

REPUBLICA NG PILIPINAS  
PAMAHALAANG LUNGSOD NG MUNTINLUPA  
KALAKHANG MAYNILA



Sangguniang Panglungsod

ORDINANCE NO. 02-069

AN ORDINANCE REQUIRING ALL DRIVERS AND PASSENGERS OF SINGLE MOTORCYCLES TO WEAR SAFETY HELMET AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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Sponsored by:

*Hon. Icasiano M. Dela Rea*  
*Hon. Elmer S. Espeleta*  
*Hon. Francis Ian T. Bagatsing*  
*Hon. Christian Glenn D. Lorica*  
*Hon. Patricio L. Boncayao, Jr.*  
*Hon. Melchor R. Teves*  
*Hon. Aldrin L. San Pedro*  
*Hon. Bal Niefes*  
*Hon. Nicanor L. Echavez, M.D.*  
*Hon. Allan Rey A. Camilon*  
*Hon. Atty. Raul R. Corro*  
*Hon. Mamerto T. Sevilla, Jr.*  
*Hon. Mario E. Bulay Jr.*  
*Hon. Artemio A. Simundac*

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WHEREAS, Section 5, Article II of the Constitution, states that "*The maintenance of peace and order, the promotion of life, xxxxx, the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy*";

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, xxxxx, promote health and safety, improve public morals, maintain peace and order, and preserve the comfort and convenience of their inhabitants*";

WHEREAS, Republic Act 4136, otherwise known as the Traffic Code of the Philippines requires all drivers and passengers of single motorcycles to wear safety helmet when driving along the streets;

WHEREAS, it has been observed that the death or serious injuries incurred on both the drivers and passengers during motorcycle accidents are caused mainly by non-wearing of safety helmet;

WHEREAS, non-wearing of safety helmet are committed, even by employees of the City Government driving and riding the service motorcycles within the streets of the City or elsewhere;

*Amie*



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WHEREAS, there is an urgent need to require all drivers and passengers of single motorcycles to wear safety helmet when driving and riding along the streets of the City to ensure their safety and protect their lives;

NOW, THEREFORE, BE IT ORDAINED AS IT IS HEREBY ORDAINED by the Sangguniang Panlungsod of Muntinlupa the following:

Section 1. This Ordinance requires all drivers and passengers of single motorcycles to wear safety helmet when driving and riding along the streets of the City of Muntinlupa.

Section 2. Any person found violating the provisions of this Ordinance shall be penalized in accordance with the following:

- a. **FIRST OFFENSE-** a fine of One Hundred Fifty Pesos (P150.00);
- b. **SECOND OFFENSE-** a fine of Three Hundred Pesos (P300.00) and shall recommend to Land Transportation Office (LTO) the suspension of the Driver's License of the driver for a period of six (6) months;
- c. **THIRD AND SUCCEEDING OFFENSE-** fine of Five Hundred Pesos (P500.00) and shall recommend to the LTO the revocation/cancellation of the Driver's License of the driver;

In case the violator is an employee of the City Government, aside from the penalty imposed under Section II hereof, his/her service motorcycle and safety helmet shall be confiscated and turned-over to the General Services Office for the cancellation the memorandum receipt (MR). In addition, the employee shall be disciplined in accordance with the existing Civil Service Rules and Regulations and Employees Manual where local policies are stated.

In case the violator is a police officer/member of the Philippine National Police (PNP), he/she shall be reported by the apprehending officer to the Chief of Police for disciplinary actions.

The fine imposed under this Ordinance must be paid within five (5) days, otherwise, the case shall be filed with the proper court.

Section 3. The enforcers of Traffic Environment and Discipline (TED), Public Order and Safety Office (POSO) and Philippine National Police (PNP), or any person deputized by the Chief Executive shall be required to issue a corresponding Ordinance Infraction Receipt (OIR) to any violator of this Ordinance.

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**Section 4. SEPARABILITY CLAUSE.** If for any reason/s, any part/s or provision/s 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.

**Section 5. REPEALING CLAUSE.** All ordinances or part/s thereof, which are inconsistent with any of the provisions of this Ordinance are hereby repealed or modified accordingly.

