

Republic of the Philippines  
Region IV-A (CALABARZON)  
Province of Cavite  
CITY OF GENERAL TRIAS  
OFFICE OF THE SANGGUNIANG PANLUNGSOD

**CITY ORDINANCE NO. 18-08 (GENERAL)**

**Author** : SP Member Gary A. Grepo  
Chair, Committee on Peace, Public Safety  
and Order

**Sponsors** : SP Member Jowie S. Carampot  
SP Member Mario C. Amante  
SP Member Walter C. Martinez  
SP Member Florencio D. Ayos  
SP Member Hernando M. Granados  
SP Member Kerby J. Salazar  
SP Member Jonas Glyn P. Labuguen  
SP Member Christopher N. Custodio  
SP Member Vivencio Q. Lozares, Jr.  
SP Member Constanca S. Felizardo

**REVISING MUNICIPAL ORDINANCE NO. 02-92: CURFEW HOURS, PROVIDING DISCIPLINARY HOURS IN THE CITY OF GENERAL TRIAS FOR MINORS AGED 17 YEARS AND BELOW FROM 10:00 PM UNTIL 4:00 AM AND PROVIDING NEW PENALTIES THEREFOR.**

**WHEREAS, national and local statistics about minors being victims of crimes and their involvement in a number of juvenile violence and various criminal activities is quite alarming;**

**WHEREAS, the City of General Trias has an existing Ordinance No. 02-92 providing for curfew hours in the then Municipality of General Trias;**

**WHEREAS, there is a need to amend the said Ordinance No. 02-92 to adequately meet the needs of the time in order to more aptly provide a measure for the general safety, health, morals, and well-being of minors;**

**WHEREFORE, on motion of SP Member Gary A. Grepo duly seconded by SP Member Jonas Glyn P. Labuguen,**

**Be it ordained by the Sangguniang Panlungsod, that:**

**SECTION 1. TITLE. This Ordinance shall be known as the "CITY OF GENERAL TRIAS DISCIPLINE HOURS FOR MINORS".**

**SECTION 2. DEFINITION OF TERMS. As used in this Ordinance, the following terms shall mean:**

- a. **Discipline Hours** - from 10:00 every night up to 4:00 of the next morning;
- b. **Minor** - a child less than 18 years old. In line with Section 6 of RA 9344 (Juvenile Justice and Welfare Act of 2006), a minor 15 years of age or under at the time of the violation of this Ordinance shall be exempt from any liability under this Ordinance. Moreover, a minor above 15 years but below 18 years shall likewise be exempt from any liability under this Ordinance. However, if such child above 15 years but below 18 years shall have acted with discernment, he/she shall be subjected to community service penalties in accordance with his/her physical and mental abilities. The exemption from liability under this Ordinance shall be without prejudice to any criminal, civil or administrative liabilities that may be imposed to the minor and/or his/her parents or guardians under existing laws, rules and regulations;
- c. **Parents** - the father and mother, or having a family relationship to the minor by law;
- d. **Guardian** - has the authority to care for the interests of a minor;



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- e. **Public Place** - a place within the juridical boundaries of the City where the general public has access, including but not limited to, streets, highways, sidewalks, parking lots, vacant lots, and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as movie theaters and similar places or establishments;
- f. **Remain** - be present, dwell, stay or refuse to leave the public place in spite of the order of the Apprehending Officer;
- g. **Emergency** - any situation that pose an immediate risk to health, life, property or environment requiring urgent intervention to prevent further damage or worst situation;
- h. **Residence** - house or dwelling;
- i. **Habitual Violator** - minor/s who repeatedly violate this Ordinance;
- j. **Barangay Council for the Protection of Children (BCPC)** - Barangay Council directed to formulate the implementing rules of this Ordinance and in charge of counseling the minor, his/her parent/s or guardian/s; and responsible for coordinating with proper government institution/s or agency for the general welfare of the minor found in violation of this Ordinance;
- k. **City Social Welfare and Development Office (CSWDO)** - assigned to formulate and implement comprehensive programs and services to minor violators of this Ordinance;
- l. **Court** - Municipal Trial Court in Cities (MTCC);
- m. **Law Enforcement Officer** - person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, policeman and barangay tanod;
- n. **Child at Risk** - as provided in Section 4 of RA 9344 (Juvenile Justice and Welfare Act of 2006), Child at Risk refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to the following:
  - (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parent/s or guardian refuse, are unwilling, or unable to provide protection for the child,
  - (2) being exploited including sexually or economically,
  - (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found,
  - (4) coming from a dysfunctional or broken family or without a parent or guardian,
  - (5) being out of school,
  - (6) being a streetchild,
  - (7) being a member of a gang,
  - (8) living in a community with a high level of criminality or drug abuse, and
  - (9) living in situations of armed conflict;
- o. **BCPC Certification of Attendance** - certification proving the attendance of the minor violator together with the parents/guardian to the BCPC seminar on counseling to be submitted to the Punong Barangay as a requirement under 2<sup>nd</sup> Offense (Section 8) of this Ordinance.

