



Republic of the Philippines
SANGGUNIAN PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 550, S-2014

**ORDINANCE REGULATING MOTORCYCLE
RIDING-IN-TANDEM IN MANDALUYONG CITY**

WHEREAS, Republic Act No. 7160, as amended, otherwise known as the "Local Government Code of 1991", authorizes the Sangguniang Panlungsod to enact Ordinances for the general welfare of the City and its inhabitants pursuant to the general welfare clause, and, in particular, to maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder and violence and imposing penalties for violation thereof;

WHEREAS, motorcycles are recognized as an efficient, cost-saving and easy means of transportation in the metropolitan areas, in fact, a good number of Mandaleños prefer this particular mode of transportation;

WHEREAS, these remarkable features of motorcycles as a mode of transportation have made motorcycles an effective and favorite means by criminals and scoundrels in committing offenses against persons and property, from petty to heinous crimes and even acts of terrorism;

WHEREAS, the rate of crimes perpetrated by motorcycle riding criminals in recent years has been progressing in a very disturbing trend, where the statistical records of the Philippine National Police, in particular, the Eastern Police District, reveal that in Mandaluyong City along with the nearby Cities of Marikina, Pasig and San Juan, the incidents often led to death or harm upon countless victims while a huge number of the malefactors deplorably evaded arrest;

WHEREAS, the records further disclose the fact that most of these motorcycle riding criminals are males and they ride in tandem using a single motorcycle, or in conspiracy with another motorcycle riding malefactor/s;

WHEREAS, the prevalence or rise of incidents committed by means of motorcycle riding criminals in all parts of the country, in the metropolitan cities including in Mandaluyong City has set off a growing clamor from the public to find ways in apprehending these criminals, or at very least preventing them from carrying out their atrocious activities;

WHEREAS, circumstances now dictate that there is an urgent and pressing necessity of preventing, if not, minimizing these incidents committed by motorcycle riding criminals, by regulating the use of single motorcycles within Mandaluyong City.

NOW, THEREFORE, be it ORDAINED by the Sangguniang Panlungsod of Mandaluyong, in session duly assembled that:

- SECTION 1. TITLE. This Ordinance shall be known as the "Motorcycle Riding-in-Tandem Ordinance".
- SECTION 2. DEFINITION OF TERMS. For purposes of this Ordinance, the following terms are defined:
- a. BACKRIDER – refers to any person seated at the back of the motorcycle driver or a passenger of such driver;
 - b. COMPETENT PROOF OF IDENTITY–any government-issued identification (ID) card that contains the complete name, picture and address of the bearer, at the least, that will show the identity of the bearer;

- c. DRIVER – refers to any person driving the motorcycle;
- d. FIRST DEGREE OF CONSANGUINITY – refers to the relation of persons who ascend or descend from the same ancestor, such as the relation between parent and child (first degree); refers to relation between parent (father or mother) and child (son or daughter);
- e. LAW ENFORCEMENT OFFICER – refers to members of the Philippine National Police (PNP) and Barangay officials in Mandaluyong City.
- f. MOTORCYCLE – motorized vehicle with two (2) wheels, as distinguished from tricycles which have three (3) wheels.
- g. MOTORCYCLE RIDING-IN-TANDEM – refers to the combination of both driver and backrider riding a motorcycle;
- h. SPOUSE – refers to a person's partner in marriage; one's husband or wife.

SECTION 3. COVERAGE. All motorcycle riders plying all roads, streets and alleys within the territorial jurisdiction of Mandaluyong City, whether licensed or non-licensed, resident or non-resident, whether the motorcycle is licensed or not, and regardless of ownership, purpose and use of the motorcycle, shall obey this Ordinance.

SECTION 4. ALLOWABLE AND PROHIBITED ACTS. All motorcycle riding-in-tandem where the backrider is a female, spouse, relative within the first degree of consanguinity, and a child between 7 to 10 years of age are allowed. All others are declared prohibited in Mandaluyong City, particularly male backriders who are not within the first degree of consanguinity of the driver.

SECTION 5. ENFORCEMENT. Barangay Officials are deputized as agents in the enforcement of this Ordinance. The Philippine National Police (PNP) assigned in the area of Mandaluyong City are likewise deputized to enforce the Ordinance and to conduct inspections and visibility points, both day and night in the process thereof.

SECTION 6. PROCEDURE. The law enforcers shall observe the following procedure:

- a. The law enforcer shall momentarily stop all motorcycles riding-in-tandem for identification and inspection;
- b. The driver shall present his/her unexpired driver's license, Official Receipt (OR) and Certificate of Registration (CR) of the motorcycle;
- c. The backrider shall present his competent proof of identity showing his relationship with the driver;
- d. Should the backrider fails to show that he is a spouse or a relative within the first degree of consanguinity of the motorcycle driver, both of them will be brought to the Philippine National Police-Criminal Investigation Unit (PNP-CIU) at Maysilo Circle, Plainview, Mandaluyong City for further investigation and verification;
- e. The Police Officer or the Law Enforcer In-Charge shall prepare the necessary endorsement and file the appropriate complaint before the proper authorities within the period prescribed under the Rules of Court.