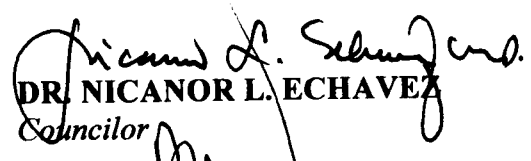
**Section 6. EFFECTIVITY CLAUSE.** This Ordinance shall take effect immediately after publication in any newspaper of general circulation.

ENACTED, by the *Sangguniang Panlungsod of Muntinlupa* this 7<sup>th</sup> day of November, 2002, on its 54<sup>th</sup> Regular session.

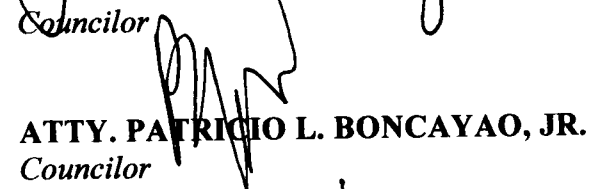
CONCURRED:

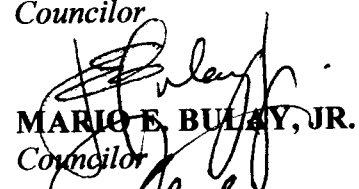
BAL NIEFES  
Councilor

ELMER S. ESPELETA  
Councilor

  
DR. NICANOR L. ECHAVEZ  
Councilor

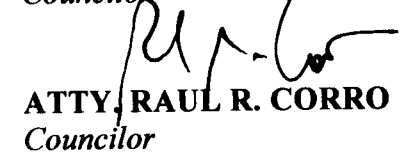
FRANCIS IAN T. BAGATSING  
Councilor

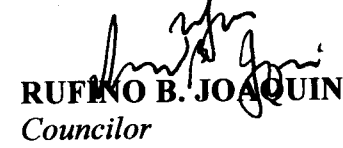
  
ATTY. PATRICIO L. BONCAYAO, JR.  
Councilor

  
MARIO E. BULAY, JR.  
Councilor

  
ALLAN REY A. CAMILON  
Councilor

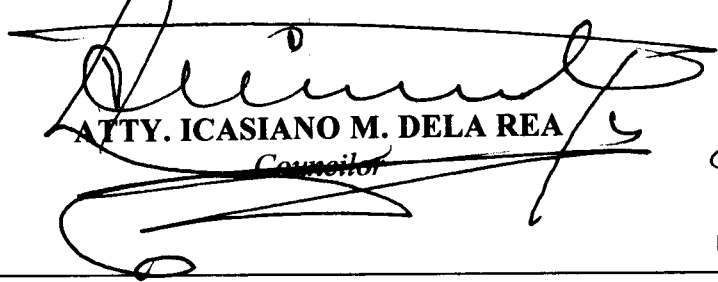
MAMERTO T. SEVILLA, JR.  
Councilor

  
ATTY. RAUL R. CORRO  
Councilor

  
RUFINO B. JOAQUIN  
Councilor

  
MELCHOR R. TEVES  
Councilor



  
ATTY. ICASIANO M. DELA REA  
Councilor

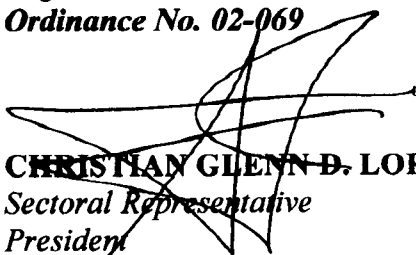





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**CHRISTIAN GLENN D. LORICA**  
Sectoral Representative  
President  
Federation of Sangguniang Kabataan

  
**ARTEMIO A. SIMUNDAC**  
Sectoral Representative  
President  
Association of Barangay Captains

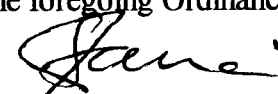
**ABSENT:**

  
**ALDRIN L. SAN PEDRO**  
Councilor

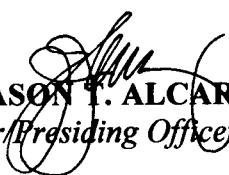
**RENE CARL S. CAYETANO**  
Councilor

**LUCIO B. CONSTANTINO**  
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** pbs, jr.  
Vice Mayor/Presiding Officer

**APPROVED:**

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

  
**LITO B. SALAMAT, JR./NORY**  
11/07/02