

REPUBLIKA NG PILIPINAS  
TANGGAPAN NG SANGGUNIANG PANLUNGSOD  
LUNGSOD NG BACOLOD

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CITY ORDINANCE NO. 331

June 5, 2003

**AN ORDINANCE PROVIDING SPECIAL PROTECTION FOR CHILDREN DURING NIGHTTIME BY IMPOSING CURFEW ON MINORS FROM 10:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK THE FOLLOWING MORNING, PROVIDING MEASURES AND SANCTIONS THEREFOR, AND FOR OTHER PURPOSES.**

**WHEREAS**, Article 3, Section 4 of the Philippine Constitution provides for the strengthening of the family as the basic social institution, thus, the State shall aid and support the natural right and duty of parents in rearing the youth for civic efficiency and the development of the moral character;

**WHEREAS**, Article 2, Section 5 of the Constitution upholds the vital role of the youth in nation building, hence, the State shall promote their physical, intellectual and social well-being;

**WHEREAS**, Article 1 of P.D. 603, recognizes the child as one of the most important assets of the nation, so that every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life;

**WHEREAS**, the City of Bacolod recognizes, and shall thus promote the right of every child to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes;

**WHEREAS**, there is an alarming increase of minors with dependency on drugs or its substitutes, or getting involved in child prostitution, or juvenile delinquency, away from home and living it out in the streets;

**WHEREAS**, the City of Bacolod, pursuant to the aforementioned national laws and R.A. 7610 (Special Protection of Children Against Child Abuse, Exploitation And Discrimination Act), and under the general welfare clause of R.A. 7160 and the principle of *parens patriae*, shall institute programs and measures that will ensure protection of every child against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development;

**WHEREAS**, Art. 139, P.D. No. 603 (the Child and Youth Welfare Code) provides that city or municipal councils may prescribe such curfew hours for children as may be warranted by local conditions and the duty to enforce curfew ordinances shall devolve upon the parents or guardians and the local authorities;

**WHEREAS**, minors out in the streets at night tend to be exposed to improper or pernicious influences, or hazards to their life and limb, or to vicious persons who pry on the young for their illegal and immoral trades, and other dangers that may lurk in the darkness;

**WHEREAS**, in order to nip in the bud the aforementioned ills of society which has alarmingly reached our minor population, it is but proper to provide measures giving special protection to children especially during nighttime by imposing again a curfew on minors so that they remain at home where they can be safe and protected and out of reach from those who may wish the children harm;

**WHEREAS**, Bacolod City in the past has enforced curfew on minors under C.O. No. 147, Series of 1963, as amended by C.O. No. 20, Series of 1986. But unlike in the past, this Ordinance shall provide for sanctions and measures that will protect and promote the rights and welfare of children;

**WHEREAS**, since the Family and Community of the minor plays a vital role in the total development of a child, and particularly in the effective and efficient implementation of this Ordinance, certain measures shall be instituted to strengthen the family and the barangay units and their local councils for the protection of children.

**NOW, THEREFORE**, be it ordained by the Sangguniang Panlungsod in session:

#### **SECTION 1. TITLE**

This Ordinance shall be known as the "ORDINANCE PROVIDING SPECIAL PROTECTION FOR CHILDREN DURING NIGHTTIME BY IMPOSING CURFEW ON MINORS FROM 10:00 O'CLOCK IN THE EVENING TO 4:00 O'CLOCK THE FOLLOWING MORNING, PROVIDING MEASURES AND SANCTIONS THEREFOR, AND FOR OTHER PURPOSES.

It shall likewise be known in its short title as the "SPECIAL PROTECTION OF CHILDREN DURING NIGHTTIME ORDINANCE".

#### **SECTION 2. CURFEW**

It shall be unlawful for any person below eighteen (18) years of age to be out of his / her temporary or permanent residence after 10:00 o'clock in the evening and before 4:00 o'clock in the morning.

#### **SECTION 3. SIREN WARNING**

A siren blast all be sounded at 9:45 in the evening as a warning signal to be followed by another siren blast at 10:00 o'clock in the evening.

A siren blast shall likewise be sounded at 4:00 o'clock the following morning as a signal that the curfew for minors is over.

For purposes of this Ordinance, the City Mayor shall see to the putting up of a siren at City Hall and its operation at the designated time.

Likewise, the clock at the Fountain of Justice, City Hall, shall be maintained as it shall serve as the official clock as far as the designated time is concerned.

The Barangays, thru the Punong Barangay, may put up and operate their own sirens at their Barangay Halls, if their funds or building structure may so permit, or in lieu thereof, such warning measures as their respective barangay councils may ordain.

