



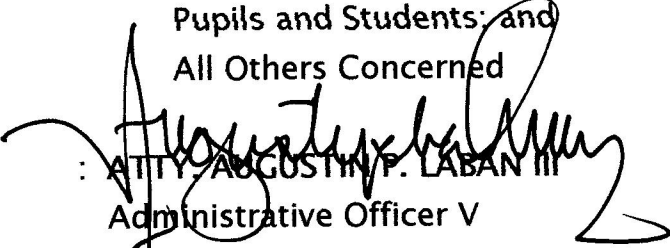
Republic of the Philippines  
**DEPARTMENT OF EDUCATION**  
Cordillera Administrative Region  
**DIVISION OF BAGUIO CITY**  
Upper Session Road, Military Cut-Off, Baguio City  
Tel. No.: (074) 442-7819



**DIVISION MEMORANDUM**

No. 171, s. 2012

To : All Public Schools District Supervisors;  
Secondary School Principals;  
Elementary School Principals;  
Head Teachers;  
Teachers - In - Charge;  
Elementary School Teachers;  
Pupils and Students; and  
All Others Concerned

From :   
ATTY. AUGUSTIN P. LABAN III  
Administrative Officer V  
Officer - In - Charge

Subject : DISSEMINATION OF THE ANTI - GRAFFITI CODE OF THE CITY OF BAGUIO

Date : 28 December 2012

- 
1. This concerns the attached City Ordinance Number 41, series of 2008 entitled "ANTI - GRAFFITI CODE OF THE CITY OF BAGUIO" which aims to prevent graffiti vandalism in the City.
  2. One of the continuing problems of the City of Baguio is the proliferation of graffiti vandalism of private or public property. Hence, there is the need for school administrators to disseminate the above - mentioned Ordinance and to inform our pupils and students of the bad effects of graffiti vandalism including the penalties for violations thereof.
  3. Therefore, school heads are hereby advised to announce during flag ceremonies the content of the letter from the City Vice Mayor so that all our pupils and students will know.
  4. Immediate dissemination of this Memorandum is enjoined.



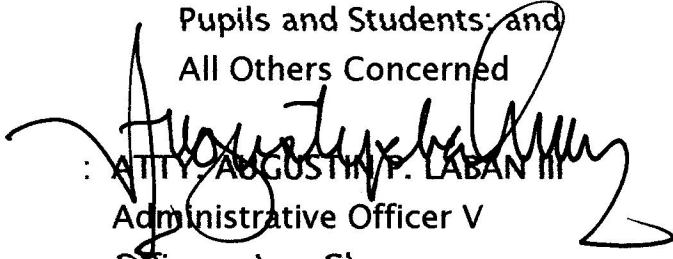
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  3. Therefore, school heads are hereby advised to announce during flag ceremonies the content of the letter from the City Vice Mayor so that all our pupils and students will know.
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5. That in lieu or as part of the penalties specified, a minor or adult may also be required to **perform community service** as prescribed by the court.

Likewise, we hope that the **principals in partnership with the Parents Teachers Associations (PTAs)** could also discuss the same with the parents/legal guardians of the students so that they will be informed of the ordinance and the possible consequences should their children be involved in graffiti or vandalism.

Attached is a copy of the ordinance for information and dissemination to the principals, faculty, administration, and PTAs of the primary and secondary schools. Should you have any questions or queries please contact the Research Division of the Sangguniang Panlungsod at 446-3366.

Again, thank you for your continuous support to the plans and programs of our city.

Very truly yours,

  
**DANIEL T. FARIÑAS**  
City Vice Mayor

Attached: a/s.

Copy furnished: **HON. MAURICIO G. DOMOGAN**  
City Mayor  
Mayor's Office  
City Hall, Baguio City



Republic of the Philippines  
**OFFICE OF THE VICE MAYOR**  
City Government of Baguio



DEUED DIVISION OF  
BAGUIO CITY

NOV 14 2012

RECEIVED

14 November 2012

**ATTY. AUGUSTIN P. LABAN III**  
Administrative Officer V  
Officer-In-Charge, Division of City Schools  
Department of Education-CAR  
Baguio City

Dear Atty. Laban:

In line with our recent letter regarding Ordinance Nr. 41, series of 2008, or the “**ANTI-GRAFFITI CODE OF THE CITY OF BAGUIO**”, may we request that a directive from your office be prepared tasking the principals of the different primary and secondary schools in our city to disseminate to their students during their flag raising ceremonies (at least two consecutive flag raising ceremonies) the following:

1. That **applying graffiti or vandalism** to any public or private property is **against the law**.
2. That **any person under the age of 18 years** should **NOT POSSESS OR PURCHASE** any implements or materials like **paints, spray paints, pentel pens, markers, and the like**. Should these be required for school projects, the teacher or adviser would provide the students with a letter, duly signed, indicating therein that they are required to use and purchase such for school project purposes. This letter would be presented by the students to the business establishments prior to their purchase of these implements or materials.
3. That any person violating the ordinance shall be **punishable** by:

