Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
19th City Council

PO19CC-058

28th Regular Session

ORDINANCE NO. SP- 2301 *, S-2014*

AN ORDINANCE SETTING FOR A DISCIPLINARY HOURS IN QUEZON CITY FOR MINORS FROM 10:00 P.M. TO 5:00 A.M., PROVIDING PENALTIES FOR PARENT/GUARDIAN, FOR VIOLATION THEREOF AND FOR OTHER PURPOSES.

Introduced by Councilor RANULFO Z. LUDOVICA.
Co-Introduced by Councilors Anthony Peter D. Crisologo, Dorothy A. Delarmente, Lena Marie P. Juico, Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Roderick M. Paulate, Franz S. Pumaren, Eufemio C. Lagumbay, Jose Mario Don S. De Leon, Jaime F. Borres, Jesus Manuel C. Suntay, Bayani V. Hipol, Julienne Alyson Rae V. Medalla, Godofredo T. Liban II, Karl Edgar C. Castelo, Rogelio "Roger" P. Juan, Donato C. Matias and Ricardo B. Corpuz.

WHEREAS, Section 13, Article II of the Philippine Constitution provides that:

> *"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs".*

WHEREAS, despite of the said constitutional provision, the children, particularly the minors, appear to be neglected of their proper care and guidance, education, and moral development, which led them into exploitation, drug addiction, and become

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

WHEREAS, under Section 458 (a) (1) (ii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Council is mandated to maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, and impose penalties for the violation of the ordinance;

WHEREAS, as a consequence, most of minor children become out-of-school youth, unproductive by-standers, street children, and member of notorious gangs who stay, roam around or meander in public or private roads, streets or other public places, whether singly or in groups, without lawful purpose or justification;

WHEREAS, to keep themselves away from the watch and supervision of the barangay officials and other authorities, these misguided minor children preferred to converge or flock together during the night time until the wee hours of the morning resorting to drinking on the streets and other public places, illegal drug use and sometimes drug peddling, engaging in troubles and other criminal activities which often resulted to bodily injuries and loss of lives;

WHEREAS, reports of barangay officials and law enforcement agencies reveal that minor children roaming around, loitering or wandering in the evening are the frequent personalities involved in various infractions of city ordinances and national laws;

WHEREAS, it is necessary in the interest of public order and safety to regulate the movement of minor children during night time by setting disciplinary hours, protect them from neglect, abuse, cruelty and exploitation, and other conditions prejudicial or detrimental to their development;

WHEREAS, to strengthen and support parental control on these minor children, there is a need to put a restraint on the tendency of a growing number of the youth spending their nocturnal activities wastefully, especially in the face of the unabated rise of criminality and to ensure that the dissident

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

WHEREAS, Ordinance No. SP-2180, S-2012 or the Quezon City Children's Code emphasizes that best interest of the child, where all actions concerning children, whether undertaken by public or private social welfare institutions, Courts of Law, administrative authorities or legislative bodies, shall be the paramount consideration.

NOW, THEREFORE,

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

SECTION 1. TITLE – This Ordinance shall be known as the "QUEZON CITY DISCIPLINE HOURS FOR MINORS"

SECTION 2. DEFINITIONS – The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

a. DISCIPLINE HOURS – means the hours from 10:00 P.M. every night up to 5:00 A.M. the next morning.

b. MINOR – means any person under eighteen (18) years of age.

c. PARENT – refers to both biological and adoptive parents who has actual custody of or living together with the minor children.

d. GUARDIAN – means:

1. A person who, under court order, is the guardian of the person of a minor;
2. A public or private agency with whom a minor has been placed for custody by a court;
3. A person in charge of the custody of who is taking care of a minor, whether

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

4. 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 – a place located within the juridical boundaries of Quezon City, where the general public, or substantial group of people, have access, including but not limited to, streets, highway, sidewalks, parking lots, vacant lots, 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, a Barangay Public Safety 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 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, a vehicular accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

h. RESIDENCE – means the house or home wherein the minor and his/her parent or guardian actually lives.