#### **SECTION 4. EXCEPTIONS**

The provisions of Section 2 shall not apply to the following minors:

(1) those who are out of their residence with their parent or guardian or any responsible relative who may vouch for their character and behavior. Or,

(2) those who are out of their residence or place of employment upon a written authority from their parent, guardian or employer as the case may be, stating in said written authority the date of issuance, the name of the minor, his or her and the parent's, guardian's, or employer's address, name, telephone or cellphone number, if any, and signature and the purpose of the minor being out. Or,

(3) those who are out of their residence due to a medical emergency to his person or that of any member of his family,

#### **SECTION 5. WRITTEN AUTHORITY**

Should the written authority mentioned in the preceding Section be for more than five (5) days, a copy of the same should be furnished the Police Department or the Punong Barangay of the barangay where the minor resides.

#### **SECTION 6. SANCTIONS**

Violation of Section 2 hereof shall subject the offending minor to the following:

1st Offense - Warning

2nd Offense - Community Service of eight (8) hours

3rd & Subsequent Offense - Community Service of sixteen (16) hours, and an additional eight (8) hours for every other subsequent offense.

#### **SECTION 7. BARANGAY ASSISTANCE**

The barangay units, thru their Punong Barangay, and with the support of their barangay kagawads and barangay tanods, are hereby enjoined and authorized to assist the police and the City / DSSD authorities in the implementation of this Ordinance.

#### **SECTION 8. PROCEDURES**

The following procedures shall govern whether the implementation of this Ordinance is being done by members of the Philippine National Police, or an inter - sectoral Task Force that may be created by the City Mayor for this purpose, or by the Punong Barangays with the assistance of their Barangay Kagawads and/or Barangay Tanods.

#### **SECTION 8.1 WARNING**

1. A minor found violating this Ordinance shall be issued right there and then, a Curfew Citation Ticket (CCT) which shall read as follows:

Serial No. \_\_\_\_\_

Republic of the Philippines  
City of Bacolod

**CURFEW CITATION TICKET**

Date: \_\_\_\_\_

Sir / Madam:

Please be informed that you, the minor, with the following personal circumstances:

Name : \_\_\_\_\_

Birthdate : \_\_\_\_\_

Address : \_\_\_\_\_

( house no. / street / purok / barangay / city / municipality )

Name of Father : \_\_\_\_\_

Mother : \_\_\_\_\_

Or Guardian : \_\_\_\_\_

Address : \_\_\_\_\_

( house no. / street / purok / barangay / city / municipality )

Name of School, if applicable : \_\_\_\_\_

Grade / Year : \_\_\_\_\_ School ID No. : \_\_\_\_\_

was found at \_\_\_\_\_ o'clock p.m. / a.m., alone, or in the company of other minor children, namely: \_\_\_\_\_

to be outside of your residence, and particularly at \_\_\_\_\_, Barangay \_\_\_\_\_

Bacolod City, in violation of Bacolod City Ordinance No. \_\_\_\_\_, Series of 2003, otherwise known as the Special Protection Of Children During Nighttime Ordinance.

You are hereby warned that a repetition or subsequent violations of this Ordinance shall merit harsher sanctions.

Signed:

Minor

Apprehending Officer

Witness

Position: \_\_\_\_\_

Agency: \_\_\_\_\_

Original Copy: Minor

Duplicate Copy: File

Triplicate Copy: DSSD

OFFICE OF THE CITY CLERK

COMMUNITY SERVICE

Subsequent Violation & Community Service may

2. The minor shall be sent home, and/or if necessary, for the apprehending officer(s) to bring the minor back to his/her residence, unless, the minor in addition to the violation of this curfew ordinance has committed an offense, or is committing another act punishable by law or other ordinance, in which case said apprehension shall now be governed by the provisions of Presidential Decree 603, (Child & Youth Welfare Code), as amended.

3. The Philippine National Police or the Punong Barangay or their duly designated representatives shall gather all the Curfew Citation Tickets (CCTs) issued by their respective offices for the day, and immediately submit the triplicate copy thereof to the City's Department of Social Services & Development (DSSD) which shall serve as the Central Information Center for purposes of this Ordinance.

It is understood that the Curfew Citation Tickets issued to the minors and the information contained therein shall be subject to the provisions of Section 15 of this Ordinance.