FIRST OFFENSE:	Imprisonment of one (1) to ten (10) days or a fine of ₱1,000.00 or both, in the discretion of the court;
SECOND OFFENSE:	Imprisonment of 11 to 20 days or a fine of ₱3,000.00 or both, in the discretion of the court; and
SUBSEQUENT OFFENSE:	Imprisonment of 21 to 30 days or a fine of ₱5,000.00 or both, in the discretion of the court.
4. That in addition to any punishment specified under the ordinance, the court shall order any violator or the parents/legal guardians of the minor to make **restitution/reimbursement/restoration of the damages caused by act of the defacement, graffiti or vandalism**.



Republic of the Philippines  
City of Baguio  
SANGGUNIANG PANLUNGSOD  
(CITY COUNCIL)

REGULAR SESSION HELD ON 05 MAY 2008

**PRESENT:**

Hon. Daniel T. Farifias, *City Vice Mayor and Presiding Officer*;  
Hon. Rocky Thomas A. Balisong, *Member*;  
Hon. Betty Lourdes F. Tabanda, *Member*;  
Hon. Galo D. Weygan, *Member*;  
Hon. Perlita L. Chan-Rondez, *Member*;  
Hon. Nicasio M. Aliping Jr., *Member*;  
Hon. Antonio R. Tabora Jr., *Member*;  
Hon. Nicasio S. Palaganas, *Member*;  
Hon. Isabelo B. Cosalan Jr., *Member*;  
Hon. Richard A. Cariño, *Member*;  
Hon. Fred L. Bagbagen, *Member*;  
Hon. Elaine D. Sembrano, *Member*;  
Hon. Joel A. Alangsab, *Ex-Officio Member*; and  
Hon. Gloria Ysabel V. De Vera, *Ex-Officio Member*.

**ABSENT:**

Hon. Erdolfo V. Balajadia, *Member* (with prior notice).

*Considered jointly and collectively.*

ORDINANCE Numbered 41  
(Series of 2008)

ANTI-GRAFFITI CODE OF THE CITY OF BAGUIO

**Explanatory note**

Unauthorized markings, writings, etchings, drawings, paintings, or engravings amount to vandalism and public nuisance destructive of the rights and values of property owners as well as the entire community. Graffiti vandalism is oftentimes offensive, transgressing public order, morals and policies affecting our young populace. It is prevalent and unless the City Government of Baguio acts to remove graffiti from public and private property, acts of graffiti tend to remain. All properties, public or private, are targets of graffiti, and entire neighborhoods are affected because they become less desirable places in which to be, all to the detriment of the City. Further, this Ordinance shall help prevent the spread of graffiti vandalism, to establish a program for the removal of graffiti from public and private property, and to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement. This Ordinance is but one part of the City Government's comprehensive approach to a graffiti vandalism problem that includes an education and prevention program, law enforcement participation, and community involvement and does not intend to be in conflict with any existing national laws on anti-graffiti.

Presidential Decree No. 33 was issued in 28 October 1972 penalizing the printing, possession, distribution and circulation of certain leaflets, handbills and propaganda materials and the inscribing or designing of graffiti. The Department of Public Works and Highways (DPWH) finds this Decree inadequate. For numerous times, their office had to repaint public structures in line with the beautification program thus leading to waste of resources. However, Section 458 of the Local Government Code of 1991 provides that the Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of the same Code.

NOW THEREFORE, on motion of Hon. Aliping, Hon. Balajadia and Hon. De Vera, seconded by Hon. Bagbagen, Hon. Cosalan, Hon. Chan-Rondez and Hon. Cariño,

BE IT ENACTED BY THE SANGGUNIANG PANLUNGSOD (CITY COUNCIL) IN SESSION ASSEMBLED THAT:

SECTION 1. Declaration of policies:

- a. It is hereby expressly declared that the existence of graffiti on public or private property in violation of this Ordinance is a public nuisance and, therefore, is subject to the removal and abatement provisions specified under this Ordinance.
- b. It is the intent of this Ordinance to provide an immediate and practical method to remove graffiti or other inscribed materials from permanent structures located on public or privately-owned real property in order to reduce blight and deterioration within the city.
- c. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession of or who has the right to possess such property to keep the property clear of graffiti at all times.

SECTION 2. Definition of Terms. -

Graffiti/Graffiti Vandalism - means any unauthorized inscription, word, figure, painting or defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance. It shall include all types of unauthorized markings amounting to vandalism and public nuisance. Thus, a property owner is not absolutely prohibited from authorizing graffiti-type artwork for decorative purposes.

