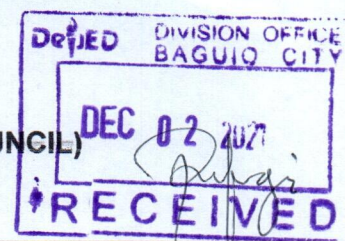




Republic of the Philippines
OFFICE OF THE SANGGUNIANG PANLUNGSOD (CITY COUNCIL)
City Government of Baguio



24 November 2021

Mr. Federico P. Martin
School Division Superintendent
Department of Education – CAR
Schools Division of Baguio City
82 Military Cut-Off
Baguio City

Dear Sir:

We are furnishing herewith **Ordinance No. 099, Series of 2021**, of the *Sangguniang Panlungsod* (City Council), Baguio City, for your information.


Very truly yours,

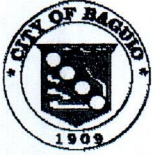
FAUSTINO A. OLOWAN
City Vice Mayor II

By Authority:

ATTY. BRENNER L. BENGWAYAN
Secretary to the Sanggunian II

Encl.: As stated.
/jmr ✱

To: School Administrators, Principals & Teachers In-Charge
(Elementary & Secondary)
FOR YOUR INFORMATION & APPROPRIATE ACTION

FEDERICO P. MARTIN, EdD, CEEd, CESO V
Schools Division Superintendent



CERTIFICATION

This is to certify that the attached **Ordinance Numbered 099, Series of 2021**, entitled **“AN ORDINANCE PROHIBITING THE ESTABLISHMENT AND OPERATION OF STREET GANGS, RECRUITMENT OF MINORS TO PARTICIPATE IN THE COMMISSION OF STREET GANGS VIOLENCE AND INSTIGATION OF COMMUNITY DISORDER, PROVIDING FOR INTERVENTION MECHANISMS AND FOR OTHER PURPOSES”**, which was passed by the Sangguniang Panlungsod ng Baguio on **25 October 2021** and approved by the City Mayor on **03 November 2021**, was duly posted in the bulletin boards located at the Baguio City Hall, City Library, City Public Market, Post Office and Health Services Office for at least three (3) consecutive weeks starting **03 November 2021**.

The text of the said ordinance was published in the issue dated **07 November 2021** of the **Herald Express**.

Baguio City, Philippines, this 24th day of November 2021.


ATTY. BRENNER L. BENGWAYAN
Secretary to the Sanggunian II

/s/



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

REGULAR SESSION HELD ON 25 OCTOBER 2021

PRESENT:

Hon. Faustino A. Olowan, *City Vice-Mayor and Presiding Officer*;
Hon. Joel A. Alangsab, *Member*;
Hon. Benny O. Bomogao, *Member*;
Hon. Betty Lourdes F. Tabanda, *Member*;
Hon. Elaine D. Sembrano, *Member*;
Hon. Maria Mylen Victoria G. Yaranon, *Member*;
Hon. Isabelo B. Cosalan Jr., *Member*;
Hon. Francisco Roberto A. Ortega VI, *Member*;
Hon. Arthur L. Allad-iw, *Member*;
Hon. Vladimir D. Cayabas, *Member*;
Hon. Fred L. Bagbagen, *Member*;
Hon. Lilia A. Fariñas, *Member*;
Hon. Philian Louise C. Weygan-Allan, *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 Sangguniang Kabataan, Baguio City Chapter)*.

ABSENT:

None.

*Authored by Hon. Levy Lloyd B. Orcales, and
Hon. Betty Lourdes F. Tabanda.*

**ORDINANCE Numbered 99
(Series of 2021)**

AN ORDINANCE PROHIBITING THE ESTABLISHMENT AND OPERATION OF STREET GANGS, RECRUITMENT OF MINORS TO PARTICIPATE IN THE COMMISSION OF STREET GANGS VIOLENCE AND INSTIGATION OF COMMUNITY DISORDER, PROVIDING FOR INTERVENTION MECHANISMS AND FOR OTHER PURPOSES.

Explanatory Note

Section 13, Article 2 of the 1987 Philippine Constitution provides that the State recognizes the vital role of the youth in nation-building and shall provide and protect their physical, moral, spiritual, intellectual and social well-being.

Section 16 of the Local Government Code of 1991 mandates every local government unit to exercise the necessary powers expressly granted by law to promote social justice, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

Section 2 (c) of Republic Act No. 9344 [An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council Under the Department of Justice, Appropriating Funds Therefor and for Other Purposes], otherwise known as the "Juvenile Justice and Welfare Act of 2006" declares that the State recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development.