**SECTION 3. PROHIBITED ACTIVITIES/OFFENSES.** All parents are prohibited to allow their sons and daughters who are minors to loiter, roam, meander, or sleep in any public place from 10:00 in the evening until 4:00 of the next morning without a justifiable reason.

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**SECTION 4. EXEMPTIONS.** Under the following circumstances, children of minor age shall not be covered by this Ordinance:

- a. Accompanied by parents or guardian;
- b. Coming to or for school or work;
- c. Involvement to an emergency situation; and
- d. Attendance to an official activities in school, religion, community and other similar private civic groups as sanctioned by the community.

**SECTION 5. ENFORCEMENT PROCEDURE.** Minors who have been believed to be violators of this Ordinance caught by law enforcement officer, a police officer, Barangay Public Safety Officer (BPSO), Barangay Council for the Protection of Children (BCPC) or neighborhood crime watch enforcer shall be subjected to the provisions of Republic Act No. 9344 (Juvenile Justice and Welfare Act of 2006) to wit:

“Section 21 of RA No. 9344: Procedure for Taking the Child into Custody.

From the moment a child is taken into custody, the law enforcement officer shall:

- 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 in Conflict with the Law (CICL);
- e. Avoid displaying or using 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 in Conflict with the Law (CICL) to greater restraint than is necessary for his/her apprehension;
- g. Avoid violence or unnecessary force;
- h. Determine the age of the child pursuant to Section 7 of this Act;
- i. Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the City Social Welfare and Development Office (CSWDO) or other accredited NGOs, and notify the child's apprehension. The City 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 counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- j. 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 Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- k. Ensure that should detention of the Child in Conflict with the Law (CICL) be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- l. Record the following in the initial investigations:

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

A Child in Conflict with the Law (CICL) shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell."

**SECTION 6. OBLIGATIONS AND LIABILITIES OF PARENT/S OR GUARDIAN/S.** Parents or guardians having actual custody or living together with the minor child shall see to it that the latter is within their home premise/s during the imposition of the disciplinary hours specified herein. They shall have the right to discipline the child/children as provided in Section 12 of City Ordinance No. 11-04: General Trias Child and Youth Welfare Code.

**SECTION 7. COMMUNITY INVOLVEMENT/PARTICIPATION.** The community or any person who has information on the presence of any minor in any public place during the imposition of the disciplinary hours must report and call the attention of the barangay for proper enforcement of this Ordinance.

**SECTION 8. PENALTIES AND MANNER OF DEALING WITH THE VIOLATOR.**

**1<sup>st</sup> OFFENSE** - A minor violator of this Ordinance will be referred to the nearest barangay hall or police station subject for counseling of the Barangay Council for the Protection of Children (BCPC). Parents/guardian of the violators shall be summoned or informed to fetch the minor from the barangay hall or police station, informing them of the consequences they will be dealing with in case of subsequent violation. Parents/guardian shall be penalized of community service of 48 hours or a fine of Two Thousand Pesos (Php 2 000.00);

