

REPUBLIKA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA



Sangguniang Panglungsod

ORDINANCE NO. 02-030

AN ORDINANCE REPEALING ORDINANCE NO. 88-12 KNOWN AS "KAUTUSANG BAYAN NA NAGTATADHANA NG "CURFEW" MULA ALAS 12:00 NG GABI HANGGANG ALAS 4:00 NG UMAGA PARA SA MGA KABATAANG MAY EDAD NA LABING-PITONG (17) TAON GULANG PABABA AT NAGPAPATAW NG KAUKULANG PARUSA SA MGA LUMALABAG SA KAUTUSANG ITO "AND OTHER PURPOSES. THIS ORDINANCE SHALL BE KNOWN AS THE "CITYWIDE CURFEW HOURS".

\*\*\*\*\*

Sponsored by:

*Hon. Icasiano M. Dela Rea*  
*Hon. Elmer S. Espeleta*  
*Hon. Lucio B. Constantino*  
*Hon. Francis Ian T. Bagatsing*  
*Hon. Patricio L. Boncayao, Jr.*  
*Hon. Aldrin L. San Pedro*  
*Hon. Nicanor L. Echavez, M.D.*  
*Hon. Allan Rey A. Camilon*  
*Hon. Raul R. Corro*  
*Hon. Rene Carl S. Cayetano*  
*Hon. Mario E. Bulay, Jr.*  
*Hon. Mamerto T. Sevilla, Jr.*  
*Hon. Rufino B. Joaquin*  
*Hon. Artemio A. Simundac*

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WHEREAS, on September 19, 1988, Municipal Ordinance No. 88-12, otherwise known as "Kautusang Bayan na Nagtatadhana ng "Curfew" mula alas 12:00 ng gabi hanggang alas 4:00 ng umaga para sa mga kabataang may edad na labing-pitong (17) taong gulang at pababa at nagpapataw ng kaukulang parusa sa mga lumalabag sa Kautusang ito" was passed;

WHEREAS, Section 458 (par. 1 ff), Article 3 of Republic Act No. 7160, otherwise known as the New Local Government Code of the Philippines, mandates the City Council to pass an Ordinance to maintain peace and order to preserve public tranquility against lawlessness and violence, etc.;

WHEREAS, because of drug use and drug trafficking the same led to the commission of other crimes such as pick pocketing, hold-ups, theft, robbery, physical injuries, and even rape and killing people such as murders, homicide, parricide and infanticide;

WHEREAS, it is common knowledge that these drug users and drug traffickers are the perpetrators of the crimes and many of them range from the age 17 years and below who freely roam the streets, alleys, plazas, dark corners, railtracks, fun houses and similar places openly ply without fear of arrest and detention;



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**WHEREAS**, as a precautionary measure and for the safety of the citizens, the Sangguniang Panlungsod is ordaining that these young people who are the treasures of their parents and the hope of the fatherland should be at home from 11:00 o'clock in the evening up to 4:00 o'clock in the morning of the following day;

**WHEREAS**, the continued stay of these young people in the streets and outside their homes and residence without any legitimate and valid reasons tend to destroy their health and morale fibers. Moreover, they are susceptible to violence and wrong doings;

**WHEREAS**, it is the duty of the government to assist the parents and guardians of these young people to control their behavior and instill discipline so as not to appear the inefficiency and generalities and inefficiencies of the parents;

**WHEREAS**, in order to prevent, arrest, and combat effectively all forms of lawlessness and violence in the streets particularly from 11:00 o'clock in the evening up to 4:00 o'clock in the morning of the following day, there is an urgent need to repeal **ORDINANCE NO. 88-12** and to define and delineate clearly how these young people ages 17 years below maybe compelled to be at home from 11:00 o'clock in the evening up to 4:00 o'clock in the morning of the following day and to guide the ordinance enforcers and law authorities how cases of law violators maybe effectively dispose of;

**NOW THEREFORE, BE IT ORDAINED**, by the *Sangguniang Panlungsod of the City of Muntinlupa* on a session assembled that:

**ARTICLE I**

**TITLE AND SCOPE**

**Section 1.** The title of this Ordinance is "**CITYWIDE CURFEW HOURS**".

**Section 2.** This Ordinance shall cover only young people whose ages are from 17 and below, irrespective of socio-economic status. It commences from 11:00 o'clock in the evening up to 4:00 o'clock in the morning of the following day.

No person of seventeen (17) years of age and below is allowed to stay outside his home or residence from 11:00 o'clock in the evening up to 4:00 o'clock in the morning of the following day.

Any person of such age caught or apprehended during the prohibited time as specified in this Ordinance shall suffer the penalties provided therefore.

