

Republic of the Philippines
Province of Cagayan
TUGUEGARAO CITY

NINTH CITY COUNCIL

COMMITTEE REPORT NO. 221-2024

July 31, 2024

Submitted by: COMMITTEE ON RULES, LAWS AND ETHICS

PRESENT:

HON. MARC ALDOUS C. BACCAY	- Chairman/ via zoom
HON. JUDE T. BAYONA	- Vice Chair/ via zoom
HON. ARNEL T. ARUGAY	- Member
HON. GRACE B. ARAGO	- Member/ via zoom

RESOURCE PERSONS:

Hon. Ronald S. Ortiz	- Sponsor/ City Councilor
Mr. Buenaventura Lagundi	- City Treasurer
Atty. Gerome Pagalilauan	- Atty. III/ City Legal Office

GUESTS:

Hon. Restituto Ramirez	- SP Member
Hon. Tirso V. Mangada	- SP Member
Hon. Gilbert S. Labang	- SP Member
Hon. Cerene Pearl T. Quilang	- SP Member/ via zoom

SUBJECT:

Draft Ordinance Imposing Penalties on Parents or Any Person who Permits, Consents to, or Instruct Minors to Drive Motor Vehicles and Establishing Penalties for Violations Thereof.

FOR THE PRESIDING OFFICER:

The Members of the Committee met and deliberated on the Draft Ordinance Imposing Penalties on Parents or Any Person who Permits, Consents to, or Instruct Minors to Drive Motor Vehicles and Establishing Penalties for Violations Thereof. The Committee respectfully submits the herein Committee Report and has the honor to report to this August body in session the following actions taken, its findings and recommendations.

ACTIONS TAKEN:

1. The Committee conducted a thorough and wholistic evaluation of the subject matter on July 31, 2024.
2. Resource persons were present to assist the committee in the committee deliberation.

FINDINGS:

1. Section 13, Article II of the Constitution provides that “the State recognizes the vital role of the youth in the nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being”.
2. Section 2 of Republic Act 7610 otherwise known as “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination and for Other Purposes” provides that it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions, prejudicial their development.
3. Article 59 (12) of Presidential Decree No. 603 otherwise known as the Child and Youth Welfare Code provides that “criminal liability shall attach to any parent who allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive.”
4. The city enacted City Ordinance No. 47-08-2019 or the Road Safety Code of Tuguegarao City which declares as policy of the city to ensure the safety of all road users within the territorial jurisdiction of Tuguegarao City and to promote public health, safety and convenience.
5. Vehicular accidents have claimed many lives, particularly among minors, in the Tuguegarao City where reports from the Tuguegarao City Component Police Station and Tuguegarao City Traffic Management Group highlight numerous incidents involving minors who suffered accidents due to carelessness and driving without license specially at night.
6. Allowing, consenting or encouraging minors to drive is a form of child abuse since it endangers the safety of the child and prejudicial to the child’s normal development.
7. All other suggestions and recommendations made by the parties during the committee hearing are already incorporated in the Draft Ordinance.

RECOMMENDATIONS:

After a thorough discussion and finding the ordinance to be with merit and beneficial to constituents of Tuguegarao City, the committee favorably recommends the passage of an Ordinance Imposing Penalties on Parents or Any Person who Permits, Consents to, or Instruct Minors to Drive Motor Vehicles in Tuguegarao City.

Attached herewith is the Draft Ordinance.

Respectfully Submitted:



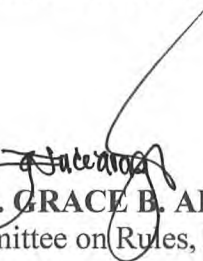
HON. MARC ALDOUS C. BACCAY
Chairman, Committee on Rules, Laws and Ethics



HON. JUDE T. BAYONA
Vice Chair, Committee on Rules, Laws and Ethics



HON. ARNEL T. ARUGAY
Member, Committee on Rules, Laws and Ethics



HON. GRACE B. ARAGO
Member, Committee on Rules, Laws and Ethics

AN ORDINANCE IMPOSING PENALTIES ON PARENTS OR ANY PERSON WHO PERMITS, CONSENT TO, OR INSTRUCTS MINORS TO DRIVE MOTOR VEHICLES IN TUGUEGARAO CITY

SPONSORS:

**HON. RONALDO S. ORTIZ
HON. MARK ANGELO B. DAYAG
HON. MARC ALDOUS C. BACCAY
HON. GRACE B. ARAGO
HON. ARNEL T. ARUGAY
HON. JUDE T. BAYONA
HON. GILBERT S. LABANG
HON. CERENE PEARL T. QUILANG
HON. RESTITUTO C. RAMIREZ**

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WHEREAS, Section 13, Article II of the Constitution provides that "the State recognizes the vital role of the youth in the nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being."