The said Act defines "Child at Risk" as referring to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to: 1) Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child; and 2) Being a member of a gang.

Despite the enactment and implementation of this Act for the reformation and protection of children at risk, or children in conflict with the law, street gangs and other similar assemblies have taken advantage of misguided minors in executing their unlawful designs.

Minors are considered very vulnerable and fragile sector of the society. Their recruitment to street gangs and other similar assemblies do not only influence them to activities that disrupt and disturb societal order, but moreover expose them to violence or ill behaviors that may contribute in their growth of becoming unruly citizens or a future burden of the society.

B

Ordinance Numbered 99, Series of 2021, page 2.

Children shall be saved and prevented from being recruited by gangs or dangerous groups and be protected of their health, safety and well-being as minors. The activities of these disorderly groups may drastically affect the academic performances of minors and their relations with their family members, friends and acquaintances. Thus, this Ordinance may no doubt avoid or at least minimize juvenile delinquencies by prohibiting and punishing the recruitment and membership of any person especially the youth to any group which do not promote good manners and right conduct.

While freedom of association is generally recognized as fundamental human rights and contributes to inclusive growth and development, challenges remain on its application. The right to association means the freedom of any Filipino citizen to organize and join any society or group with goals and activities that are not contrary to existing laws of the land.

NOW, THEREFORE, on motion of Hon. Orcales, Hon. Ortega VI and Hon. Cayabas, duly seconded,

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

SECTION 1. **TITLE.** – This piece of legislation shall be known as the “Street Gang Deterrence Ordinance of 2021 in the City of Baguio”.

SECTION 2. **DEFINITION OF TERMS.** – For purposes of this Ordinance, the following terms shall mean:

- a. **Child/minor** – any person who is below 18 years of age;
- b. **Children at risk** – children who are vulnerable to and the risk of committing any criminal offense, as provided by Republic Act No. 9344;
- c. **Children in conflict with the law** – refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws – effectively juvenile delinquent, as provided by Republic Act No. 9344;
- d. **Gang graffiti** – a form of graffiti that defaces any public or private property conveying the presence of the street gang posing as intimidation or threat of gang violence, in contrary with “graffiti” as defined under Ordinance Numbered 41, Series of 2008 [Anti-Graffiti Code of the City of Baguio];
- e. **Street gang** – formal or informal group, organization or assembly who act(s) or agree(s) to act in concert in order to engage in delinquent behavior, commit street gang violence and instigate community disorder; and
- f. **Street gang violence** – any threat or act, or attempted act or threat, involving violence and disorder harming other individuals or groups in the community.

SECTION 3. **APPLICATION.** – This Ordinance shall apply to all residents of the City of Baguio.

SECTION 4. **PROHIBITED ACTS.** – The following acts shall constitute the offense punishable under this Ordinance:

- a. Creation/formation of a street gang – Establishing, founding, leading and/or operating a street gang that vehemently disregard the safety and well-being of an individual especially minors;
- b. Recruitment and inducement to participate in street gang violence – It shall be unlawful for any person to employ, use, command, coerce, counsel, persuade, induce or entice any individual including minors to commit, cause to commit or facilitate the commission of a street gang violence;
- c. The instigation on the conduct of gang graffiti, which are intended to represent the presence of a gang that conveys a threat of gang violence in a neighborhood; and
- d. Other activities that disturbs public order, threatens public safety and convenience.

The bottom of the page features two handwritten signatures. The one on the left is a stylized signature with a vertical line extending downwards. The one on the right is a more complex signature with a large loop. To the right of these signatures is a small, handwritten letter 'b'.

SECTION 5. CREATION AND COMPOSITION OF THE CITY JUVENILE JUSTICE AND WELFARE COUNCIL. – There shall be a City Juvenile Justice and Welfare Council (CJJWC) for the implementation and monitoring of this Ordinance and of which shall be composed of the following:

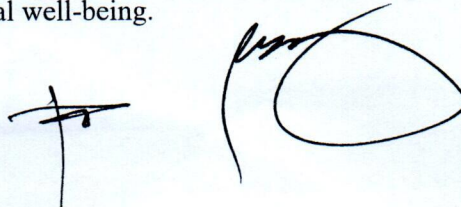
- Chairperson: City Mayor
- Vice-Chairperson: Chairperson of the *Sangguniang Panlungsod* (City Council) Committee on Youth Welfare and Sports Development
- Action Officer: Baguio City Police Office, Women's and Children's Protection Desk (BCPO-WCPD)
- Members:
- a. Chairperson of the *Sangguniang Panlungsod* (City Council) Committee on Laws, Human Rights and Justice;
 - b. Public Order and Safety Division (POSD);
 - c. City Social Welfare and Development Office (CSWDO);
 - d. City Health Services Office (CHSO);
 - e. City Youth Development Office (CYDO);
 - f. President of the Federation of Barangay Councils for the Protection of Children (FBCPC); and
 - g. Two (2) representatives from non-government organizations, religious sector among others to be identified by the Chairperson.

