

RESOLUTION NO. 002-D-2008

WHEREAS, this August Body finds alarming the increasing incidence of crimes committed by or involving minors in this city;

WHEREAS, with the enactment of Republic Act No. 9344 which is a law establishing a Comprehensive Juvenile Justice and Welfare System, this Body sees the need to enact measures to promote and protect the physical, moral, intellectual and social well-being of minors in this city

WHEREAS, a public hearing, attended by representatives of all sectors of the community, was successfully held on January 10, 2008, with the favorable endorsement of all the participants present;

NOW THEREFORE, BE IT RESOLVED as it is hereby resolved by the Sangguniang Panlungsod of the City of Naga, Cebu, on motion of Hon. Dominga P. Millena, seconded by Hon. Othello M. Chiong, to approve the following Ordinance:

ORDINANCE NO. 001-2008

Series of 2008

**AN ORDINANCE PROVIDING SAFEGUARDS FOR MINORS IN THE
CITY OF NAGA, CEBU**

BE IT ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu that:

Section 1. This Ordinance shall be promulgated to preserve the well-being of our minors and to instill in their young minds the importance of propriety in molding them into responsible and law-abiding citizens of our country.

Section 2. For purposes of this Ordinance, the following terms shall carry the following definitions:

- a) Minor – a person of either sex who is below eighteen (18) years of age, notwithstanding the fact whether, or not, he or she is a Naganhon.
- b) Emergency – an unforeseen circumstance which calls for an on-the-spot or immediate action.
- c) Loiter – the delay in an activity with aimless idle stops and pauses, to remain in an area for no obvious reason.
- d) Stroll – the act of walking about in an idle or leisurely manner.
- e) Wander – the moving about without any fixed course, aim or good, following a winding course, deviating or going astray morally.
- f) Halfway house or room – a temporary shelter furnished with basic resting stuffs for the rescued minor.
- g) Prostituted Children – children, whether male or female, who for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or group indulge in sexual intercourse or lascivious conduct.

Section 3. Imposition of CURFEW.

3.1. It shall be unlawful for minors to wander, loiter, stroll, standby in public places, parks, plazas, market, beaches and similar place, or in private roads, wharves, malls alleys, uninhabited/abandoned places, thoroughfares and passageways within the territorial jurisdiction of the City of Naga, Cebu between the hours of ten o'clock in the evening (10:00 P.M.) and four o'clock in the morning (4:00A.M.) of the next day.

3.2 EXEMPTION. The imposition of CURFEW under this Section shall not apply to the following instances:

- a) Minors who are accompanied by a parent(s) or guardian in charge of his/her custody.
 - b) Minors who are attending or participating in, going to and homeward from school functions and for this purpose, students are required to bring with them their school identification cards, Note or Certification from School Heads regarding the school activity attended.
 - c) In cases of emergency like fire, war, invasion, commotion, floods, earthquakes, natural or manmade calamity, when such minor run for cover or escape to place of safety, or when such minors are on an errand to protect or save lives and property.
- [Handwritten signatures]*

3.3. PENALTY: Any minor caught violating the provisions of Section 3.1 shall be rescued and penalized in the following manner:

- a) First Offense - Warning.
- b) Second Offense - Rendering of community service by the father or mother or guardian of the rescued minor for not less than two (2) days
- c) Third Offense - Fine of P200.00 or rendering of community service by the father or mother or guardian of the rescued minor for not less than three (3) days

The scope and assignment of community service shall be determined or assigned by the Barangay Captain or his authorized representative, in case the minor is rescued by a Barangay Official/Tanod; by the City Mayor or his duly authorized representative, in case the minor is rescued by a City Official or a Police Officer. The rescued minor shall be delivered to his parent(s) or guardian and in the absence thereof, shall be placed at a "halfway house or room", which shall be provided by the Barangay Captain/City Mayor for this purpose, which shall be administered/supervised by the City Social Welfare & Development Officer. The kept minor shall be released early morning the following day and the penalties be served or paid by the parent(s) or guardian the following day. Fines shall be paid to the Barangay Treasurer or City Treasurer, as the case may be, who shall then issue the corresponding Official Receipt for the payment. Fines received for this purpose shall be considered as Trust Fund to be utilized in the construction and maintenance of the "halfway house or room"

3.4. In any case wherein the minor, while strolling, wandering, loitering or standing by at the places mentioned herein during the prohibited hours, has caused damage to life, limb and property, the parent(s) or guardian in charge of the custody of such minor shall be held civilly liable for the cost of damages arising from the act or acts of said minor.

3.5. For minors rescued for the 4th time and beyond, the Barangay Captain or the City Mayor shall continue to impose such fines and penalties aforesated in Section 3.3.(c) and should recommend the endorsement of the minor to the Department of Social Welfare and Development, for appropriate investigation as to the reasons for his act/acts.

Section 4. PROSTITUTED CHILDREN.


4.1. Prostituted children are deemed to be children exploited in prostitution and are thus recognized as VICTIMS of the acts of prostitution and as such shall not be penalized in accordance with R.A. 7610.

4.2. Minors who are believed to be prostituted or there is sufficient belief that said minor is about to engage in prostitution, shall be rescued and be turned over to the Department of Social Welfare and Development for counseling and rehabilitation.

4.3. Persons caught engaging and facilitating or if there is sufficient belief that said person will engage or will facilitate minors into prostitution, shall be arrested and will be charged with child abuse under R.A. 7610, in the proper court.

Section 5. ILLEGAL GAMBLING.

5.1. Minors caught gambling or watching and playing inside gambling dens such as, but not limited to, mahjong/playing card dens, cockpits, video "karera" units or video games shops, shall be reprimanded and be sent home. Parents or guardians shall be notified of such acts.



5.2. Owners/operators of gambling establishments/shops/units aforementioned shall not allow entrance of minors inside their establishments. Violators shall pay the following penalties:

First Offense	- P 100.00 fine
Second Offense	- 200.00 fine
Third Offense	- 500.00 fine, confiscation of gambling paraphernalia, revocation of license or permit to operate.

Section 6. REPEALING CLAUSE. Prior Ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended, superseded or modified accordingly.

Section 7. SEPARABILITY CLAUSE. If any portion of this Ordinance shall be declared by a competent authority or court as unconstitutional, the other portions not so declared as such are to remain valid and operative.

Section 8. PUBLICATION. This Ordinance shall be published by posting copies of the same in all prominent public places within this local government unit for a minimum period of three (3) weeks.

Section 9. EFFECTIVITY. This Ordinance shall take effect at the end of the required three (3) consecutive weeks posting, specifically on February 14, 2008.


UNANIMOUSLY APPROVED this 14th day of January 2008.

CERTIFIED CORRECT:



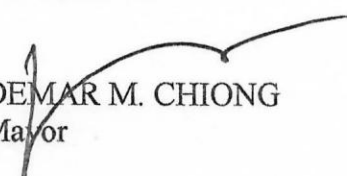
DELFIN R. SEÑOR
City Vice Mayor/Presiding Officer

ATTESTED BY:



DELZA T. ARELLANO
Secretary to the Sanggunian

APPROVED BY:



VALDEMAR M. CHIONG
City Mayor