



PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

**EXCERPT FROM THE MINUTES OF THE 49th REGULAR SESSION OF THE 11th
SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON JULY 21, 2020, 1:16 PM AND
JULY 24, 2020, 1:09 PM AT THE SESSION HALL OF THE MUNICIPAL BUILDING,
TAYTAY, RIZAL**

PRESENT:

Hon. Michell B. Bermundo	-	Vice Mayor/Presiding Officer
Hon. Sophia Priscilla L. Cabral	-	Councilor
Hon. Ma. Jeca B. Villanueva	-	"
Hon. Patrick John P. Alcantara	-	"
Hon. Joanne Marie P. Calderon	-	"
Hon. Ceferino R. Resurreccion Jr	-	"
Hon. Kyle Georic Y. Gacula	-	"
Hon. Ma. Elaine T. Leonardo	-	"
Hon. Philip Jeison J. Cruz	-	"
Hon. Frank Luster L. Santos	-	LnB President
Hon. Jannah Roa D.P. Dazo	-	SK Federation President

Sponsored by: Coun. Kyle Georic Y. Gacula
Co-Sponsored by: Vice Mayor Michell B. Bermundo
Coun. Sophia Priscilla L. Cabral
Coun. Ma. Jeca B. Villanueva
Coun. Patrick John P. Alcantara
Coun. Joanne Marie P. Calderon
Coun. Ceferino R. Resurreccion Jr.
Coun. Ma. Elaine T. Leonardo
Coun. Philip Jeison J. Cruz
LnB Pres. Frank Luster L. Santos
SK Pres. Jannah Roa D.P. Dazo

ORDINANCE NO. 43 series of 2020

**PROVIDING FOR THE PROCEDURE IN CASES OF VIOLATION OF MUNICIPAL
ORDINANCES IMPOSING FINES AND PENALTIES**

WHEREAS, as the 1987 Philippine Constitution maintenance of peace and order, the protection of life, liberty and property and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;

WHEREAS, the Sangguniang Bayan of Taytay, Rizal has enacted various ordinances which provide fines and penalties in case violation thereof;

WHEREAS, the enforcement units of Taytay, Rizal should be given clear guideline in handling and filing cases of those who are apprehended in accordance with these ordinances;

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, explicitly provides that "Every local government Unit shall exercise

the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare x-x-x";

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Taytay, Rizal in regular session assembled:

SECTION 1. TITLE - This Ordinance shall be known as the Taytay Ordinance Violation Procedure.

SECTION 2. ISSUANCE OF ORDINANCE VIOLATION TICKET (OVT) - Any person who is cited for violation of any provision of a Municipal Ordinance Imposing Fines and Penalties shall be issued an Ordinance Violation Ticket (OVT), with the following details:

- Municipal Ordinance Violated
- Penalty Fee to be paid
- The number of offence (to be filled-up by the data bank)
- Signature and Printed Name and Office / Department of the Deputized Apprehending Officer
- Footnote: That this Ordinance Violation Ticket applies only to violations of Ordinances in the Municipality of Taytay, Rizal
- Remarks (refused to sign, refused to pay, refused to accept)

SECTION 3. PROCEDURE IN THE ISSUANCE OF ORDINANCE VIOLATION TICKET (OVT)

The following procedures shall be observed by any law enforcer in the apprehension of any person who violates any provision of a Municipal Ordinance:

- a. Inform the person of his violation and the section of the ordinance violated and its corresponding penalty;
- b. Issue the OVT, indicating therein the verified name, address and other pertinent data of the person apprehended, as may be required in the OVT, and indicate therein the violation committed;
- c. Inform the violator of his/her right to avail of the No Contest Provision, as provided in Section 5, hereof;

SECTION 4. DUE PROCESS CLAUSE – That if the Ordinance Violation Ticket (OVT) is not properly filled-up, the OVT is deemed invalid.

SECTION 5. NO CONTEST PROVISION - Any person apprehended for violation of an ordinance, who does not wish to contest the violation and is willing to pay voluntarily the fine imposed or serve the penalty therefore prior to the filing of formal complaint with the Office of the Prosecutor, shall be allowed to pay said fine to the Municipal Treasurer and in the Barangay where he was apprehended or to serve the penalty, to avoid being criminally prosecuted.

SECTION 6. HOW TO AVAIL THE NO CONTEST PROVISION.

- a. The violator shall be given five (5) working days from the issuance of the Ordinance Violation Ticket (OVT) within which to pay the fine.
 - a.1. The fine shall be the minimum imposed by the Ordinance violated;

- a.2. Where there are fines imposed in the second and third offenses, the minimum fine in the second and third offenses shall be charged.
- a.3. If the violator had already availed of the No Contest Provision three (3) times, he can no longer avail of the same and the corresponding complaint for the violation of the Ordinance, with the maximum penalty imposed should be filled against the violator.
- b. The violator who avails the No Contest Provision shall pay the fine to the Municipal Treasurer or the Barangay Treasurer who shall issue an Official Receipt;
- c. After payment of the fine, the violator shall present the Official Receipt to the apprehending enforcer, which shall attach a Certified True Copy of the receipt of the documents of the case and the case shall be considered closed.
- d. If after the lapse of five (5) working days, the violator has failed to present the Official Receipt of the payment of the fine, the apprehending enforcer shall file the case with the Prosecutors Office by executing a Complaint Affidavit;

SECTION 7. COMMUNITY SERVICE.

