



OFFICE OF THE SANGGUNIAN PANLUNGSOD

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIAN PANLUNGSOD HELD ON THE 6TH DAY OF DECEMBER, 2018 AT 4:35 P.M. AT THE SP SESSION HALL, THIS CITY

PRESENT:

Hon. RENATO Y. GUSTILO,	City Vice Mayor/Presiding Officer
“ BENITO Y. GUSTILO, JR.,	SP Member
“ CHRISTOPHER PAUL S. CARMONA,	SP Member
“ MARI-CAR O. QUISUMBING,	SP Member
“ JOSE CARLOS L. VILLARANTE,	SP Member
“ VICTORIANA C. CABILI,	SP Member
“ MARK E. CUI,	SP Member
“ CLINT S. MANSUETO,	SP Member
“ WILMER L. YAP,	SP Member
“ JONIE S. UY,	SP Member
“ ALEXANDER Y. ONGTIAOBOK,	SP Member
“ JB SPRING C. BACURNAY,	SP Member (SK Representative)

ON OFFICIAL BUSINESS:

Hon. ANTHONY S. WEE,	SP Member (LnB President)
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ORDINANCE NO. 18-63

AN ORDINANCE PROHIBITING LOITERING AND ROAMING HALF-NAKED IN PUBLIC PLACES IN THE CITY OF SAN CARLOS, NEGROS OCCIDENTAL AND PROVIDING PENALTIES FOR VIOLATION THEREOF AND FOR OTHER PURPOSES

Introduced by: Hons. GUSTILO, UY, MANSUETO, ONGTIAOBOK

WHEREAS, Section 458 (1)(V) of Republic Act 7160, otherwise known as the Local Government Code of 1991, states that, "the Sangguniang Panlungsod have the power to promote public order through providing penalties for activities inimical to the welfare and morals of the inhabitants;

WHEREAS, the Sangguniang Panlungsod recognizes the importance of promoting the maintenance of peace and order, the protection of life, liberty and property and the need to bring about an atmosphere of decency to uphold higher morals and standards among the members of its community and all those who come within the city's area of responsibility and territorial jurisdiction;

WHEREAS, it is just fitting and proper for people of all ages to give courtesy and respect as well as observe proper decorum wherever they may be;

WHEREAS, the City of San Carlos as a livable and sustainable city must set an example of orderliness, propriety and decency;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the Sangguniang Panlungsod of San Carlos, Negros Occidental, in session duly assembled that:

Section 1. Title. This ordinance shall be known as the "Anti-Loitering and Anti-Half Naked Ordinance" of the City of San Carlos, Negros Occidental.

Section 2. Scope. This ordinance shall be applicable to all persons within the territorial jurisdiction of the City of San Carlos, Negros Occidental.

Section 3. Definition of Terms:

- a) Half-naked (Topless/Bottomless) – wearing clothing covering only the lower-most or upper-most portion of the body with the absence of any top or bottom apparel;
- b) Loitering – means remaining in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to delay; and to stand around, where the effect of such conduct is to:
 - b.1) block or to obstruct the public places being occupied; or
 - b.2) create or cause to be created a disturbance or breach of the peace; or
 - b.3) obstruct or hinder the passage of pedestrians or vehicles; or
 - b.4) force pedestrians using any public sidewalk to walk upon a public street and to thereby be exposed to the danger of vehicular traffic.
- c) Public Places - shall mean any place to which the general public has access and a -right to resort for business, entertainment, worship or other lawful purpose, but does not necessarily mean a place devoted solely to the uses at the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, or church, and also public streets, ways, grounds, area or parks.

Section 4. Prohibitions:

- 1) It shall be unlawful for any person to loiter either along and/or in consort with others in a public place in such manner so as to:
 - a) *Obstructing Traffic.* Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
 - b) *Interference with Business or Property Use.* Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business awfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress and egress, and regress therein, thereon, and thereto.
- 2) It shall be unlawful for any person to move about in public places and/or outside his private residence topless or half-naked within the territorial jurisdiction of the City of San Carlos, Negros Occidental;

Section 5. Exemption. The following cases shall be considered as exemptions to going half-naked:

- a) Persons inside their private premises;
- b) Activities or events with special permit issued by the City Government/ implementing agencies;
- c) In cases of medical emergencies;
- d) Indigenous people wearing ethnic clothes;
- e) Public swimming pools, beaches and rivers;
- f) Persons who are engage in sports and sports activities

Section 6. Implementing Authority. The Philippine National Police (PNP) of San Carlos, Law Enforcement Team (LET) and the Barangay Officials/Enforcers are hereby assigned to implement this ordinance.

Section 7. Penalty. The following penalties shall be imposed for violation of this ordinance.

VIOLATION	FINES/PENALTY
First Offense	Warning
Second Offense	Three Hundred Pesos (P300.00) Fine or Eight (8) Hours of Community Service (at the option of the offender)
Third Offense	Three (3) to Five (5) days imprisonment

Provided that, if minors are caught violating the Ordinance, they shall be dealt with in accordance with the Juvenile Justice Law.

No violation of loitering shall be deemed to have occurred unless and until the assigned implementing authority shall have requested the person/s involved to move on or to disperse. Failure to comply with such a request by an officer shall then constitute a violation.

Section 8. Separability Clause. If, for any reason or reasons, any part or provisions of this ordinance shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 9. Repealing Clause. All previous ordinances inconsistent with this ordinance shall be deemed repealed or modified accordingly.

Section 10. Effectivity Clause – This ordinance shall take effect after its completion of its publication in a newspaper of local circulation.

ENACTED: DECEMBER 6, 2018 by the affirmative votes of Hons. GUSTILO, CARMONA, QUISUMBING, VILLARANTE, CABILI, CUI, MANSUETO, YAP, UY, ONGTIAOBOK and BACURNAY.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlungsod during its regular session held at the SP Session Hall, this city on December 6, 2018.

MA. CECILIA SUZETTE O. BINGHAY
Secretary to the Sangguniang Panlungsod

**ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:**

Renato Y. Gustilo
RENATO Y. GUSTILO
Vice Mayor/Presiding Officer

APPROVED ON 14 DEC 2018

Gerardo P. Valmayor, Jr.
GERARDO P. VALMAYOR, JR.