Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-452

71st Regular Session

ORDINANCE NO. SP- **2752** *, S-2018*

AN ORDINANCE PROVIDING FOR THE PROCEDURE IN CASES OF VIOLATION OF CITY ORDINANCES IMPOSING FINES, PENALTIES AND COMMUNITY SERVICES.

Introduced by Councilors RANULFO Z. LUDOVICA and GODOFREDO T. LIBAN II.

WHEREAS, the 1987 Philippine Constitution provides that the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, the City Council has enacted various ordinances such as Prohibiting the Drinking of Liquor in Public Places, Half Naked in Public Places, Minor Violating Curfew Hours and Smoking Ban, among others, which provide fines and penalties in violation thereof;

WHEREAS, our enforcement units such as the Barangay Public Safety Officers (BPSO), Department of Public Order and Safety (DPOS), Environmental Protection Officers, and the Quezon City Police District (QCPD) are strongly enforcing the aforesaid ordinances by apprehending the perpetrators and detaining them in our available custodial facilities together with other detainees who have offenses under the Revised Penal Code and other Special Penal Laws;

WHEREAS, herein below is the current status of our custodial facilities and detainees provided by the QCPD that would show that the capacity of our existing custodial facilities is not enough for the actual number of detainees which resulted to inhumane condition of these people:

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Police Station	Size of the Custodial facility in SQM		Ideal Capacity		Actual No. of Persons under custody		VARIANCE	
	Male	Female	Male	Female	Male	Female	Male	Female
La Loma	24.46	14.66	25	10	70	7	50	-3
Masambong	20.25	10.	20	20	66	18	46	-2
Talipapa	13.68	8.46	15	15	176	27	161	12
Novaliches	25	20	30	20	124	27	94	7
Fairview	31.85	22.05	30	15	91	16	61	1
Batasan	20	40	40	15	152	21	112	6
Cubao	14	6.6	3	1	94	15	91	14
Project 4	12	8	10	5	37	2	27	-3
Anonas	8.2	8.2	15	15	85	7	70	8
Kamuning	20	10	20	10	79	10	59	0
Galas	55	10	20	20	65	7	45	-13
Eastwood	10.17	7.16	3	2	7	0	4	2
Criminal Invtgn. and Detention Unit (CIDU)	18.547	12.71	4	3	27	10	23	7
Dist. Drug Enforcement Unit (DDEU)	7.8	7.8	22	8	17	6	5	-2

WHEREAS, an immediate solution is necessary in order to protect the interest and rights of prisoners, to eradicate or at least minimize the congestion of custodial facilities in the `city;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, explicitly provides that, "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. x-x-x".

NOW, THEREFORE,

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

SECTION 1. TITLE – This Ordinance shall be known and referred to as the "QUEZON CITY PROCEDURE IN THE IMPLEMENTATION OF CITY ORDINANCES".

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SECTION 2. ISSUANCE OF ORDINANCE VIOLATION RECEIPT (OVR) – Any person who is cited for the violation of any provision of a City Ordinance imposing fine and penalties shall be issued an Ordinance Violation Receipt (OVR).

SECTION 3. PROCEDURE IN THE ISSUANCE OF ORDINANCE VIOLATION RECEIPT (OVR)

The following procedures shall be observed by any law enforcer in the apprehension of any person who violates any provision of a City Ordinance:

a. *Inform the violator of his/her violation including the Miranda Rights and the Anti-Torture warning;*

b. *Apprehending Officer must introduce himself or herself;*

c. *Issue the OVR, indicating therein the name, address, (should be verified) and other pertinent data of the person apprehended, as may be required in the OVR, including the violation;*

d. *Inform the violator of his/her right to avail of the No Contest Provision, as provided in Section 4, hereof.*

SECTION 4. NO CONTEST PROVISION – Any person apprehended for violation of a City Ordinance, who wish not to contest the violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal complaint with the Office of the City Prosecutor, shall be allowed to pay said fine with the City Treasurer and in the Barangay where he/she was apprehended, to avoid being criminally prosecuted.

SECTION 5. PROCEDURE IN THE AVAILMENT OF THE NO CONTEST PROVISION

a. *The violator shall be given five (5) working days from issuance of the Ordinance Violation Receipt (OVR) within which to pay the fine.*

a.1 *The fine shall be the minimum imposable by the Ordinance violated;*

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a.2 *Where there are fines imposed in the second and third offenses, the minimum fine in the second and third offenses shall be charged.*

a.3 *If the violator had already availed of the No Contest Provision three (3) times, he/she can no longer avail of the same and the corresponding complaint for the violation of the Ordinance, with the maximum penalty imposed should be filed against the violator.*

b. *The violator, who avails of the No Contest Provision may make payment to the City Treasurer or the Barangay Treasurer who shall issue an Official Receipt.*

c. *After payment of the fine, the violator shall present the Official Receipt to the apprehending enforcer, who shall attach a Certified True Copy of the receipt to the documents of the case and the case shall be considered closed.*

d. *If after the lapse of five (5) days, the violator has failed to present the Official Receipt of the payment of the fine, the enforcer who apprehended shall have the case filed with the City Prosecutor's Office, attaching an Affidavit indicating therein that the violator failed or did not avail of the No Contest Provision.*

