



ORDINANCE NO. SP-1137, 2002

AN ORDINANCE PROVIDING FOR COMMUNITY SERVICE AS AN ALTERNATIVE PENALTY FOR THE VIOLATION OF QUEZON CITY ORDINANCES WITH AN IMPOSABLE PENALTY OF NOT EXCEEDING ONE YEAR IMPRISONMENT OR PAYMENT OF FINE OF NOT MORE THAN FIVE THOUSAND PESOS OR BOTH IMPRISONMENT AND FINE.

Introduced by Councilors JESUS "BONG" C. SUNTAY, ELIZABETH A. DELARMENTE, AIKO M. YLLANA, RAMON P. MEDALLA, ALLAN BUTCH T. FRANCISCO, JORGE L. BANAL, WENCEROM BENEDICT C. LAGUMBAY, JULIAN ML. COSETENG, ALMA F. MONTILLA, ANTONIO E. INTON, JR., RESTITUTO B. MALANGEN, ALMARIO E. FRANCISCO, ERIC Z. MEDINA, VICTOR V. FERRER, JR and WILMA AMORANTO-SARINO.

WHEREAS, community service is a more humane way of penalizing and dealing with violators of ordinances passed and approved by the Quezon City Council;

WHEREAS, providing for an alternative penalty of community service as a means of rehabilitating offenders or violators of city ordinances will prevent them from being exposed to hard prison life, in the company of more undesirable elements of society;

WHEREAS, the effects of the economic crisis affecting countries in the Asia-Pacific Region coupled by a series of price increases have greatly strained the financial resources of our citizens, majority of whom belongs to the working class;

WHEREAS, the City Council of Quezon City is clothed with the power and authority to prescribe an alternative method of dealing with offenders without, if possible, inflicting further harm or burden upon them.

NOW, THEREFORE

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN SESSION ASSEMBLED:

SECTION 1. SHORT TITLE. - This ordinance shall be known as the Community Service Ordinance of Quezon City.

SECTION 2. DEFINITION OF TERMS. - For purposes of this Ordinance, the following terms shall mean:

- a. Community Service refers to a type of penalty which the offender shall render under the supervision of the Social Services and Development Department of Quezon City, in lieu of imprisonment or fine imposed by the ordinance that has been violated.

For purposes of this Ordinance, community service shall include, but shall not be limited to tree planting, street sweeping, participation in livelihood and environmental rehabilitation projects and other government assisted projects for the welfare of the community.

- b. Offender refers to any person who has violated provisions of the various Quezon City Ordinances.
- c. Department refers to the Social Services and Development Department of Quezon City (SSDD).

SECTION 3. GUIDELINES FOR PLACING AN OFFENDER ON COMMUNITY SERVICE - In determining whether an offender may be placed on community service, the court shall consider the following:

- a. Minority and relative youth of the offender;
- b. Whether or not the crime was significantly related to any other situation or condition such as poverty, unemployment or family problem;
- c. Whether or not the offender is charged with non-violent offenses or does not pose substantial danger to others;
- d. Whether or not the offender is chronically addicted to drugs or alcohol.

SECTION 4. REFERRAL FOR COMMUNITY SERVICE - The Court exercising jurisdiction over the case may, upon conviction of the offender and upon such terms and conditions as it may deem best, and in lieu of sentencing the accused to suffer the penalty imposed by the ordinance violated, order the offender to undertake community service under the supervision of the Social Services and Development Department;

PROVIDED, that the offender does not possess any of the disqualification provided for under this ordinance;

PROVIDED FURTHER, that if the imprisonment or payment of fine outweighs the order of undergoing community service, the Court shall decline to make such an order.

SECTION 5. DISQUALIFIED OFFENDERS. - This ordinance shall not be applicable to those:

- a. Offenders who are previously convicted of any offense involving moral turpitude;
 - b. Habitual offenders or those convicted two or more times of any offense;
 - c. Offenders who have previously escaped from confinement or evaded sentence;
 - d. Offenders of Quezon City Ordinance with an imposable penalty of imprisonment of more than one (1) year or a fine exceeding two thousand pesos (P2,000.00) or both imprisonment and fine.
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SECTION 6. RESPONSIBILITIES OF THE SOCIAL SERVICES AND DEVELOPMENT DEPARTMENT. - The Social Services and Development Department is hereby designated to supervise the community service of the offenders referred to it by the court.

For purposes of this ordinance, the department shall formulate the necessary rules and regulations to effectively carry out its mandate of supervising the community service of the offenders of Quezon City Ordinance.

The department shall, upon completion of the community service, submit a report to the court having jurisdiction over the case, to determine whether or not such community service was fully complied with

SECTION 7. ORDER OF FINAL RELEASE. - The Court upon receipt of the report of the department shall conduct a summary hearing to determine full compliance by the offender of the community service requirements and if so satisfied, the court shall enter an order declaring full satisfactory compliance thereof, and thereafter, declare the case terminated and considered dismissed.

SECTION 8. SEPARABILITY CLAUSE. - If any provision or part hereof is held invalid or unconstitutional, the remainder of the ordinance or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. REPEALING CLAUSE. - All local legislative measures, inconsistent herewith are hereby repealed or modified accordingly.

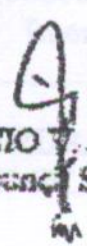
SECTION 10. EFFECTIVITY CLAUSE. - This ordinance shall take effect upon its approval.

ENACTED: March 19, 2002.

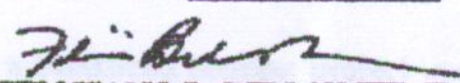

HERBERT M. BAUTISTA

Vice Mayor
Presiding Officer

ATTESTED:

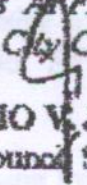

EUGENIO V. JURILLA
City Council Secretary

APPROVED: May 7, 2002


FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on March 19, 2002, was finally PASSED by the City Council on April 16, 2002.


EUGENIO V. JURILLA
City Council Secretary