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Item No.: 10
Date: 07 FEB 2023

Republic of the Philippines
PROVINCE OF LEYTE
Tacloban City

SP Records PROVINCIAL LEGAL OFFICE
JAN 31 2023
1-30-23
PROVINCE OF LEYTE

Province of Leyte
Legal Office
Released: [Signature]
Time: 9:00
Date: 1-24-23

2ND INDORSEMENT
January 23, 2022

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary the attached Ordinance No. 22-008 of the SB of Mahaplag, Leyte, recommending for the declaration of its validity pursuant to its power under Section 56 (c) R.A 7160, the same being, to the opinion of the Provincial Legal Office (PLO), an exercise of the power essential to the promotion of the General Welfare, Health and Safety, authorized under Section 16 of the Code.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer [Signature]

Republic of the Philippines
PROVINCE OF LEYTE


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OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
20 January 2023

Respectfully indorsed to the **PROVINCIAL LEGAL OFFICE** the herein **ORDINANCE NO. 22-008** of the **MUNICIPALITY OF MAHAPLAG, LEYTE,** "AN ORDINANCE PROHIBITING MINORS FROM DRIVING ANY KIND OF MOTOR VEHICLES, PENALIZING ANY PERSON ALLOWING, CONSENTING, OR DIRECTING A MINOR TO DRIVE A MOTOR VEHICLE, AND IMPOUNDING THE SUBJECT VEHICLE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND FOR OTHER PURPOSES", for review and recommendations.


FLORINDA JILL S. UYVICOR,
Secretary to the Sanggunian

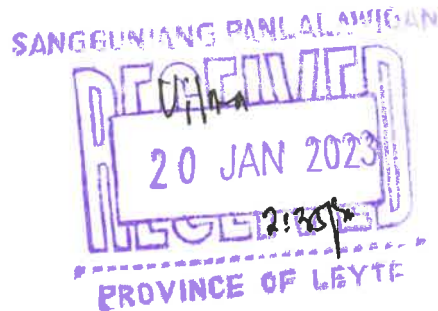


Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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Office of the Sangguniang Bayan

TRANSMITTAL

FLORINDA JILL S. UYVICO
Provincial Government Department Head
Secretary to the Sangguniang Panlalawigan
Office of the Sangguniang Panlalawigan
Province of Leyte
Tacloban City



Attention: Records Office

Madam:

Transmitting to your good office these duly approved ordinances of the Sangguniang Bayan of Mahaplag, Leyte, for review by the Sangguniang Panlalawigan of the Province of Leyte, as follows:

- ✓ 1. **MUNICIPAL ORDINANCE NO. 22-008: AN ORDINANCE PROHIBITING MINORS FROM DRIVING ANY KIND OF MOTOR VEHICLES, PENALIZING ANY PERSON ALLOWING, CONSENTING, OR DIRECTING A MINOR TO DRIVE A MOTOR VEHICLE, AND IMPOUNDING THE SUBJECT VEHICLE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND FOR OTHER PURPOSES;**

Attachments:

- a. Attendance Sheet of Joint Public Hearing (Committee on Transportation and Communication and Committee on Health) held on December 5, 2022;
- b. Pictures of Joint Public Hearing by the Committee on Transportation and Communication and Committee on Health held on December 5, 2022;
- c. Affidavit of Publication (Leyte Samar Daily Express) dated January 9, 2022;
- d. Certificate of Posting dated January 19, 2022;
- e. Picture of Posting of the two Ordinances in at least three conspicuous places in the municipality.

2. **MUNICIPAL ORDINANCE NO. 22-009: AN ORDINANCE PROHIBITING STRAY DOGS IN PUBLIC ROADS AND OTHER PUBLIC PLACES IN THE MUNICIPALITY OF MAHAPLAG, LEYTE, PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.**

Attachments:

- a. Attendance Sheet of Joint Public Hearing (Committee on Transportation and Communication and Committee on Health) held on December 5, 2022;
- b. Pictures of Joint Public Hearing by the Committee on Transportation and Communication and Committee on Health held on December 5, 2022;
- c. Affidavit of Publication (Leyte Samar Daily Express) dated January 9, 2022;
- d. Certificate of Posting dated January 19, 2022;
- e. Picture of Posting of the two Ordinances in at least three conspicuous places in the municipality.

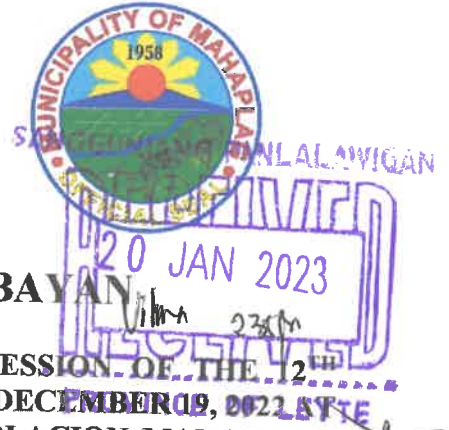
Thank you and more power.