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

i. *HABITUAL VIOLATOR – refers to minor/s who frequently or repeatedly violates this Ordinance.*

j. *BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) – refers to the Barangay Council directed to formulate the implementing rules of this ordinance and in charge of counseling the minor, its parent/s or guardian/s; and responsible for coordinating with proper government institution/s or agency for the general welfare of the minor found in violation of this ordinance.*

k. *SOCIAL SERVICES DEVELOPMENT DEPARTMENT (SSDD) – refers to proper government institution/s or agency committed to formulate and implement comprehensive programs and services aimed to develop individuals, group, and community.*

l. *COURT – refers to a family court or any Regional Trial Court with the authority to adjudicate legal disputes and carry out or dispose of the administration of penalty provided in the herein ordinance with the existing rule of law.*

m. *LAW ENFORCEMENT OFFICER – refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal code, including a barangay tanod.*

n. *CHILDREN AT RISK – a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances such as: [illegible] exploited, abandoned, out of school, street children, gang, etc.*

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

SECTION 3. PROHIBITED ACTIVITIES/OFFENSES –

a. All minor children are prohibited to roam around, loiter, wander, stay or meander in all public places during disciplinary hours – 10:00 P.M. every night up to 5:00 A.M. the next morning – whether singly or in groups without lawful purpose or justifiable reason.

b. It is 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 territorial jurisdiction of Quezon City during Discipline hours.

SECTION 4. EXEMPTIONS – Minor children under the following circumstances shall not be covered by the provisions of this ordinance;

(a). Those accompanied by their parents or guardian;
(b). Those on their way to or from a party, graduation ceremony, religious mass, and/or other extra-curricular activities of their school or organization wherein their attendance are required or otherwise indispensable, or when such minors are out and unable to go home early due to circumstances beyond their control as verified by the proper authorities concerned; and
(c). Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, law enforcers encounter, and similar incidents.
(d). When the minor is engaged in an authorized employment activity, or going to or returning home from the same place of employment activity, without any detour or stop;
(e). When the minor is in motor vehicle or other travel accompanied by an adult in no violation of this Ordinance;

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

(f.) When the minor is involved in an emergency;

(g). When the minor is out of his/her residence attending an official school, religious, recreational, educational, social, community or other similar private 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 such activity, without any detour or stop; and

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

SECTION 5. ENFORCEMENT PROCEDURE. – In compliance with the Juvenile Justice Welfare Act of 2006 or Republic Act No. 9344, law enforcement officer, a police officer, Barangay Public Safety Officer (BPSO), Barangay Council for the Protection of Children (BCPC) or neighborhood crime watch enforcer, enforcing action under this ordinance, shall observe the prescribed provision under Section 21 of Republic Act No. 9344 in dealing with a minor or minors believed to be in violation of the herein ordinance as follows:

"RA No. 9344, Section 21. Procedure for Taking the Child into Custody. - From the moment a child is taken into custody, the law enforcement officer shall:

(a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;

(b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

(c) Properly identify himself/herself and present proper identification to the child;

(d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;

(e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;

(f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;

(g) Avoid violence or unnecessary force;

(h) Determine the age of the child pursuant to Section 7 of this Act;

(i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;

Uploaded with nitroPDF professional
download the free trial online at nitropdf.com/professional

(j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;

(k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;

(l) Record the following in the initial investigation:

1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and

(m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same

nitroPDF professional
download the free trial online at nitropdf.com/professional

SECTION 6. OBLIGATIONS AND LIABILITY OF PARENT/S OR GUARDIAN/S - The parent/s or guardian/s who are in actual custody or living together with the minor child are hereby mandated to supervise the conduct and activities of their minor children and see to it that the latter are already in their home prior to and until after the occurrence of the disciplinary hours.

SECTION 7. COMMUNITY INVOLVEMENT/PARTICIPATION – Any person who has personal knowledge of the existence of any minor during the wee hours as provided under Section 3 hereof, must immediately call the attention of the barangay.

SECTION 8. PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR.

