



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 599, S-2015

AN ORDINANCE ESTABLISHING THE PROCEDURE IN
THE IMPLEMENTATION OF A CITY ORDINANCE

BE IT ENACTED by the Sangguniang Panlungsod of Mandaluyong, in regular session duly assembled:

SECTION 1. ISSUANCE OF ORDINANCE VIOLATION RECEIPT (OVR). Any person who is cited for violation of any provision of a City Ordinance shall be issued an Ordinance Violation Receipt (OVR).

Exempted is a child, who is referred to as a person under the age of eighteen (18) years.

If the offender is a corporation or a partnership, organization or any similar entity, the OVR 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 2. PROCEDURE IN THE ISSUANCE OF ORDINANCE VIOLATION RECEIPT (OVR).

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

- a. Inform the violator of his/her violation;
- b. Issue the OVR, indicating therein the name, address (should be verified) and other pertinent data of the person apprehended, as may be required in the OVR, including the violation;
- c. Inform the violator of his/her right to avail of the No Contest Provision, as provided in Section 3, hereof.

SECTION 3. NO CONTEST PROVISION. Any person apprehended for violation of a City Ordinance, who does not wish to contest the violation and is willing to pay voluntarily the fine imposed upon him/her prior to the filing of formal complaint with the Office of the City Prosecutor, shall be allowed to pay said fine with the City Treasurer to avoid being criminally prosecuted.

SECTION 4. PROCEDURE IN THE AVAILMENT OF THE NO CONTEST PROVISION.

- a. The violator shall be given five (5) working days from issuance of the Ordinance Violation Receipt (OVR) within which to pay the fine.
 - a.1 The fine shall be the minimum imposable by the Ordinance violated;
 - a.2 Where there are fines imposed in the first, second and third offenses, the minimum fine in the second and third offenses shall be charged.

- a.3 If the violator has already availed of the No Contest Provision three (3) times, he/she 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 of the No Contest Provision before making the payment to the City Treasurer, shall secure an Order of Payment from the City Ordinance Enforcement Division (COEDiv);
- c. After payment of the fine, the violator shall present the Official Receipt to the office of the City Ordinance Enforcement Division, which shall attach a Certified True Copy of the receipt to the documents of the case and the case shall be considered closed.
- d. If after the lapse of five (5) days, the violator has failed to present the Official Receipt of the payment of the fine, the office of the City Ordinance Enforcement Division shall have the case filed with the City Prosecutor's Office, attaching an Affidavit or Certification from the office of the City Ordinance Enforcement Division that the violator failed or did not avail of the No Contest Provision.

SECTION 5. COMMUNITY SERVICE.

- a. In case of inability to pay the fine, the violator may opt to render community service as follows:

1.	For a penalty of P1,000.00 and below	eight (8) hours
2.	For a penalty of more than P1,000.00 but not more than P3,000.00	sixteen (16) hours
3.	For a penalty of more than P3,000.00 but not more than P5,000.00	twenty (20) hours

- b. The violator who alleged inability to pay the fine must secure a Certification to that effect from the City Social Welfare and Development Department which shall conduct a capability assessment of the same;
- c. The Punong Barangay shall determine the kind of community service that will be required of the violator and shall administer the same;
- d. After the completion of the community service, the Punong Barangay shall render a report to the office of the City Ordinance Enforcement Division, which shall consider the case closed;

None completion of the community service as certified by the Punong Barangay shall be deemed as a waiver on the part of the violator to still avail of the same and the case shall proceed accordingly.

- e. The provision on community service can be availed of only for three (3) times by any violator.

SECTION 6. SHARING OF FINES. Fines paid by violators who availed of the No Contest Provision shall be equally shared by the City Government and the Barangay where the apprehension was made to be used for the meal and other allowances of the Barangay Tanods of the said Barangay and the share of the City Government shall inure to the General Fund.