Respectfully yours,

ATTY. JASON L. ALONZO
Board Secretary



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Mahaplag
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OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MAHAPLAG, LEYTE HELD ON DECEMBER 19, 2022 AT THE SESSION HALL OF THE MUNICIPAL HALL, BRGY. POBLACION, MAHAPLAG, LEYTE.

PRESENT:

- HON. MYRA P. SOLIS - Municipal Vice Mayor/Presiding Officer
- HON. ARLENE O. GIGANTO - Sangguniang Bayan Member
- HON. CARMELITO C. ALONZO - Sangguniang Bayan Member
- HON. JEFFREY M. RELEVO - Sangguniang Bayan Member
- HON. REYNALDO M. KANEN - Sangguniang Bayan Member
- HON. GLENN H. BARTOLINI - Sangguniang Bayan Member
- HON. HARLIN O. GONZAGA - Sangguniang Bayan Member
- HON. OSCAR S. REALES - Sangguniang Bayan Member

ABSENT:

- HON. AIDA L. DIZON - Sangguniang Bayan Member
- HON. JOSE T. AMARADO II - Ex officio Sangguniang Bayan Member
President, Sangguniang Kabataan Federation
- HON. GOMERCINDO V. RAMOS JR. - Ex officio Sangguniang Bayan Member
President, Liga Ng Mga Barangay

MUNICIPAL ORDINANCE NO. 22-008

AN ORDINANCE PROHIBITING MINORS FROM DRIVING ANY KIND OF MOTOR VEHICLES, PENALIZING ANY PERSON ALLOWING, CONSENTING, OR DIRECTING A MINOR TO DRIVE A MOTOR VEHICLE, AND IMPOUNDING THE SUBJECT VEHICLE IN THE MUNICIPALITY OF MAHAPLAG, LEYTE AND FOR OTHER PURPOSES

WHEREAS, Article 1 Section 2 of Republic Act 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" declares the policy of the State, that:

"It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions, prejudicial to their development; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene in behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same."

WHEREAS, the act of allowing a minor to drive a motor vehicle at his age and without a driver's license is an analogous circumstance which gravely threaten or endanger the survival and

normal development of children and is tantamount to child abuse as this falls under the Other Acts of Abuse under Article VI Section 10 (a) of RA 7610 under Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development, which cited Article 59 of Presidential Decree (PD) 603, since it endangers the safety of the minor by unnecessary exposing him/her to potential road and vehicular accident;

WHEREAS, Article 59 paragraph 11 of Presidential Decree (PD) 603 otherwise known as the "Child and Youth Welfare Code" explicitly attached criminal liability to any parent, guardian, head of the institution or foster home which has custody of the child who:

"Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive."

"Parents as herein used shall include the guardian and the head of the institution or foster home which has custody of the child."

WHEREAS, there is an increasing incidence of vehicular accidents involving minors who are not holder of a driver's license and equipped with the necessary knowledge on traffic rules and regulations;

WHEREAS, it is imperative for the local governments to act and to put a stop to the culture of complacency over minors driving motor vehicles in order to protect the minors and the general public against potential road and vehicular accidents pursuant to the General Welfare Clause of RA 7160 otherwise known as the Local Government Code of 1991, to wit:

"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 jurisdiction, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among the residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants."

NOW, THEREFORE, the foregoing premises considered, be it ordained by the Sangguniang Bayan of Mahaplag, Leyte in a Regular Session assembled, that:

Section 1. TITLE - This ordinance shall be known as "An Ordinance Prohibiting Minors from Driving Any Kind of Motor Vehicles, Penalizing Any Person Allowing, Consenting, or Directing a Minor to Drive a Motor Vehicle, and Impounding the Subject Vehicle in the Municipality of Mahaplag, Leyte and for Other Purposes."

Section 2. SCOPE AND APPLICATION - This ordinance shall be applied to all persons within the territorial jurisdiction of the Municipality of Mahaplag, Leyte.

Section 3. PURPOSE OF THE ORDINANCE - This Ordinance is enacted for the following purposes:

- a. To protect and promote the safety of minors from the dangers of unnecessary exposure to potential road and vehicular accidents;

- b. To curb the incidents of road accidents involving minors driving any motor vehicle; and
- c. To minimize vehicular accidents, promote orderly and safe traffic in public roads, and to protect the lives and properties of the general public.

