

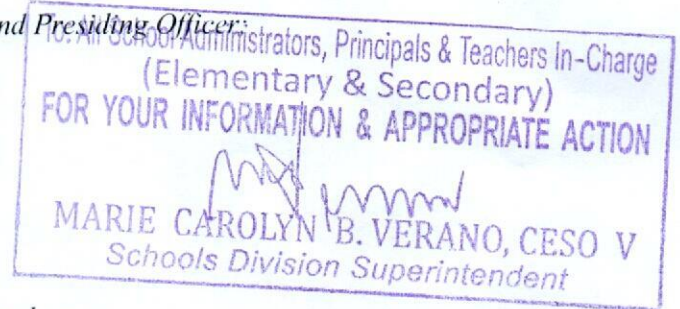


Republic of the Philippines
City of Baguio
SANGGUNIANG PANLUNGSOD
(CITY COUNCIL)

REGULAR SESSION HELD ON 17 SEPTEMBER 2018

PRESENT:

Hon. Edison R. Bilog, *City Vice-Mayor and Presiding Officer*;
Hon. Leandro B. Yangot Jr., *Member*;
Hon. Edgar M. Avila, *Member*;
Hon. Joel A. Alangsab, *Member*;
Hon. Faustino A. Olowan, *Member*;
Hon. Elmer O. Datuin, *Member*;
Hon. Peter C. Fianza, *Member*;
Hon. Lilia A. Fariñas, *Member*;
Hon. Arthur L. Allad-iw, *Member*;
Hon. Benny O. Bomogao, *Member*;
Hon. Francisco Roberto A. Ortega VI, *Member*;
Hon. Michael L. Lawana, *Ex-Officio Member (President, Liga ng mga Barangay, Baguio City Chapter)*; and
Hon. Levy Lloyd B. Orcales, *Ex Officio Member (President, Pederasyon ng mga SangguniangKabataan, Baguio City Chapter)*.



ABSENT:

Hon. Maria Mylen Victoria G. Yaranon, *Member (on vacation leave)*; and
Hon. Elaine D. Sembrano, *Member (with prior notice)*.

*Authored by Hon. Joel A. Alangsab; and
Based on the report and recommendation of the
Committee on Education, Culture and Historical Research.*

**ORDINANCE Numbered 119
(Series of 2018)**

PROHIBITING TRUANCY IN THE CITY OF BAGUIO

Explanatory Note

Section 17, Article II of the 1987 Constitution of the Republic of the Philippines provides that the state shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.

Section 1, Article XIV of the 1987 Constitution of the Republic of the Philippines provides that the state shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all.

Section 2 par. (1) of Article XIV of the Constitution states that it is the duty of the state to establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society.

Title I, Chapter 2, Section 16 of the Local Government Code of 1991 provides that every local government unit shall exercise the powers expressly granted for its efficient and effective governance and those which essential to the promotion of the general welfare.

Pursuant to Department of Education's (Dep-Ed) Department Order 74, s. 2010, entitled: "Guidelines on Mainstreaming the Dropout Reduction Program (DORP) in the Public Secondary Schools", the policy was embraced by Dep-Ed, Division of Baguio City, as embodied in the Division Memorandum No. 95, Series of 2017 entitled: "Division Education Development Plan (DEDP) For CY 2016-2019". However, "truants" or students are being seen loitering in public places and entering internet cafes, business establishments and playing video/computer games and billiards during school hours resulting into dropouts. Further, some students are intermittently found to be involved in prohibited activities during school hours that they are supposed to be in school attending their classes. Because of truancy, some students also became victims of street crimes.

It is high time for the City of Baguio, being the center of education in the North Luzon, to pass a measure supporting the noble plan of Dep-Ed, Division of Baguio City, so that the best interests of children in the school will be protected.

NOW, THEREFORE, on motion of Hon. Fianza, Hon. Bomogao and Hon. Orcales, seconded by Hon. Allad-iw, Hon. Olowan, Hon. Fariñas, Hon. Ortega and Hon. Yangot,

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

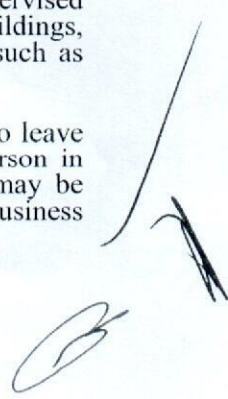
SECTION 1. **TITLE** – This Ordinance shall be known as “**ANTI-TRUANCY ORDINANCE IN THE CITY OF BAGUIO**”.

