



**Republic of the Philippines
CITY COUNCIL
City of Manila**

REGULAR SESSION NO. 82

12TH CITY COUNCIL

**Begun and held in the City Council on Thursday,
the fourteenth day of September, Two Thousand Twenty-Three**

ORDINANCE NO. 8988

AN ORDINANCE AMENDING SECTION 9 OF ORDINANCE NO. 8676 AS AMENDED, ENTITLED: "AN ORDINANCE CREATING THE NO CONTACT APPREHENSION PROGRAM OF THE CITY OF MANILA, OTHERWISE KNOWN AS '2020 NO CONTACT APPREHENSION PROGRAM OF THE CITY OF MANILA, AND FOR OTHER PURPOSES"

PRINCIPAL AUTHORS:

HON. MACARIO M. LACSON

and

**HON. JOEL "JTV" VILLANUEVA
Acting Majority Floor Leader**



OCT 16 2023

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EXPLANATORY NOTE

Section 458 (5) (vi) of Republic Act No. 7160, or the Local Government Code of 1991, empowers the City, through an ordinance, to regulate traffic in all streets and bridges with the city territory.

Accordingly, Ordinance No. 8676, implemented the No Contact Apprehension Program (NCAP) which enforced traffic rules and regulations by operating a 24-hour NCAP to instill a round-the-clock obedience to traffic ordinances and rules.

Section 4 thereof defined the NCAP as the systematic program whereby the City shall apprehend traffic violators through state-of-the-art, evidence-based and comprehensive technology without the need of physical contact to traffic enforcers.


Section 9 thereof created NCAP Trust Fund whereby the fines collected by the City for violation of traffic laws under the Program shall be placed under the said Trust Fund which is separate and distinct from the General Fund of the City and all other Trust Funds made for other purposes. Such Trust Fund shall have its own bank account to which the City has access to for the implementation of the NCAP by the City on its own, or through a Joint Venture or Service Agreement, to be determined by the City.

Further, Section 3 (1) of the same Ordinance provided that the Trust Fund Review and Approval Committee of the NCAP shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.

At Present, the accumulated NCAP Trust Fund has a balance of P152,448,362.50, which is already net of any service fee or charges for the implementation of the NCAP.

In the meantime, monies from the General Fund have been utilized to finance the operational requirements of the Manila Traffic and Parking Bureau (MTPB). Under the FY 2023 Executive Budget, the appropriations for MTPB amounts to P178,880,905.

Inasmuch as the said balance under the NCAP Trust Fund is free from any claims and remains unutilized starting January 2021 up to this date, it may be reasonably used to replenish the General Fund, which has been depleted to fund the MTPB operations, so as to free up funds to finance the priority programs, projects, and activities under the FY 2023 Executive Budget like the City's Social Amelioration Program for senior citizens, persons with disabilities, solo-parents, Grade 12 public school students, and college students of the Pamantasan ng Lungsod ng Maynila and Universidad de Manila.


HON. MACARIO M. LACSON
Councillor, Second District
Manila

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

SECTION 1. Amendments. - Section 9 of Ordinance No. 8678 is hereby amended and shall now be read as follows:

"SEC. 9 No Contact Apprehension Program Trust Fund. –
There is hereby created a "No Contact Apprehension Program Trust Fund". The fines collected by the City for violation of traffic laws under the Program shall be placed in the said Trust Fund which is separate and distinct from the General Fund of the City and all other Trust Funds made for other purposes. Such Trust Fund shall have its own bank account to which the City has access to for the implementation of the NCAP by the City on its own, or through a Joint Venture or Service Agreement, to be determined by the City.

Any unused balance at the end of each month, in excess of the expenditures for the implementation of the NCAP, shall be automatically transferred to the General Fund to finance the City's Executive Budget."

SEC. 2. Separability Clause. – If for any reason, a part of this Ordinance is declared unconstitutional or invalid, other parts or provisions thereof which are not affected thereby shall remain valid and in full force and effect.

SEC. 3. Repealing Clause. – All existing ordinances, executive orders and administrative regulations or parts thereof which are inconsistent with any provision of this Ordinance are hereby repealed or modified accordingly.

SEC. 4. Effectivity Clause. – This Ordinance shall take effect immediately upon its approval.

This Ordinance was finally enacted by the City Council of Manila on September 14, 2023.



PRESIDED BY:

NIÑO M. DELA CRUZ
Acting Presiding Officer
City Council, Manila


ATTESTED:


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

APPROVED BY HIS HONOR, THE MAYOR, ON _____.


MARIA SHEILAH "Honey" H. LACUNA-PANGAN, MD, FPDS
Mayor
City of Manila

ATTESTED:


ATTY. MARLON M. LACSON
City Government Department Head III
(Secretary to the Mayor)

RRB: acl/jok/cpf/ebs/jrp




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CERTIFICATION

This is to certify that Ordinance No. 8988 entitled: “**AN ORDINANCE AMENDING SECTION 9 OF ORDINANCE NO. 8676 AS AMENDED, ENTITLED: ‘AN ORDINANCE CREATING THE NO CONTACT APPREHENSION PROGRAM OF THE CITY OF MANILA, OTHERWISE KNOWN AS ‘2020 NO CONTACT APPREHENSION PROGRAM OF THE CITY OF MANILA, AND FOR OTHER PURPOSES.’**” was enacted by the City Council of Manila during its regular session on September 14, 2023. The same was Forwarded to the office of the Honorable Mayor on September 15, 2023.

Considering that more than ten (10) days lapsed, without any communication that the ordinance was approved or vetoed by local Chief Executive, Ordinance No. 8988 shall be **DEEMED APPROVED** as if she had signed it, pursuant to section 54 par. (b) of R.A 7160, Otherwise known as Local Government Code of 1991.

Issued this 28th day of September 2023, In the City of Manila


LUCH R. GEMPIS, JR.
City Gov't. Dept. Head III
(Secretary to the City Council)
