



Republic of the Philippines  
Caraga Region XIII  
Province of Surigao del Norte  
Municipality of Alegria



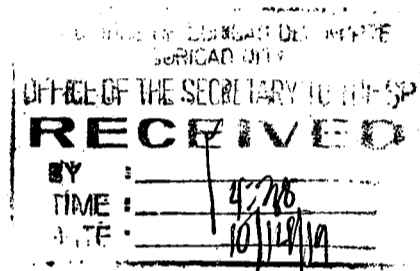
**SANGGUNIANG BAYAN OF ALEGRIA**

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ALEGRIA, SURIGAO DEL NORTE, HELD IN OUTDOOR SESSION AT BIG TIME BEACH RESORT, LIANGA, SURIGAO DEL SUR ON SEPTEMBER 30, 2019.**

**PRESENT:**

- Hon. Reuel O. Jalasan - SB Member
- Hon. Nimfa N. Sagaral - SB Member
- Hon. Erlinda B. Silvosa - SB Member
- Hon. Emalyn S. Micompal - SB Member
- Hon. Arnold L. Dagcuta - SB Member, Temporary Presiding Off
- Hon. Ryan T. Abarico - SB Member
- Hon. Reynaldo B. Ranay - SB Member
- Hon. Eldy S. Gabeligno - SB Member
- Hon. Almasur G. Opalia - LNMB President
- Hon. Reil John A. Esma - SK Fed. President

**ABSENT:** Hon. Dominador G. Esma, Jr. – MVM (on V/L)



**MUNICIPAL ORDINANCE NO. 11  
SERIES OF 2019**

**MUNICIPAL ORDINANCE PROVIDING FOR THE SAFETY OF MINOR MOTORCYCLE RIDERS AND STRICTLY PROHIBITING MINORS FROM DRIVING ANY KIND OF VEHICLE INCLUDING BUT NOT LIMITED TO MOTORCYCLE, TRICYCLE, MOTORBOAT, TWO-WHEELED OR THREE-WHEELED VEHICLE AND OTHER SIMILAR AUTOMOBILES. PROVIDING PENALTIES FOR VIOLATION THEREOF IN THE MUNICIPALITY OF ALEGRIA, SURIGAO DEL NORTE.**

Introduced by: Hon. Nimfa N. Sagaral  
Chairman, Committee on Social Services

**WHEREAS**, the motorcycle has become the most preferred mode of transportation particularly in the remote Barangays of the country;

**WHEREAS**, the proliferation of motorcycles has increased the incidence of road accidents;

**WHEREAS**, many children and minors have fallen victims of road accidents, who are either disabled or killed;

**WHEREAS**, it is the duty of the government to protect the lives and properties of the people;

**WHEREAS**, there is a need to stop the incidence of minor victims in road accidents from mounting further and to prevent unintentional child injuries;

**WHEREAS**, there is a need to protect and ensure the safety of minor riders and pedestrians;

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**NOW THEREFORE:**

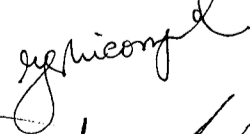
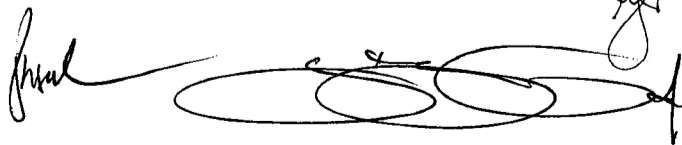
**BE IT ORDAINED** by the Sangguniang Bayan of Alegria, Surigao del Norte in regular session assembled, that:

**SECTION 1. The Municipal Ordinance aims:**

- 2.1. To curb the incidents of road accidents involving motorcycles more specifically those that involves children;
- 2.2. To protect the lives and properties of motorcycle rider and pedestrian;
- 2.3. To minimize vehicular accident and promote orderly traffic and regulations;
- 2.4. To promote safety, peace, comfort, convenience and general welfare of riding public therein as well as the general using national, provincial, municipal and barangay roads;

