Republic of the Philippines
Province of Samar
Municipality of Pinabacdao
OFFICE OF THE SANGGUNIANG BAYAN

Excerpts from the Minutes of the Regular Session of the Sangguniang Bayan held on February 27, 2023 at the Session Hall

Present: HON. EDGAR M. TONELETE -Vice Mayor/Presiding Officer
HON. JOSE SANTIAGO T. QUIJANO -Sangguniang Bayan Member
HON. ELISEO B. CABORNAY JR. -Sangguniang Bayan Member
HON. JOEL R. PACAYRA -Sangguniang Bayan Member
HON. NESTOR C. OCENAR -Sangguniang Bayan Member
HON. ARLYN C. MABUTE -Sangguniang Bayan Member
HON. ROSEMARIE T. BADENAS -Sangguniang Bayan Member
HON. NIÑO A. RAGA -Sangguniang Bayan Member
HON. REYNALDO C. TUAZON -Sangguniang Bayan Member
HON. JOSE O. REFUERZO -LNB Pres./ SB Member
HON. ALLEAH JOY L. SACAGUING -SK Fed. Pres./SB Member

Absent: None

MUNICIPAL ORDINANCE NO. 23- 10

Series 2023

AN ORDINANCE PENALIZES ANY PERSON ALLOWING, CONSENTING, DIRECTING, OR INDUCING MINORS TO DRIVE MOTOR VEHICLES IN THE MUNICIPALITY OF PINABACDAO.

(Authored by: Hon. Jose Santiago T. Quijano, Hon. Joel R. Pacayra, Hon. Eliseo B. Cabornay Jr.-Committee on Public Safety)

WHEREAS, Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act states that it is a policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, and discrimination and other conditions prejudicial to their development;

WHEREAS, under the said law, circumstances which gravely threaten or endanger the survival and normal development of children include, among others, those who work under conditions hazardous to life and safety which unduly interfere with their normal development and those circumstances analogous to those

enumerated in Section 3 (c) thereof which endanger the life, safety or normal development of the children;

WHEREAS, allowing, consenting, directing, or inducing minors to drive a motor vehicle is a willful and wanton disregard to their development as well as their safety and that of other's safety and property;

WHEREAS, it is a serious deviation from standards, laws and regulations to risk the life and limb of these minors by allowing them to drive a motor vehicle without the necessary training and license;

WHEREAS, it disheartens us to hear some vehicular accidents in the Municipality that cost the lives and limbs of our constituents;

WHEREAS, it disheartens us even more that these tragic accidents involved minors who, in their tender years, are carefree and at times careless, and are not supposed to be driving motor vehicles;

WHEREAS, these minors, not being a possessor of any driver's license are not equipped with the necessary knowledge on traffic rules and regulations;

WHEREAS, it is in dire need to put a stop, at all cost, to our culture of complacency over minors driving motor vehicles;

WHEREAS, the Sangguniang Bayan finds it imperative to enact herein measure in order to stop the culture of complacency over minors driving motor vehicles;

NOW THEREFORE, be it enacted by the Sangguniang Bayan, in this session duly assembled:

Section 1.Title. This Ordinance shall be known as the "Anti-Minor on Wheels" Ordinance of the Municipality of Pinabacdao.

Section2. Definition of Terms. For purposes of this Ordinance, the following shall be defined as follows:

a) Person- shall include natural persons;

b) Owner- the one in whose name such vehicle is duly registered with the Land Transportation Office or a person

