



Republika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod Mandaluyong

ORDINANCE NO. 740, S-2019

**AN ORDINANCE ESTABLISHING THE PROCEDURE IN
THE IMPLEMENTATION AND ENFORCEMENT OF A CITY
ORDINANCE**

BE IT ENACTED by the Sangguniang Panlungsod of Mandaluyong, in regular session duly assembled:

SECTION 1. COVERAGE OF THE ORDINANCE

- a.) **COVERAGE.** The procedure established in this Ordinance for the implementation and enforcement of the City ordinance covers all violation of a City Ordinance except violation of the Omnibus Traffic Code of the City.

SECTION 2. CITY ORDINANCE ENFORCEMENT DIVISION, SCOPE AND LIMITATION

- b.) **SCOPE.** The City Ordinance Enforcement Division (COEDiv), a Division of the City Civilian Affairs and Security Department, and comprising of the Task Force Anti-Vice and Anti-Illegal Vending Task Force, shall be the primary authority in the implementation and enforcement of all City Ordinances.

- c.) **LIMITATIONS.** As tasked by the Ordinance itself, the following office or law enforcer group shall be primarily responsible for its implementation and enforcement:

- 1.) **BUSINESS PERMIT AND LICENSING DEPARTMENT.**
Implementer of Ordinance No. 484, S-2011 entitled: An Ordinance Providing for a Revenue Code of 2011 for the City of Mandaluyong;
- 2.) **TRAFFIC PARKING AND MANAGEMENT DEPARTMENT.**
Implementer of Ordinance No. 588, S-2014 entitled: Omnibus Traffic Management Code of the City of Mandaluyong;
- 3.) **CITY PLANNING AND DEVELOPMENT DEPARTMENT.**
Implementer of Ordinance No. 664, S-2017 entitled: An Ordinance Adopting the Zoning Regulations of Mandaluyong City and Providing for the Administration, Enforcement and Amendment thereof and for the Repeal of all Ordinances in Conflict therewith;

- 4.) CITY HEALTH DEPARTMENT. Implementer of Ordinance No. 312, S-2005 entitled: An Ordinance Prescribing the Sanitation Code of Mandaluyong City Pursuant to the Local Government Code of 1991 and other pertinent laws;
- 5.) THE CITY ENVIRONMENTAL MANAGEMENT DEPARTMENT. Implementer of Ordinance No. 668, S-2017 entitled: An Ordinance Adopting the Omnibus Solid Waste Management Code of the City of Mandaluyong and Providing Penalty for Violation thereof, Subject to all Laws and Existing Legal Rules and Regulations;
- 6.) ANTI-SMOKE BELCHING UNIT. Implementer of Ordinance No. 346, S-2005 entitled: An Ordinance Penalizing Smoke Belching Vehicles Plying within the Territorial Jurisdiction of the City of Mandaluyong;
- 7.) CITY ENGINEERING DEPARTMENT. Implementer of Ordinance No. 709, S-2018 entitled: An Ordinance Adopting Version 2.0: The 2014 Green Building Regulations of Mandaluyong City and for other Purposes;
- 8.) MEMBERS OF THE PNP ASSIGNED IN MANDALUYONG, BARANGAY OFFICIALS AND THE BANTAY BAYAN. Implementer of Ordinance No. 550, S-2014 as amended by Ordinance No. 595, S-2015 and further amended by Ordinance No. 694, S-2018 entitled: The Riding-in-Tandem Ordinance.

d.) However, in the exigencies of service, the City Mayor or his duly authorized representative, may call upon the COEDiv to implement or to assist in the implementation of the above-mentioned Ordinances.

e.) In the performance of its mandate, the COEDiv shall:

- 1.) Apprehend the violators of the Ordinances, and issue Ordinance Violation Receipts (OVRs) pursuant to the apprehension of the said violators;
- 2.) Prosecute the violators in the proper administrative and judicial for a;
- 3.) Collaborate with the Sangguniang Panlungsod for the conduct of adequate dissemination campaign to inform all concerned, especially the public, of the pertinent provisions of City Ordinances;