- a. In case of inability to pay the fine, the violator may render community service as provided in the ordinance violated.
- b. The apprehending officer shall determine the kind of community service that will be required to the violator and shall administer the same;
- c. After the completion of the community service, the apprehending officer, within five (5) days, shall issue completion certificate to the violator and shall consider case closed.
- d. The provision on community service can be availed of only three (3) times by any violator.

SECTION 8. ESTABLISHMENT OF DATA BANK OF VIOLATORS - A data bank for persons who commits violation of Municipal Ordinances shall be kept at the Treasury Office. A Section at the Legal Office is hereby created which shall monitor and litigate violations of municipal ordinance.

SECTION 9. JURIDICAL PERSON - when the offender is a corporation, partnership, organization or any similar entity, the OVT shall be issued to its President and/or General Manager or Managing Partner and/or General Manager, or such other Officer-In-Charge with the management of the business.

SECTION 10. COMPLAINTS – A sub-section of the Legal Office will handle the complaints filed regarding the violation of Municipal Ordinances.

SECTION 11. EXEMPTION - Minors (below 18 years of age) are exempted from issuance of Ordinance Violation Ticket (OVT).

SECTION 12. PROCEDURE IN THE HANDLING OF A CHILD OFFENDER.

- a. A child who is cited for violation of a Municipal Ordinance shall be recorded as a "child in need of advise" and not a "child in conflict with the law". He shall be brought to Barangay Official at the Barangay Hall to be referred to the Municipal Social Services and Development Office which shall, with the assistance of the Barangay Officials,

release the custody of the child to his parents or guardian, or in the absence thereof, the child's nearest relative.

If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

1. A duly registered non-government or religious organization;
 2. A Barangay Official or a member of the Barangay Council for the Protection of Children (BCPC);
 3. A Municipal Social Welfare and Development Officer (MSWDO), or when and where appropriate the DSWD;
- b. The Municipal Social Welfare Development Office (MSWDO) shall determine and design the intervention program for the child in accordance with the Juvenile Justice and Welfare Act (RA 9344 as amended by RA 10630);
- c. The procedure for taking the child into custody shall at all times be observed by any law enforcer who takes a child into custody as laid down in the Juvenile Justice and Welfare Act.

SECTION 13. DEPUTIZATION OF ENFORCEMENT AGENTS - In the enforcement of Municipal Ordinances, the Municipal Mayor may deputize Barangay Officials which may include the Punong Barangay Members, Members of the Lupong Tagapamayapa and Barangay Tanods.

The Municipal Mayor may deputize the Philippine National Police assigned in the area of Taytay as well as Local Government Employees as additional agents in the enforcement of Municipal Ordinance. Said enforcement officers shall be commissioned to issue Ordinance Violation Ticket and should always carry proof of their deputation.

SECTION 14. SHARE OF THE BARANGAYS ON THE PROCEEDS - Subject to accounting procedures; Fifty (50%) percent of the gross receipts of the Ordinance Violation Tickets issued by the duly deputized barangay officials shall be allotted to their respective barangays.

The shares shall be released by the Municipal Treasurer before every end of the month to the Barangay Treasurer.

SECTION 15. TRAINING OF ENFORCERS - Before being deputized, law enforcement officers and barangay officials shall be required to undergo orientation and training to be conducted by the Office of the Municipal Mayor.

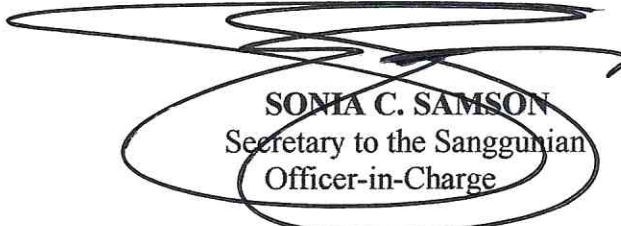
SECTION 16. REPEALING CLAUSE - All ordinances, resolutions, local executive orders or any administrative issuances found to be inconsistent with any provision of this ordinance are hereby repealed or modified accordingly.

SECTION 17. SEPARABILITY CLAUSE - In case any provision of this ordinance is declared unconstitutional or invalid by a competent court, the remaining provisions not affected thereby shall continue to be in full force effect.

SECTION 18. EFFECTIVITY CLAUSE - This ordinance shall take effect fifteen (15) days after posting in conspicuous places in the municipality.

ENACTED, this 24th day of July, 2020, 3:55 PM at the Session Hall of the Municipal Building, Taytay, Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by Sangguniang Bayan of Taytay on second reading on July 14, 2020 and was passed on third and final reading on July 24, 2020, during the 49th Regular Session held on the 21st and 24th day of July, 2020



SONIA C. SAMSON
Secretary to the Sanggunian
Officer-in-Charge

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR



HON. MICHAEL B. BERMUNDO
Municipal Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR



HON. GEORGE RICARDO R. GACULA II
Municipal Mayor