The City Treasurer is hereby directed to remit to the Barangay Treasurers on or before the 5th day of the month the shares of the barangay in the fines collected in pursuance of this Ordinance.

SECTION 7. VIOLATION OF CITY ORDINANCE BY A CHILD (UNDER THE AGE OF EIGHTEEN (18) YEARS).

Ordinances enacted by the City of Mandaluyong concerning juvenile status offenses such as, but not limited to:

- a. Curfew violations
- b. Truancy
- c. Parental disobedience, including the Code of Parental Responsibility
- d. Anti-smoking
- e. Anti-drinking Ordinance,

as well as light offenses and misdemeanour against public order and safety such as, but not limited to:

- f. Disorderly conduct
- g. Public scandal
- h. Harassment
- i. Drunkenness
- j. Public intoxication
- k. Criminal nuisance
- l. Vandalism
- m. Gambling
- n. Mendicancy
- o. Littering
- p. Public Urination, and
- q. Trespassing

are for the protection of children. NO PENALTY shall be imposed on children for said violations. (Republic Act 10630)

SECTION 8. PROCEDURE IN THE HANDLING OF A CHILD OFFENDER.

- a. A child, who is cited for violation of a City Ordinance shall be recorded as a "child at risk" and not a "child in conflict with the law". He/she shall be brought to any Barangay Official at the Barangay Hall to be referred to the City Social Welfare and Development Department (CSWDD), which shall, with the assistance of the Barangay Official, release the custody of the child to his/her 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-governmental or religious organization;
 - 2. A Barangay Official or a member of the Barangay Council for the Protection of Children (BCPC);
 - 3. A City Social Welfare and Development Officer (CSWDO), or when and where appropriate, the DSWD.
- b. The City Social Welfare Development Officer (CSWDO) shall determine and design the intervention program for the child. The intervention program shall consist of counselling, attendance in group activities for children, etc. and for the parents, attendance in parenting education seminars (Republic Act 10630);

- c. If the child has been found by the CSWDO to be dependent, abandoned, neglected or abused by his/her parent and the best interest of the child requires that he/she be placed in the Youth Care Facility or "Bahay Pag-asa", the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child. Provided, that if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the CSWDO. (Section 6, Republic Act 10630, amending Section 20, Republic Act 9344);
- d. Section 21, Republic Act 9344, pertaining to the "Procedure for taking the child into custody shall at all times be observed by any law enforcer who takes a child into custody".

SECTION 9. CITY ORDINANCE ENFORCEMENT DIVISION (COEDiv).

- A. The City Ordinance Enforcement Division, a division of the City Civilian Affairs and Security Department, shall be the primary authority that is tasked to implement and enforce all City Ordinances and to prosecute the violators thereof in the proper administrative and judicial fora, except those Ordinances, the implementation of which have been specifically assigned to a particular office or law enforcers group by the Ordinance itself, such as but not limited to:
 - 1. BUSINESS PERMIT AND LICENSING DEPARTMENT. Tasked to implement Ordinance No. 484, S-2011 entitled: An Ordinance Providing for a Revenue Code of 2011 for the City of Mandaluyong;
 - 2. TRAFFIC PARKING AND MANAGEMENT DEPARTMENT. Implementor of Ordinance No. 588, S-2014 entitled Omnibus Traffic Management Code of the City of Mandaluyong ;
 - 3. CITY PLANNING AND DEVELOPMENT DEPARTMENT. Implementor of Ordinance No. 356, S-3005 entitled: An Ordinance Adopting an Integrated Zoning Regulation for the City of Mandaluyong;
 - 4. CITY HEALTH DEPARTMENT. Implementor of Ordinance No. 312, S-2005 entitled: An Ordinance Prescribing the Sanitation Code of Mandaluyong City Pursuant to the Local Government Code of 1991 and other pertinent laws;
 - 5. THE CITY ENVIRONMENTAL MANAGEMENT DEPARTMENT. Implementor of Ordinance No. 355, S-2005 entitled: Omnibus Ordinance Adopting Guidelines and Procedures for a Unified Approach on Solid Waste Management in Mandaluyong City;
 - 6. MANDALUYONG ANTI-SMOKING TASK FORCE. Implementor of Ordinance No. 513, S-2013 entitled: An Ordinance Regulating Smoking in Public Places, including Public Conveyances, Promotions and Sponsorship of Tobacco Products and Prescribing Penalties for Violation Thereof;
 - 7. ANTI-SMOKE BELCHING UNIT. Implementor of Ordinance No. 346, S-2005 entitled An Ordinance Penalizing Smoke Belching Vehicles Plying within the Territorial Jurisdiction of the City of Mandaluyong;