Section 4. DEFINITION OF TERMS - When used in this ordinance the following terms shall be defined as follows:

- a. **Minor** – refers to any natural person below eighteen (18) years of age;
- b. **Person** – a human being regarded as an individual and one who is recognized by law, as the subject of rights and duties;
- c. **Registered Owner** – the person whose name appear or is reflected on the Official Receipt/Certificate of Registration as the owner of the motor vehicle;
- d. **Actual Owner** – the person who is the present actual legal owner of the motor vehicle, having property rights and interest over the motor vehicle, and found to be exercising the attributes of ownership over the subject motor vehicle;
- e. **Motor Vehicle** – shall mean any vehicle propelled by any power other than muscular power, using the public roads or highways. It includes public and private utility vehicles among others;
- f. **License** – the driver’s license duly issued by the Land Transportation Office (LTO);
- g. **Driver** – shall refers to any person who is in actual physical control of the motor vehicle;
- h. **Driving** – shall refer to the act of driving, maneuvering and manipulating by oneself any motor vehicle;
- i. **Guardian** – shall refer to natural guardians or court-appointed guardians;
- j. **Natural Guardian** – shall refer to anyone other than legitimate parents upon whose custody, care and support the minor depends;
- k. **Parent** – shall refer to either legitimate or illegitimate parents;
- l. **MSWDO** – shall refer to the Municipal Social Welfare and Development Office of the Municipality of Mahaplag;
- m. **Vehicle Impoundment** – shall refer to the process of placing the vehicle in an impounding area and under the custody of the Philippine National Police until they are placed back to the control of the owner.

Section 5. PROHIBITED ACTS – The following acts shall be prohibited:

- a. It shall be prohibited for any minor to drive any motor vehicle within the territorial jurisdiction of the Municipality of Mahaplag, except in cases when a minor of seventeen (17) years of age, with a valid Student Permit duly issued by the Land Transportation Office (LTO), is accompanied by any person, preferably parent or guardian, that has a valid Professional or Non-Professional Driver’s License; and

- b. It shall be prohibited for any person of legal age to allow, consent, or direct any minor to drive a motor vehicle for any purpose, except under the exception provided in Section 5 (a).

Section 6. PRIMA FACIE EVIDENCE AGAINST THE OWNER OF THE MOTOR VEHICLE – The registered owner of the motor vehicle driven by a minor who is caught in the act of driving a motor vehicle in violation of this Ordinance shall be presumed as the owner thereof. The fact of registration of ownership of the motor vehicle driven by the minor shall be a prima facie evidence that such registered owner allowed, consented, or directed the minor to drive the subject motor vehicle, for purposes of attributing liability under this Ordinance against the said registered owner.

However, in cases when the said motor vehicle is still registered to its previous owner and not to the present actual owner thereof, the liability under this Ordinance shall be to the present actual owner who exercises attributes of ownership over the subject motor vehicle and having property rights and interest to the motor vehicle as the present legal owner. Once the actual ownership is established to a person other than the registered owner, it shall be a prima facie evidence that such present actual owner allowed, consented, or directed the minor to drive the subject motor vehicle, for purposes of attributing liability under this Ordinance against the said present actual owner.

Section 7. PENAL PROVISION – Any violation of the above-mentioned prohibited act under Section 5 (a) by a minor offender shall subject him/her to a Mandatory Guidance Counselling to be conducted by the Municipal Social Welfare and Development Office (MSWDO) in the presence of either or both parents/guardians of the minor. A certification shall be issued by the MSWDO to the minor offender as proof of the conducted Mandatory Guidance Counselling, which certification shall be one of the two requirements for the release of the impounded motor vehicle.

Any violation of the above-mentioned prohibited act under Section 5 (b) shall be penalized as follow:

VIOLATION	PENALTY		
	FIRST OFFENSE	SECOND OFFENSE	THIRD AND SUCCEEDING OFFENSES
1. Allowing, consenting, or directing any minor to drive a motor vehicle for any purpose, except under the exception provided in Section 5 (a).	Fine of ₱500.00 or imprisonment for 10 days, or both at the discretion of the court	Fine of ₱1,500.00 or imprisonment for 20 days, or both at the discretion of the court	Fine of ₱2,500.00 or imprisonment for 30 days, or both at the discretion of the court

Section 8. DUTIES OF THE PHILIPPINE NATIONAL POLICE AND MAHAPLAG TRAFFIC LAW ENFORCEMENT AND MANAGEMENT OFFICE – The Philippine National Police and the Mahaplag Traffic Enforcement and Management Office (MATEAMO) are hereby authorized to apprehend violators of this Ordinance and impound the motor vehicles driven by the minors who are caught in the act.

