



Republic of the Philippines
CITY COUNCIL
City of Manila

REGULAR SESSION NO. 116

10TH CITY COUNCIL

Begun and held in the City Council on Thursday,
the nineteenth day of April, Two Thousand Eighteen

ORDINANCE NO. 8547

AN ORDINANCE ESTABLISHING PROTECTION AND DISCIPLINE HOURS FOR MINOR CHILDREN AND WARDS IN THE CITY OF MANILA FROM TEN O' CLOCK IN THE EVENING (10:00 P.M.) TO FOUR O' CLOCK IN THE MORNING (4:00 A.M.), PROVIDING GUIDELINES THEREON AND CONSOLIDATING HEREIN CITY ORDINANCE NO. 8243

PRINCIPAL AUTHORS:

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PREAMBLE

WHEREAS, it is the policy of the City of Manila to promote the physical and moral well-being of children who must be protected from harm, danger, threat or situation that is detrimental to their health, safety, welfare and development;

WHEREAS, children shall likewise be restricted to such level allowed by laws as they are neither capable enough to protect themselves from external aggressions nor have sufficient prudence not to commit infractions of the law;

WHEREAS, the Local Government of the City of Manila plays its vital role in protecting the welfare of our children by creating laws aimed to address situations endangering the lives and limbs of our children and laws intended to protect children from the call of criminality in their actions;

WHEREAS, the purpose and intention of our statesmen in creating said laws are not achieved, if not, frustrated by reason of consenting parents and/or guardians over the said minor. Non-cooperation and non-liability of the parents and/or guardian over the minor's action most often frustrate the purpose;

WHEREAS, the City of Manila takes step to achieve the purpose under the doctrine of *Parens Patriae*: NOW, THEREFORE,

Be it ordained by the City Council of Manila, in session assembled, *THAT*:

SECTION 1. This City Ordinance hereby established protection and discipline hours for minor children and wards in the City of Manila from ten o' clock in the evening (10:00 p.m.) to four o' clock in the morning (4:00 a.m.), providing guidelines thereon and consolidating herein City Ordinance No. 8243.

SEC. 2. Definition of Terms:

- a. **MINOR** – an individual who is below eighteen (18) years old.
- b. **WARD** – an individual who is below eighteen (18) years old and under the parental authority of another individual who is not his/her parent. The person having parental authority over the said ward may or may not be related to the ward, as appointed by the court or by long practice, observance and/or representation.
- c. **PARENT** – mother or father of the child by blood or by decree of adoption.
- d. **GUARDIAN** – an individual exercising parental authority over the ward other than the parent, whether by court decree or by practice, representation and long observance.
- e. **OFFENDER/S** – individual/s who violate/s the provisions of this City Ordinance, to wit:
 - e.1 **Adult Offender** – parent or guardian having parental authority over the minor who violated the provisions of this City Ordinance and/or City Ordinance No. 8243.
 - e.2 **Youth Offender** – an individual less than eighteen (18) years old who violates the provisions of this Ordinance.

- f. **PUBLIC PLACES** – a place located within the juridical boundaries of the City of Manila, where the general public or substantial group of people have access, including but not limited to street, sidewalks, parking lots, vacant lots and the common areas in and about churches, apartment, building office, building, hospital, school, cemetery and places of entertainment such as movie theater and the like.
- g. **LOITERING, WANDERING OR STANDING-BY** - means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, a barangay officer or the owner or other person in control of a public place, term also encompasses activities which may be mobile, such as walking, driving and riding in public places.
- h. **HABITUAL VIOLATOR** - shall refer to minor or ward who frequently or repeatedly violates this Ordinance. (Violating the ordinance twice or oftener).
- i. **EMERGENCY SITUATION** – means any unforeseen circumstances or any combination thereof which resulting state calls for an immediate action. The term includes, but not limited, to a fire, a natural disaster, a vehicular accident or any situation requiring immediate action to prevent serious body injury or loss of life.
- j. **CHILD/REN AT RISK** - child/ren who is/are vulnerable to and at the risk of committing criminal offenses because of personal family and social circumstances such as: abused, exploited, abandoned, out of school or street children among others.

SEC. 3. Restricted Time. – It shall not be allowed for a child or ward to loiter, wander or stand by in public areas during and/or between ten o'clock in the evening (10:00 p.m.) up to four o'clock (4:00 a.m.) the following morning, unless the attendance of any child/ward in public places during the prohibited time falls under the enumerated exemptions.

