



Republic of the Philippines
PROVINCE OF LEYTE
 Provincial Capitol
 Tacloban City

-oOo-

PROVINCIAL LEGAL OFFICE

2nd INDORSEMENT
 September 23, 2024

Item No.: 21
 Date: 01 2024 OCT.
 Province of Leyte
 Legal Office
 Released: Aug 29-24
 Time: 9-07
 Date: 9-26-24

SANGGUNIANG PANLALAWIGAN
 PROVINCE OF LEYTE
 SEP 26 2024
 PROVINCE OF LEYTE

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through SP Secretary, the attached Ordinance No. 166 series of 2024 of the Sangguniang Bayan of San Isidro, Leyte.

Issues/concerns for review/recommendation/legal opinion is/are as follows:

- Ordinance No. 166 series of 2024 entitled: **“An Ordinance mandating New Curfew Hours for Children from 9:30 o’clock in the evening to 4:00 o’clock in the morning, prescribing the proper procedure for their apprehension and custody and for other purposes, thereby amending Municipal Ordinance no. 02-03 Series of 2002.**

REVIEW/RECOMMENDATION/LEGAL OPINION:

This office is of the opinion that the subject Ordinance is generally in accordance to its power under Section 16¹ of the Local Government Code of 1991 (R.A 7160) in consonance with the state recognized Doctrine of Parens Patriae². However, upon further perusal of the subject Ordinance, it is noted that the 4th whereas cites Section 458 (a) of the same code, whereby such powers provided are intended for a Sangguniang Panlungsod, instead of a Sangguniang Bayan. Hence, further review of the subject Ordinance is recommended.

We hope to have assisted you with this request. Please note that the opinion rendered by this Office are based on facts available and may vary or change when additional facts and documents are presented or changed. This opinion is likewise without prejudice to the opinions rendered by higher and competent authorities and/or the courts.

ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

¹.Section 16. *General Welfare.* - 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.

² G.R. No. 225442, August 08, 2017


Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

1ST INDORSEMENT
13 September 2024

Province of Leyte
Legal Office
Received
Time
Date: 9-16-24

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 166**, series of 2024 of the **MUNICIPALITY of SAN ISIDRO, LEYTE**, entitled: An Ordinance Mandating New Curfew Hours for Children from 9:30 O'clock in the Evening to 4:00 O'clock in the Morning, Prescribing the Proper Procedure for their Apprehension and Custody and for Other Purposes, Thereby Amending Municipal Ordinance No. 02-03 Series of 2002.


FLORINDA JUL S. UYVICO
Secretary to the Sanggunian

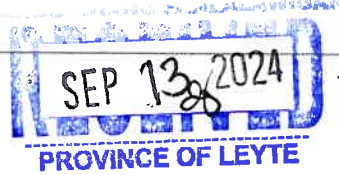


Jill Sydiongco Uyvico <fjillsyd@gmail.com>

Submission of the Municipal Ordinance No.166 s.2024 of the Municipality of San Isidro, Leyte.

2 messages

SIL.SB_Office <sil.sboffice024@gmail.com>
To: Jill Sydiongco Uyvico <fjillsyd@gmail.com>



Thu, Sep 12, 2024 at 1:45 PM

Dear SP Sec Jill Sydiongco Uyvico

Please acknowledge the herein e-copy of Municipal Ordinance No. 166 s.2024, of San Isidro, Leyte for review of the Honorable Sangguniang Panlalawigan. Hard copy to be followed.

Thank you.

MARIA CARINE R. VILLARINO
Secretary to the Sanggunian

Municipal Ordinance No 166 s202420240912_13391533.pdf
4398K

Jill Sydiongco Uyvico <fjillsyd@gmail.com>
To: "SIL.SB_Office" <sil.sboffice024@gmail.com>

Thu, Sep 12, 2024 at 7:15 PM

Dear Sec Carine,

Acknowledging receipt of Municipal Ordinance No. 166 s. 2024.

Regards,

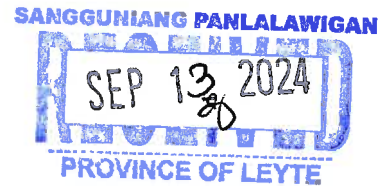
Jill

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Republic of the Philippines
Region VIII
Province of Leyte
MUNICIPALITY OF SAN ISIDRO

16th Sangguniang Bayan



September 12, 2024

HON. LEONARDO M. JAVIER, JR.
Provincial Vice Governor
Legislative Bldg. Capitol Cmpd.
Tacloban City

Attn: The Honorable Members of the Sangguniang Panlalawigan/
Secretary to the Sangguniang Panlalawigan.