It shall be the duty of the Municipal Traffic Enforcers/Police Officers to report and submit to the Municipal Treasurer within Twenty-Four (24) hours from the apprehension the list of all apprehended violators issued with violation citation tickets.

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Section 9. CITATION TICKETS – The Office of the Municipal Treasurer shall provide the Mahaplag Traffic Enforcement and Management Office (MATEAMO) and Mahaplag Police Station the necessary Citation Tickets to be issued to apprehended violators of this Ordinance.

Section 10. IMPOUNDING OF MOTOR VEHICLES OF APPREHENDED VIOLATORS – The traffic enforcers and police officers apprehending the violators of this Ordinance are authorized to impound the motor vehicles driven by the minors who are caught in the act.

The motor vehicles driven by the minors who are apprehended by the Police Officers or Municipal Traffic Enforcers shall be impounded and be held under the custody of the Mahaplag Police Station of the Philippine National Police.

Section 11. IMPOUNDING FEE – A daily impounding fee shall be imposed on all impounded motor vehicle in the amount of Fifty Pesos (P50.00) per day, the period of impounding shall be computed from the day following the impoundment.

Section 12. NO CONTEST PROVISION - Any person who is apprehended or cited for violation of this Ordinance and who does not wish to contest the violation and is willing to pay voluntarily the fine and impounding fee imposable upon him/her prior to the filing of the formal charges with the proper court, shall be allowed to pay the appropriate penalty of fine, including the impounding fee, in the Municipal Treasurer’s Office to avoid being criminally prosecuted within ten (10) days from apprehension. Otherwise, the case shall be prosecuted in court. In the event that the apprehension is held during a Saturday, Sunday, or holiday, the voluntary payment of fine and impounding fee shall be made on the next following working day. All proceeds from the payment of the herein penalty and impounding fee imposed shall accrue to the General Fund of the Municipality of Mahaplag.

Section 13. RELEASE OF IMPOUNDED MOTOR VEHICLES – The motor vehicles impounded for violation of this Ordinance and held under the custody of the Mahaplag Police Station shall only be released upon the lawful order of the proper court.

However, if the violator avails of the No Contest Provision of this Ordinance, such as when the violator does not wish to contest the violation and he/she is willing to pay voluntarily the fine and impounding fee imposable upon him/her prior to the filing of the formal charge with the proper court, the impounded motor vehicle shall be released from police custody only upon the presentation of the two (2) requirements, as follows:

1. **Official Receipt** issued by the Municipal Treasurer’s Office as proof of full payment of the imposable Fine and Impounding Fee; and
2. **Certification** issued by the Municipal Social Welfare and Development Office as proof that the Mandatory Guidance Counselling to the minor offender, in the presence of either or both parents/guardians of the minor, was successfully conducted.

Section 14. SEPARABILITY CLAUSE - If any provision or section of this ordinance is declared unconstitutional or invalid by a competent court, the other sections or provisions not affected thereby shall continue to be in force and effect.

Section 15. REPEALING CLAUSE - All ordinances, regulations, executive orders, or local rules and regulations which are inconsistent or contrary to the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 16. EFFECTIVITY - This Ordinance shall take effect after fifteen (15) days from the approval by the Municipal Mayor, posting in at least three (3) conspicuous places in the Municipality of Mahaplag, and its publication in the newspaper of general or local circulation.

Handwritten signatures and initials are present on the right margin of the document, including a large signature at the top, several smaller initials and signatures in the middle, and a signature at the bottom right.

Two handwritten signatures are located at the bottom of the page, below the page number.

ENACTED on this 19th day of December 2022 in Mahaplag, Leyte.

APPROVED BY THE SANGGUNIANG BAYAN MEMBERS:


HON. ARLENE O. GIGANTO
SB Member


HON. CARMELITO C. ALONZO
SB Member


HON. JEFFREY M. RELEVO
SB Member

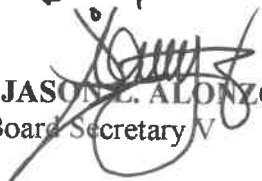

HON. REYNALDO M. KANEN
SB Member


HON. GLENN H. BARTOLINI
SB Member


HON. HARLIN O. GONZAGA
SB Member


HON. OSCAR S. REALES
SB Member


CERTIFIED TRUE AND CORRECT:


ATTY. JASON E. ALONZO
Board Secretary V

ATTESTED BY:


HON. MYRA P. SOLIS
Municipal Vice Mayor/ Presiding Officer

APPROVED BY:


HON. RONALDO T. LLEVE
Municipal Mayor
Date of Approval: DEC 22 2022