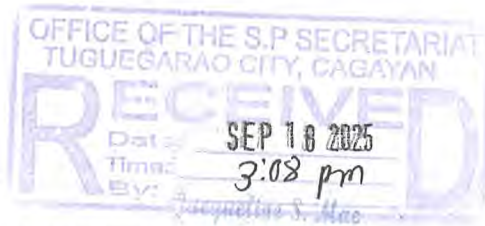


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CITY ORDINANCE NO. \_\_\_\_-10-2025

**AN ORDINANCE PROHIBITING MENDICANCY IN THE CITY OF TUGUEGARAO  
AND PROVIDING PENALTIES FOR VIOLATION THEREOF**

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**WHEREAS**, the Section 9, Article II of the 1987 Philippine Constitution provides that the State shall promote a just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and improved quality of life for all;

**WHEREAS**, Section 16 of Republic Act No. 7160 otherwise known as the Local Government Code of 1991 provides that every local government unit shall exercise express and implied powers essential to the promotion of the general welfare;

**WHEREAS**, Presidential Decree No. 1563, otherwise known as the "Anti-Mendicancy Law of 1978," prohibits mendicancy and provides penalties and rehabilitative measures for mendicants;

**WHEREAS**, Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act declares as State policy to recognize the vital role of children and youth in nation building and shall promote their well-being, protect their best interests in line with international standards, uphold their rights to care and protection from abuse and exploitation, and, pursuant to the United Nations Convention on the Rights of the Child, ensure that those in conflict with the law are treated with dignity and guided toward reintegration through appropriate and rehabilitative measures;

**WHEREAS**, mendicancy or the act of begging or soliciting alms in public areas, which have become apparent in some areas in Tuguegarao City pose various societal problems and safety concerns to the public as this contravenes Presidential Decree No. 1563 (Anti-Mendicancy Law of 1978), existing national laws, and the City's commitment to maintain public order, safety, and general welfare;

**WHEREAS**, pursuant to existing laws and in consideration of social realities, it is the duty of the City Government of Tuguegarao to protect public order, promote social justice, and ensure the safety and well-being of its constituents by discouraging mendicancy and addressing the root causes of poverty through programs and services;

**NOW, THEREFORE**, be it ordained by the 10<sup>th</sup> Sangguniang Panlungsod of Tuguegarao City in session assembled to enact:

**SECTION 1. TITLE.** This ordinance shall be known as the **"ANTI-MENDICANCY ORDINANCE OF TUGUEGARAO CITY."**

**SECTION 2. DECLARATION OF POLICY.** It is the policy of the City Government of Tuguegarao to uphold human dignity by discouraging mendicancy and promoting programs to prevent the proliferation of such act, rehabilitation mechanism, and social welfare programs for

those who resort to mendicancy in a humane and lawful manner, and taking into consideration legal and reasonable precepts.

**SECTION 3. DEFINITION OF TERMS.** As used in this Ordinance, the following terms shall mean:

- a) **Mendicant** – refers to any person who has no visible and legal means of support, or lawful employment and who is physically able to work but neglects to apply himself to some lawful calling, but engages, as a means of living, in mendicancy which is the act of begging or soliciting alms in public places, whether by words, gestures, signs, or the use of any object or means.
- b) **Exploited Infant/Child** - refers to child below eighteen (18) years of age who is used in begging or soliciting alms in public, or one who accompanies a habitual mendicant or beggar.
- c) **Child Mendicant** – A person below eighteen (18) years of age who engages in the act of begging or soliciting alms in public places.
- d) **Habitual Mendicant** - refers to one who has been convicted of mendicancy under Presidential Decree 1563 or this Ordinance for two or more times.
- e) **Public Places** – includes streets, alleys, parks, transport terminals, plazas, markets, churches, schools, and any other area accessible to the public.
- f) **Persons with Disabilities (PWDs)** – refers to individuals who have long-term physical, mental, intellectual, or sensory impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others, pursuant to Republic Act No. 7277 (Magna Carta for Disabled Persons), as amended.
- g) **Elderly** – refers to any person sixty (60) years of age or older, as defined under Republic Act No. 7432 (Senior Citizens Act), as amended.
- h) **Illness** – refers to any state of poor health or medical condition, whether temporary or chronic, that prevents an individual from engaging in lawful employment or productive activity.
- i) **Rehabilitation Program** – Government or accredited NGO-led activities designed to assist mendicants through livelihood, skills training, and reintegration into society.
- j) **Public Solicitation** – refers to any project of activity intended to generate funds from the general public for social, public welfare, and charitable purposes. It may also be solicitation activities for persons, groups, organizations/agencies and/or communities in need, other than one's self.