Graffiti implement or material - means any aerosol paint container, paint, pen materials, broad-tipped indelible marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other liquid or device capable of defacing, marking, scarring, scratching, etching or leaving a visible mark on any natural or man-made surface.

Bona Fide Evidence of Majority and Identity - is any document evidencing the age and identity of an individual which has been issued by any government office and includes, but is not limited to, a driver's license, a passport, a voter's identification card and the like.

Wide/Broad-tipped Indelible Marker - any felt-tipped marker or similar implement which contains a fluid which is not water soluble and which has a flat or angled writing surface 1/4 inch in width or greater.

Community Service - refers to work or any effort rendered without compensation for the good of a community or for the members of a community (as defined under City Ordinance Numbered 30, Series of 2003).

Defacing - shall include, but not limited to, the writing, painting, inscribing, drawing, scratching or scribbling upon any wall or surface owned, operated or maintained by any person or the city unless the city or the property owners grant written permission for such act.

Minor - shall mean any person below 18 years of age.

SECTION 3. Prohibited Acts. -

a. Defacement.

It shall be unlawful for any person to apply graffiti to any natural or man-made surface on any city-owned property or, without the permission of the owner or occupant, on any privately-owned property.

b. Possession of graffiti implements.

- (1) It shall be unlawful for any person under the age of 18 years to possess any graffiti implement while on any school grounds, facilities, buildings, or structures, or in any areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property.
- (2) No minor shall possess an aerosol spray or a broad-tipped indelible marker on any public property unless accompanied by a parent, guardian, teacher or other adult in any similar relationship and such possession is for a lawful purpose.
- (3) It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreation facility, or other public building or structure owned or operated by the city or while in or within 50 feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the city.
- (4) It shall be unlawful for any person to possess or carry graffiti implements or materials with the intent to use such materials to violate Section 4 hereof. A person possesses graffiti implements or materials when one possesses any paint, marker, pen materials or instruments that are adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing or destroying public or private property, and they intend to use the thing possessed in the commission of such offense, or know that some other person use the thing possessed in the commission of such offense.

c. No person shall write, paint, or draw any inscription, figure, or mark of any type on any public or private building or other real or personal property owned, operated, or maintained by a government entity or any agency or instrumentality thereof, or by any person, unless the expressed permission of the owner or operator of the property has been obtained.

d. The provisions of this Section shall not apply to the possession of broad-tipped indelible markers by any minor attending or traveling to or from a school at which the minor is enrolled, if the minor is participating in a class at the school that normally requires the possession of broad-tipped indelible markers.

The burden of proof in any prosecution for violation of this Section shall be upon the minor student to establish the need to possess a broad-tipped indelible marker.

**SECTION 4. Accessibility of Graffiti Implements; Display and Storage**

- a. The City Government hereby imposes restrictions on the retail display of spray paint cans and wide/board-tipped indelible markers to discourage the theft of potential graffiti implements. In this regard, retailers are hereby required to only display graffiti implements in areas that are continuously observable by store employees and to maintain these graffiti implements in locked display cases.
- b. Every person who owns, conducts, operates, or manages a retail commercial establishment selling potential graffiti implements or materials shall store them in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business. In the event that a commercial retail establishment is unable to store the potential graffiti implements or materials in an area as provided above, the establishment shall store said implements or materials in an area not accessible to the public in the regular course of business without employee assistance.
- c. **Furnishing of Aerosol Spray and Indelible Markers to Minors Prohibited.** – It shall be unlawful for any person other than a parent or legal guardian to sell, exchange, give, loan, or otherwise furnish, or cause or permit to be exchanged, given, loaned, or otherwise furnished any potential graffiti implements or materials to any person under the age of 18 years without the written consent of the parents or guardian of the person. No person shall sell or offer for sale any spray paint without requiring the purchaser to provide bona fide evidence of majority and identity.
- d. No person or firm may sell, deliver or give or cause to be sold, delivered or given to any person under the age of 18 years, and no person under the age of 18 years may buy any aerosol spray paint container or broad-tipped indelible markers. Evidence that a person, his or her employee, or agent demanded and was shown acceptable evidence of majority and acted upon such in a transaction of sale shall be a defense to any prosecution under this Section.