SEC. 4. Exemptions. – No penalty provided in this Ordinance shall be imposed to person found to be under any of the following conditions:

- (a) Child/ren found in public places during the protection and discipline hours herein prescribed, is/are accompanied by a parent, guardian or adult who has moral ascendancy over the child/ren.
- (b) Child/ren is/are engaged in a lawful employment where his/her/their shift thereto is within the protection and discipline hours herein prescribed, or when such lawful employment causes the child/ren to be at the public place for travel coming home or going to his/her/their place or work.
- (c) Child/ren is/are attending, would be going to or attending, or has attended and coming from an official school, religious, recreational, educational, social, community or other similar private activity sponsored by the city, school, community, private civic and religious groups recognized by the barangay which supervises the activity, provided that the child/ren who attended these kinds of activities would be going home without any detour or stop.

- (d) When the minor is involved in emergency situations and seeks immediate medical, police and other much needed assistance. Furthermore, child/ren found in public places within protection and discipline hours on occasions of nearby accidents, conflagrations, fire, inundation and the like.
- (e) Child/ren who is/are on the way to or from a social gathering of people such as a get-together, ceremonial rites in school, religious mass and other extra-curricular activities of the school or organization wherein the attendance of the child/ren is required or otherwise indispensable.
- (f) Child/ren found during the discipline hours, in public places but is/are verified to be unable to go home due to circumstances beyond their control and capability.

SEC. 5. Imposable Measures on Youth Offender and Penalties for Adult Offenders. Violators of this Ordinance shall be meted out with the following measures and/or penalties:

- a. **Youth Offender** - admonition shall be given to the minor who violated the protection and discipline hours for the first and second time. However, when the minor habitually violates the discipline hours ordinance, the minor shall be subjected to the intervention programs of the barangay enacted in its barangay resolutions or by the Manila Department of Social Welfare such as community service program in the barangays and charitable non-government offices.
- b. **Adult Offender** – admonition and orientation about the ordinance shall be given to the adult offender whose child or ward violated the protection and discipline hours for the first and second time.

Intervention programs of the barangay enacted in its barangay resolutions or by the Manila Department of Social Welfare such as community service program in the barangays and charitable non-government offices, shall be given to the adult offender whose child or ward violated the protection and discipline hours for the third time.

The penalties stated under City Ordinance No. 8243, entitled: *“An Ordinance penalizing any person who abandons or exposes minors or allows said minor to be abandoned or exposed to a perilous situation that endangers human life, health or well-being”* are hereby adopted and shall be imposed on any adult offender whose child or ward violates the discipline hours for the fourth and succeeding time as defined herein, to wit;

GRADUATED PENALTIES

- I. A fine of Two Thousand Pesos (PhP. 2,000.00) or imprisonment of one (1) month, if the minor is 15 years to 17 years old;
- II. A fine of Three Thousand Pesos (PhP. 3,000.00) or imprisonment of three (3) months, if the minor is 13 years to 14 years old;

- III. A fine of Five Thousand Pesos (PhP. 5,000.00) or imprisonment of six (6) months or both fine and imprisonment at the discretion of the court, if the minor is around 12 years of age and below.

SEC. 6. Enforcement Procedure. - The Provision of Republic Act No. 9344 as amended or the Juvenile Justice and Welfare Act of 2006 shall be supplementary in dealing with a youth offender under this Ordinance.

SEC. 7. Separability Clause. - If any part or provision of this Ordinance is held invalid, illegal or unconstitutional, such part, section or provision not affected thereby shall remain in full force and effect.


SEC. 8. Effectivity Clause. - This Ordinance shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

This Ordinance was finally enacted by the City Council of Manila on June 28, 2018.

PRESIDED BY:


ERNESTO G. DIONISIO
Acting Presiding Officer
City Council, Manila

ATTESTED:



LUCH R. GEMPIS, JR.
City Government Department Head III
(Secretary to the City Council)

APPROVED BY HIS HONOR, THE MAYOR, ON

09 JUL 2018


JOSEPH EJERCITO ESTRADA
Mayor
City of Manila

ATTESTED:


EDWARD S. SERAPIO
City Government Department Head III
(Secretary to the Mayor)