



**CITY ORDINANCE NO. 328**

**April 24, 2003**

**AN ORDINANCE STRENGTHENING THE IMPLEMENTATION OF PRESIDENTIAL DECREE NO. 1619, PENALIZING THE USE, POSSESSION OR UNAUTHORIZED SALE TO MINORS OF VOLATILE SUBSTANCES FOR THE PURPOSE OF INDUCING INTOXICATION OR IN ANY MANNER CHANGING, DISTORTING OR DISTURBING THE AUDITORY, VISUAL OR MENTAL PROCESS AND PROVIDING INTERVENTION MEASURES AND/OR APPROPRIATING FUNDS FOR THE PURPOSE.**

**WHEREAS**, there is an alarming increase of minors using rugby/glue and other volatile substances as substitutes for dangerous drugs;

**WHEREAS**, medical research and studies show that the use of such substitutes could cause death, physiological damage to the liver, kidneys, heart, blood and nervous system, induce dependency, self-destructive and anti-social acts while under the influence thereof, and lead to the use of other drugs;

**WHEREAS**, the State and the City of Bacolod recognizes the role of the youth in nation - building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being;

**WHEREAS**, reports from law enforcements would show that minors can readily access or purchase glue or rugby and other volatile substances from business establishments;

**WHEREAS**, it is imperative to stop the use and sale of such volatile substances to minors;

**WHEREAS**, Presidential Decree No. 1619 provides for the following acts to be punishable under the law, to wit:

(1) the use or possession of volatile substances for the purpose of inhalation to induce or produce intoxication or any of the described conditions therein shall be punishable by imprisonment ranging from six months and one day to four years and a fine ranging from Six Hundred (P600.00) to Four Thousand (P4,000.00) Pesos;

(2) the sale, administration, delivery, or giving away to another, distribution or, transporting by a person, or one who acts as broker in any of such transactions, any volatile substance for the purpose of inhalation to induce or produce intoxication or any of the described conditions therein shall be punishable by imprisonment ranging from four years and one day to eight years and a fine ranging from Four Thousand (P4,000.00) to Eight Thousand (P8,000.00) Pesos.



(3) the maintenance of a den, dive or resort by any person or groups or persons where any volatile substance is used for the purpose of inhalation to induce or produce intoxication or any of the described conditions therein shall be punishable by imprisonment ranging from four years and one month to eight years and a fine ranging from Four Thousand (P4,000.00) to Eight Thousand (P8,000.00) Pesos.

(4) the sale of, and offer to sell to minor without requiring the written consent of their parents or guardians as a condition for such sale or offer to sell shall be punishable by imprisonment ranging from six months and one day to four years and a fine ranging from Six Hundred (P600.00) to Four Thousand (P4,000.00) Pesos, provided however, that when the minor is eighteen years or over and is duly licensed to drive a motor vehicle, such written consent shall not be necessary when the volatile substance sold or offered for sale is gasoline or any other motive fuel for motor vehicles.

**WHEREAS**, Presidential Decree 1619 likewise recognizes the need for the treatment and rehabilitation of dependents of volatile substances and their confinement in rehabilitation centers as provided for or mentioned under Sections 2 and 7 therein;

**WHEREAS**, Presidential Decree 603 (The Child And Youth Welfare Code), as amended, provides for the care of a youthful offender which includes physical, mental examination and rehabilitation of said minor, if appropriate under the circumstances, and likewise provides for local government units to assist and support the Department of Social Welfare (now devolved to the local Department of Social Services & Development) for the establishment and maintenance of these rehabilitation centers and detention homes.

**WHEREAS**, it is also imperative to enact a local ordinance that will strengthen the implementation of P.D. 1619 by imposing certain obligations upon the parents or guardians, the local government units, commercial establishments selling any volatile substance (i.e. rugby, etc.) for industrial or any lawful and productive purpose, in order to effectively prevent the commission of said acts, as well as to provide rehabilitation programs for the users/violators of this law which tend to be mostly minors.

Be it ordained by the Sangguniang Panlungsod of Bacolod, that:

## **SECTION 1. TITLE**

This ordinance shall be known as the "Ordinance strengthening the implementation of Presidential Decree No. 1619, penalizing the use, possession or unauthorized sale to minors of volatile substances for the purpose of inducing intoxication or in any manner changing, distorting or disturbing the auditory, visual or mental process and providing intervention measures and/or appropriating funds for the purpose.

### **SECTION 1.1 SHORT TITLE**

It shall likewise be known in its short title as the "Rugby and Other Volatile Substances Ordinance of Bacolod City."