The penalty for Parent/Guardian who violates this ordinance shall be:

a. For the 1st OFFENSE – a minor found violating this ordinance for the first time will be referred to the nearest barangay hall or police station. The Barangay Council for the Protection of Children shall conduct the counseling before the minor will be properly turned over to his/her parent/s or guardian/s; the parent/s or guardian/s of the minor in violation of this ordinance shall be summoned to fetch the minor from the barangay hall; prior to turn over of the minor, the parent/s or guardian/s will be informed of the consequences they will be dealing with in case of subsequent violation of the minor pursuant to the applicable provisions under this section. A penalty of Community Service of Forty Eight (48) hours or a Fine of Two Thousand Pesos (P2,000.00) shall be imposed on the parent/guardian of the minor;

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

b. For the 2nd OFFENSE – a minor found violating this ordinance for the second time will be required to attend, together with his/her parent/s or guardian/s, two (2) consecutive regular sessions of the Barangay for the Protection of Children, for counseling, which shall include this matter as part of its session's agenda; PROVIDED, that the BCPC Chairperson shall certify compliance or non-compliance by the concerned minor and his/her parent/s or guardian/s with this penalty; PROVIDED, FURTHER, that the violator and/or his/her parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and the apprehending officer within a period not to exceed two (2) months from date of violation; the parent/s or guardian/s of the minor who violated this ordinance for the second time shall be required to render Seventy Two (72) Hours Of Community Service or a Fine of Three Thousand Pesos (P3,000.00);

c. For the 3rd and every subsequent OFFENSE – a minor found violating this ordinance for the third time and every time thereafter, given the intervention prescribed in the preceding paragraphs, shall be turned over to the Social Services Development Department (SSDD) for appropriate counseling and proper disposition on the matter. His/her parent/s or guardian/s shall be penalized with a fine of Five Thousand Pesos (P5,000.00) or imprisonment of Six (6) months;

d. Habitual violator/s of the herein ordinance shall be turned over to the Social Services Development Department or SSDD for [illegible] and be subject to intervention program of the said department;

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional

e. *In case where the residence of a minor, who violates this ordinance, is that of another city or municipality, the provisions under paragraph (a) of the herein ordinance shall be observed for first violation, in coordination with the Barangay Office/Official thru the Barangay Council for the Protection of Children (BCPC) where the place of residence of the minor is in question; or when the residence of the minor is from far away city or municipality, custody of the child shall immediately by not later than eight (8) hours after apprehension, turn over to the Social Welfare and Development Office or other accredited NGO's and notify the child's apprehension as provided for under paragraph (i) Section 21 of Republic Act No. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006;*

SECTION 9. Implementing Rules and Regulations. – The Office of the Mayor, in consultation with the Social Services and Development Department (SSDD), Department of Public Order and Safety (DPOS), Quezon City Council for the Protection of Children (QCPC), and the Liga ng mga Barangay President shall issue the necessary implementing rules and regulations to ensure the effective enforcement of this ordinance.

SECTION 10. SEPARABILITY CLAUSE – If any provision of the ordinance or the application of such provision to other persons or circumstances is declared invalid, the provisions thereof not affected thereby shall remain in full force and effect.

SECTION 11. REPEALING CLAUSE – All ordinances, resolutions, executive orders, rules and regulations, and other issuances or parts thereof found to be inconsistent with the provisions of this ordinance are hereby repealed, modified, or amended accordingly.

Created with nitro PDF professional
download the free trial online at nitropdf.com/professional

SECTION 12. EFFECTIVITY CLAUSE – This ordinance shall take effect upon its approval and after publication in a newspaper of general circulation.

ENACTED: June 23, 2014.

MA. JOSEFINA G. BELMONTE
Vice Mayor
Presiding Officer

ATTESTED:

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

APPROVED: 31 JUL 2014

HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 23, 2014 and was PASSED on Third/Final Reading on June 30, 2014.

Atty. JOHN THOMAS S. ALFEROS III
City Gov't. Asst. Dept. Head III

Created with nitroPDF professional
download the free trial online at nitropdf.com/professional