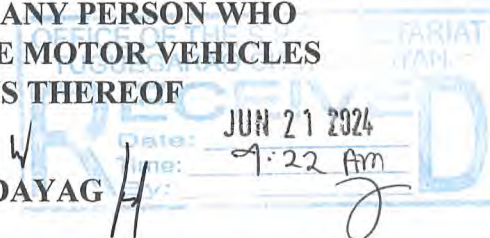


AN ORDINANCE IMPOSING PENALTIES ON PARENTS OR ANY PERSON WHO PERMITS, CONSENT TO, OR INSTRUCTS MINORS TO DRIVE MOTOR VEHICLES AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF

SPONSORS: HON. RONALDO S. ORTIZ
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WHEREAS, Section 2 of Republic Act 7610 or "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination and for Other Purposes" declares 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; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discriminations;

WHEREAS, under the Article 59(11) of Presidential Decree No.603 or Child and Youth Welfare Code provides that "criminal liability shall attach to any 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, 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 carelessness and driving without license especially at night;

WHEREAS, allowing, consenting or encouraging minors without a driver's license and lacking necessary not equipped with the necessary knowledge on traffic rules and regulations is 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 who gives consent and or allow and or direct minors to drive any form of motor vehicle

SECTION 2. DECLARATION OF POLICY - Since a child is the most important asset in the community, the city endeavors to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development, hence, every effort should be exerted 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 mean any vehicle propelled by any power other than muscular power using the public highways or roads. It includes public and private utility vehicles among others.
6. **OWNER** - Shall mean the actual legal owner of a motor vehicle in whose name such vehicle is registered in the Land Transportation.
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 the 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 shall establish a prima facie case that the said owner allowed, consented, induced or directed the minor to drive the subject 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;

First Offense – P500

Second Offense – P1,000

Third Offense - P1,500 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 charge 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 City Public Order and Safety Office, in coordination with the 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. SEPARABILITY 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.