SECTION 6. FUNCTIONS OF THE CITY JUVENILE JUSTICE AND WELFARE COUNCIL. – The City Juvenile Justice and Welfare Task Force shall perform the following functions:

- a. Make responsive and essential the implementation of this Ordinance;
- b. Receive, review and process report(s) and complaints related to this Ordinance;
- c. File appropriate charges for violations under this Ordinance;
- d. Develop strategies to discourage gang membership;
- e. Prepare and implement a Comprehensive Local Juvenile Intervention Program (CLJIP) and submit to the *Sangguniang Panlungsod* (City Council) of Baguio for its approval and integration in the annual Local Development Plan for Children (LDPC);
- f. Submit the CLJIP to the *Sangguniang Panlungsod* (City Council) of Baguio for its approval and integration in the annual Local Development Plan for Children (LDPC);
- g. Submit annually the CLJIP to the Regional Juvenile Justice and Welfare Council as headed by the Department of Social Welfare and Development (DSWD) regional office; and
- h. Perform such other functions related to the implementation of this Ordinance to be determined by the Chief Executive Officer.

SECTION 7. INTERVENTION PROGRAMS FOR MINORS AND FAMILIES OR SIGNIFICANT OTHERS. – Minors who will be directly violating this Ordinance shall undergo intervention programs to be prepared by the council as provided under Section 5 hereof. Intervention programs for minors shall include the following:

- a. Counseling including the family members/relatives;
- b. Skills training;
- c. Education;
- d. Attendance in trainings, seminars and lectures on:
 - d.1. Anger management skills;
 - d.2. Problem solving and/or conflict resolution skills;
 - d.3. Values formation; and
 - d.4. Other skills which will aid the minor in dealing with situations which can lead to repetition of the offense.
- e. Participation in available community-based programs, including community service as provided under Ordinance Numbered 30, Series of 2003 [Baguio City Community Service Ordinance] and its Implementing Rules and Regulations; or
- f. Other activities that will enhance their reproductive health, spiritual wellbeing, psychological, emotional and psycho-social well-being.



SECTION 8. **SANCTIONS.** – Subject to the requirements on due process, excluding minors which is covered under Section 7 hereof, the following sanction shall be imposed to violators of this Ordinance:

- A fine of ₱5,000.00, and imprisonment of 1 to 30 days or both at the discretion of the court.

SECTION 9. **LIABILITY UNDER OTHER LAWS.** – Prosecution under this Ordinance shall be without prejudice to any liability for violation of any provision of the Revised Penal Code, as amended, or special laws.

SECTION 10. **FORMULATION OF IMPLEMENTING RULES AND REGULATIONS.** – The formulation of Implementing Rules and Regulations of this Ordinance shall be done by the City Social Welfare and Development Office (CSWDO) in close coordination with the City Juvenile Justice and Welfare Task Force-Section 5 of this Ordinance within thirty (30) days after its approval.

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 provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, as amended.

Unanimously passed.

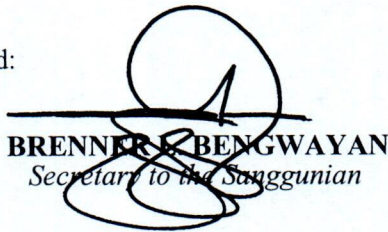
CERTIFIED CORRECT:



FAUSTINO A. OLOWAN
*City Vice-Mayor and
Presiding Officer*

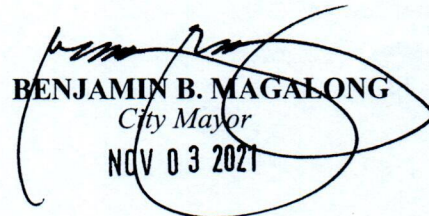
OCT 29 2021

Attested:



BRENNER B. BENGWAYAN
Secretary to the Sanggunian

APPROVED:



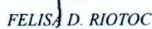
BENJAMIN B. MAGALONG
City Mayor
NOV 03 2021



ROGER P. LAOLAWI



JONATHAN M. FONTANOS



FELISA D. RIOTOC