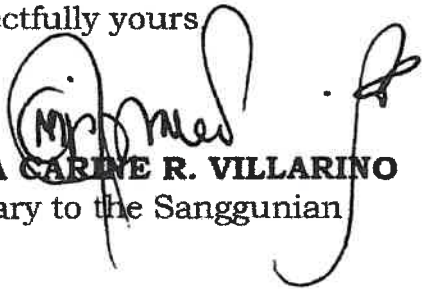
Honorable Ladies and Gentlemen:

Respectfully submitting herewith 16 copies of the **MUNICIPAL ORDINANCE NO. 166 - 2024, "AN ORDINANCE MANDATING NEW CURFEW HOURS FOR CHILDREN FROM 9:30 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER PURPOSES, THEREBY AMENDING MUNICIPAL ORDINANCE NO.02-03 SERIES OF 2002."**, for review and appropriate action by the August Body.

I hope you find everything in order.

Thank you.

Respectfully yours

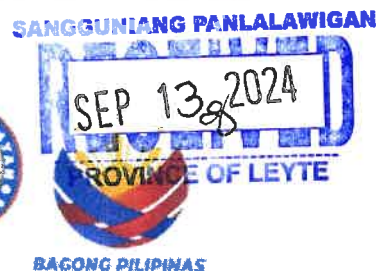

MARIA CARINE R. VILLARINO
Secretary to the Sanggunian

Attachment:

- 16 copies M.O. no. 166 s. 2024



Republic of the Philippines
Region VIII
Province of Leyte
MUNICIPALITY OF SAN ISIDRO



16th Sangguniang Bayan

**MUNICIPAL ORDINANCE NO. 166
Series of 2024**

AN ORDINANCE MANDATING NEW CURFEW HOURS FOR CHILDREN FROM 9:30 O’CLOCK IN THE EVENING TO 4:00 O’CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER PURPOSES, THEREBY AMENDING MUNICIPAL ORDINANCE NO. 02-03 SERIES OF 2002.

*Sponsored by: Hon. Courtney I. Viola
PPSK President*

Co-Sponsored by: Hon. Rem Beryl I. Veloso, Hon. Carmichael L. Villarino, Hon. Rolando C. Piamonte, Hon. Hospicio B. Apacible, Hon. Ailene L. Basilan., Hon. Dante R. Rodaje Hon. Wildegardo Enriquez Hon. Cecilia Cabahug and Hon. Jerold T. Lumapak

WHEREAS, Section 13, Article II of the 1987 Constitution provides that “the State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;”

WHEREAS, Section 16 of Republic Act No. 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;”

WHEREAS, Section 458 (a) of the same Code mandates the Sangguniang Bayan to “enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants xxx”;

WHEREAS, Municipal Ordinance No. 02-03 Series of 2002 was enacted imposing curfew hours for minors within the Municipality of San Isidro, Leyte based on Article 193 of PD 603 Youth Welfare Code.

WHEREAS, Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006 as amended by R.A 10630 was passed into

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law that covers different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration;

WHEREAS, in the interest of public order and safety, it is imperative to regulate the movement of minor children especially during night time to protect them from neglect, exploitation, abuse, cruelty and other conditions prejudicial and detrimental to their well-being and development;

WHEREAS, in view of the foregoing, the municipal government of San Isidro deems it necessary to strictly implement the new curfew hours for children and prescribe the proper and applicable procedures for their apprehension and custody pursuant to RA 9344, as amended.

NOW, THEREFORE, BE IT ENACTED by the Sangguniang Bayan of San Isidro, in session duly assembled, that:

SECTION 1. SHORT TITLE - This Ordinance shall be known as the "AMENDED CURFEW ORDINANCE IN THE MUNICIPALITY OF SAN ISIDRO."

SECTION 2. COVERAGE - This ordinance shall apply to all minors/children within the territorial jurisdiction of the Municipality of San Isidro, whether resident or non-resident.