**SECTION 4. PROHIBITED ACTS.** The following acts are hereby prohibited within the territorial jurisdiction of Tuguegarao City:

- a. Engaging in or commission of mendicancy in any public place;
- b. Using or exploiting children or infants, persons with disabilities, persons with illness, or elderly persons for the purpose of begging or soliciting alms in public places;
- c. Allowing children under one's care, custody, parental or special parental authority, to be engaged in of begging or soliciting alms in public places;
- d. Exploiting, recruiting, obtaining, hiring, providing, offering, transporting, transferring, maintaining, harboring, or receiving of persons with or without any person's consent or knowledge, or introduce such persons to the City, through any means for the purpose of mendicancy;
- e. Giving alms or donations to mendicants in public places, unless through authorized charitable activities.



**SECTION 5. LIABILITIES.** Any person found violating this Ordinance shall be penalized as follows:

- a. Mendicants and exploiters of mendicants shall be dealt with and penalized in accordance with *Section 5 of Presidential Decree No. 1563* and other applicable laws;
- b. In addition, the City Government may impose community service not exceeding thirty (30) days, at the discretion of the court or the proper authorities;
- c. Minors apprehended under this Ordinance shall be referred to the City Social Welfare and Development Office for proper intervention and disposition pursuant to *Republic Act No. 9344* otherwise known as the '*Juvenile Justice and Welfare Act*', the applicable provisions of *City Ordinance No. 01-2006 as amended* or the revised '*Child Welfare Code of Tuguegarao City*', and under Section 8 of this Ordinance.

Further, if the minor-offender is found violating curfew hours, they shall also be dealt with in accordance to *City Ordinance No. 05-2005* or '*An Ordinance Imposing Curfew Hours for Minors to Prevent Juvenile Delinquency in the City and Providing Penalties for Violation Thereof*' as amended by *City Ordinance No. 12-09-2023* and *City Ordinance No. 04-09-2023*.

- d. Parents or guardians of exploited infant/child or child mendicants shall also be subjected to investigation and counseling by the CSWDO and, if warranted, charges for child neglect under *Republic Act No. 7610* otherwise known as the '*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*', or other relevant laws may be recommended.
- e. Any persons who are proven to exploit, recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive persons with or without any person's consent or knowledge, or introduce such persons to the City, through any means for the purpose of mendicancy shall be penalized with a fine of Five Thousand Pesos (P5,000) or imprisonment of up to one (1) year, or both upon the discretion of the court. Additionally, the offender shall, upon conviction, be blacklisted from obtaining Mayor's Permit and license to operate any lawful business in Tuguegarao City;
- f. Officers of and direct solicitors for an organization supposedly exempted under the immediately succeeding section but have failed to secure a local permit for public solicitation in the City shall be penalized with a fine of One Thousand Pesos (P1,000) for the first offense, and One Thousand Five Hundred Pesos (P1,500) for the second and each subsequent offense/s.
- g. For public solicitations with regionwide or nationwide scope, any person who fails to secure a permit from the appropriate DSWD office, shall be dealt with in accordance with *Presidential Decree No. 1564* or the *Solicitation Permit Law*, wherein they shall, upon conviction, suffer the penalty of imprisonment of not more than 1 year or a fine of not more than P1,000.00 or both such imprisonment and fine, at the discretion of the court.