WHEREAS, Section 2 of Republic Act 7610 otherwise known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination and for Other Purposes" provides that it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development;

WHEREAS, Article 59(12) of Presidential Decree No.603 otherwise known as the Child and Youth Welfare Code provides that "criminal liability shall attach to any parent who allows or requires the child to drive without a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive";

WHEREAS, the City enacted City Ordinance No. 47-08-2019 or the Road Safety Code of Tuguegarao City which declares as policy of the City to ensure the safety of all road users within the territorial jurisdiction of Tuguegarao City and to promote public health, safety and convenience;

WHEREAS, vehicular accidents have claimed many lives, particularly among minors, in the Tuguegarao City where reports from the Tuguegarao Component City Police Station and Tuguegarao City Traffic Management Group highlight numerous incidents involving minors who suffered accidents due carelessness and driving without license especially at night;

WHEREAS, allowing, consenting or encouraging minors to drive is a form of child abuse since it endangers the safety of the child and prejudicial to the child's normal development;

NOW, THEREFORE, be it **ORDAINED** by the Ninth City Council of Tuguegarao in session assembled, to enact:

SECTION 1. This Ordinance shall be known as an "Ordinance Penalizing Parents or Any Person Giving Consent, Allowing and/or Directing Minors to Drive Any Form of Motor Vehicle in Tuguegarao City."

SECTION 2. DECLARATION OF POLICY. Children are the future of the next generation and considered the most important asset of the community. Hence it is the policy of the city to ensure the safety and protection of children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development. Further, the city shall

endeavor every effort to promote their welfare and enhance their opportunities for a useful and happy life.

SECTION 3. SCOPE AND COVERAGE. This ordinance shall apply to all parents and guardians of minors who have a motor vehicle, and other persons who commit the prohibited acts specified herein within the territorial jurisdiction of Tuguegarao City.

SECTION 4. DEFINITION OF TERMS. For purpose of this Ordinance, the following shall be defined as follows:

1. **DRIVER** - shall mean any person driving motor vehicle.
2. **GUARDIAN** - Any person other than the parents of the child upon whose custody support and care a child depends.
3. **DRIVER'S LICENSE** - A license duly issued by the Land Transportation Office (LTO).
4. **MINORS** - Refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.
5. **MOTOR VEHICLE** - Shall refer to any vehicle propelled by any power other than muscular power using the public highways, but excepting road rollers, trolley cars, street-sweeper, sprinklers, lawn mowers, bulldozer, graders, fork-lifts, amphibian trucks, and cranes if not used on public highways, vehicle that run only on rails or tracks, and tractors, trailers and traction engines of all kinds used exclusively for agricultural purposes. It shall also refer to private cars, private and public utility jeepneys, private and public utility mini-buses, passenger jeepneys, trucks of all kinds, motorcycle, and tricycles, vans, electric motorcycles, electric cars, transport network vehicles and other modes of transportation as may be determined by the road safety.
6. **OWNER** - Shall mean the actual legal owner of a motor vehicle in whose name such vehicle is registered in the LTO.
7. **PARENT** - For this ordinance, parent shall include the guardian and head of the institution or foster home which has custody of the child (P. D. 603).
8. **PERSON** - Shall include natural or juridical person.
9. **TCSWDO** - Shall refer to Tuguegarao City Social Welfare and Development Office.

SECTION 5. PROHIBITED ACTS. Unless otherwise allowed by law it shall be unlawful for any person of legal age to lend, allow, give consent, direct or induce a minor to drive any motor vehicle for any purposes.

The registered owner of the motor vehicle under the name of a person whether natural or juridical is presumed to have allowed, consented, induced or directed the minor to drive the motor vehicle.

SECTION 6. EXCEPTION. Minors above 16 years of age who have been duly issued student permit and subsequently a Driver's license from the LTO are exempted from the scope of this ordinance. However, they are still subjected to the Curfew Ordinance and the corresponding exceptions therein, and other applicable laws, ordinances, or regulation in relation thereto.

SECTION 7. PENALTIES. Parents, Guardians, or any person, as the case may be, who will violate the prohibited acts specified in this ordinance shall be subjected to the following penalties as adopted from City Ordinance No. 47-08-2019 or the Road Safety Code of Tuguegarao City:

- a. First Offense - P500 – or 1 hour Community service, and attendance in a Road Safety Seminar
- b. Second Offense – P1,000 – or 2 hours Community Service, and attendance in a Road Safety Seminar
- c. Third Offense – P 2,000 with 3 months imprisonment at the court's discretion and recommendation to the LTO for the cancellation of Registration of their Motor vehicle and revocation of their Driver's license.

SECTION 8. IMPLEMENTATION. The Philippine National Police (PNP) - Tuguegarao City, Tuguegarao City Traffic Management Group (TCTMG) and Public Order and Safety Unit (PSSU) is tasked to implement the provisions of this ordinance.

SECTION 9. NO CONTEST CLAUSE. Any parent, Guardian, or other adult person having custody or control of any minor who is charged with violating this ordinance may opt to be penalized by fulfilling or rendering the imposed counselling attendance or even administrative fine as prescribe under section 7 of this ordinance, thus forfeiting their right to be heard in a court of law, or chance to be heard and contest the findings.

SECTION 10. INFORMATION, EDUCATION AND COMMUNICATION CAMPAIGN. The PSSU/TMG, in coordination with the Tuguegarao City Information Office, shall conduct a continuing information, education and communication campaign on the implementation of this Ordinance and other enforcement activities in relation thereto.

SECTION 11. REPEALING CLAUSE. Prior ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby, amended, suspended or modified accordingly.

SECTION 12. SEPARABILTY CLAUSE. If any portion of this ordinance shall be declared by a competent authority or court as unconstitutional, the other portions not so declared as such shall remain valid and operative.

SECTION 13. EFFECTIVITY. This Ordinance shall take effect following its posting and publication in a newspaper of general circulation.