**2<sup>nd</sup> OFFENSE** - The minor will be required to attend, together with his/her parents/guardian two (2) counseling sessions of the BCPC subject for the certification of compliance or noncompliance by its Chairman. The violator and/or his/her parents/guardian shall submit the BCPC certification of attendance to the Punong Barangay and Apprehending Officer within a period not to exceed two (2) months. Parent/s or guardian/s of the minor who violated this Ordinance for the second time shall be required to render 72 hours of community service or a fine of Three Thousand Pesos (Php 3 000.00);

**3<sup>rd</sup> OFFENSE AND EVERY SUBSEQUENT OFFENSE** - The minor will be turned over to the City Social Welfare and Development Office (CSWDO) for appropriate counseling and proper disposition on the matter. Parent/s or guardian/s shall be penalized with a fine of Five Thousand Pesos (Php 5 000.00) and 100 hours of community service or imprisonment of six (6) months within the sound discretion of the Court;

- a. Habitual violator/s of this Ordinance shall be turned over to the City Social Welfare and Development Office (CSWDO) for counseling and be subjected to intervention program of the said department;

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- b. Any violation of the terms and conditions of the community service shall subject the violators to imprisonment of not less than one (1) month nor more than six (6) months at the sound discretion of the Court; and
- c. In case where the residence of a minor, who violates this Ordinance, is that of another city or municipality, the provisions under 1<sup>st</sup> Offense of this Ordinance shall be observed for first violation, in coordination with the Barangay Office/Official through the Barangay Council for the Protection of Children (BCPC) where the place of residence of the minor is in question; or when the residence of the minor is from far away city or municipality, custody of the child shall immediately by not later than eight (8) hours after apprehension, turn over to the City Social Welfare and Development Office (CSWDO) or other accredited NGOs and notify the child's apprehension as provided for under Paragraph (i) Section 21 of Republic Act No. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006".

**SECTION 9. IMPLEMENTING RULES AND REGULATIONS.** The Office of the City Mayor, in consultation with the City Social Welfare and Development Office (CSWDO), City Council for the Protection of Children (CCPC), and the Liga ng mga Barangay (LNB) President shall issue the necessary implementing rules and regulations to ensure the effective enforcement of this Ordinance within thirty (30) days from its effectivity.

**SECTION 10. SEPARABILITY CLAUSE.** If any provision of this Ordinance or the application of such provision to other persons or circumstances is declared invalid, the provisions thereof not affected thereby shall remain in full force and effect.

**SECTION 11. REPEALING CLAUSE.** All ordinances, resolutions, executive orders, rules and regulations, and other issuances or parts thereof found to be inconsistent with the provisions of this Ordinance are hereby repealed, modified, or amended accordingly.

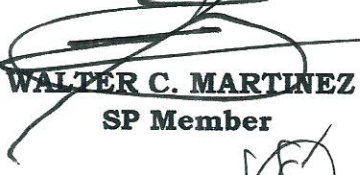
**SECTION 12. EFFECTIVITY CLAUSE.** This Ordinance shall take effect upon approval and after posting in three (3) conspicuous places within the City or after publication in a newspaper of general circulation.

ORDAINED under THIRD/FINAL READING on 29 MAY 2018.


  
JONAS GLYN P. LABUGUEN  
SP Member

  
GARY A. GREPO  
SP Member

  
JOWIE S. CARAMPOT  
SR Member


  
WALTER C. MARTINEZ  
SP Member

  
FLORENCIO D. AYOS  
SP Member

  
VIVENCIO Q. LOZARES, JR.  
SP Member

  
HERNANDO M. GRANADOS  
SP Member

  
CONSTANCIA S. FELIZARDO  
SP Member/LNB President





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**KERBY J. SALAZAR**  
SP Member  
(On Official Business)

**MARIO C. AMANTE**  
SP Member  
(On Official Business)

**CHRISTOPHER N. CUSTODIO**  
SP Member  
(On Leave)

CERTIFIED TRUE AND CORRECT:

  
**WENCESLAO P. CAMINGAY**  
Secretary to the Sanggunian

ATTESTED:

  
**MAURITO C. SISON**  
City Vice Mayor/Presiding Officer

APPROVED:

  
**ANTONIO A. FERRER**  
City Mayor

*W. M.*



*C. Custodio*

*dpf*  