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ARTICLE II

DEFINITION OF TERMS

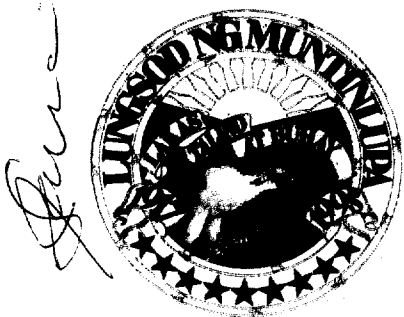
- a) **CURFEW HOURS** – 11:00 o'clock in the evening up to 4:00 o'clock in the morning of the following day wherein no young person 17 years and below shall be outside their homes, unless covered by exemptions of this Ordinance and without justifiable reasons;
- b) **SAFEKEEPING STATIONS or HOLDING AREAS** – temporary rooms or premises especially allotted for the violators of this Ordinance located within or within the vicinity of the Barangay Hall;
- c) **ORDINANCE ENFORCERS** – refer to the Barangay Officials, Barangay Tanods, Barangay Lupon and other Barangay Volunteers appointed by the Barangay Chairmen where qualification is one of competency and probity. Such ordinance enforcers include police authorities and Public Order Safety Office (POSO);
- d) **COMMUNITY SERVICE** – a form of penalty imposed upon any violator of this Ordinance in addition to parental counseling;
- e) **PARENTAL COUNSELING** – an orientation in form of penalty for parents and ordinance violator;
- f) **COUNCIL** – Barangay Curfew Hour Enforcement Council. They are group of people who will serve as policy-making body for the effective enforcement of this law.

ARTICLE III

ORDINANCE ENFORCERS

The Ordinance Enforcers are the:

- 1. Barangay Chairman;
- 2. Barangay Lupon;
- 3. Barangay Tanods;
- 4. Barangay Volunteers that maybe appointed by the Barangay, qualification of which is one of competency and known probity;
- 5. Police authorities; and
- 6. Public Order and Safety Office (POSO);



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ARTICLE IV

MECHANICS OF ENFORCEMENT

These young people apprehended for violations of this Ordinance shall be brought to safekeeping areas or holding centers of each barangay.

As far as practicable and within reasonable period of time, the parents or guardians of those apprehended be notified of their apprehension. They should be released to their parents or guardians the following day but in all cases they should undergo seminars and or counseling for them to understand and respect the ordinance. These young people should be treated humanely and at no instance, they are labeled as criminals but only victims of circumstances;

However, if upon apprehension, these young people are found to be known users of illegal drugs, in possession of the same and in possession of deadly weapons and explosives and or committing other acts punishable by law, they are, after proper investigation be turned over to police authorities within the prescribed period of the law for further investigation and for proper disposition of their cases;

ARTICLE V

BARANGAY CURFEW HOUR ENFORCEMENT COUNCIL (BCHEC)

Section 1. For purposes of this Ordinance a **BARANGAY CURFEW HOUR ENFORCEMENT COUNCIL (BCHEC)** is created composed of the following persons and offices:

- a.) All Barangay Chairmen;
- b.) SK Chairman of every barangays;
- c.) Representative from religious sector;
- d.) Federation President of General Parents Teachers Association;
- e.) Federation President of subdivisions and homeowners association; and
- g.) Representative from business sector.

Section 2. The Role of the Council shall be as follows:

- a) As a policy-making body;
- b) Central coordinating agency in the effective implementation of the Ordinance;
- c) Formulate action plans to effectively enforce the Ordinance;
- d) Conduct orientation, seminars and trainings relative to proper and effective enforcement of the law;
- e) Monitor the activities of the ordinance enforcers;
- f) Provide legal advise, assistance and representation if necessary to ordinance enforcers;

*Muninlupa*  
*M. S. A. I.*  
*R.*

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*Bozatsing*

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- g) Conduct citywide massive educational and public information campaign relative to enforcement of this ordinance;
- h) To do and perform all acts and activities that may be necessary relative to proper and effective enforcement of the ordinance;

They shall be appointed by the City Mayor, and as far as practicable upon consultations with the City Council, Heads of the offices of the City, the barangays and police authorities;

The decision of the City Mayor relative to the appointment of BCHEC is final.

Should the barangay funds are available and within the limits of the law members of the BCHEC maybe given reasonable allowances or per diem.

ARTICLE VI

EXEMPTIONS

No person 17 years and below shall be allowed outside of their home from 11:00 p.m. to 4:00 a.m. except in extreme emergency cases and abnormal conditions to be considered or likened to force majeure and in activities authorized by the Barangay Curfew Hour Enforcement Council.