## **SECTION 8.2. COMMUNITY SERVICE**

(1) If the implementation was done by the Philippine National Police, or by the Barangay authorities but the minor so apprehended is not a resident of the apprehending Barangay, the DSSD Head who had been copy furnished with all CCTs issued, shall endorse the CCT issued to a minor to the Punong Barangay of the Barangay where the minor resides. The Punong Barangay concerned shall then follow the procedures laid down in paragraph (2) of this Section.

(2) If the implementation or apprehension of the minor was done by the barangay authorities of the barangay where the minor actually resides, and in their Records of CCTs issued, Or from the CCTs endorsed by the DSSD, pursuant to the preceding paragraph, a minor is found to have violated this Ordinance the second time, or third or fourth time, and so on, the Punong Barangay shall send the corresponding Notice of Subsequent Violation And Community Service to the minor and his/her parents or guardian, informing them of the minor's second or subsequent violation, and for the minor to render the respective prescribed number of hours of community service and perform such tasks as the Punong Barangay may assign.

(3) The community service of the minor or the parent pursuant to Section 8.2.3 hereof, shall be supervised by the Punong Barangay or his/his duly appointed representatives, who shall see to it that the tasks to be performed are not heavy or detrimental to the health or safety of the minor.

### **SECTION 8.2.1. NOTICE OF SUBSEQUENT VIOLATION AND COMMUNITY SERVICE**

The Notice of Subsequent Violation & Community Service may contain, more or less, the following, to wit:

Serial No. \_\_\_\_\_

Republic of the Philippines  
City of Bacolod  
Barangay \_\_\_\_\_

NOTICE OF \_\_\_\_\_ VIOLATION AND COMMUNITY SERVICE

Date: \_\_\_\_\_

Name of Minor: \_\_\_\_\_

Address: \_\_\_\_\_

Attention: \_\_\_\_\_  
(Parent[s] or Guardian)

Greetings!

Please be informed that per our records of CCTs issued, or of CCTs endorsed to this barangay, the minor \_\_\_\_\_ has violated the City Ordinance No. \_\_\_\_\_, Series of 2003, otherwise known as the Special Protection of Children During Nighttime Ordinance, for the \_\_\_\_\_ time as evidenced by the attached copies of CCTs issued to his / her name.

Consequently, and pursuant to Section 6 of said Ordinance, the minor is required to render Community Service for \_\_\_\_\_ ( ) number of hours at \_\_\_\_\_, Bacolod City.

The minor is directed to report at the above-mentioned place not later than three (3) days from receipt of this Notice. The parent or guardian may accompany and observe the performance of the community service of the minor.

Failure or refusal of the minor to perform said community service shall subject his / her parent or guardian to perform the required community service for and in behalf of the erring minor.

Further refusal or failure of the parent(s) or guardian to perform the required community service shall subject the parent(s) or guardian to an administrative fine of FIVE HUNDRED PESOS (P500.00) for violation of their duties as parents as provided under Article 26, of P.D. 603, as amended.

Thank you for your attention and cooperation on the matter.

Very truly yours,

\_\_\_\_\_  
Punong Barangay

Copy Received: \_\_\_\_\_ Date & Time Received: \_\_\_\_\_  
Signature of Receiver: \_\_\_\_\_

Original Copy: Minor  
Duplicate: Brgy. File  
Triplicate: DSSD

**SECTION 8.2.2. CERTIFICATE OF COMPLETION**

After completion of the prescribed number of hours of community service for each subsequent violation, a Certificate of Completion of Community Service shall be issued to said minor, or his/her parent(s) or guardian pursuant to Section 8.2.3 hereof, duly signed by the Punong Barangay who rendered supervision over the community service of the minor/parent.

The Certificate of Completion may contain, more or less, the following, to wit:

Serial No. \_\_\_\_\_

Republic of the Philippines  
City of Bacolod  
Barangay \_\_\_\_\_

**CERTIFICATE OF COMPLETION OF COMMUNITY SERVICE**

This is to certify that the minor, \_\_\_\_\_, with address at \_\_\_\_\_, Philippines, or his/her parent/guardian, \_\_\_\_\_, of the same address, has completed the prescribed number of hours of community service at the \_\_\_\_\_, Bacolod City, on \_\_\_\_\_, 200\_\_\_\_, pursuant to the provisions of Sections 6 and 8 of City Ordinance No. \_\_\_\_\_, Series of 2003, otherwise known as the Special Protection of Children During Nighttime Ordinance.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at Barangay \_\_\_\_\_, Bacolod City, Philippines.

