITING MINORS FROM LOITERING AND ROAMING OUTSIDE THEIR RESIDENCE AT LATE HOURS OF THE EVENING FROM 10:00 P.M. TO 4:00 A.M. WITHIN THE JURISDICTION OF SOLSONA, ILOCOS NORTE AND PROVIDING PENALTIES IN VIOLATION THEREOF.**

WHEREAS, the Sangguniang Bayan is empowered to adopt measures intended to protect and save the young citizenry from possible harm, specially that the municipality is highly 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 safety and protection;

WHEREAS, it is often observed that group of children and young adults keep on roaming, strolling and lounging around in public places especially at night;

WHEREAS, most cases of accidents, crimes and other related incidents frequently take place at night due to various compelling reasons;

WHEREAS, prohibiting our children from continuously dwelling on with such unpleasant pastime is one way to discipline and regulate their extra activities with their group mates or company;

WHEREAS, the municipal government believes that a curfew imposed on minors or those under the age of eighteen(18) is logical and such 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;

NOW THEREFORE, on motion of Hon. Jovencio M. Pascua, unanimously seconded by all the members present, be it

ORDAINED, by the Sangguniang Bayan of Solsona, Ilocos Norte, that:

SECTION 1. TITLE - This ordinance shall be known as the "MUNICIPALITY OF SOLSONA CURFEW ORDINANCE FOR MINORS".

Received by:

POI MARLIN [Signature]

**SECTION 2. DEFINITIONS** - The following words and phrases, whenever used in the ordinance, shall be interpreted as defined in this section:

- (a) **CURFEW HOURS** means the hour from 10:00 p.m. every night up to 4:00 A.M. the next morning;
- (b) **MINOR** means a natural person below 18 years old as defined in Art. 234 of RA 6809 otherwise known as the Family Code of the Philippines,
- (c) **A MINOR IN CONFLICT WITH THE LAW** refers to a child who is alleged as or adjudged as having committed an offense under the Philippine Laws;
- (d) **PARENT/GUARDIAN** means:
  - 1) A person who is a natural parent, adoptive parent, or step - parent of a minor;
  - 2) A person in-charge of the custody or who is taking care of a minor; or
  - 3) A person at least 18 years of age authorized by a parent or guardian to accompany a minor.
- (e) **PUBLIC PLACE** means a place located in the Municipality of Solsona where the general public have access, including, but not limited to, street, highways, sidewalks, parking lots, vacant lots, parks, office buildings, schools, shops and places of entertainments such as videoke bars and similar places or establishments.
- (f) **EMERGENCY** means an unforeseen circumstance that calls immediate attention. Covers situations like natural disasters fires, automobile accidents, or any accident requiring immediate action to prevent serious bodily injury or loss of life.
- (g) **DIVERSION PROGRAM** refers to the program that the minor in conflict with the law has to undergo after he/she is found responsible for an offense without resulting to formal court proceedings;
- (h) **INTERVENTION** refers to a series of activities which are designed to address issues that caused the minor to commit an offense. It may take the form of individualized treatment program which may include counseling, skills training, education and other activities that will enhance his/her psychological, emotional and psycho-social well-being;

**SECTION 3. PROHIBITED ACTIVITIES/OFFENSE.**

It shall be unlawful for any minor to loiter and roam outside their residence at late hours of the evening from ten o'clock (10:00 p.m.) in the evening to four o'clock (4:00 a.m.) in the morning within the jurisdiction of Solsona, Ilocos Norte.

It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow the minor to remain in any public place within the municipality during curfew hours.

**SECTION 4. EXEMPTIONS.** The activities prohibited by Section 3 shall not be prohibited in the following circumstances:

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- (1) Going to or returning home, without any detour or stop, from activities attended by a minor such as school, religious, recreational, educational, social, community or other activity sponsored by the barangay, municipality, school or other similar private groups;
- (2) When the minor is in a motor vehicle or other travel in no violation of this ordinance;
- (3) When the minor is accompanied by the minor's parent or guardian; and
- (4) When the minor is engaged in an authorized employment activity, or going to or returning home from the same, without any detour or stop;