8. CITY ENGINEERING DEPARTMENT. Implementor of Ordinance No. 535, S-2014 entitled: Green Building Regulations of Mandaluyong City and the Building Code.
- B. In the exigencies of the service, the City Mayor or his duly authorized representative may call upon the City Ordinance Enforcement Division to implement or to assist in the implementation of Ordinances the enforcement of which have been assigned to a particular office or law enforcers group as have been mentioned above.
- C. In the performance of this mandate, the City Ordinance Enforcement Division, thru the City Civilian Affairs and Security Department, shall:
 - a. Collaborate with the Sangguniang Panlungsod for the conduct of adequate dissemination campaign to inform all concerned, especially the public of the pertinent provisions of City Ordinances;
 - b. Establish coordination and seek the assistance of local police, barangay officials, barangay tanods, civic groups and others and the public in general on the implementation and compliance of City Ordinances;
 - c. Coordinate with other task forces and enforcers group created by the City Government to implement specific Ordinances, such as the Omnibus Traffic Code, Revenue Code, the Building Code, the Anti-Smoking Ordinance and others.
 - d. To advise the City Mayor and the Sangguniang Panlungsod on matters relating to ambiguities and others about provisions of the Ordinance and the procedure of its implementation.
 - e. To recommend amendments/solutions/improvements for the betterment of the execution/implementation of an Ordinance.
 - f. To submit to the City Mayor, copy furnished the Sangguniang Panlungsod, through its Secretariat, a monthly report of the activities of the Office, containing all necessary statistics gathered involving apprehensions of all types of violations.
 - g. To perform such other duties and functions as may be necessary for the effective implementation of City Ordinances.

SECTION 10. DEPUTIZATION OF ENFORCEMENT AGENTS. Barangay Officials, including Barangay Tanods are hereby deputized as agents in the enforcement of all City Ordinances.

To assist City law enforcers, the City Mayor may deputize the members of the Philippine National Police (PNP) assigned in the area of Mandaluyong City as additional agents in the enforcement of City Ordinances.

SECTION 11. PRINTING AND CUSTODIAN OF ORDINANCE VIOLATION RECEIPT (OVR).

- A. The City General Services Department is hereby authorized to secure the printing of sufficient copies of the Ordinance Violation Receipt (OVR), the specification of which shall be prepared by the City Ordinance Enforcement Division.

- B. The City Ordinance Enforcement Division shall take custody of and be accountable for all the OVRs printed for use in the enforcement of City Ordinances.

SECTION 12. REPEALING CLAUSE. All Ordinances and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

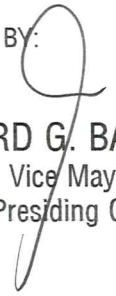
SECTION 13. EFFECTIVITY. This Ordinance shall take effect after fifteen (15) days following its publication in a newspaper of general circulation in Metro Manila.

ADOPTED on this 11th day of May, 2015 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

PRESIDED BY:


EDWARD G. BARTOLOME
Vice Mayor &
Presiding Officer

APPROVED:


BENJAMIN DC. ABALOS, JR.
City Mayor

Date: MAY 18 2015