SECTION 2. **POLICY** - This ordinance aims to:

- (a) Protect the interests of our students;
- (b) Help the students to be more responsible and productive by attending classes regularly and prevent them from lingering outside school campuses where they are susceptible to street crimes and other forms of danger;
- (c) Assure parents of the students that their children are safe in school, regularly attending their classes and school activities;
- (d) Control and prevent juvenile delinquency; and
- (e) Impose sanctions for truants, commercial establishments, parents, school administrators and teachers who violate the provisions of this ordinance.

SECTION 3. **DEFINITION OF TERMS** – The following words and phrases, whenever used in this ordinance shall be construed as defined in this Section:

- (a) “**STUDENT**” any student enrolled in public/private schools within or outside Baguio City;
- (b) “**TRUANT**” means any student who is absent from school without valid cause, or any school-related activities and a third-time offender;
- (c) “**SCHOOL**” means all public and private academic institutions in Baguio City;
- (d) “**SCHOOL HOURS**” means the time of classes during weekdays (Monday to Friday) and weekend (Saturday) when used as make-up class period except when a weekday falls on a holiday;
- (e) “**BUSINESS ESTABLISHMENT**” means malls, department stores, internet cafes, computer shops/centers, video shops/centers, billiard halls, movie houses, and other similar entertainment establishments in Baguio City;
- (f) “**OPERATOR**” means the owner, manager, administrator, lessee or any person who operates and is responsible for the operation of a business establishment;
- (g) “**PARENT**” means a person who is a natural parent, adoptive parent, or step-parent of a minor;
- (h) “**PARENT GUARDIAN**” means:
 - 1. A person who, under court order, is the legal guardian of the person of a minor;
 - 2. A public or private agency with which a minor has been placed for custody by a court;
 - 3. A person in charge of the custody or who is taking care of a minor, whether relative or not; or
 - 4. A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care or custody over him/her;
- (i) “**PUBLIC PLACE**” means a place located in Baguio City where the general public, or a substantial group of people, have access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, or any unsupervised place, parks, and the common areas in about churches, apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as movie theaters and similar places and business establishments;
- (j) “**LINGER OR STAY**” means to loiter or remain, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of public place. This term also encompasses activities which may be mobile, such as walking, driving and riding about in a public place or business establishment; and



- (k) **“EMERGENCY”** means an unforeseen combination of circumstances or the resulting state that calls for immediate action to prevent serious bodily injury or loss of life.

SECTION 4. PROHIBITED ACTIVITIES –

- (a) It shall be unlawful for a student to loiter, linger, or stay in a public place or business establishments during school hours;
- (b) It shall be unlawful for dropouts and out-of-school youth to loiter, linger or stay in a public place or business establishments within one hundred (100) meter radius from any school during school hours considering their influence to in-school students;
- (c) It shall be unlawful for a parent or guardian to knowingly permit, or by insufficient control, allow the student to loiter, linger, or to stay in any business establishment or place within the city during school hours;
- (d) It shall be unlawful for a teacher and school authorities to knowingly permit, or by insufficient control, allow the student to loiter, linger, or to stay in any business establishment or place within the city during school hours; and
- (e) As for operator of business or amusement establishment who knowingly permit, or by insufficient control, allow the student to loiter, linger, or to stay in any business establishment or place within the city during school hours, it shall be governed by Ordinance Numbered 015, Series of 2000 [REGULATING THE OPERATIONS OF AMUSEMENT CENTERS IN THE CITY OF BAGUIO].

SECTION 5. EXCEPTIONS - The activities prohibited by Section 4 hereof shall not be unlawful in the following circumstances:

- (a) When the student is on board a motor vehicle on his/her way home;
- (b) When the student leaves the school for emergency purposes with a written authorization from his or her parent/guardian noted by the school authority;
- (c) When the student is going for a medical appointment with a written authorization from his or her teacher or accompanied by his or her parent or guardian;
- (d) When the student is permitted by the school to leave the campus for some school-related activity and has in his/her possession a valid, school-issued, off-campus permit; and
- (e) When the student is accompanied by his/her parent or guardian or teacher or any school authority.

SECTION 6. THE ANTI-TRUANCY BOARD AND ITS COMPOSITION - The City Mayor through an Administrative Order shall create the Anti-Truancy Board in the City Government of Baguio and shall be composed of the following:

- (a) **Chairperson of the Board:** The City Mayor;
- (b) **Vice-Chairperson of the Board:** The Chairperson of the Sangguniang Panlungsod Committee on Education, Culture and Historical Research;
- (c) **Members of the Board:**
 1. The Division Superintendent, Department of Education;
 2. The City Social Welfare and Development Officer;
 3. The City Director of the Baguio City Police Office;
 4. The City Director of the DILG-Baguio Field Office;
 5. The Federation President of Parent Teachers Association in Baguio City;
 6. The President of the Association of Private Schools Administrators (APSA);
 7. The City Treasurer; and
 8. Other stakeholders and NGO’s to be identified by the Chairperson of the Board.