SECTION 3. DEFINITION OF TERMS. - As used in this ordinance, the following terms are defined:

- a. **Barangay Council for the Protection of Children (BCPC)** - refers to barangay council in charge of counseling the children and their parents or guardian and responsible for coordinating with the proper government institution or agency for the general welfare of the children found in violation of this Ordinance.
- b. **Boarding House** - refers to a residence that serves as temporary or permanent housing for students, workers, or transient individuals.
- c. **Child** - refers to a person under or below eighteen (18) years of age.
- d. **Curfew Hours for Children** - means hours prohibiting children to remain or stay in the streets, plaza, and other public places without legal or justifiable reason from 9:30 o'clock in the evening to 4:00 o'clock in the morning of the following day.
- e. **Intervention** - refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counselling, skills training, education, and other activities that will enhance the child's psychological, emotional and psycho-social well-being.

The bottom of the page contains several handwritten signatures and scribbles. On the left, there is a signature that appears to be 'up'. In the center, there are several more signatures, some of which are partially obscured or overlapping. On the right side, there is a large, vertical scribble that looks like a signature or a mark, possibly '11' at the bottom right.

- f. **Karaoke or videoke bar** - refers to type of entertainment where people can sing along with recorded instrumental tracks offered in bars.
- g. **Landlord, Landlady** - refers to the owner or caretaker, manager of a boarding house/s and or apartment.
- h. **Law Enforcement Officer** - refers to person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including the Barangay Tanod.
- i. **Loiter** - to hang around, stand or wait around idly or without apparent purpose.
- j. **Parents** - shall mean any of the following: biological parents, adoptive parents or individuals who have custody of the child.
- k. **Guardian** - is a person who under court order is the guardian of the person of a minor; a person in charge of the custody or who is taking care of a minor whether relative or not; or a person at least 18 years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him or her.
- l. **Public Places** - refer to places where the general public, or a substantial group of people, have access including but not limited to, streets, highways, sidewalks, alleys, parking lots, parks, seaports, vacant lots and the common areas in the vicinity of churches, apartment buildings, office buildings, hospitals, schools, shops, and other similar places or establishments.
- m. **Pisonet Wifi Station** - refers to a place or an area where the Pisonet Wifi is established.
- n. **Ramble** - to walk for pleasure, typically without a definite route.
- o. **Residence** - means the house or home where the child and has/parents or guardian actually reside.
- p. **Saunter** - to walk leisurely.
- q. **Stray** - to move away aimlessly from a group or to separate from the group.

SECTION 4. PROHIBITED ACTS.

a. It shall be unlawful for any minor to loiter, ramble, saunter, stray or wander in the streets, plaza and other public places within the municipality of San Isidro between nine thirty o'clock (9:30) at night time to four o'clock (4:00) in the morning, when he/she is not accompanied by a parent or guardian;



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b. It shall be unlawful for a parent/ guardian of a minor to knowingly or by insufficient control allow such minor to be outside of their residence between nine thirty o'clock (9:30) at night time to four o'clock (4:00) in the morning;

c. It shall be unlawful for any owner, manager, caretaker of Internet Café, billiard/pool, Pisonet wifi station, and convenience store within the Municipality of San Isidro to knowingly or causing to allow minors to be in their place of business between nine thirty o'clock (9:30) at night time to four o'clock (4:00) in the morning.

d. It shall be unlawful for any owner, caretaker, manager of karaoke or videoke bar, Pisonet Wifi station to knowingly or causing to allow minors to be in their place of business anytime when he/she is not accompanied by a parent/s or guardian.

e. It shall be unlawful for any owner, caretaker, manager of a boarding house or apartment to allow minor boarder, or visiting minor to standby, saunter, loiter or stay in their premises between nine thirty o'clock (9:30) at night time to four (4:00) o'clock in the morning.

SECTION 5. EXCEPTIONS - The provisions of Section 4 hereof shall not be applicable in the following situations:

a. The child is involved in an emergency situation. This includes unforeseen circumstances, or the status or condition resulting therefrom, requiring immediate action to safeguard life, limb or property. The term also includes, but is not limited to fires, calamities, disasters, automobile accidents, or other similar circumstances.

b. The child is engaged in an employment activity or school class, and is going to or returning home from such activity or class, without detour or stop.