Signed

\_\_\_\_\_  
Supervising Staff / Worker

\_\_\_\_\_  
Punong Barangay

Original: Minor  
Duplicate: Brgy. File  
Triplicate: DSSD

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**SECTION 8.2.3. SANCTIONS FOR FAILURE/REFUSAL TO RENDER  
COMMUNITY SERVICE**

In case the minor fails or refuses to perform the community service provided under this Ordinance within three (3) days from receipt of the Notice of Subsequent Violation & Community Service, the parent(s) or guardian of the minor shall be summoned by the Punong Barangay who issued said Notice or thru its Barangay Council for the Protection Children.

The parent or guardian shall be requested to bring the minor to the Punong Barangay for the required Community Service.

In the event that the minor still fails or refuses to render the prescribed community service, the parent(s) or guardian shall perform the community service for and in behalf of the minor.

In the event further, that the parents or guardians fail or refuse to perform the required community service aforementioned, they shall be deemed to have violated their duties as parents as provided for under Article 46 of P.D. 603, as amended, and shall be liable to pay an administrative fine of FIVE HUNDRED PESOS (P500.00) for each failure or refusal to render/perform the required Community Service.

**SECTION 9. ROLE AND LIABILITIES OF PARENTS AND  
GUARDIANS**

As provided for under PD 603, as amended (Child and Youth Welfare Code) and this Ordinance, the duty to enforce the curfew hours shall devolve upon the parents or guardians and the local authorities. It is therefore incumbent upon the parent(s) or guardian to strictly implement the observance and compliance of this Ordinance on their minor children, otherwise they shall be subject to and be liable under the provisions of the preceding Section and hereunder.

In the event that the minor has committed another act punishable by law and/or has caused damage to persons or property by virtue of his/her being out of their residence in violation of this Ordinance, the parent(s) or guardian of said minor shall be civilly or criminally liable, if applicable under the premises, for violations of /or as provided under the Civil Code, the Revised Penal Code, Presidential Decree No. 603, as amended, (Child and Youth Welfare Code) and Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation And Discrimination Act).

**SECTION 10. ROLE OF THE COMMUNITY**

As provided for under P.D. 603 and this Ordinance, it is the duty of the community to bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental and spiritual well-being, as well as assist the State in combating and curtailing juvenile delinquency and in rehabilitating wayward children;

A. Educational & Other Public or Private Establishments



All educational institutions and other public and private establishments shall conduct their programs or activities wherein minors are involved within a period of time that will be finished before the start of the curfew hour. Otherwise, the presence of, or the written authority from the parent or guardian of the minor shall be required for his attendance / participation in such activity or program.

#### B. Business Establishments

Business establishments operating during nighttime or twenty-four (24) hours shall only allow entry of minors within the curfew hours, if accompanied by their parent(s) or guardian and such entry of minors is allowed by law or City Ordinance No. 326, Series of 2003, (An Ordinance Regulating The Establishment, Maintenance and Operation Of Places and Facilities of Amusement and Games of Chance, And Such Other Similar Places, And Providing Penalties For Violation Thereof.)

Refusal or failure to comply with this particular provision shall subject the business establishment to a revocation of its business permit and closure of its operations without prejudice to the provisions of Republic Act 7610, or P.D. 603, as amended, or other laws, or said City Ordinance No. 326, Series of 2003, as may be applicable under the premises for the owner, manager or person entrusted with the operation of said erring business establishment.

### **SECTION 11. TEMPORARY SUSPENSION OF CURFEW HOURS**

The Sangguniang Panlungsod, or the Barangay Council concerned, may via a Resolution, temporarily suspend the implementation of the curfew hours but not to exceed seven (7) days on the following instances, to wit:

- (a) Charter Day (October 19th ) celebration
- (b) Masskara celebration
- (c) Barangay annual fiesta of the Barangay concerned
- (d) Purok annual fiesta of the Barangay concerned

For paragraphs (c) and (d), only the purok, or the barangay celebrating the annual fiesta will be temporarily exempted during the duration of their fiesta from the coverage of this Ordinance.

The implementation of the curfew hours is automatically suspended on Christmas Eve (December 24th) and New Year's Eve (December 31st).

#### **SECTION 11.1 NOTIFICATION**

In case the Barangay Council passes such a Resolution for their barangay annual fiesta or the fiesta of one of their puroks, the following shall be notified and furnished copies of said Resolution within forty-eight (48) hours from passage, to wit: (1) City Mayor, (2) Sangguniang Panlungsod, (3) PNP-Bacolod Director, (4) Bac-Up/Police Station wherein the barangay is under its area of coverage.