- 4.) Coordinate and seek the assistance of local police, barangay officials, barangay tanods, civic groups, the public in general, and others on the implementation and compliance of City Ordinances;
- 5.) Coordinate with other task forces and enforcers group created by the City Government to implement specific Ordinances, such as the Revenue Code, the Building Code, the Anti-Smoking Ordinance and others;
- 6.) Advise the City Mayor and the Sangguniang Panlungsod on matters relating to ambiguities and others about provisions of the Ordinance and the procedure of its implementation;
- 7.) Recommend amendments/solutions/improvements for the betterment of the execution/implementation of an Ordinance;
- 8.) Submit to the City Mayor, copy furnished the Sangguniang Panlungsod through its Secretariat, a monthly report of the activities of the Office, containing all necessary statistics gathered involving apprehensions of all types of violations;
- 9.) Perform such other duties and functions as may be necessary for the effective implementation of City Ordinances.

SECTION 3. OTHER AUTHORIZED PERSONS TO IMPLEMENT AND ENFORCE THIS CITY ORDINANCES.

- a.) **BARANGAY OFFICIALS.** It shall be the primary obligation and duty of the Punong Barangay, Sangguniang Barangay members and Bantay Bayan (formerly barangay tanods) as provided for in Republic Act No. 7160 (Local Government Code) to enforce all laws and City Ordinances within their respective barangays.
- b.) **PHILIPPINE NATIONAL POLICE (PNP).** As the national law enforcement agency of the government, the PNP assigned in Mandaluyong City has the responsibility and obligation to enforce City Ordinances within the jurisdiction of the City of Mandaluyong.
- c.) **PUBLIC ORDER AND SAFETY DIVISION – MAYOR'S ACTION COMMAND.**

SECTION 4. VIOLATION OF A CITY ORDINANCE. Any person who violates any Mandaluyong City Ordinance, except the Riding-in-Tandem Ordinance, shall be taken into custody and be brought to the Mandaluyong City Police Station, Barangay Hall or nearest police precinct for investigation, blotter and recording. Thereafter, the offender shall be issued the appropriate OVR.

Upon issuance of the OVR, offender may opt to avail of the No Contest Provision. If the offender so avails, he/she has a period of five (5) days within which to pay the fine.

If he/she fails to pay within the said period, the appropriate case will be filed with the Office of the City Prosecutor.

If from the onset, the offender manifests that he/she will not avail of the No Contest Provision, he/she shall be referred for proper booking with the Mandaluyong Police Station and the appropriate case shall be filed with the Office of the City Prosecutor.

Exempted is a child, who is a person under the age of eighteen (18) years, or one over said age and who, upon evaluation of a qualified physician, a psychologist or psychiatrist, is found to be incapable of taking care of himself fully because of a physical or mental disability or condition, or of protecting himself from abuse. (IRR RA 7610)

If the offender is a corporation or a partnership, organization or any similar entity, the OVR shall be issued to its President and/or General Manager or Managing Partner and/or General Manager, or such other officer in-charge with the management of the business.

SECTION 4A. VIOLATION WHERE THERE IS A PRIVATE OFFENDED PARTY. The offended party may complain, orally or in writing, to the Lupon Chairman of the Barangay in whose jurisdiction the violation was committed.

The complaint shall then undergo the process of mediation, conciliation or arbitration as provided for under the provisions on Katarungang Pambarangay, enshrined under Chapter 7, Title One, Book III of Republic Act No. 7160, known as the "Local Government Code of 1991", which shall govern the procedure on the initiation and filing of the formal complaint before the Courts for violation of an Ordinance where there is a private offended party.

No Ordinance Violation Receipt (OVR) shall be issued the offender. Consequently, the No Contest Provision as provided for in this Ordinance shall not apply.

SECTION 5. PROCEDURE IN THE ISSUANCE OF ORDINANCE VIOLATION RECEIPT (OVR). The following procedures shall be observed by any law enforcer in the apprehension of any person who violates any provision of a City Ordinance:

- a.) Inform the violator of his/her violation;
- b.) Issue the OVR, indicating therein the name, address (should be verified) and other pertinent data of the person apprehended, as may be required in the OVR, including the violation;
- c.) Inform the violator of his/her right to avail of the No Contest Provision, as provided in Section 6, hereof.