SECTION 7. FUNCTIONS OF THE ANTI-TRUANCY BOARD - The Anti-Truancy Board shall have the following functions:

1. Make responsive and essential the implementation of this ordinance;
2. Deputize all local police units, barangay officials, parents' and teachers' associations officers, the school officials, and the teachers as truant officers in the implementation of this ordinance;
3. Control and prevent juvenile delinquency and in order that the safety and welfare of students and public welfare will be protected;
4. Take active steps in ensuring that the procedure set forth in Chapter 1, Section 21 of the Juvenile Justice and Welfare Act of 2006 will be strictly followed;
5. Institute a mechanism on a continuous information and education campaign;
6. Serve as an advisory body to the *Sangguniang Panlungsod* relative to the ordinance; and
7. Constantly remind the operators of business or amusement establishment anent the Ordinance Numbered 015, Series of 2000.

SECTION 8. SANCTIONS - Subject to the requirements on due process, the following sanctions shall be imposed on violators of this ordinance:

- (a) The sanction for a student, dropouts and out-of-school youths who violate this ordinance shall be:

For the 1st Offense – A Student dropouts and out-of-school youths found violating this ordinance shall be brought to their residence or to the Barangay Council for the Protection of Children Office to be released to the custody of their parents. The student shall undergo counseling session/s to reorient his/her responsibilities before being properly turned over to his/her parents/guardians or the concerned school authorities; and

For the 2nd Offense and Subsequent Offenses - Join appropriate intervention programs by the City Social Welfare and Development Office.

- (b) The sanction for any parent/legal guardian who violates this ordinance shall be:

For the 1st Offense – attendance in parenting education seminar;

For the 2nd Offense – a fine of ₱1,000.00 and/or be required to render community service for 16 hours at the discretion of the court; and

For Subsequent Offenses – a fine of ₱3,000.00 and/or be required to render community service for 1 (one) day at the discretion of the court.

- (c) The sanction for any teacher or school authority who violate this ordinance shall be:

For the 1st Offense – Warning;

For the 2nd Offense – a fine of ₱ 1,000.00; and

For Subsequent Offenses – a fine of ₱ 3,000.00 without prejudice to any administrative case.

- (d) For operators of business establishment, the penalties provided under Ordinance Numbered 015 Series of 2000, [as amended], shall govern.

The City Legal Officer shall assist the Anti-Truancy Board in reviewing reports of and complaints for violations of this ordinance and in determining liability or appropriate cases to file. Further, the City Legal Officer shall also extend any legal assistance and/or file cases on matters pertaining to this ordinance.

SECTION 9. FUNDING – The amount of ₱100,000.00 is hereby allocated from the General Fund of the City Government of Baguio for the initial funding to defray the expenses necessary for or incidental to the implementation of this ordinance.

The initial funding and funds generated from other sources, such, but not limited to, the proceeds from administrative penalties, shall be placed in a trust fund, specifically intended to defray expenses and operationalize activities of this ordinance. The Anti-Truancy Board shall be empowered to determine how the trust fund is to be utilized in furtherance of this ordinance, subject however to the usual government accounting and auditing procedures. The expenses include, but are not limited to:

- (a) Cost of printing copies of this ordinance, the citation tickets, and information, education, and communication materials pertaining to this ordinance;
- (b) Cost of regular or periodic meetings of the Anti-Truancy Board;
- (c) Incentive or reward for private citizens who report violations of this ordinance;
- (d) Institutional and operating expenses for the intervention program; and
- (e) Other expenses associated with the implementation and enforcement of this ordinance.

SECTION 10. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS – The formulation of implementing rules and regulations for better implementation of this ordinance shall be directed by the Local Chief Executive with the approval of the *Sangguniang Panlungsod* (City Council).


SECTION 11. SEPARABILITY CLAUSE – If any provision or section of this Ordinance, or the application thereof to any person or circumstance is held invalid, the other provisions or sections of this Ordinance and the application of such circumstance shall not be affected thereby.

SECTION 12. REPEALING CLAUSE – All prior Ordinances, Executive Orders, Administrative Orders, Rules and Regulations, or part/s thereof that are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 13. EFFECTIVITY CLAUSE – This Ordinance shall take effect in accordance with the Local Government Code of 1991, as amended.

Unanimously passed.

CERTIFIED CORRECT:

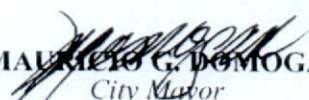

EDISON R. BIOG
City Vice-Mayor and
Presiding Officer

OCT 03 2018

Attested:


BRENNER L. BENGWAYAN
Secretary to the Sanggunian

APPROVED:


MAUMETO G. DOMOGAN
City Mayor
O 4 OCT 2018


JONATHAN M. FONTANOS