## SECTION 2. DEFINITION OF TERMS

1. VOLATILE SUBSTANCES as defined under Presidential Decree 1619 and this Ordinance are sometimes called "Solvents" or "Inhalants", and includes any liquid, solid, or mixed substances having the property of releasing toxic vapors or fumes or any chemical substance which when sniffed, smelled, inhaled or introduced into the physiological system of the body produces or induces a condition of intoxication, inebriation, excitement, stupefaction, dulling of the brain or nervous system, depression, dizziness, paralysis or irrational behavior or in any manner changes, distorts, or disturbs the auditory, visual or mental process.

2. Inhalant Abuse is the deliberate inhalation of volatile chemical substances that contain psychoactive (mind/mood altering) vapors to produce a state of intoxication.

3. Minor - a child below eighteen years of age.

4. Unauthorized Sale - any sale or offer to sell to minors, or volatile substances provided under Section 2 of this Ordinance, without requiring the written consent of their parents, or guardians for such sale or offer to sell.

5. Recidivist - for purposes of this Ordinance is a person who committed the offense punishable under this Ordinance more than once.

## SECTION 3. VOLATILE SUBSTANCES

Included under Volatile Substances are the following substances and chemical compounds, namely: Glue/Rugby, Gasoline, Kerosene, Ether, Paint thinner, Lacquer, Methanol, Ethanol, Sopropanol, Ethyl Acetate, N-Propyl-Acetate, N-Butyl Acetate, Acetone, Methyl-Ethyl Ketone, Methyl-Butyl-Ketone, Benzene, Toluene, Xylene, Stryene, Naphtalene, N-Pentane, N-Hexane, N-Heptane, Methylene Chloride, Trichloroethylene, Tetrachloroethylene, Nitrous Oxide, Dichlorodifluoromethane, Chlorodifluoromethane, Isoamyl Nitrate, or Chloroform, and other such similar substances.

## SECTION 4. GOVERNING LAW

The provisions of Presidential Decree No. 1619, penalizing the use, or possession, or the unauthorized sale to minors of volatile substances for the purpose of inducing intoxication or in any manner changing, distorting or disturbing the auditory, visual or mental process shall govern any commission by any person or groups of persons of the aforementioned prohibited acts.

## SECTION 5. OBLIGATION OF PARENTS, GUARDIANS AND OTHER ADULT PERSONS

It shall be the obligation of every parent or guardian of minors to observe strict diligence in the handling, use, storage of volatile substance in their homes and schools, and unless warranted by unavoidable circumstances, to avoid authorizing any minor or child below eighteen (18) years of age, to purchase or acquire, or handle such volatile substances for them.



## **SECTION 5.1 PENALTY FOR VIOLATION**

Any parent, guardian, or person of legal age authorizing or requesting minors to purchase, acquire, or handle such volatile substances for them, and which said minor subsequently used for the purpose of inhalation to induce or produce intoxication or in any manner changing, distorting or disturbing their auditory, visual or mental process shall be penalized with imprisonment of six months or a fine of ONE THOUSAND (P1,000.00) PESOS, or both, at the discretion of the Court.

## **SECTION 6. OBLIGATION OF COMMERCIAL ESTABLISHMENTS**

Business establishments selling any of the volatile substances shall strictly comply with the provisions of Presidential Decree No. 1619 requiring a written consent from the parent or guardian of a minor before any volatile substance can be sold to the minor.

### **SECTION 6.1 PENALTY FOR VIOLATION**

If such unauthorized sale, delivery, administration, giving away or distribution of such volatile substances to a minor is committed by the owner, manager, official, employee, or worker of a store, business entity or establishment within its business premises, the same shall be a cause for the revocation of its business permit and closure of its business establishment, in addition to the penalties and fines imposed under Presidential Decree No. 1619 for the offenders thereof.

### **SECTION 6.2 WARNING SIGNAGE/NOTICE**

All business establishments covered under this Ordinance are required to put up and display in the most conspicuous area therein, a signage informing and warning the public regarding the provisions of Section 5, of Presidential Decree No. 1619, and Section 6 of this Ordinance.

## **SECTION 7. APPREHENSION AND EXAMINATION OF MINORS**

A minor apprehended in accordance with law for violation of this Ordinance shall, after bringing him/her to the nearest police station for blotter recording purposes, be brought to any available government medical or city health officer in the area for a physical and mental examination. Whenever treatment for any physical or mental defect is indicated, steps shall be undertaken by the government medical or health officer to provide the same.

The results of the examination and/or treatment of the minor shall form part of the records of his/her case.

## **SECTION 8. REFERRAL TO SOCIAL WORKER**

After consultations with the City's Department of Social Services and Development (DSSD) and if the interest of the minor will be served thereby, the minor shall be released to the custody of a DSSD social worker for supervision, counseling or provision of other intervention measures or rehabilitation services.