SECTION 6. NO CONTEST PROVISION. Any person apprehended for violation of a City Ordinance, who does not wish to contest the violation and is willing to voluntarily pay the fine imposed upon him/her prior to the filing of formal complaint with the Office of the City Prosecutor, shall be allowed to pay the fine with the City Treasurer to avoid criminal prosecution.

SECTION 6A. PROCEDURE IN THE AVAILMENT OF THE NO CONTEST PROVISION.

1. The violator shall be given five (5) working days from issuance of the OVR within which to pay the fine.
 - 1.a. The fine shall be at least the minimum imposable by the Ordinance violated.
 - 1.b. The No Contest Provision can only be availed of three (3) times. For the fourth and succeeding violations, a complaint for the violation of the Ordinance shall be filed against the violator and the maximum penalty should be imposed.
2. The violator who avails of the No Contest Provision before making the payment to the City Treasurer, shall secure an Order of Payment from the COEDiv.
3. After payment of the fine, the violator shall present the Official Receipt to the COEDiv, which shall attach a Certified True Copy of the receipt to the documents of the case and the case shall be considered closed.
4. If after the lapse of five (5) days, the violator failed to present the Official Receipt of the payment of the fine, the COEDiv shall file a case with the City Prosecutor's Office, attaching its Certification that the violator did not avail of the No Contest Provision.\

SECTION 7. COMMUNITY SERVICE. In case of the violator's inability to pay the fine, the violator may opt to render community service as follows:

1.	For a penalty of P1,000.00 and below	eight (8) hours
2.	For a penalty of more than P1,000.00 But not more than P3,000.00	sixteen (16) hours
3.	For a penalty of more than P3,000.00 but not more than P5,000.00	twenty (20) hours

SECTION 7A. PROCEDURE IN THE AVAILMENT OF THE COMMUNITY SERVICE PROVISION.

- 1.) The violator shall first secure a Certification from the City Social Welfare and Development Department which shall conduct a capability assessment.
- 2.) The Punong Barangay shall determine the community service to be rendered from a list provided to it. In no case shall the Punong Barangay deviate from the said list. It shall be the duty of the Punong Barangay to ensure the violator's compliance with the required community service.
- 3.) After the completion of the community service, the Punong Barangay shall provide a written report to the COEDiv, which shall consider the case closed. Non-completion of the community service as certified by the Punong Barangay shall be deemed a waiver on the part of the violator to avail of the same, and the case shall proceed accordingly.
- 4.) The Community Service Provision can only be availed of three (3) times. For the fourth and succeeding violations, a complaint for the violation of the Ordinance shall be filed against the violator and the maximum penalty should be imposed.

SECTION 8. SHARING OF FINES (INCENTIVE TO ENFORCERS). Fines paid by violators who availed of the No Contest Provision shall be shared in the following manner:

- a.) Forty percent (40%) to the General Fund of the City.
- b.) Twenty percent (20%) to the barangay where the apprehension was made, to be used in the barangay's peace and order program.
- c.) Eighteen percent (18%) to the Mandaluyong Police Station, to be used exclusively for the purchase and/or acquisition of needed equipment, and as special fund for police operations and in the conduct of police activities. No part of the share shall be given as incentive to any individual or group.

d.) The remaining twenty two percent (22%) shall be given as incentives to the following:

- 1.) Twelve percent (12%) of the total amount of fines collected from apprehensions made by each individual enforcer shall be given to City enforcers, members of the PNP detailed in Mandaluyong, and barangay officials and tanods, and enforcers enumerated under Section 2 herein, who actually made the apprehension.
- 2.) Three percent (3%) of the total amount of fines collected from apprehensions made/generated by each enforcement unit shall be given to the Head of the unit concerned.
- 3.) Three percent (3%) of the total amount of fines collected from the enforcement of City Ordinances shall be given to the Chief of the City Ordinance Enforcement Division.
- 4.) Four percent (4%) of the total amount of fines collected from the enforcement of City Ordinances shall be divided equally among the administration staff of the office of the City Ordinance Enforcement Division.

