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Republic of the Philippines
Province of Cagayan
City of Tuguegarao

OFFICE OF THE SECRETARY TO THE SANGGUNIAN

December 12, 2014

Dr. Rosalinda P. Callang
Secretary to the Sanggunian
Sangguniang Panlalawigan, Province of Cagayan
Capitol Hills, Tuguegarao City

SANGGUNIANG PANLALAWIGAN
RECEIVED
DATE: 12/12/14
TUGUEGARAO, CAGAYAN

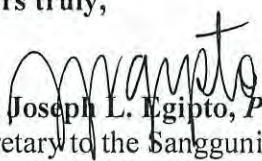
Madam:

Pursuant to Section 54 of the Local Government Code, we are now submitting for review and action the attached legislative measures enacted by the Sangguniang Panlungsod on November 18, 2014 (item numbers 1 and 2 below) and November 25, 2014 (item number 3):

1. CITY ORDINANCE NO. 013-2014 – “AN ORDINANCE AUTHORIZING THE USE OF SAVINGS UNDER THE SANGGUNIANG PANLUNGSOD OTHER MAINTENANCE AND OPERATING EXPENSES (ANNUAL BUDGET CY 2014) FOR THE CONDUCT OF THE TRAFFIC AND ROAD SAFETY SUMMIT”
2. CITY ORDINANCE NO. 014-2014 – “AN ORDINANCE AMENDING SECTION 6 OF CITY ORDINANCE NO. 05-2005 OTHERWISE KNOWN AS “AN ORDINANCE IMPOSING CURFEW HOURS FOR MINORS TO PREVENT JUVENILE DELINQUENCY AND PROVIDING PENALTIES THEREOF”
3. CITY ORDINANCE NO. 015-2014 – “AN ORDINANCE GRANTING MONTHLY ADDITIONAL HONORARIUM TO ALL BARANGAY OFFICIALS INCLUDING THE DULY APPOINTED BARANGAY SECRETARIES AND TREASURERS DURING THEIR INCUMBENCY AND APPROPRIATING FUNDS THEREFOR”

Thank you.

Yours truly,


Joel Joseph L. Egipto, *Ph. D.*
Secretary to the Sangguniang Panlungsod

Republic of the Philippines
PROVINCE OF CAGAYAN
City of Tuguegarao

SIXTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG PANLUNGSOD OF TUGUEGARAO CITY, CAGAYAN
HELD ON NOVEMBER 18, 2014, 9:00 A.M., TUESDAY,
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Presiding Officer
Hon. Rosauro G. Resuello	Sangguniang Panlungsod Member
Hon. Ronald S. Ortiz	-do-
Hon. Perla C. Tumaliuan	-do-
Hon. Noel A. Mora	-do-
Hon. Jude T. Bayona	-do-
Hon. Loreto B. Valdepeñas	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Estelita U. Dayag	-do-
Hon. Anthony C. Tuddao	-do-

ABSENT:

Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member
Hon. Aurora A. Ave	-do-
Hon. Hilario Larry S. Ting	-do-

CITY ORDINANCE NO. 013-2014

AN ORDINANCE AUTHORIZING THE USE OF SAVINGS UNDER THE SANGGUNIANG PANLUNGSOD OTHER MAINTENANCE AND OPERATING EXPENSES (ANNUAL BUDGET CY 2014) FOR THE CONDUCT OF THE TRAFFIC AND ROAD SAFETY SUMMIT

Sponsors: **HON. BIENVENIDO C. DE GUZMAN II**
HON. ESTELITA U. DAYAG
HON. JUDE T. BAYONA
HON. KENDRICK S. CALUBAQUIB

Co-Sponsors: **HON. ANTHONY C. TUDDAO**
HON. NOEL A. MORA
HON. ROSAURO G. RESUELLO
HON. PERLA C. TUMALIUAN
HON. LORETO B. VALDEPEÑAS
HON. RONALD S. ORTIZ

WHEREAS, the Sixth City Council has approved the conduct of a Traffic and Road Safety Summit by virtue of City Resolution No. 140-2014;

WHEREAS, it is necessary to authorize the use of savings and allow augmentation of funds to defray expenses for the conduct of the Traffic and Road Safety Summit 2014, pursuant to Section 336 of Republic Act No. 7160.

