

ORDINANCE NO. 8046

AN ORDINANCE DECLARING THE HOURS FROM 10:00 P.M. TO 4:00 A.M. OF THE FOLLOWING DAY AS "BARANGAY CURFEW HOURS" FOR CHILDREN AND YOUTHS BELOW EIGHTEEN (18) YEARS OF AGE; PRESCRIBING PENALTIES THEREFOR; AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, THAT:

SECTION 1. The hours from 10:00 P.M. to 4:00 A.M. of the following day is hereby declared as "BARANGAY CURFEW HOURS" for children and youths below eighteen (18) years of age.

SEC. 2. During curfew hours, no children and youths below eighteen (18) years of age shall be allowed in the streets, commercial establishments, recreation centers, malls or any other area outside the immediate vicinity of their residence, EXCEPT:

- (a) those accompanied by their parents, family members of legal age, or guardian;
- (b) those running lawful errands such as buying of medicines, using of telecommunication facilities for emergency purposes and the like;
- (c) students of night schools and those who, by virtue of their employment, are required to stay in the streets or outside their residence after 10:00 P.M.; and
- (d) those working at night: *PROVIDED*, That children falling under categories c) and d) shall secure a certification from their Punong Barangay exempting them from the coverage of this Ordinance, or present documentation/identification proving their qualification under any such category.

SEC. 3. The Punong Barangay, Kagawads of Sangguniang Barangay, and duly appointed Barangay Tanods are hereby authorized to apprehend and to hold for their safety at the Barangay Hall or Holding Center, violators of this Ordinance, **for not more than three (3) hours**. The apprehending official shall, without unnecessary delay, notify the Barangay Curfew Advisory Board who shall, in turn, immediately inform either the parent, or relative, or guardian, of the fact of the apprehension, and shall commit only to their custody, the said offender if a resident of the same barangay: *PROVIDED*, That, apprehended violators residing in other barangays shall be referred immediately to the Punong Barangay of the offender's place of residence, upon whom falls the responsibility for the proper action, pursuant to this Ordinance, as if the apprehension was made by him: *PROVIDED FURTHER*, That an offender, who resides in a barangay outside the territorial jurisdiction of the City of Manila **shall be held for not more than six (6) hours** and, shall be referred immediately to the Barangay Curfew Advisory Board of the barangay where the apprehension was made: *PROVIDED, FURTHERMORE*, That an offender who is homeless, abandoned or neglected or has no known parent, relative, or guardian residing in the City shall be referred, without unnecessary delay, **within twelve (12) hours or at the earliest office hours from the time of apprehension, whichever comes first**, to the custody or care of the Manila Youth Reception Center of the City Department of Social Welfare except, as provided in paragraph three (3) of Section 5 hereof.

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SEC. 4. Sanctions and Penalties for Violation. Any child or youth violating this Ordinance shall be sanctioned/punished as follows:

- (a) If the offender is Fifteen (15) years of age and below, the sanction shall consist of a REPRIMAND for the youth offender and ADMONITION to the offender's parent, guardian or person exercising parental authority.
- (b) If offender is Fifteen (15) years and under Eighteen (18) years of age, the sanction/penalty shall be:
  1. for the FIRST OFFENSE, Reprimand and Admonition;
  2. for the SECOND OFFENSE, Reprimand and Admonition, and a warning about the legal impositions in case of a third and subsequent violation; and
  3. for the THIRD OFFENSE AND SUBSEQUENT OFFENSES, Imprisonment of one (1) day to ten (10) days, or a Fine of TWO THOUSAND PESOS (Php 2,000.00), or both at the discretion of the Court: *PROVIDED*, That the complaint shall be filed by the Punong Barangay with the office of the City Prosecutor.