Provided, however, that if the offender is a corporation, organization or association, the penalty shall be imposed upon the guilty officer or officers of the corporation, organization or association; and if such guilty officers is an alien, he shall be deported after serving sentence without further proceedings.

- h. Persons who are caught giving alms to mendicants within Tuguegarao City shall be meted with an administrative fine of Five Hundred Pesos (P500) for each offense and community service not exceeding fifteen (15) days.

**SECTION 6. EXEMPTIONS.** The following are not covered by this ordinance:

- a. Charitable organizations conducting fund-raising activities which have been issued a Permit to Solicit in Public by the DSWD and have secured a certification from the City Mayor's Office;
- b. Street performers or buskers who do not directly solicit money or obstruct public order, provided they submit a letter request to and obtain the necessary approval of the City Mayor's Office.
- c. Religious groups or institutions conducting approved religious or socio-civic activities, such as alms collections or offerings within religious premises or during authorized processions and events, in accordance with law and local ordinances;
- d. Registered non-governmental organizations (NGOs), civic organizations, or foundations conducting public campaigns, donation drives, or advocacy activities for clearly defined purposes, provided they secure the necessary permit from the City Mayor's Office;
- e. Accredited schools or youth groups conducting authorized fund-raising drives or community service activities for educational, cultural, or sports development, subject to the approval of the City Mayor's Office;
- f. Emergency or disaster relief efforts officially sanctioned by the City Government or recognized humanitarian agencies, intended to provide aid to victims of calamities, disasters, or emergencies.

**SECTION 7. PERMIT TO SOLICIT.** In accordance with law and to effectively implement the immediately preceding section, any organization intending to conduct legitimate public solicitation activities within Tuguegarao City, such as donation drives and similar fund-raising undertakings, shall be required to secure a Permit to Solicit from the Office of the City Mayor.

The Office of the City Mayor shall issue said permit within three (3) working days upon submission of a written request, together with supporting documents. In cases where the solicitation activity covers a wider area, the organization shall likewise present a valid Permit to Solicit issued by the DSWD Field Office for regionwide undertakings, or by the DSWD Central Office for nationwide activities.

No public solicitation shall be conducted within the City without first securing the required local permit and, when applicable, the necessary permit from the proper DSWD office.

**SECTION 8. PROCEDURE IN HANDLING CHILD MENDICANTS.** Any child below eighteen (18) years of age who is used or exploited in begging or soliciting alms in public, or one who accompanies a mendicant shall be apprehended and handled with in accordance with *Section 21* and *Section 22* of *RA 9344* or the *Juvenile Justice and Welfare Act*.

A child fifteen (15) years of age or under at the time of apprehension for committing the act of begging or soliciting alms in public shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to *Section 20* of *RA 9344*.

A child apprehended under this Ordinance who is above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an

intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with *RA 9344*.

The exemption from criminal liability provided under this Ordinance and *RA 9344* does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

**SECTION 9. PROCEDURES IN APPREHENDING MENDICANTS.** Any person not otherwise covered in the preceding paragraph of this Section who is found begging and who is physically or mentally incapable of gainful occupation shall undertake the programs and interventions implemented by the DSWD and the CSWDO, after the observance of the relevant provisions of the Revised Criminal Rules of Procedure on Arrest, and existing guidelines of law enforcement officers such as the Philippine National Police.

Elderly, PWDs, or persons with illness apprehended in violation of this Ordinance shall be turned over to the TCCPS and, upon observance of proper procedures, be referred to the CSWDO for appropriate assistance and disposition under existing laws.