NOW THEREFORE, be it **ORDAINED** by the Sixth City Council in session assembled:

SECTION 1. USE OF SAVINGS AND AUGMENTATION. The use of savings under Sangguniang Panlungsod Other Maintenance and Operating Expenses (Annual Budget CY 2014) is hereby authorized for augmentation of funds in the amount of Two Hundred Forty Thousand Pesos (P240,000.00) for the conduct of the Traffic and Road Safety Summit 2014.



SECTION 2. The disbursement of funds shall be in accordance with the Program of Work and budgeting, accounting and auditing rules and regulations.

SECTION 3. SEPARABILITY CLAUSE. If any section or provision of this Ordinance is declared invalid or unconstitutional, other sections or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 4. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval.

On motion of Hon. Estelita U. Dayag, duly seconded by Hon. Perla C. Tumaliuan, **CITY ORDINANCE NO. 013-2014** was UNANIMOUSLY APPROVED.

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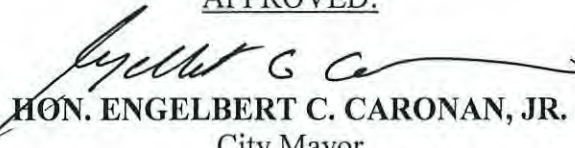
I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D. 111914
Secretary to the Sangguniang Panlungsod

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer

APPROVED:


HON. ENGELBERT C. CARONAN, JR.
City Mayor
Date approved: 12-12-14

ed

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PROVINCE OF CAGAYAN
City of Tuguegarao

SIXTH CITY COUNCIL

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION
OF THE SANGGUNIANG PANLUNGSOD OF TUGUEGARAO CITY, CAGAYAN
HELD ON NOVEMBER 18, 2014, 9:00 A.M., TUESDAY,
AT THE SANGGUNIANG PANLUNGSOD SESSION HALL

PRESENT:

Hon. Bienvenido C. De Guzman II	City Vice Mayor, Presiding Officer
Hon. Rosauro G. Resuello	Sangguniang Panlungsod Member
Hon. Ronald S. Ortiz	-do-
Hon. Perla C. Tumaliuan	-do-
Hon. Noel A. Mora	-do-
Hon. Jude T. Bayona	-do-
Hon. Loreto B. Valdepeñas	-do-
Hon. Kendrick S. Calubaquib	-do-
Hon. Estelita U. Dayag	-do-
Hon. Anthony C. Tuddao	-do-

ABSENT:

Hon. Maila Rosario T. Que	Sangguniang Panlungsod Member
Hon. Aurora A. Ave	-do-
Hon. Hilario Larry S. Ting	-do-

CITY ORDINANCE NO. 014-2014

AN ORDINANCE AMENDING SECTION 6 OF CITY ORDINANCE NO. 05-2005 OTHERWISE KNOWN AS "AN ORDINANCE IMPOSING CURFEW HOURS FOR MINORS TO PREVENT JUVENILE DELINQUENCY AND PROVIDING PENALTIES THEREOF"

Sponsor: **HON. BIENVENIDO C. DE GUZMAN II**

Co-Sponsors: **HON. ROSAURO G. RESUELLO
HON. NOEL A. MORA
HON. JUDE T. BAYONA
HON. LORETO B. VALDEPEÑAS**

WHEREAS, the increasing number of delinquent youth and youth offenders had been constantly and aggressively increasing and has been a serious concern of national and local government units;

WHEREAS, some provisions of City Ordinance No. 05-2005 have been superseded by RA 9344, or otherwise known as Juvenile Justice Welfare Act of 2006, and are no longer responsive to the call of the present time;

WHEREAS, under Section 7 of RA 9344 "any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child." Curfew ordinances against minors are classified as "status offenses";

WHEREAS, there is a need to address the pressing problem of criminality and child delinquency in the city in order to protect, promote and safeguard the interest, welfare and security of children.