## **SECTION 9. TEMPORARY COMMITMENT IN INTERVENTION/ REHABILITATION CENTERS**

A minor held for physical and mental examination, counseling and/or needing intervention and rehabilitation services, shall from the time of his apprehension be committed to the care of the Department of Social Services & Development (DSSD) and in any of its intervention or rehabilitation centers.

The City Mayor thru the DSSD shall see to the establishment, operation and maintenance of such rehabilitation or intervention centers, which as far as practicable shall have a "home-like" environment.

## **SECTION 10. SOCIAL CASE STUDY REPORT**

The Department of Social Services & Development is tasked to make a Social Case Study Report of each individual minor committed to its care. Said report shall be the basis for determining whether the minor, after undergoing rehabilitation and/or intervention programs, shall be released to the custody of his parents or relative, or, if found incorrigible, for the filing of the complaint for violation of this Ordinance.

## **SECTION 11. MINORS EXEMPT FROM CRIMINAL LIABILITY**

Considering that a minor nine (9) years of age and under at the time of the commission of the offense is exempted from criminal liability, he/she shall be released, after undergoing examination and rehabilitation pursuant to Sections 7 and 8 hereof, to his/her parents, nearest relative, or family friend at the discretion of the DSSD and subject to its supervision as far as the post rehabilitation of the minor is concerned.

The same shall apply or be done for a minor over nine (9) years and under fifteen (15) years of age at the time of the commission of the offense unless he acted with discernment.

## **SECTION 12. MINORS NOT EXEMPT FROM CRIMINAL LIABILITY**

The provisions of the preceding section shall likewise apply or be done for a minor not exempted from criminal liability but who is a first-time offender and is not found to be incorrigible.

If a minor is found to be incorrigible, per his/her Social Case Study Report, or a recidivist, per blotter reports, the City Department of Social Services & Development (DSSD) or the Department of Social Welfare & Development (DSWD) shall recommend to the arresting officer to file the necessary complaint against the said minor for violation of this Ordinance.

## **SECTION 13. PUBLICITY**

A minor apprehended, examined and/or rehabilitated in accordance with the preceding sections, or a minor facing charges in court for violation of this ordinance shall be protected from public identification. Neither his/her name, biographical information nor his/her image, by means of still or moving pictures, be made public for any reason whatsoever.



#### SECTION 14. RULES AND REGULATIONS

The City Mayor, in coordination with the DSSD, City Anti-Drug Abuse Council and the City Council for the Welfare of Children shall issue such other rules and regulations, subject to the conformity of the Sangguniang Panlungsod, to carry out the purposes of this Ordinance, including the treatment and rehabilitation of minor dependents on volatile substances and their confinement in intervention or rehabilitation centers.

#### SECTION 15. FUNDING REQUIREMENT

In order to ensure the attainment of the purposes of Presidential Decrees Nos. 1619 and 603, as amended, and the continuity of the operations and maintenance of the City's rehabilitation and intervention centers, its treatment and rehabilitation of minor offenders pursuant to this Ordinance, and for the effective and efficient implementation of the provisions hereof, an amount of THREE HUNDRED THOUSAND PESOS (P300,000.00) to be taken from any available source of fund is hereby appropriated, subject to the submission of a Programs of Works duly approved by the City Mayor and the Sangguniang Panlungsod.

The DSSD and the City Mayor shall see to it that the said amount shall each year thereafter be included in the annual operational budget of the DSSD.

In the event circumstances would warrant an augmentation of the fund for a particular fiscal year, the City Mayor shall submit to the Sangguniang Panlungsod a request for augmentation or appropriation, together with the program of works for the amount so requested, which shall be taken from any available source of fund.

#### SECTION 16. SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

#### SECTION 17. EFFECTIVITY

This ordinance shall take effect fifteen (15) days after its publication in a local newspaper of general circulation.

#### CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Archie S. Baribar, Roberto M. Rojas, Jude Thaddeus A. Sayson, Ana Marie V. Palermo, Celia Matea R. Flor, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasataya, Reynold I. Iledan, Sonya M. Verdeflor, Arturo V. Parreño, Marx Louie S. de la Rosa.

Negative : None.

Absent : None

Author : Councilor Ana Marie V. Palermo.

Passed : April 24, 2003 (94th Regular Session).

Comments: Passed.  
Vice Mayor Ramiro L. Garcia, Jr. and Councilor Jose H. Gabuat were out of the session hall when this ordinance was passed.

**ARCHIE S. BARIBAR**  
Acting Presiding Officer

ATTESTED:

**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

APPROVED: May 9, 2003.

**LUZVIMINDA S. VALDEZ**  
City Mayor *5/6/03*