



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 571, S-2014

**ORDINANCE PROHIBITING MENDICANCY AND
PRESCRIBING PENALTIES FOR
VIOLATION AND FOR OTHER PURPOSES**

BE IT ENACTED by the Sangguniang Panlungsod ng Mandaluyong, in Session assembled:

SECTION 1. TITLE. This Ordinance shall be known as the "Anti-Mendicancy Ordinance" of the City of Mandaluyong, Metro Manila.

SECTION 2. PURPOSES. This Ordinance shall have for its purpose, the following:

1. Prevent the exploitation of infants and children through mendicancy;
2. To enhance the dignity of man which is being endangered by rampant mendicancy;
3. To prevent situations creating traffic hazards in main streets of Mandaluyong, Metro Manila; and
4. To coordinate the integrated preventive, rehabilitative, interceptive, remedial and rehabilitative service being offered by appropriate agencies of the National Government.

SECTION 3. DEFINITION OF TERMS. The following terms shall mean:

1. MENDICANT – refers to any person, except those enumerated in Section 4 of Presidential Decree No. 1563, 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 and instead uses begging as a means of living.
 - a. Any infant or child eight (8) years old and below who is found begging or is being utilized by a mendicant for purposes of begging shall be apprehended as a neglected child under Article 141 of Presidential Decree No. 603 and shall be committed to the custody and care of the Department of Social Services and Development or to any duly licensed child placement agency or individual.
 - b. Any minor over 9 years of age and under 15 found begging or is being utilized for purposes of begging and who acted without discernment shall be apprehended as a neglected child under Article 141 of Presidential Decree No. 603 and shall be committed to the custody and care of the Department of Social Services and Development or to any duly licensed placement agency or individual.
 - c. Any minor over 9 years of age and under 15 who is found begging or is being utilized for the purpose of begging and who acted with discernment shall be proceeded against in accordance with the provisions of Chapter 3, Title VIII of Presidential Decree No. 603.
2. CHILD – refers to a person under the age of eighteen (18) years;

SECTION 4. APPREHENSION OF MENDICANTS. All mendicants found begging in public streets or elsewhere in the City of Mandaluyong, Metro Manila, shall be apprehended and to be disposed of in the manner herein provided.

SECTION 5. PENALTY. All mendicants apprehended under this Ordinance shall be treated and disposed of as follows:

1. All child fifteen (15) years of age or below at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program, pursuant to Section 20 of the Republic Act 9344 otherwise known as "*The Juvenile Justice and Welfare Act of 2006*".

A child above fifteen (15) years but below eighteen (18) years of age shall like 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 Republic Act No. 9344.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

SECTION 6. HABITUAL MENDICANT. Any mendicant apprehended under the provision of this Ordinance who are not exempted from criminal liability under the preceding Section, shall, upon conviction be penalized as follows:

FIRST OFFENSE:

- a. Fine of Five Hundred Pesos (PHP500.00); or
- b. Imprisonment for a period not exceeding thirty (30) days; or
- c. Both fine and imprisonment at the discretion of the Court.

SECOND AND SUBSEQUENT OFFENSES:

- a. Fine of not less than Five Hundred Pesos (PHP500.00) but not more than One Thousand Pesos (PHP1,000.00); or
- b. Imprisonment for a period not less than one (1) month but not more than two (2) months; or
- c. Both fine and imprisonment at the discretion of the Court.

SECTION 7. Any person found using or accompanying the children or persons referred to under Section 5 hereof, for purposes of begging shall, upon conviction be punished by a fine of Five Hundred Pesos (P500.00) but not more than One Thousand Pesos (P1,000.00) or imprisonment of not less than two (2) months but not more than six (6) months, or both at the discretion of the court; provided, however, that the child or minor used or accompanied by the offender for purposes of begging shall be turned over to the Department of Social Welfare and Development for appropriate commitment as may be allowed under the Presidential Decree No. 603.

SECTION 8. Any person found abetting mendicancy by giving alms to mendicants and minors in streets, sidewalks or other public places shall be punished by a fine of not less than Five Hundred Pesos (P500.00) but not more than One Thousand Pesos (P1000.00).

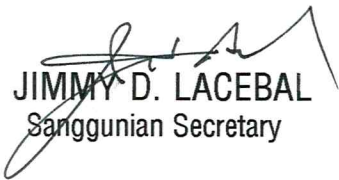
SECTION 9. NO CONTEST PROVISION. Any person, individual or entity who is apprehended or cited for violation and who does not wish to contest the violation and is willing to pay voluntarily the minimum fine imposed upon him/her prior to the filing of formal charges with the proper court shall be allowed to pay said fine with the City Treasurer to avoid being criminally prosecuted within six (6) hours from apprehension otherwise the case shall be prosecuted.

The City Treasurer, subject to Civil Service Laws, Rules and Regulation, is hereby directed to provide personnel or to deputize personnel who will accept payment of fines twenty four (24) hours a day so as not to jeopardize the right of the offender to avail of the six-hour period within which to pay under this Ordinance.

SECTION 10. This Ordinance shall take effect upon approval.

ENACTED on this 29th day of September, 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.


JIMMY D. LACEBAL
Sanggunian Secretary

APPROVED:

PRESIDED BY:


EDWARD G. BARTOLOME
Vice Mayor &
Presiding Officer


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: OCT 15 2014