



Republic of the Philippines
Province of Ilocos Norte
MUNICIPALITY OF SAN NICOLAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE FOURTH REGULAR SESSION OF THE 11TH
SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE HELD
AT THE MUNICIPAL SESSION HALL ON THE 28TH DAY OF OCTOBER, 2019
AT 10:20 O'CLOCK IN THE MORNING.

PRESENT:

Hon. Edistio P. Valdez	Vice-Mayor/Presiding Officer;
Hon. Angel Miguel L. Hernando	Member;
Hon. Moera Joy N. Galing-Luna	Member;
Hon. Joseph Lister B. Butay	Member;
Hon. Norberto D. Dadiz, Sr.	Member;
Hon. Erico R. Ruiz, Jr.	Member;
Hon. Luciano R. Caraang	Member;
Hon. Jessie Julito P. Pumaras, Sr.	Member;
Hon. Juanito P. Ulep, Jr.	Member/Liga ng mga Barangay President;
Hon. Inno Ma. Angelo Paulo O. Hernando	Member/PPSK President.

ABSENT:

Hon. Ariel B. Villa	Member (On Official-leave).
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“MUNICIPAL ORDINANCE NO. 2019-14

AN ORDINANCE PROVIDING CHILDREN PASSENGERS SAFETY IN TRICYCLES AND MOTORCYCLES PLYING WITHIN THE TERRITORIAL JURISDICTION OF THE MUNICIPALITY OF SAN NICOLAS, ILOCOS NORTE.

WHEREAS, it is the policy of the State that the rights of children to their survival, protection, participation and development must be given high priority; it will work for the respect for the role of the family in providing the children and will support the effort of parents, other child care and development workers, NGO's and communities to nurture and care for children, from infancy including the earliest stages of childhood to adolescence.

It shall be the policy of the local government of San Nicolas to ensure that the programs aimed at the achievement of goals for the survival protection, participation and development of children must be given priority when resources are allocated. Every effort shall be made by the local government of San Nicolas to ensure that such programs are protected in times of economic austerity and structural adjustments.

WHEREAS, other pertinent laws provide the obligation of the Local Government Units to enact and approve regulatory ordinances for the protection and welfare of its inhabitants;

WHEREAS, in consonance to the above stated policy, it is imperative upon the Local Government Unit (LGU) to devise regulations and guidelines for the security and safety of children in the locality;

WHEREAS, it has come to the observation of many that children including those of tender age are allowed and tolerated to ride at the back and front of persons riding and driving motorcycles including those mounted to sidecars and in sidecars mounted to the motorcycle with no accompanying person of legal age. This necessarily expose the children to hazards of falling down from the motorcycle/tricycle which may cause injuries to them or worse, their death;

WHEREFORE, be it ORDAINED, THAT:

SECTION 1. Title. This ordinance shall be known as the “Children Passengers Safety in Motorcycles and tricycles ordinance in the Municipality of San Nicolas, Province of Ilocos Norte”.

SECTION 2. Statement of policy. It is the policy of the Municipal Government of San Nicolas, Province of Ilocos Norte to see to it that children in the locality shall be afforded protection and safety.

SECTION 3. Definition of Terms.

- 1. Motorcycle – two wheeled motor vehicle, either gas operated or electronic operated;
- 2. Tricycle – Those motorcycle mounted to a sidecar including kurong-kurong and Habal-Habal;
- 3. Electronic Motor Vehicle – Two (2) or Three (3) wheeled vehicle electronically operated;
- 4. Adult – A person whose age is eighteen (18) years old and above, physically and mentally fit;
- 3. Children Passenger – Five (5) years old and below.

SECTION 4. Prohibited Acts.

- a. It shall be unlawful to allow children passenger to ride on motorcycles or motorcycle mounted to a sidecar as defined in Section 3 hereof;
- b. It shall likewise be unlawful to allow children to ride in a sidecar without an accompanying adult;
- c. The prohibition shall extend to tricycles granted MTOP and franchise to operate within the territorial jurisdiction of the municipality.

SECTION 5. Exception. This ordinance shall not apply to cases where the child to be transported requires immediate medical attention.

SECTION 6. The following Peace Officers of the municipality are deputized to primarily implement the ordinance:

- 1. Members of the Philippine National Police (PNP) – San Nicolas Municipal Police Station;
- 2. All Traffic Aides of the Local Government Unit (LGU).

SECTION 7. Penal Provisions. Any violation on the preceding shall be dealt with accordingly as follows: The driver of the motorcycle/tricycle shall be primarily liable for any violation and the operator of the tricycle as may be warranted shall be subsidiarily liable.

- a. First Offense..... A fine of P1,000.00
- b. Second Offense A fine of P2,000.00
- c. Third OffenseA fine of P2,500.00 shall be imposed. In addition, the MTOP issued shall be revoked or cancelled accordingly. A penalty of imprisonment of not less than ten (10) days but not more than thirty (30) days or both at the discretion of the court in addition to the revocation of MTOP shall be imposed in case the violator fails to pay the fine within the prescribed period.

The fine should be paid to the Municipal Treasurer’s Office within seven (7) days from the issuance of Citation Ticket.

SECTION 8. Separability Clause. If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

SECTION 9. Repealing Clause. All ordinance, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

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SECTION 10. Effectivity. This ordinance shall take effect after the requirements set forth in the Local Government Code of 1991 shall be complied with.

UNANIMOUSLY APPROVED.”

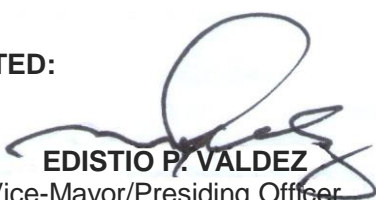
Voting on the foregoing ordinance was as follows:

AYES : Members Hernando, A., Galing-Luna, Butay, Dadiz, Sr., Ruiz, Jr.,
Caraang, Pumaras, Sr., Ulep, Jr. and Hernando, I.
NAYS : None.
ABSTAINED : None.

I hereby certify to the correctness of the foregoing ordinance.


ENRIQUE P. ULEP, JR.
Secretary to the Sangguniang Bayan I

ATTESTED:


EDISTIO P. VALDEZ
Vice-Mayor/Presiding Officer

APPROVED:


ALFREDO P. VALDEZ, JR., M.D.
Municipal Mayor

Approved on: November 8, 2019