SECTION 7. NO CONTEST PROVISION. Both motorcycle driver and backrider violating this Ordinance who wish not to contest their liability may pay the fine stated below for the violation with the City Treasury before the institution of formal complaint; Provided that, should the violator concerned already avail of the benefits of this Section three times, he can no longer avail of the same, and the corresponding complaint for violation of the Ordinance shall be filed.

FIRST VIOLATION :	Fine of One Thousand Pesos (P1,000.00)
SECOND VIOLATION :	Fine of Two Thousand Pesos (P2,000.00)
THIRD VIOLATION :	Fine of Three Thousand Pesos (P3,000.00)

SECTION 8. PENALTIES. Both motorcycle driver and backrider violating this Ordinance shall be penalized by a fine of Three Thousand Pesos (P3,000.00) or imprisonment of three (3) months, or both, at the discretion of the court.

SECTION 9. NON-PREJUDICE CLAUSE. The institution of formal charges under this Ordinance shall be without prejudice to the prosecution of other violations under existing laws and ordinances, rules and regulations.

SECTION 10. SEPARABILITY CLAUSE. If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 11. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation in Metro Manila, and shall continue to be in effect for six (6) months thereafter.

SECTION 12. IMPLEMENTING RULES AND REGULATIONS. Unless, otherwise, provided in this Ordinance, the City Legal Department shall promulgate the Implementing Rules and Regulations for the effective implementation of this Ordinance.

Such Implementing Rules and Regulations shall take effect upon its publication once in a newspaper of general circulation in Metro Manila.

ENACTED on this 11th day of August, 2014 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE
WAS ENACTED AND APPROVED BY THE SANGGUNIANG
PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION
HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

PRESIDED BY:

EDWARD G. BARTOLOME

Vice Mayor &
Presiding Officer


JIMMY D. LACEBAL
Sanggunian Secretary

APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: AUG 13 2014

IMPLEMENTING RULES AND REGULATIONS OF
ORDINANCE NO. 550 S-2014 OTHERWISE
KNOWN AS THE "MOTORCYCLE
RIDING-IN-TANDEM ORDINANCE"

ARTICLE I

RULE 1. TITLE.

These Rules shall be known and cited as the Rules and Regulations Implementing Mandaluyong City Ordinance No. 550, S-2014 otherwise known as the "Motorcycle Riding-In-Tandem Ordinance" hereinafter referred to as the "Rules". These Rules are promulgated to prescribe the procedures and guidelines for the implementation of the Ordinance.

RULE 2. DEFINITION OF TERMS.

For purposes of implementation of the Ordinance as well as the Rules, the following terms are defined:

- a. BACKRIDER – refers to any person seated at the back of the motorcycle driver or a passenger of such driver.
- b. COMPETENT PROOF OF IDENTITY – any government-issued Identification (ID) Card and document that contains the complete name, picture and address of the bearer, at the least, that will show the identity of the bearer, such as but not limited to the following:
 - i. Driver's License;
 - ii. Passport;
 - iii. GSIS/SSS ID;
 - iv. Postal ID;
 - v. Voter's ID;
 - vi. Senior Citizen ID;
 - vii. NBI Clearance;
 - viii. Barangay Certificate with Picture; and
 - ix. Police Clearance.
- c. DRIVER – refers to any person driving the motorcycle;
- d. FIRST DEGREE OF CONSANGUINITY – refers to the relation of persons who ascend or descend from the same ancestor, such as the relation between parent and child (first degree); refers to relation between parent (father or mother) and child (son or daughter);
- e. LAW ENFORCEMENT OFFICER – refers to members of the Philippine National Police (PNP) and Barangay Officials in Mandaluyong City;
- f. MOTORCYCLE – motorized vehicle with two (2) wheels, as distinguished from tricycles which have three (3) wheels;
- g. MOTORCYCLE RIDING-IN-TANDEM – refers to the combination of both driver and backrider riding a motorcycle;
- h. SPOUSE – refers to a person's partner in marriage; one's husband or wife.

ARTICLE II

RULE 3. COVERAGE.

All motorcycle riders plying all roads, streets and alleys within the territorial jurisdiction of Mandaluyong City, whether licensed or non-licensed, resident or non-resident, whether the motorcycle is licensed or not, and regardless of ownership, purpose and use of the motorcycle, shall obey this Ordinance.

ARTICLE III

RULE 4. ALLOWABLE AND PROHIBITED ACTS.

All motorcycle riding-in-tandem where the backrider is a female, spouse, relative within the first degree of consanguinity, and a child between 7 to 10 years of age are allowed. All others are declared prohibited in Mandaluyong City, particularly male backriders who are not within the first degree of consanguinity of the driver.

ARTICLE IV

RULE 5. ENFORCEMENT.