HON. ALLEAN JOY T. SACAGUING SK FED. PRESIDENT
HON. JOSE SANTIAGO T. QUIJANO SB MEMBER
HON. ELISEO B. CABORNAY JR. SB MEMBER
HON. JOEL B. ACAYRA SB MEMBER
HON. NESTOR C. OCENAR SB MEMBER
HON. ARLYN C. MABUTE SB MEMBER
HON. [illegible] LNB PRESIDENT
HON. REYNALDO E. TUAZON SB MEMBER
HON. [illegible] A. RAGA SB MEMBER
HON. ROSEMARIE T. BADINAS SB MEMBER

found to be exercising attributes of ownership over the subject motor vehicle;

c) Motor Vehicle- shall mean any vehicle propelled by any power other that muscular power using the public highways or roads. It includes public and private utility vehicles among others;

d) Minors- (i) those below 18 years old or (ii) 18 years of age or over but not capable of taking care of themselves by reason of mental or physical disability, or (iii) those below 18 years of age who are granted Student Permit by the LTO that drive vehicle without the supervision of a duly-licensed driver with appropriate restriction code for the type of vehicle driven;

e) License- a driver's license duly issued by the Land Transportation Office;

f) MSWDO-shall refer to the Municipal Social Welfare and Development Office.

Section 3. PROHIBITED ACTS. Unless otherwise allowed by law, it shall be unlawful for any person of legal age to allow, consent, direct or induce a minor to drive any motor vehicle for whatever purpose.

Section 3.1. The fact of registration of the motor vehicle to a particular person driven by the minor shall establish a prima facie case that the said owner allowed, consented, induced, or directed the minor to drive the subject motor vehicle.

Section 4. PENALTIES – any person found guilty thereof shall suffer the penalty of IMPRISONMENT of NOT LESS THAN THREE (3) MONTHS nor MORE THAN SIX (6) MONTHS or a fine of TWO THOUSAND FIVE HUNDRED PESOS (2,500.00) or both imprisonment and fine as the Court may impose.

Section 4.1. Any person who allow, direct, consent or induce a minor to drive a motor vehicle, shall suffer the penalty of both imprisonment and fine as stated in Section 4., should any accident happen as a result thereof.

HON. ALLEAH JOY D. SACAGUING SK FED. PRESIDENT
HON. JOSE D. BELLERA LNB PRESIDENT
HON. REYNALDO C. TUAZON SB MEMBER
HON. MYRA A. RAGA SB MEMBER
HON. ROSEMARIE T. BADENAS SB MEMBER
HON. JOSE SANTIAGO T. QUIJANO SB MEMBER
HON. ELISEO E. CODORNAY JR. SB MEMBER
HON. JOEL B. PACAYRA SB MEMBER
HON. NESTOR C. OCENAR SB MEMBER
HON. ARLYN C. MABUTE SB MEMBER

Section 4.2. Minor offenders shall be subjected to mandatory guidance counselling with the MSWDO or any of his/her designated personnel in the presence of either or both of the parents or guardians of the minor.

Section 5. REPEALING CLAUSE- Prior Ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed, amended, suspended or modified accordingly.

Section 6. SEPARABILITY CLAUSE- If any portion of this Ordinance shall be declared by a competent authority or court as unconstitutional, the other portions not so declared as such shall remain valid and operative.

Section 7. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days after its publication in general circulation and after it has been posted in two (2) conspicuous places of the Municipality.

Enacted and Approved: February 27, 2023 at Pinabacdao, Samar.

UNANIMOUSLY APPROVED.

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. ELISEO B. CABORNAY
SB Member

HON. JOEL R. PACAYRA
SB Member

HON. NESTOR C. OCENAR
SB Member

HON. ARLYN C. MABUTE
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SB Member

HON. REYNALDO C. TUAZON
SB Member

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HON. JOSE G. REFUERZO
ABC Pres./Ex-Officio Member

HON. ALLEAH JOY L. SACAGUING
SK Fed. Pres./Ex-Officio Member

I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance which was duly adopted by the Sangguniang Bayan of Pinabacdao, Samar during its regular session.

MARY BERNARDETTE T. QUIJANO
Secretary to the Sangguniang Bayan

ATTESTED:

HON. EDGAR M. TONELETE
Vice- Mayor/Presiding Officer

APPROVED:

HON. TEODORICO A. MABAG

Municipal Mayor

06 MAR 2023

(Date Signed)

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