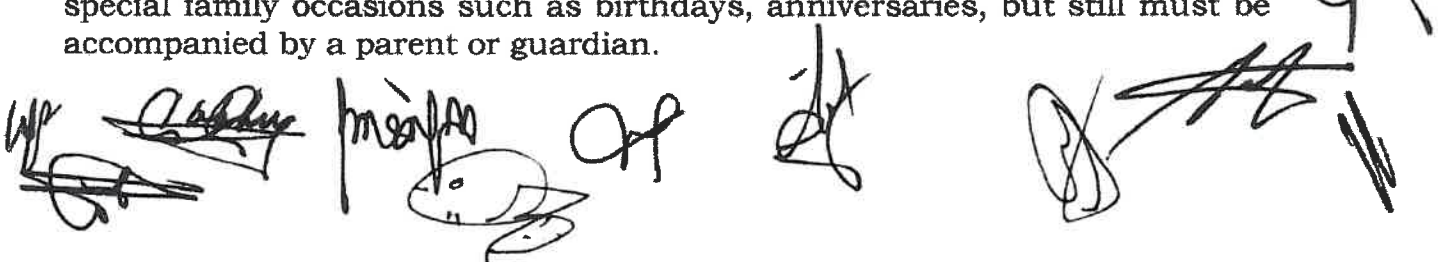
c. The child is on the sidewalk directly abutting the place where he resides.

d. The child is attending an activity sponsored by a school, religious, or civic organization, or by a public organization or agency, or by a similar organization or entity, as long as the activity is supervised by adults and the child is going to or returning home from such activity, without detour or stop.

e. The child is accompanied by his parent or guardian.

f. The child is on an errand and has in his possession a written permission to do so from his parent or guardian. The ID and contact number of the parent or guardian must be attached to the permission for verification.

g. On the occasions of legal holidays, special holidays, fiesta celebrations, founding days sponsored by the municipality or by the barangay, and other special family occasions such as birthdays, anniversaries, but still must be accompanied by a parent or guardian.

The bottom of the page contains several handwritten signatures and scribbles. On the left, there are three distinct signatures. In the center, there is a large, circular scribble. To the right, there are more signatures, including one that appears to be a stylized 'S' or 'Z' shape. On the far right, there is a vertical line with a large, circular scribble at the top, possibly representing a stamp or a specific signature.

SECTION 6. PROCEDURE FOR TAKING THE CHILD INTO CUSTODY -

Republic Act 9344 also known as the *Juvenile Justice and Welfare Act of 2006* as amended by Republic Act No. 10630, prescribes proper procedures to be observed by the law enforcement officer in taking the child into custody, to wit:

a. Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;

b. Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her.

c. Properly identify himself/herself and present proper identification to the child;

d. Refrain from using vulgar or profane words and from sexually harassing or abusing or making sexual advances on the child;

e. Avoid brandishing or pulling any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;

f. Refrain from subjecting the child to greater restraint than is necessary for his/her apprehension;

g. Avoid violence or unnecessary force;

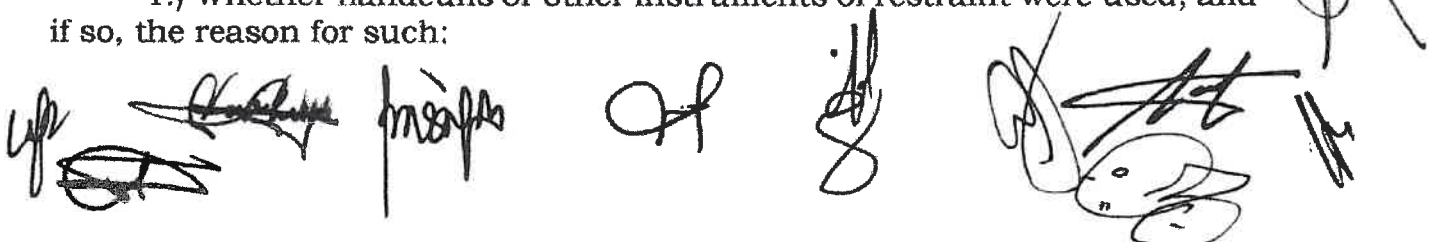
h. Immediately but not later than eight (8) hours after apprehension, turnover custody of the child to the Municipal Social Welfare and Development Officer or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counselling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;

i. Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the courts. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;

j. Ensure that should detention of the child be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;

k. Record the following in the initial investigation:

1.) Whether handcuffs or other instruments of restraint were used, and if so, the reason for such:



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2.) That the parents or guardian of a child, the DSWD, and the Public Attorney's Office (PAO) have been informed of the apprehension and the details thereof; and

3.) The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and

1. Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

SECTION 7. OBLIGATIONS AND LIABILITIES OF PARENT/S OR GUARDIAN/S -The parents or guardians who are in actual custody or living together with the child are under obligation to supervise the conduct and activities of the child and see to it that the latter is already in their home before and during the curfew hours for children.

