



ORDINANCE NO. 2020-114

AN ORDINANCE ESTABLISHING THE PROCEDURE IN THE IMPLEMENTATION OF CITY ORDINANCES

Sponsored by:

Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Alexson V. Diaz
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Allan Rey A. Camilon
Hon. Coun. Ting Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Ivey Rhia A. Tadea
Hon. Coun. Engr. Marissa C. Rongavilla – VIA ZOOM
Hon. Coun. Francis Ian T. Bagatsing – VIA ZOOM
Hon. Coun. Mark Lester M. Baes
Hon. Coun. Engr. Mamerto T. Sevilla, Jr.
Hon. Coun. Engr. Arlene D. Hilapo
Hon. Coun. Walter A. Arcilla
Hon. Coun. Kenichi D. Takagi, Jr.

Be it enacted by the SangguniangPanlungsod of Muntinlupa, in regular session duly assembled:

SECTION 1. Short Title. This Ordinance shall be known as the "Ordinance Establishing the Procedure in the Implementation of City Ordinances."

SECTION 2. Coverage. This Ordinance shall cover all City Ordinances enacted and will be enacted by the Muntinlupa City Council.

SECTION 3. City Ordinances Violation Receipt (COVR), definition; contents. A City Ordinances Violation Receipt (COVR) refers to a public document issued by a deputized officer to a person or entity acknowledging his/her/its violation of a specific City Ordinance.

The COVR shall contain the following pertinent details, among others:

- Violator's name, address, birthdate (to determine minority), signature, and the valid ID presented;*
- Description of the violation which shall include the ordinance number or short title, date of occurrence, frequency of violations, amount of fine, deadline of payment of the fine, and witness/es; and*
- Apprehending Officer's name, deputization number, and signature.*

A sample COVR is attached herein and shall form part of this Ordinance.



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SECTION 4. Issuance of Ordinance Violation Receipt. Any person of legal age who is cited for violation of any provision of a City Ordinance imposing a penal sanction shall be issued a City Ordinances Violation Receipt (COVR). If the offender is a corporation or partnership, organization or any similar entity, the COVR shall be issued to its President, General Manager, Managing Partner, or such other Officer-in-Charge with the management of the business.

SECTION 5. Procedure in the Issuance of City Ordinances Violation Receipt (COVR). The following procedure shall be observed by all law enforcers in the apprehension of any person who violates any provision of a City Ordinance:

- Introduce himself/herself and inform the violator of his/her violation;*
- Issue the COVR, indicating therein the name, address (should be verified) and other pertinent data of the person apprehended, as may be required in the COVR, including the violation;*
- Inform the violator of his/her right to avail of the No Contest Provision as provided in Section 6 hereof.*

SECTION 6. No Contest Provision. Any person apprehended for violation of a City Ordinance, who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her, prior to the filing of a formal complaint with the Office of the City Prosecutor, shall be allowed to pay the said fine with the City Treasurer to avoid being criminally prosecuted.

SECTION 7. Procedure in the Availment of the No Contest Provision.

- The violator shall be given five (5) working days from issuance of the COVR within which to pay the fine with the City Treasurer's Office.*
 - The fine shall be the minimum imposable by the Ordinance violated.*
 - Where there are fines imposed in 1st, 2nd, 3rd, and subsequent offenses, the minimum fine in the 2nd, 3rd, and subsequent offenses shall be charged, if applicable.*
 - If the violator has 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.*
- After payment of the fine, the violator shall present the Official Receipt to the City Prosecutor's Office which shall attach a Certified True Copy of the receipt to the documents of the case and the case shall be considered closed.*



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

SECTION 8. Community Service.

- a. *In case of inability to pay the fine, the violator may opt to render community service as provided in the ordinance violated.*
- b. *The violator who alleged inability to pay the fine must secure a Certificate of such inability from the Social Services Department or the Barangay which shall conduct a capability assessment of the same.*
- c. *The Punong Barangay where the violation was committed shall determine the kind of community service that will be required of the violator and shall administer the same, subject to the health, safety, and security protocols.*
- d. *After completion of the community service, the Punong Barangay shall, within five (5) days from completion, issue a completion certificate to the violator and submit the same to the apprehending enforcer who shall consider the case closed. Non-completion of the community service, as certified by the Punong Barangay, shall be deemed as waiver on the part of the violator to still avail of the same and the case shall proceed accordingly.*
- e. *The provision on community service can be availed of only for three (3) times by any violator.*

SECTION 9. Exemption. Minors (below 18 years of age at the time of commission) are exempted from issuance of COVR. Violator who is of legal age (18 years and above at the time of commission) and who is found to be incapable of taking care of himself/herself fully because of a physical or mental disability or condition or of protecting himself from abuse (IRR, R.A. 7610), as certified by a qualified physician, psychologist or psychiatrist, is likewise exempted from issuance of COVR.