SEC. 5. A "Barangay Curfew Advisory Board" shall be constituted in every barangay with the Punong Barangay as Chairman thereof, who shall appoint two (2) Lupong Tagapamayapa as board members with the following powers and responsibilities:

- (a) to impose the sanctions provided under Section 4 hereof, except the penalty for the Third Offense and Subsequent Offenses;
- (b) to commit an offender to the custody only of the parent, guardian or person exercising parental authority;
- (c) to decide on the advisability of immediately referring an offender falling under the last provision of Section 3 hereof, to the custody or care of the Manila Youth Reception Center of the City Department of Social Welfare or, in lieu thereof, to impose the applicable sanction provided under this Ordinance, if it finds that the best interest of the public, as well as that of the offender will be served thereby;
- (d) to recommend the filing of a COMPLAINT for third and subsequent violations of this Ordinance to the Sangguniang Barangay, which legal action shall first require, through a resolution, the approval of a majority of all the members thereof: *PROVIDED, HOWEVER*, That in case of a disapproval, the sanction for Second Offense under paragraph 2 of Section 5 hereof, shall be imposed; and
- (e) furnish the Sangguniang Kabataan Chairmen a copy of the Apprehension Report for monitoring purposes.

SEC. 6. The Secretary of the Barangay, shall record and maintain a permanent list of the name, address, date of birth, time and place of apprehension, and other circumstances of every child and youth apprehended, by virtue of this Ordinance, and furnish the City Department of Social Welfare a copy of the apprehension report within 24 hours hereof.

SEC. 7. The City Mayor, thru administrative issuances, may suspend the implementation of this Ordinance in any particular barangay, or other specific areas, for a length of time as may be necessary, when public interest so requires.

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SEC. 8. The City Legal Officer or his duly authorized representative, shall provide legal assistance to Punong Barangays in the prosecution of violators of this Ordinance.

SEC. 9. The Director, Western Police District, shall make available resources of the Police Force to Punong Barangays in the enforcement of this Ordinance. Offenders who are residents of Manila, apprehended by police officers, shall be referred immediately **within six (6) hours from the time of their apprehension** to the Punong Barangay of the violator's place of residence; or, in case of a non-resident, immediately to the Punong Barangay of the place where the apprehension was made, for proper action in accordance with this Ordinance.

SEC. 10. Copies of this Ordinance shall be posted in the Barangay Hall and in three (3) conspicuous places, within the barangay and distributed to Police Station Precincts, and to PCP/Police Kababayan Sub-stations/Detachments: *PROVIDED*, That owners of the Cinemas shall be requested to allow the showing of advisories related to this Ordinance for a month or so; and *PROVIDED FURTHER*, That Barangay officials shall warn children about the curfew, one hour before its imposition through warning bells or public address systems.

SEC. 11. The City Department of Social Welfare shall be the primary agency that shall be charged with the monitoring and implementation hereof, including the giving of seminars to barangay officials, with the assistance of the Manila Youth Welfare Development Bureau and the Sangguniang Kabataan Federation.

SEC. 12. 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.

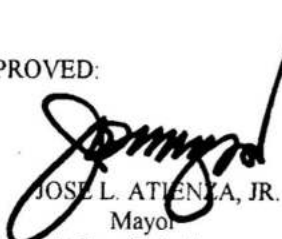
SEC. 13. Repealing Clause. – Any City or Barangay Ordinance or parts thereof, inconsistent herewith, are hereby repealed, revised or otherwise modified accordingly.


SEC. 14. Effectivity Clause. – This Ordinance shall take effect thirty (30) days after its approval.

Enacted by the City Council of Manila at its regular session today, September 5, 2002.


Approved by His Honor, the Mayor, on *October 14, 2002.*


APPROVED:

  
JOSE L. ATIENZA, JR.  
Mayor  
City of Manila

  
DANILO B. LACUNA  
Vice-Mayor and Presiding Officer  
City Council, Manila

ATTESTED:

  
EMMANUEL R. SISON  
Secretary to the Mayor

  
RODOLFO E. LAPID  
Secretary to the City Council

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