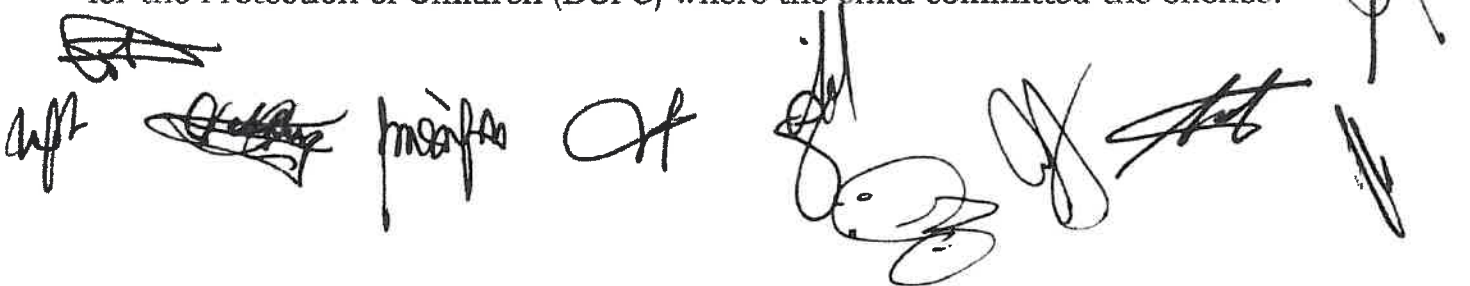
SECTION 8. IF PARENTS, GUARDIANS OR NEAREST RELATIVES CANNOT BE LOCATED, OR REFUSED TO TAKE CUSTODY OF THE CHILD - If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

- a. Duly registered non-governmental or religious organization;
- b. Barangay officials or a member of the Barangay Council for the Protection of Children (BCPC);
- c. Municipal Social Welfare and Development Office

SECTION 9. SANCTIONS - The following sanctions shall be imposed on the violators of any provision of this ordinance:

a. First Offense - The child/minor found violating this Ordinance shall be brought to the barangay having jurisdiction for proper recording and counseling by the Barangay Council for the Protection of Children (BCPC) before the child is turned over or released to his/her parent/s or guardian/s. Prior to the release, the child and parent or guardian shall be reprimanded and shall sign an undertakings with the BCPC and informed of the consequences in the event that their child is caught again for the same offense, with the assistance of the PNP.

b. Second Offense - The parent/guardian of the minor offender shall pay a fine of three hundred pesos (P 300.00) per offense. The child shall be required to attend counseling sessions, parenting education seminars and other intervention as may be prescribed and conducted by the Barangay Council for the Protection of Children (BCPC) where the child committed the offense.

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c. Third Offense or more – The child with the assistance of parent or guardian shall plant fifteen (15) fruit bearing trees in their barangay or open/barren area designated by sangguniang barangay for which a Certificate of Compliance will be issued by the BCPC and in addition the parent and child shall pay a fine of Five Hundred Pesos (P 500.00). Moreover, the child shall be referred to the Municipal Social Welfare and Development for other interventions that may be conducted pursuant to the provisions of RA 9344, as amended.

d. All offenders suspected to be under the influence of liquor, drugs (all type) shall be held or detained at the barangay hall and shall stay until he/she is sober so as not to harm himself/herself and others. Further, through the BCPC turn over to the MSWD OFFICE for other interventions that may be conducted pursuant to RA 9344, as amended.

SECTION 10. IMPLEMENTING AUTHORITIES. – All Barangay Officials, Tanod, and PNP are tasked to enforce and carry out this ordinance.

SECTION 11. INFORMATION DISSEMINATION. – All authorities /officers mentioned in the forgoing section (10) of this ordinance shall cause or tasked to cause the widest information dissemination of this municipal-wide curfew ordinance including the display of billboards/streamer in their respective barangays hall or poster area where it is very visible to the public. In addition, karaoke and videoke bars shall display a copy of the ordinance for the information of customers.

SECTION 12. REPEALING CLAUSE.

Any ordinance or executive orders, proclamations and administrative regulations or parts thereof which are inconsistent with any of the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE.

If, for any reason a portion or portions of this Ordinance is declared unconstitutional or invalid, the same shall not affect the validity of the other provisions not affected thereby, pursuant to the provisions of RA 7160 otherwise known as the Local Government Code of 1991.

SECTION 14. EFFECTIVITY CLAUSE.