**SECTION 10. ADDITIONAL DUTIES OF CSWDO.** Aside from the interventions imposed by the provisions of this Ordinance, the CSWDO shall also fulfill the following duties:

- a) Identify, document, and store information on apprehended mendicants in the city, with full observance of the provisions of *Republic Act No. 10173* or the *Data Privacy Act*;
- b) Develop programs or projects aimed to address problems and needs of apprehended individuals based on the assessment and information gathered from them.
- c) Develop and implement programs as may be provided by the City or the national government to provide alternative livelihood, shelter, education, and rehabilitation for mendicants, child mendicants, and exploited infants/children;
- d) Coordinate with the barangays, NGOs, and other agencies in implementing this ordinance.

**SECTION 11. ROLE OF BARANGAYS AND POLICE.** Barangay officials and the Tuguegarao Component City Police Station shall assist in the identification and apprehension of mendicants, ensure proper referral of cases to the CSWDO or the police, in case of barangay apprehensions, and coordinate with the City Government for the effective implementation of this Ordinance.

**SECTION 12. PUBLIC AWARENESS AND EDUCATION CAMPAIGN.** The City Government through the Tuguegarao City Information Office with the CSWDO shall conduct information drives and lectures as often as may be deemed necessary to educate the public about:

- a) The salient provisions of this Ordinance and its implementing rules and regulations;
- b) The adverse effects of giving alms in public and the citizen's role in reducing mendicancy;
- c) Appropriate interventions to families and the barangay to prevent and avoid mendicancy or exploitation of children as regards begging or soliciting in public;
- d) Existing social services offered by the City Government, the DSWD, other government agencies, or non-government organizations available to those in need;

**SECTION 13. LIVELIHOOD AND EMPLOYMENT ASSISTANCE TRAINING.** The City Government, through the City Livelihood and Development Office (CLDO), shall develop and facilitate training programs on livelihood, entrepreneurial skills, and other capacity-building activities to assist willing and capable mendicants in attaining sustainable sources of income.



Further, the City, through the Public Employment Service Office (PESO), shall extend appropriate assistance in job placement, career guidance, and referral to local and national employment opportunities, both within and outside the City, to ensure that they are given access to gainful employment and long-term economic self-sufficiency.

**SECTION 14. REINTEGRATION PLAN.** The City Government, through the City Social Welfare and Development Office (CSWDO), City Livelihood and Development Office (CLDO), and the Public Employment Service Office (PESO), in coordination with concerned national government agencies such as the Department of Social Welfare and Development (DSWD) Regional Field Office No. 02 and the Department of Education (DepEd) Schools Division of Tuguegarao City, shall formulate, adopt, and implement a comprehensive Reintegration Plan.

This plan shall be based on the identification and profiling records of apprehended persons under this Ordinance and shall include the appropriate programs, services, and interventions necessary for their rehabilitation programs, education such as, but not limited to Alternative Learning System (ALS), skills development, employment counseling, and livelihood training.

The Reintegration Plan shall be geared towards addressing the root causes of mendicancy and ensuring the successful reintegration of beneficiaries into mainstream society, with the ultimate goal of gradually and sustainably eliminating the incidence of mendicancy in the City.

For purposes of transparency and accountability, the implementing offices shall conduct a regular monitoring and evaluation of the Reintegration Plan, with progress reports submitted annually to the Sangguniang Panlungsod through the SP Secretary, together with recommendations for enhancement or expansion of the programs.

**SECTION 15. IMPLEMENTATION.** Within ninety (90) days from the date of effectivity of this Ordinance, the Office of the City Mayor shall formulate and promulgate implementing rules and regulations relative to this Ordinance.

**SECTION 16. FUNDING.** Funds necessary for the implementation of this ordinance, including the rehabilitation and other programs which may serve best the purpose of this Ordinance, shall be included in the City's Annual Budget.

**SECTION 17. SEPARABILITY CLAUSE.** If any provision of this ordinance is declared invalid or unconstitutional, the remaining provisions shall not be affected.

**SECTION 18. REPEALING CLAUSE.** All previous ordinances, resolutions, issuances, or parts thereof inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

**SECTION 19. EFFECTIVITY.** The ordinance shall be effective upon the upholding of its validity by the Sangguniang Panlalawigan and the eventual fifteen (15) days publication thereafter.