**SECTION 5. Signage Required.**

All persons who operate a retail commercial establishment selling graffiti implements or who own, manage or operate a place of business wherein spray paint capable of defacing property is sold conspicuously shall post at the place of display of the spray paints for sale and at the place of sale or cash register machine a sign in letters at least one-half inch in height, as follows:

- a. Place a sign in clear public view at or near the display of such products stating – “Graffiti is against the law. Any person who defaces real or personal property with paint or any other liquid or device is guilty of a crime punishable by imprisonment not exceeding 30 days, or community service, or a fine not exceeding P5,000.00, or both imprisonment and fine or both community service or fine, in the discretion of the court.”;
- b. Place a sign in the direct view of such persons responsible for accepting customer payment for graffiti implements stating – “SPRAY PAINT SHALL NOT BE SOLD TO MINORS. Selling spray paint, paint sticks, or broad-tipped indelible markers to persons less than 18 years of age is against the law and punishable by a fine of not less than P1,000.00 but not more than P2,000.00 or imprisonment of not more than one (1) month, in the discretion of the court.”

**SECTION 6. Penalties.**

- a. Any person violating any provision under this Ordinance shall be punishable by:

FIRST OFFENSE	- imprisonment of one (1) to ten (10) days or a fine of P1,000.00, or both, in the discretion of the court;
SECOND OFFENSE	- imprisonment of 11 to 20 days or a fine of P3,000.00, or both, in the discretion of the court; and
SUBSEQUENT OFFENSES	- imprisonment of 21 to 30 days or a fine of P5,000.00, or both, in the discretion of the court.

Any person who is 18 years or older who shall give, trade, or otherwise provide to any person any spray paint used in the actual application of graffiti or defacement of property shall suffer a penalty of fine of not less than P1,000.00 but not more than P2,000.00 or imprisonment of not more than one (1) month, in the discretion of the court.

Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

Upon an application and finding of being an indigent, the court may decline to order fines against the minor, parents, or guardian.

b. Restitution.

In addition to any punishment specified under this Ordinance, the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense in the amount or manner determined by the court. In the case of a minor, the parents or legal guardian shall be ordered jointly and severally liable with the minor to make restitution.

c. Community Service.

In lieu or as part of the penalties specified under this Ordinance, a minor or adult may be required to perform community service as prescribed by the court based on the following minimum requirements:

1. The minor or adult shall perform the corresponding community service commensurate to the penalty as provided under Ordinance Numbered 30, Series of 2003.
2. At least one (1) parent or guardian of the minor shall be in attendance of fifty percent (50%) of the period assigned for community service.
3. The entire period of community service shall be performed under the supervision of a community service provider approved by the Baguio City Director of the Philippine National Police.
4. Reasonable effort shall be made to assign the minor or adult to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

SECTION 7. Determination of Graffiti and Service of Notice to Remove.

The City Buildings and Architecture Office shall determine that graffiti exists on any permanent structure in the City of Baguio and shall immediately notify the owner or the person in control of such property. The removal shall be accomplished within 10 days after receipt of such notification.

SECTION 8. Manner of Cleaning.

Persons owning the lots shall be the ones to remove the graffiti in cases of privately owned structures. For government owned structures, the head of the agency shall cause the removal of such graffiti and the city may appropriate money from the general fund to finance the removal of such.

SECTION 9. Compensation of Damages Incurred.

- a. Any person found to have performed or is performing graffiti shall be responsible for the restoration of the damaged property or to reimburse the party who caused the restoration of such.
- b. In the case of a minor, the parents or legal guardian shall be responsible for payment of all damages incurred and, in addition to that, the court shall order said minor to perform monitored community service in accordance with City Ordinance Numbered 30, Series of 2003, providing guidelines in the performance of community service as a form of penalty.

SECTION 10. Rewards and Reimbursements.

The City Government may offer a reward in an amount to be established by resolution of the City Council for information leading to the identification and apprehension of any person who willfully damages or destroys any public or private property by the use of graffiti. In the event of damage to public property, the offender or the parents or legal guardian of any unemancipated minor must reimburse the City for any reward claimed. In the event of multiple contributors of information, the City in the manner it shall deem appropriate shall divide the reward.

Claims for rewards under this Ordinance shall be filed with the City Administrator's Office.

No claim for reward shall be allowed unless the City investigates and verifies the accuracy of the claim and determines that the requirements under this Ordinance have been satisfied.

The City shall reimburse to any person reporting by means of a mobile or cellular phone an act of graffiti vandalism or existence of graffiti within the City the amount of the direct phone charges, exclusive of taxes, incurred by the person.

SECTION 11. 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 shall continue to be in full force and effect.



SECTION 12. Repealing Clause. – All ordinances, resolutions and regulations or part or parts thereof which are inconsistent with this Ordinance are hereby repealed or modified accordingly.

SECTION 13. This Ordinance shall take effect in accordance with the provisions of the Local Government Code of 1991.

Unanimously passed.

CERTIFIED CORRECT:

  
DANIEL T. FARINAS  
*City Vice Mayor and  
Presiding Officer*

Attested:

  
PRUDENCIO M. PARNACIO  
*Acting City Secretary*

APPROVED:

  
REINALDO A. BAUTISTA JR.  
*City Mayor*

27 MA. 2008