Barangay officials are deputized as agents in the enforcement of this Ordinance. The Philippine National Police (PNP) assigned in the area of Mandaluyong City are likewise deputized to enforce the Ordinance and to conduct inspection and/or visibility points, both day and night in the process thereof.

RULE 6. PNP-BARANGAY COOPERATION.

One, some or all Barangays in Mandaluyong City may coordinate and cooperate with the Philippine National Police assigned in the City, and provide aid and assistance on them in inspections and/or visibility points conducted in their respective Barangays for effective enforcement of the Ordinance.

ARTICLE V

RULE 7. PROCEDURE.

The law enforcement officers shall observe the following procedure:

- a. The Law Enforcement Officer shall momentarily stop all motorcycle riding-in-tandems for identification and inspection;
- b. The driver shall present his/her unexpired Driver's License, Official Receipt (OR) and Certificate of Registration (CR) of the motorcycle;
- c. The backrider shall present any competent proof of identity as defined under Article I, Rule 2(b) showing his relationship with the driver. Law Enforcement Officers may ask questions on both the driver and backrider to ascertain and determine their relationship with each other;

- d. Should the backrider fails to show that he is a spouse or a relative within the first degree of consanguinity of the motorcycle driver, or the backrider is not a child between 7-10 years of age, both the driver and backrider will be brought to the Philippine National Police-Criminal Investigation Unit (PNP-CIU) located at Maysilo Circle, Plainview, Mandaluyong City for further investigation and verification;
- e. The Police Officer or the Law Enforcer-In-Charge shall prepare the necessary endorsement, and file the appropriate complaint before the proper authorities within the period prescribed under the Rules of Court.

RULE 8. NO CONTEST PROVISION.

Before the institution of formal complaint with the Office of the City Prosecutor, the violators concerned who wish not to contest their liability may instead pay the fine as stated below for the violation with the City Treasury and shall be issued receipt therefor; Provided that, should the violator concerned already avail of the benefits of Section 7 of Ordinance No. 938, S-2014 three times, he can no longer avail of the same, and the corresponding complaint for violation of the Ordinance shall be filed.

FIRST VIOLATION :	Fine of One Thousand Pesos (P1,000.00)
SECOND VIOLATION :	Fine of Two Thousand Pesos (P2,000.00)
THIRD VIOLATION :	Fine of Three Thousand Pesos (P3,000.00)

ARTICLE VI

RULE 9. PENALTIES.

Upon conviction, the proper court may impose the penalties on both motorcycle driver and backrider violating this Ordinance of a fine of Three Thousand Pesos (PhP3,000.00), or imprisonment of three (3) months, or both at the discretion of the court.

RULE 10. NON-PREJUDICE CLAUSE.

The institution of formal charges under this Ordinance shall be without prejudice to the prosecution of other violations under existing laws and Ordinances, rules and regulations.

For instance, in relation to Article V, Rule 7 (b), in case the driver fails to exhibit his/her driver's license, Official Receipt (OR) and Certificate of Registration (CR), he/she violates the city's Ordinance No. 358, S-2005 otherwise known as the "Traffic Management Code of Mandaluyong City", and shall be issued the corresponding ticket. The same result yields in case the driver commits any traffic violation.

In case either the driver or backrider, or both fails to wear any protective helmet, he/she violates the City's Resolution No. 1642, S-2011, and shall be proceeded accordingly under the said regulation.

In case the driver who is a parent allows his/her minor child to ride the motorcycle without any protective helmet, or allows his/her minor child in an overloaded motorcycle, he/she violates the City's Ordinance No. 538, S-2014 otherwise known as the "Code of Parental Responsibility", and shall be proceeded accordingly under the said Ordinance.

In case the driver and backrider commit any offense or crime, they will be charged and prosecuted accordingly under the Revised Penal Code or special laws.

RULE 11. FUND

All payment of fines under the No Contest Provision shall be placed in a Special Fund by the City Treasury to be used solely for the implementation of the Ordinance.

RULE 12. RECORDING AND REPORTORIAL REQUIREMENTS.

The City Treasury shall keep a record of all those availing the No Contest Provision, and shall make the necessary reportorial requirements to the Philippine National Police assigned in the area and Barangays for monitoring.

The Philippine National Police shall keep a record of all violators during the effectivity of the Ordinance, and shall prepare weekly and/or monthly report to the Sangguniang Panlungsod and City Mayor to monitor the implementation of the Ordinance.

ARTICLE VII

RULE 13. SEPARABILITY CLAUSE.

If, for any reason or reasons, any part or provision of this Ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.


RULE 14. EFFECTIVITY.

The Ordinance shall take effect fifteen (15) days after its complete publication in a newspaper of general circulation, and shall continue to be in force and effect for six (6) months thereafter.

The Rules and Regulations implementing the Ordinance shall take effect upon its publication once in a newspapers of general circulation.

Mandaluyong City, 11th day of August 2014.

APPROVED BY:


HON. BENJAMIN C. ABALOS, JR.
City Mayor