SECTION 10. Violation of City Ordinance by Child/Minor. No criminal charges shall be imposed on the children for violation of City Ordinances concerning **juvenile status offenses** such as, but not limited to: (a) Curfew violations; (b) Truancy; (c) Anti-Smoking; and (d) Half-Naked, as well as **light offenses and misdemeanor against public order and safety** such as, but not limited to: (a) Disorderly conduct; (b) Public scandal; (c) Harassment; (d) Drunkenness; (e) Public Intoxication; (f) Criminal nuisance; (g) Vandalism; (h) Gambling; (i) Mendicancy; (j) Littering; (k) Public urination; and (l) Trespassing.



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SECTION 11. Procedure in the Handling of a Child Offender.

- a. A child/minor who is cited for violation of a City Ordinance shall be recorded as a "child at risk" and not 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 Social Services Department which shall, with the assistance of the barangay official, release the custody of the child to his/her parents or guardian, or in the absence thereof, the child's nearest relative.
- b. If the parents, guardian or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:
 - a. A duly registered non-governmental or religious organization;
 - b. A Barangay Official or member of the Barangay Council for the Protection of Children (BCPC);
 - c. A City Social Welfare and Development Officer or when and where appropriate, the DSWD.
 - d. The SSD 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 (R.A. 10630).
 - e. If the child has been found by the SSD to be dependent, abandoned, neglected or abused by his/her parent and the best interests of the child requires that he/she be placed in the BahayPag-Asa, 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 SSD (Sec. 6, R.A. 10630 amending Sec. 20, R.A. 9344).
 - f. Sec. 21 R.A. 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 12. Deputization of Enforcement Agents. To assist the City law enforcers, the Local Chief Executive may deputize the following:

- a. Members of the Philippine National Police;
- b. Barangay officials including Barangay Tanods, upon completion of the required training;



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- c. *Homeowners' Association Board of Directors or its authorized representative (i.e., security guards), upon recommendation by the Barangay Chairperson and completion of the required training; and*
- d. *Other individuals as may be deputized by the Local Chief Executive as additional agents in the enforcement of City Ordinances, subject to completion of the required training.*

SECTION 13. Sharing of Fines. The City Government and the Barangay where apprehension was made, shall share fines paid by violators who availed of the No Contest Provision. The **City Government** shall receive **twenty percent (20%)** of the fine while, the Barangay shall receive **eighty percent (80%)** of the fine, which shall inure to their respective General Funds.

The City Treasurer is hereby directed to remit to the Barangay Treasurers on or before the end of each month the share of the barangay.

SECTION 14. Separability Clause. If, for any reason or reasons, any part/s or provision/s of this Ordinance shall be held to be unconstitutional or invalid, other part/s or provision/s hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 15. Repealing Clause. All previous ordinances inconsistent with this Ordinance shall be deemed repealed or modified accordingly.

SECTION 16. Publication. This Ordinance shall be published pursuant to the requirements of the Local Government Code and shall be posted by the Public Information Office (PIO) in the Official Website of the City Government of Muntinlupa and in all available social media platforms.

SECTION 17. Effectivity. This Ordinance shall be effective immediately upon its approval and upon completion of its publication.

ENACTED, by the 9th Sangguniang Panlungsod of Muntinlupa this 5th day of August 2020, on its 7th Special Session.

CONCURRED:

DISTRICT 1:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ALEXSON V. DIAZ
Member



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(ON MATERNAL LEAVE)
COUN. PATY KATY C. BONCAYAO
Member

COUN. LOUISITO A. ARCIAGA
Member

COUN. ALLAN REY A. CAMILON
Member

COUN. TING NIEFES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. IVEE RHIA A. TADEFA
Member

DISTRICT 2:

COUN. ENGR. MARISSA C. RONGAVILLA
Member

COUN. FRANCIS IAN T. BAGATSING
Member

COUN. MARK LESTER M. BAES
Member

(ABSENT)
COUN. MA. DHESIREE G. AREVALO
Member

COUN. ENGR. MAMERTO T. SEVILLA, JR.
Member

COUN. ENGR. ARLENE D. HILAPO
Member

(ABSENT)
COUN. CORNELIO M. MARTINEZ
Member

COUN. WALTER A. ARCILLA
President
Sectoral Representative
Association of Barangay Chairman

COUN. KENICHI D. TAKAGI, JR.
President
Sectoral Representative
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary to the Sangguniang



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ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor

Date: 18 AUG 2020

Norie/9th SP