SECTION 6. COMMUNITY SERVICE

a. *In case of inability to pay the fine, the violator may render community service as provided in the ordinance violated.*

b. *Community Service shall be imposed as follows:*

1st Offense: *1 to 2 days Community Service from 8:00 a.m. to 5:00 p.m.*

2nd Offense: *2 to 3 days community service from 8:00 a.m. to 5:00 p.m. a day.*

3rd Offense: *3 to 4 days community service from 8:00 a.m. to 5:00 a.m. a day.*

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SECTION 7. JURIDICAL PERSON – when the offender is a corporation, partnership, organization or any similar entity, the OVR shall be issued to its President and/or General Manager or Managing Partner and/or General Manager, or such other Officer-In-Charge with the management of the business.

SECTION 8. EXEMPTION – minor (below 18 years of age) are exempted from issuance of Ordinance Violation Receipt (OVR).

SECTION 9. PROCEDURE IN THE HANDLING OF A CHILD OFFENDER.

a. *A child who is cited for violation of a City Ordinance shall be recorded as a "child at risk" and not as a "child in conflict with the law". He/she shall be brought to any Barangay Official at the Barangay Hall to be referred to the City Social Services and Development Department (SSDD), which shall, with the assistance of the Barangay Officials, release the custody of the child to his/her parents or guardian, or in the absence thereof, the child's nearest relative.*

If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

1. *A duly registered non-government or religious organization.*

2. *A Barangay Official or a member of the Barangay Council for the Protection of Children (BCPC).*

3. *A City Social Services and Development Officer (SSDD), or when and where appropriate, the DSWD.*

b. *The Social Services Development Department (SSDD) shall determine and design the intervention program for the child. The intervention program shall consist of counselling, attendance in group activities for children, etc. and for the parents, attendance in parenting education seminar (Republic Act No. 10630).*

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c. *If the child has been found by the SSDD to be dependent, abandoned, neglected or abused by his/her parent and the best interest of the child requires that he/she be placed in the Youth Care Facility, the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child. Provided, that if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the SSDD. (Section 6, Republic Act No. 13630, amending Section 20, Republic Act No. 9344).*

d. *Section 21, Republic Act No. 9344, pertaining to the "Procedure for Taking the Child into custody shall at all times be observed by any law enforcer who takes a child into custody."*

SECTION 10. DEPUTIZATION – The City Mayor may deputize the Philippine National Police assigned in the area of Quezon City as additional agents in the enforcement of City Ordinances. However, as regards the enforcement of traffic violations, the Traffic Enforcement Units of the Department of Public Order and Safety (DPOS) and the Philippine National Police (PNP) personnel who are actually rendering/conducting traffic direction and control and assigned with QCPD District Traffic Enforcement Unit (DTEU) shall have the exclusive authority in the implementation thereof.

SECTION 11. SHARING OF FINES – Fines paid by violators who availed of the "No Contest Provision" shall be equally shared by the city government and the barangay, which shall cover the meals and other allowances of the Barangay Public Safety Officer (BPSO) and the deputized agent. The share of the City Government shall inure to the General Fund, after deduction of the Ten Percent (10%) share of the deputized enforcer who apprehended the perpetrator.

The City Treasurer is hereby directed to remit to the Barangay Treasurers on or before the 5th of every quarter the share of the Barangay and to give to the deputized enforcer their respective share in the fines collected in pursuance of this Ordinance.

SECTION 12. REPEALING CLAUSE – All ordinances, resolutions, local executive orders or any administrative issuances found to be inconsistent with any provision or provisions of this ordinance are hereby repealed or modified accordingly.

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SECTION 13. SEPARABILITY CLAUSE – In case any provision of this ordinance is declared unconstitutional or invalid by a competent court, the remaining provisions not affected thereby shall continue in full force and effect.

SECTION 14. RETROACTIVE EFFECT – This Ordinance shall have a retroactive effect. All the detainees may avail of this Ordinance within a period of three (3) months from its effectivity. The Official Violation Receipt will be presented to the court for proper disposal of the case.

SECTION 15. EFFECTIVITY CLAUSE – This Ordinance shall take effect fifteen (15) days after its approval and publication in a newspaper of general circulation.

ENACTED: September 3, 2018.

MA. JOSEFINA G. BELMONTE
City Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

APPROVED: 04 OCT 2018

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 3, 2018 and was PASSED on Third/Final Reading on September 17, 2018.

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

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