In case the Sangguniang Panlungsod passes such a Resolution for a city-wide temporary suspension of curfew hours, the City Mayor and the PNP-Bacolod Director shall be notified and furnished a copy of said Resolution within forty-eight (48) hours after its passage.

## **SECTION 12. PROHIBITIONS**

1. This Curfew Ordinance shall not be used as a basis for the putting up of police/military check points in the City of Bacolod.

2. Any minor being stopped or apprehended for violation of this Ordinance shall not be subjected to any bodily search and unnecessary use of force by the apprehending officers.

If the minor has committed, or is committing, or about to commit an offense punishable by law or other ordinance, in the presence of the apprehending officers, any arrest and search made thereon upon the minor shall be subject to existing laws and P.D. 603 (Child & Youth Welfare Code), as amended.

### **SECTION 12.1 VIOLATIONS**

Any violation of the preceding section shall subject the apprehending officer(s) for liability as may be applicable under the premises and existing penal or administrative laws.

## **SECTION 13. TASK FORCE ON CURFEW OF MINORS**

The City Mayor shall create a Task Force On Curfew of Minors which shall assist him/her in the supervision of the implementation of this Ordinance.

The Task Force shall likewise serve as an Oversight Committee to monitor the effectiveness of the implementation of this Ordinance, and to recommend other rules and regulations subject to the approval of the City Mayor and the Sangguniang Panlungsod.

The Task Force shall include among its members, the Department of Social Services & Development (DSSD), the Chairman of the SP Committees on Laws or Social Services, Philippine National Police, the Commission on Human Rights, the Presidents of the SK Federation, Liga Ng Mga Barangay and PTA Federation, a representative from the educational and religious sectors, and NGOs involved in family and children's welfare, among others, that may be appointed by the City Mayor for this purpose.

## **SECTION 14. CITY/BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN**

The City Mayor and the Punong Barangays shall convene or activate their respective City or Barangay Council for the Protection of Children in accordance with the provisions of the P.D. 603 as amended, and, in addition to its prescribed functions under said law, shall assist the

City Mayor or DSSD, or the Punong Barangay or Barangay Councils in the effective implementation of this Ordinance, particularly Section 8.2.3 hereof.

#### **SECTION 15. PUBLICITY**

A minor found violating this ordinance or has been issued Curfew Citation Tickets 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 16. DISPOSITION OF THE FINES COLLECTED**

(1) Each P500.00 administrative fine collected by the City Treasurer pursuant to Section 8.2.3 shall be disposed of as follows:

50 % - City Government of Bacolod

50 % - Barangay which issued the Curfew Citation Ticket.

The aforementioned government units shall use said corresponding amounts in the following manner:

70% of the 50% - for the effective implementation of this Ordinance

30% of the 50% - for the strengthening of their Local Councils for the Protection of Children

(2) The City Treasurer, City Budget Officer and the City Accountant shall see to the effective and efficient implementation of this particular Section.

#### **SECTION 17. INITIAL FUNDING**

For the effective implementation of this Ordinance, an initial amount of ONE HUNDRED THOUSAND PESOS (P100,000.00) shall be appropriated, to be taken from any available source of fund, to defray among others, the costs of printing of the prescribed forms, mailing/delivery expenses, and the purchase and/or maintenance of the City Hall's siren and official clock.

In case the amount is not sufficient to defray such necessary costs, the same shall be subject to a Supplemental appropriation, upon request by the City Mayor, and upon submission of its corresponding Program of Works.

#### **SECTION 18. 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 19. REPEALING CLAUSE**

This Ordinance repeals C.O. No. 147, Series of 1963, as amended by C.O. No. 20, Series of 1986, and such other ordinances or parts of ordinances which are in conflict or inconsistent herewith.

**SECTION 20. 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, Jose H. Gabuat, Lyndon P. Caña, Elmer T. Sy, Bobbie S. Lucasan, Greg G. Gasataya, Reynold I. Iledan, Sonya M. Verdeflor, Marx Louie S. de la Rosa.

Negative : None.

Author : Councilor Ana Marie V. Palermo

Absent : None.

Passed : June 5, 2003 (100<sup>th</sup> Regular Session)

Comments: Passed.  
Councilor Arturo V. Parreño was out of the Session Hall when this Ordinance was passed.

**RAMIRO L. GARCIA, JR.**

Vice Mayor  
Presiding Officer

6/11/03

ATTESTED:

**ATTY. NILO T. ALEJANDRINO**

Secretary to the Sanggunian

APPROVED: June 23, 2003

**LUZVIMINDA S. VALDEZ**

City Mayor

NTA/CLC