The City Treasurer is hereby directed to remit all incentives, as above cited, to all concerned covered by the incentives within five (5) working days after the end of each month.

SECTION 9. VIOLATION OF CITY ORDINANCE BY A CHILD (UNDER THE AGE OF EIGHTEEN (18) YEARS). Ordinances enacted by the City of Mandaluyong concerning juvenile status offenses such as, but not limited to curfew violations, truancy, parental disobedience, including the Code of Parental Responsibility, anti-smoking, anti-drinking; as well as light offenses and misdemeanor against public order and safety such as, but not limited to disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, are for the protection of children. Therefore, NO PENALTY shall be imposed on children for said violations. (Republic Act 10630).

SECTION 9A. PROCEDURE IN THE HANDLING OF A CHILD OFFENDER.

- a.) A child, who is cited for violation of a City Ordinance shall be recorded as a "child at risk" and not a "child in conflict with the law". He/she shall be brought to any Barangay Official at the Barangay Hall to be referred to the City Social Welfare and Development Department (CSWDD), which shall, with the assistance of the Barangay Official, release the custody of the child to his/her parents or guardian, or in the absence thereof, the child's nearest relative.

If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

- 1.) A duly registered non-governmental or religious organization;
 - 2.) A Barangay Official or a member of the Barangay Council for the Protection of Children (BCPC);
 - 3.) A City Social Welfare and Development Officer (CSWDO), or when and where appropriate, the DSWD.
- b.) The City Social Welfare Development Officer (CSWDO) shall determine and design the intervention program for the child. The intervention program shall consist of counselling, attendance in group activities for children, etc. and for the parents, attendance in parenting education seminars (Republic Act 10630).
- c.) If the child has been found by the CSWDO to be dependent, abandoned, neglected or abused by his/her parent, and the best interest of the child requires that he/she be placed in the Youth Care Facility or "Bahay Pag-asa", the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child. Provided, that if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the CSWDO. (Section 6, Republic Act 10630, amending Section 20, Republic Act 9344);
- d.) Section 21, Republic Act 9344, pertaining to the "Procedure for taking the child into custody shall at all times be observed by any law enforcer who takes a child into custody".

SECTION 10. PRINTING AND CUSTODY OF ORDINANCE VIOLATION RECEIPT (OVR). The City General Services Department is hereby authorized to secure the printing of sufficient copies of the OVR, the specification of which shall be prepared by the COEDiv.

The COEDiv shall take custody of, and be accountable for, all the OVRs printed for use in the enforcement of City Ordinances.

SECTION 11. REPEALING CLAUSE. All Ordinances and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

SECTION 12. EFFECTIVITY. This Ordinance shall take effect after fifteen (15) days following its publication in a newspaper of general circulation in Metro Manila.

ADOPTED on this 23rd day of September, 2019, in the City of Mandaluyong.



I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.


MA. TERESA S. MIRANDA
Sanggunian Secretary

ATTESTED BY:


JESUS O. CRUZ
Councilor &
Acting Presiding Officer

APPROVED:


CARMELITA A. ABALOS 
City Mayor

Date: 02 OCT 2019

















ON OFFICIAL BUSINESS
ANTONIO DLS. SUVA
Vice Mayor

DISTRICT I


CHARISSE MARIE ABALOS-VARGAS
Councilor

ON VACATION LEAVE
ANJELO ELTON P. YAP
Councilor


DANILO L. DE GUZMAN
Councilor

ON SICK LEAVE
GRACE MARIE V. ANTONIO
Councilor


RODOLFO M. POSADAS
Councilor


ESTANISLAO V. ALIM III
Councilor


DARWIN A. FERNANDEZ
Liga ng mga Barangay President


AEROL SEDRICK A. MANGALIAG
SK Federation President

DISTRICT II



BENJAMIN A. ABALOS III
Councilor


CHERRY LYNN PABLO-SANTOS
Councilor

ON OFFICIAL BUSINESS
ROEHL B. BACAR
Councilor

ACTING PRESIDING OFFICER
JESUS C. CRUZ
Councilor


FERNANDO S. OCAMPO
Councilor


MICHAEL ERIC G. CUEJILO
Councilor