ARTICLE VII

COMMUNITY SERVICE

Any violator of this Ordinance maybe compelled to undergo or perform any Community Services as may be recommended by the Barangay Curfew Hour Council (BCHC), provided that they shall not adversely affect the mental and physical health of the law violator and at no instance such community service will not subject him to hate and ridicule by the public.

ARTICLE VIII

PENALTIES

- a) **First Offense** – Upon apprehension, orient the violator on the existence and importance of the Ordinance and performance of two (2) hours community service;
- b.) **Second Offense** – orient the violator on the existence and importance of the Ordinance and performance of four (4) hours community service;

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*1-15-12*

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c.) **Third Offense** – orient the violator on the existence and importance of the Ordinance and performance of eight (8) hours community service. In addition thereto, he will be referred to DSWD for confinement in Government Reformatory Institutions such as Nayon ng Kabataan, Marillac Hills, etc.

In all cases, the violators and their parents or guardians shall undergo seminar or counseling to be conducted by competent barangay officials or counselors. The same shall be held within the barangay or its immediate premises on any day except Saturdays, Sundays and all legal and public holidays on time most convenient to them.

**ARTICLE IX**

**RECORDS**

Each barangay shall keep records of any young people whose ages are 17 and below who were apprehended for violation of this Ordinance. Said documents are deemed public records and permanent in character.

**ARTICLE X**

**SEPARABILITY CLAUSE**

If for any reason, any part or provision of this Ordinance shall be declared unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**ARTICLE XI**

**REPEALING CLAUSE**

All ordinances or part or parts thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

**ARTICLE XII**

**EFFECTIVITY CLAUSE**

This Ordinance shall take effect immediately upon publication in a newspaper of general circulation within the City and upon posting of this Ordinance in conspicuous places within the City.

**ADOPTED**, by the *Sangguniang Panglungsod of Muntinlupa* during its 17<sup>th</sup> Regular Session on the 10<sup>th</sup> day of January, 2002.

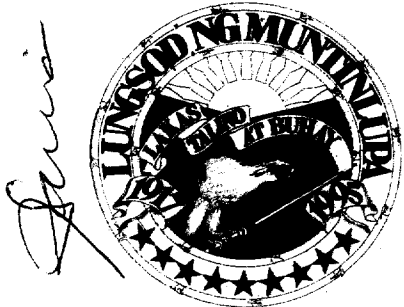
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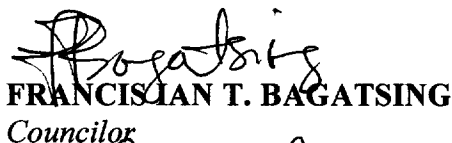
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CONCURRED:

  
ALDRIN L. SAN PEDRO  
Councilor

ELMER S. ESPELETA  
Councilor

  
DR. NICANOR L. ECHAVEZ  
Councilor

  
FRANCISIAN T. BAGATSING  
Councilor

  
ATTY. PATRICIO L. BONCAYAO, JR.  
Councilor

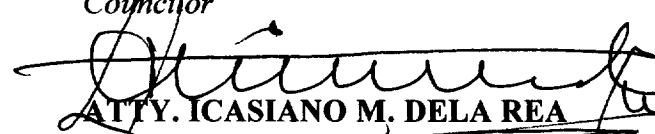
  
RENE CARL S. CAYETANO  
Councilor


  
ALLAN REY A. CAMILON  
Councilor

  
LUCIO B. CONSTANTINO  
Councilor

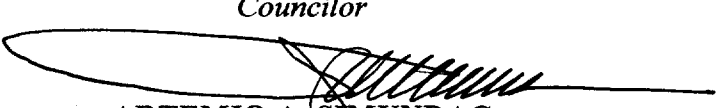
  
ATTY. RAUL R. CORRO  
Councilor

  
MARIE E. BULAY, JR.  
Councilor

  
ATTY. ICASIANO M. DELA REA  
Councilor

  
MAMERTO T. SEVILLA, JR.  
Councilor

  
RUFINO B. JOAQUIN  
Councilor

  
ARTEMIO A. SIMUNDAC  
Sectoral Representative  
President  
Association of Barangay Captains

ABSTAIN:

VICTOR L. ULANDAY  
Councilor





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ABSENT:

**BAL NIEFES**  
Councilor

**MELCHOR R. TEVES**  
Councilor


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

  
**ATTY. ISIDORO L. SORIANO, JR.**  
Secretary  
SANGGUNIANG PANLUNGSOD

ATTESTED:

  
**ATTY. JO JASON T. ALCARAZ**  
Vice Mayor/Presiding Officer

APPROVED:

  
**ATTY. JAIME R. FRESNEDI**  
City Mayor  
Date: \_\_\_\_\_

/Lito/Nory