NOW THEREFORE, be it **ORDAINED** by the Honorable Members of the Sangguniang Panlungsod of Tuguegarao City in regular session assembled that:



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SECTION 1(A). Section 6 of City Ordinance No. 05-2005 is hereby amended and shall be read as:

1. First Offense – admonition with stern warning that any repetition of the same or similar act shall be dealt with accordingly
2. Second Offense – reprimand with a fine of P250.00 and eight (8) hours community service
3. Third Offense – referral to the violator and his/her parents or legal guardian to the City Social Welfare and Development Office for appropriate counseling with a fine of Five Hundred Pesos (P500.00) and twenty four (24) hours community service
4. Fourth Offense – referral to the violator and his/her parents or legal guardian to the City Social Welfare and Development Office for appropriate counseling with a fine of One Thousand Pesos (P1,000.00) and forty eight (48) hours community service
5. Fifth and Succeeding Offenses – commitment to the DSWD for custody and rehabilitation for a period which will depend upon the findings and recommendation of the City Social Welfare and Development Office

SECTION 1(B). LIABILITY UNDER OTHER PENAL LAWS. Minors who are apprehended during curfew hours who have committed offenses defined and penalized under the Revised Penal Code, ordinance or other applicable laws shall be dealt with accordingly with the provisions of Republic Act No. 9344 otherwise known as Juvenile and Welfare Act of 2006.

SECTION 1C. COMMUNITY SERVICE. The community service shall be as follows but not limited to the following:

1. Tree or ornamental planting in the barangay if applicable or appropriate;
2. Cleaning and gardening;
3. On the job training relevant to his/her course;
4. Undergo peer group counseling;
5. Attend and assist in the conduct of drug symposium;
6. Assist in community and youth organizing;
7. Attend value formation trainings and seminars;
8. Painting, cleaning and beautification of surroundings;
9. Participate in the advocacy of Tuguegarao City's Character First Programs;
10. Conduct any ecological waste management activity;
11. Assist in dengue prevention activities; and,
12. Others of similar nature.

SECTION 2. SEPARABILITY CLAUSE. If for any reason, any section or provision of this Ordinance be declared illegal or unconstitutional, other sections or provisions hereof are not affected thereby shall continue to be in full force and effect.

SECTION 3. REPEALING CLAUSE. All resolutions/ordinances and other issuances inconsistent herewith are hereby repealed or amended accordingly.

SECTION 4. EFFECTIVITY. This Ordinance shall take effect immediately upon approval.

On motion of Hon. Noel A. Mora, and there being no objection from the Body, **CITY ORDINANCE NO. 014-2014** was **UNANIMOUSLY APPROVED.**

x-x-x


I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:


JOEL JOSEPH L. EGIPTO, Ph.D.
Secretary to the Sangguniang Panlungsod

ATTESTED:


HON. BIENVENIDO C. DE GUZMAN II
City Vice Mayor
Presiding Officer

APPROVED:


HON. ENGELBERT C. CARONAN, JR.
City Mayor
Date approved: 12-12-14

ed



Republic of the Philippines
Province of Cagayan
Tuguegarao City

SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE PROVINCIAL BOARD HELD ON WEDNESDAY, FEBRUARY 04, 2015, AT THE SESSION HALL OF THE SANGGUNIANG PANLALAWIGAN, PROVINCIAL CAPITOL, TUGUEGARAO CITY.