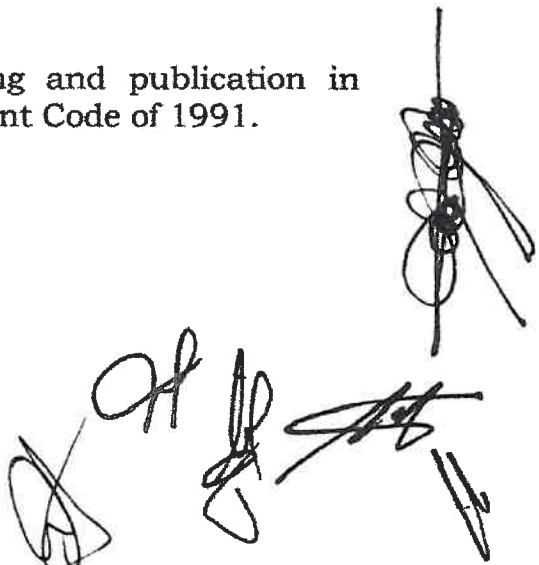
This Ordinance shall take effect after posting and publication in accordance with the provisions of the Local Government Code of 1991.

ENACTED BY:




CECILIO C. ECALLA
Municipal Vice Mayor
Presiding Officer






CONFORMED BY:

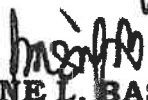

CECILIA L. CABAHUG
SB Member

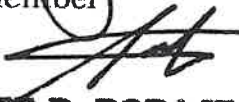

ROLANDO C. PIAMONTE SR
SB Member

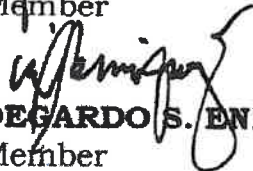

CARMICHAEL L. VILLARINO
SB Member


HOSPICIO B. APACIBLE
SB Member


JEROLD T. LUMAPAK
SB Member


AILENE L. BASILAN
SB Member

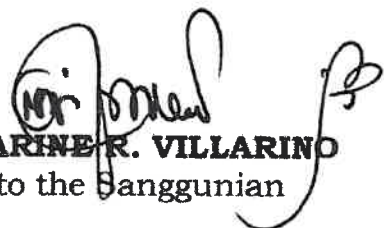

DANTE R. RODAJE
SB Member


WILDEGARDO S. ENRIQUEZ
SB Member


COURTNEY I. VIOLA
SK Fed. President

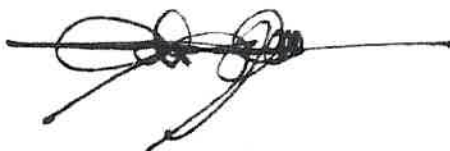
REM BERYL Y. VELOSO
LnB President (absent)

I hereby certify to the correctness of the foregoing Municipal Ordinance No. 166 series of 2024 which was duly enacted by the Sangguniang Bayan of San Isidro, Leyte on its 108th Regular Session held on September 2, 2024.


MARIA CARINE R. VILLARINO
Secretary to the Sanggunian

APPROVED BY:


REMEDIO B. VELOSO
Municipal Mayor
Date approved: 09-11-2024





Republic of the Philippines
Region VIII
Province of Leyte
MUNICIPALITY OF SAN ISIDRO

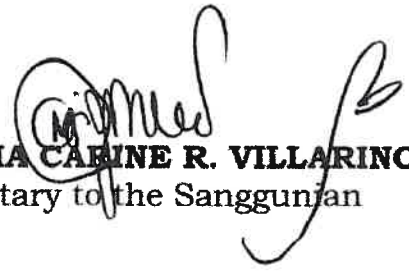
16th Sangguniang Bayan

CERTIFICATION OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT, **MUNICIPAL ORDINANCE NO. 166 - 2024, "AN ORDINANCE MANDATING NEW CURFEW HOURS FOR CHILDREN FROM 9:30 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK IN THE MORNING, PRESCRIBING THE PROPER PROCEDURE FOR THEIR APPREHENSION AND CUSTODY AND FOR OTHER PURPOSES, THEREBY AMENDING MUNICIPAL ORDINANCE NO.02-03 SERIES OF 2002."**, has been posted in three (3) conspicuous places of the Municipality on September 11, 2024 and remain posted to date, in compliance to Art.114 of the Rules and Regulations Implementing the Local Government Code of 1991.

Issued this 12th day of September 2024 at San Isidro, Leyte.


MARIA CABINE R. VILLARINO
Secretary to the Sanggunian

Noted by 

HON. CECILIO C. ECALLA
Municipal Vice Mayor
Presiding Officer

cc:file
mcrv