**SECTION 5.** This Ordinance shall adopt the provision of Sec. 6 of Republic Act 9344 otherwise known as the Comprehensive Juvenile Justice and Welfare System on the minimum age of criminal responsibility which states "A minor fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the minor shall be subjected to an intervention program pursuant to Section 20 of the same act. A minor above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program unless he/she has acted with discernment in which case, such minor shall be subjected to the appropriate proceedings in accordance with this Act. The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

**SECTION 6. ENFORCEMENT.** The Philippine National Police, Barangay Tanods, or any recognized neighborhood crime watch enforcer are hereby authorized to enforce this ordinance. The law enforcer shall, before taking any enforcement action, ask the apparent offender's age and reason for being in the public place. A citation shall be issued to the violator after reasonably believing that a violation is committed and explaining the circumstances of such violation under this ordinance.

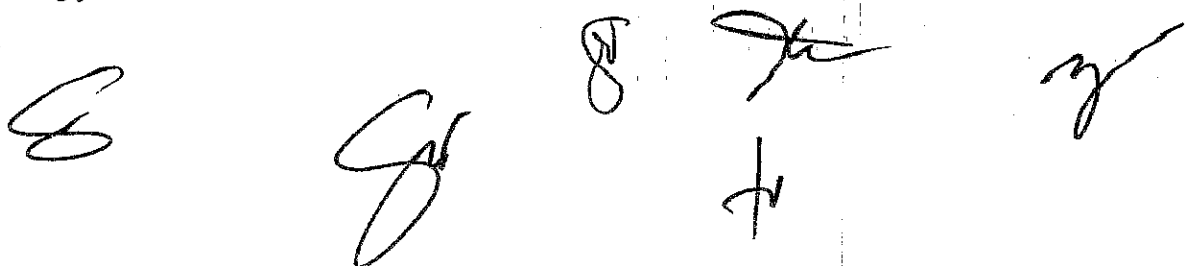
**SECTION 7. PENALTY.** Any minor that violates the provisions of this ordinance shall be fined based on the following schedule:

1<sup>st</sup> offense- violation of minor of this ordinance for the first time will be referred to the nearest police station, barangay hall or tanods outpost for counseling before being properly turned over to his/ her parent/s or guardian/s;

Succeeding offenses- violation of a minor of this ordinance for the second time will be required to attend two (2) consecutive regular barangay council sessions of the barangay where he/she is residing, for counseling by the barangay council which shall include this matter as a part of the session's agenda and by the MSWD of the municipality; PROVIDED, that the Barangay Council and the MSWD shall certify compliance by the concerned minor with this penalty; PROVIDED FURTHER, that the minor shall be required to submit the certification issued by the Barangay Council to the Police Station within a period of two (2) months from the date of violation; PROVIDED FINALLY, that in violation of Sec. 3 hereof by the parent/guardian shall be fined FIVE HUNDRED PESOS (P500.00);

**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 full force and in effect.

**SECTION 9. REPEALLING CLAUSE.** Ordinances, rules and regulations which are inconsistent or in conflict with the provisions of this ordinance are hereby repealed and/or modified accordingly.

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(Page 4 of Municipal Ordinance No. 2008-568)

**SECTION 10. EFFECTIVITY.** This ordinance shall take effect after twenty one (21) days from the date a copy thereof is posted in the Municipal Hall and in at least two (2) conspicuous places and after complying with all the requirements set forth in the Local government Code of 1991.

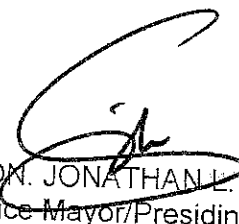
Copies of this Municipal Ordinance be forwarded to the Sangguniang Panlalawigan, Provincial Capitol, Laoag City for their review and other offices and authorities concern for their information, favorable and appropriate action.

CARRIED UNANIMOUSLY, with the following votes:

In favor - Hons. Agulay, Martin, Sacro, Ganotisi, Miguel, Luis, L. Pascua, J. Pascua and Cabang ;

Against - None.


ATTESTED:

  
HON. JONATHAN L. DE LARA  
Vice Mayor/Presiding Officer

CERTIFIED TRUE & CORRECT:

  
GLORIA S. ESPIRITU  
Administrative Assistant II

APPROVED:

  
HON. JOSEPH E. DE LARA  
Municipal Mayor  
Date 01-07-09

Approved

Ⓟ Rev. # 2009-1844 (3/23/09)