PRESENT:

Hon. Mila Perpetua C. Lauigan, Member/ Temporary Presiding Officer
Hon. Maria Olivia B. Pascual, Member
Hon. Romeo S. Garcia, Member
Hon. Melvin K. Vargas, Jr., Member
Hon. Vilmer V. Vilorio, Member
Hon. Alexander S. Daguna, Member
Hon. Karen Kaye T. Turingan, Member
Hon. Winnoco R. Abraham, Member
Hon. Christian R. Guzman, Member
Hon. Napoleon G. Sacramed, Member
Hon. Vicente G. Pagurayan, Member

ON OFFICIAL BUSINESS:

Hon. Leonides N. Fausto, Vice Governor/Presiding Officer

ON OFFICIAL TIME:

Hon. Ramon C. Nolasco, Member

ABSENT:

NONE

**RESOLUTION NO. 2015 – 8 - 23
RESOLUTION DISAPPROVING ORDINANCE NO. 014-2014 OF THE CITY OF
TUGUEGARAO, CAGAYAN**

Report of the Committee on Laws, Ordinances, Revisions and Legal Matters on Ordinance No. 014-2014 of the City of Tuguegarao, Cagayan, recommending disapproval thereof subject to the observations and recommendation stated therein.

ADOPTED and APPROVED by the Sangguniang Panlalawigan.


On motion of Hon. Romeo S. Garcia, duly seconded, be it

RESOLVED, as it is hereby resolved, to disapprove Ordinance No. 014-2014 of the City of Tuguegarao, Cagayan, entitled: "An Ordinance Amending Section 6 of City Ord. No. 05-2005 Otherwise Known as "An Ordinance Imposing Curfew Hours for Minors to Prevent


Juvenile Delinquency and Providing Penalties Thereof;" with the attached report of the Committee on Laws, Ordinances, Revisions and Legal Matters as adopted and which forms an integral part of this Resolution, a copy of which is hereby transmitted to that City, for their information and reference.

CARRIED.

I HEREBY CERTIFY to the correctness of the above-quoted Resolution.


ROSALINDA P. CALLANG, DPA
Secretary
Sangguniang Panlalawigan

ATTESTED:


MILA PERPETUA CATABAY-LAUGAN
Provincial Board Member
Temporary Presiding Officer

Edna M/



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

Committee on Laws, Ordinances, Revisions and Legal Matters

COMMITTEE REPORT

SUBJECT:

TUGUEGARAO CITY ORDINANCE NO. 014-2014 ENTITLED: "AN ORDINANCE AMENDING SECTION 6 OF CITY ORDINANCE NO. 05-2005 OTHERWISE KNOWN AS "AN ORDINANCE IMPOSING CURFEW HOURS FOR MINORS TO PREVENT JUVENILE DELINQUENCY AND PROVIDING PENALTIES THEREOF"

FINDINGS/COMMENTS:

The Committee lauds the purpose of the herein subject Ordinance. For indeed, there is a need to address the pressing problem of criminality and child delinquency in the City of Tuguegarao. The subject measure is undoubtedly intended to protect, promote and safeguard the interest, welfare and security of minors. However, with the enactment of R.A. 9344 or the ACT ESTABLISHING A COMPREHENSIVE JUVENILE JUSTICE AND WELFARE SYSTEM, CREATING THE JUVENILE JUSTICE AND WELFARE COUNCIL UNDER THE DEPARTMENT OF JUSTICE, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES in 2006, a thorough consideration must be had.

The Committee notes that the Ordinance which the herein measure is trying to amend, was enacted in 2005. During that time, the definition of a status offense was not yet clear and there was yet no law prohibiting such. However, under Section 57 of RA 9344, curfew violations of minors are classified as "status offenses" and are therefore illegal. The relevant provisions state:

"SEC. 57. Status Offenses. -Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child."

And under Section 4 (9) (r) of the same Act, status offenses are defined as:

"(r) "Status Offenses" refers to offenses which discriminate only against a child, while an adult does not suffer any penalty for committing similar acts. These shall include curfew violations; truancy, parental disobedience and the like." (underscoring supplied)

While the R.A. 9344 poses an impression that from the time of its passage, curfew ordinances against minors "only" are no longer valid, there are still various local government units which implement and enact such kind of measures. To name a few, an ordinance prohibiting minors from roaming around within 10 p.m. to 5 a.m. in Quezon City was approved last August 2014. Same measure was likewise enacted by the Manila City Council sometime in 2009.

