



Republic of the Philippines
SANGGUNIAN BAYAN
Taytay, Rizal

DO No. 2407 - 018

ORDINANCE NO. 817 series of 2024

**AN ORDINANCE AMENDING ORDINANCE NO. 665 SERIES OF 2020:
“PROVIDING FOR THE PROCEDURE IN CASES OF VIOLATION OF
MUNICIPAL ORDINANCES THAT IMPOSE FINES AND PENALTIES”**

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WHEREAS, as the 1987 Philippine Constitution maintains 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 of violation thereof;

WHEREAS, the enforcement units of Taytay, Rizal should be given clear guidelines 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 therefrom, 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”;

NOW THEREFORE, BE IT ORDAINED, by the 12th Sangguniang Bayan of Taytay, Rizal, in a session duly assembled, that:

Section 1. Short 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 Officer)
- Signature and Printed Name and Office / Department of the Deputized Apprehending Officer
- 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; and
- 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 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 filed against the violator.
- b. The violator who avails the No Contest Provision shall pay the fine to the Municipal Treasurer who shall issue an Official Receipt.
- c. After payment of the fine, the Municipal Treasury Office shall inform the concerned department / apprehending arm that the fines / penalties have been duly settled and that the case shall be considered as 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 of 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.

The data shall also be submitted regularly to the Land Transportation Office (LTO) for proper documentation and records

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 subsection 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 advice” 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 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 - 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, through a subsequent Executive Order, the Philippine National Police assigned in the area of Taytay as well as Local Government Employees, and Job Orders under the Public Safety Office or its equivalent and its sub-divisions or any personnel of the Municipal Government designated by the Local Chief Executive as additional agents in the enforcement of Municipal Ordinances. Said enforcement officers shall be commissioned to issue Ordinance Violation Ticket (OVT) and should always carry proof of their deputization.

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.

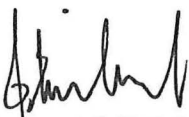
Section 18. Effectivity Clause - This Ordinance shall take effect fifteen (15) days after posting in conspicuous places in the Municipality.

ENACTED, this 7th day of August 2024, 2:39 PM at the Sangguniang Bayan Session Hall, Municipality of Taytay, Province of Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on July 31, 2024 and was passed on third and final reading on August 7, 2024, during the 106th Regular Session held on the 7th day of August 2024.


JULIETA M. JUANILLO
Board Sec. III / Temp. SB Secretary

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR


HON. SOPHIA PRISCILLA L. CABRAL
Municipal Vice Mayor / Presiding Officer

APPROVED BY HIS HONOR
DATE AUG 28 2024


HON. ALLAN MARTINE S. DE LEON
Municipal Mayor