Up to now, there are varying interpretations on Section 57 of R.A. 9344. In Roxas City, the implementation of a curfew ordinance against minors was claimed to have been suspended by their Mayor because it is in conflict with Republic Act 9344, or the Juvenile Justice and Welfare Act of 2006. In Iloilo City, their curfew ordinance was amended to the effect that minors are just prohibited from entering and be present in any restaurants, nightclubs, motels, dancehalls, amusement places such as internet cafes, video arcades, karaoke bars, billiard halls, beach resorts and other similar establishments.

The position of the Commission on Human Rights (CHR) in the interpretation of such section is that the imposition of curfews can only be justified if the same be for the





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OFFICE OF THE SANGGUNIANG PANLALAWIGAN

COMMITTEE ON LAWS, ORDINANCES, REVISIONS AND LEGAL MATTERS


HON. MILA PERPETUA CATABAY-LAUGAN *PHKT*
Chairman


HON. ROMEO S. GARCIA
Vice Chairman


HON. WINNOCO R. ABRAHAM
Member

HON. RAMON C. NOLASCO
Member

HON. VICENTE G. PAGURAYAN
Member

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OFFICE OF THE VICE GOVERNOR
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Barangay ang Bida!



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

protection of the child. For them, the consequences of infringing curfew ordinances must have a modality that is child sensitive and in pursuance to the ideals of the United Nations Convention on the Rights of a Child and Juvenile Justice Welfare Act. Therefore, the express inclusion of where the child will be brought, who can fetch the child, and the intervention programs the child has access to, are all welcome law-making initiatives. Thus, the CHR has a final position of suggesting that Section 57 of R.A. 9344 should be worded as "Curfew Ordinances enacted by local governments shall be for the protection of children. No penalty shall be imposed on children for curfew violations. Instead, the child shall be brought to his or her residence or to the barangay hall to be fetched by his or her parents or the child's legal guardian. If the child is proven to be without any legal guardian, he/she shall be endorsed to the Local Social Welfare officer or the Department of Social Welfare and Development. The authorities who shall rescue the child is conscripted from endorsing the child to a youth rehabilitation center within the meaning of the law.

Indeed, there are varying positions on the validity of curfew ordinances against minors. However, until now, the validity of such measures have not yet been questioned thus, the issue has not yet reached the Supreme Court. Be that as it may, it is the Sangguniang Panlalawigan's duty to ensure that in reviewing local ordinances submitted by lower Sanggunians, the same are consistent with existing laws and are within the powers granted under the Local Government Code. This Committee is of the position that the herein measure is a status offense prohibited under R.A. 9344. Hence, if the City Council would want, they can modify the subject ordinance by imposing curfew not only on minors but on everyone. This will erase doubts as to the validity of the measure as well as will close the possibility of having the measure be branded as a status offense and be challenged before the courts.

This Committee observed that Section 1 (A) of the subject Ordinance imposes community service as a penalty for violating the same. The Local Government Code grants Sangguniang Panlungsods the power to approve ordinances imposing a fine not exceeding Five thousand pesos (P5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court, for the violation of a city ordinance. Community service is not among those that can be imposed by local government units (DILG Opinion No. 90, S. 2008, November 18, 2008). Hence, the imposition of community service as a penalty is ultra vires, even if the intention for providing such is to promote the welfare of the child.

In sum, this Committee recommends the disapproval of the herein measure on legal grounds but still lauds the City Council for trying to come up with a measure intended to address the present situation. Hence, this Committee encourages them to come up with measures which are possible alternative solutions to the pressing problem of criminality in Tuguegarao City.

RECOMMENDATION/S:

FOREGOING CONSIDERED, this Committee respectfully recommends the disapproval of Tuguegarao City Ordinance No. 014-2014 on review.