**SECTION 2. Definition of Terms. For purpose of this Ordinance, the following terms are hereby defined:**

- 2.1. **Minor** - any person, male or female who is below eighteen (18) year of age.
- 2.2. **Motorcycle**- any two (2) wheeled motor vehicle having one (1) or two (2) riding saddles.
- 2.3. **Rider** – a person who rides a motorcycle.
- 2.4. **Back rider** – a passenger riding in a motorcycle but is not the driver.
- 2.5. **National Road** – roads that are maintained by the national government.
- 2.6. **Authorities** – refer to law enforces who are members of the Local Police force and Punong Barangay of the different barangays of the municipality, including the latter's authorized agents like Barangay Kagawads and Tanods.
- 2.7. **Deputize** –to appoint as deputy or substitute of a person of authority.
- 2.8. **Authorize** – to give authority or different power to.
- 2.9. **Driving** – shall refer to the act of providing maneuvering and manipulating by oneself anything that is powered by an engine.
- 2.10. **ENGINE** – shall refer to any mechanized invention that is being ignited and ran by fuel, gas, fuel-celled batteries or their combinations.
- 2.11. **PARENT** – shall refer to either legitimate parent.
- 2.12. **GUARDIAN** – shall refer to natural guardians or court-appointed guardians.
- 2.13. **NATURAL GUARDIAN** - shall refer to anyone other than legitimate parent upon whose custody, care and support a minor.



### SECTION 3. PROHIBITION

1. It shall be prohibited for any minor to drive any motor vehicle; motorcycle, tricycle, motorboat two or three wheeled vehicle and other similar automobile within the territorial jurisdiction of the Municipality of Alegria.
2. It shall be unlawful for owners of motor vehicle, motor boat, two or three wheeled vehicle and other similar automobile to let, allow, consent or tolerate, or by negligence cause any minor from driving the same within the territorial jurisdiction of the municipality. The registered names of those vehicles and automobile shall be presumed the owner thereof for purposes of imposing penalty or fine.
3. It shall be unlawful for any person to drive a two (2) wheeled motorcycle with a child on board on public roads where there is heavy volumes of vehicle, there is a high density of fast moving vehicles or where a speed limit of more than 60/kph is imposed, unless.
4. The child's arm can reach around and grasp the waist of the motorcycle rider;
5. The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle.
6. The child is wearing a standard protective helmet referred to under Republic Act. No. 10054, otherwise known The Motorcycle Helmet Act of 2009.
7. Aside from being prohibited, it shall add to as violation if the minor driver carries more than one passenger.

### SECTION 4. EXCEPTION

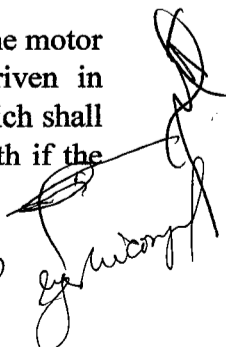
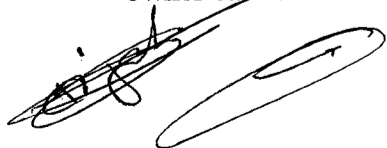
1. Notwithstanding the prohibition, provided in the preceding section this act shall not apply to cases where the child to be transported requires immediate action.
2. And, those children described in should be accompanied by one parent or adult relatives while riding.

### SECTION 5. PENALTY

1. The penalty of fine in the amount of Php500.00 for 1st offense; Php 1,000.00 for 2<sup>nd</sup> offense and Php1,500.00 for 3<sup>rd</sup> offense shall be imposed for any violation hereof which shall be paid by the parent or guardian of the driving minor and the registered owner or imprisonment of not exceeding one week or both such fine and imprisonment, at the discretion of the court.

### SECTION 6. ADMINISTRATIVE PROVISIONS.

1. The provisions of this ordinance shall be implemented by the PNP Personnel, local traffic enforcers, Punong Barangays including the latter's agent like Barangay Kagawads and Tanods as deputized by the Local Chief Executive under the purpose of this ordinance.
2. In ensuring the payment of penalty of fine, the enforcers of this ordinance may impound the motor vehicle, motorcycle, motor-tricycle and other similar automobile which is being driven in violation of this ordinance with proper receipt thereof and written notice to the owner which shall be made within an hour from such impoundment notice, however may be dispensed with if the owner cannot be determined on the basis of the LTO registration or official receipt.



3. Impounded motor vehicle, motorcycle, motor-tricycle and other similar automobile pursuant to the provisions hereof shall be released only upon full payment of the penalty of fine and other fees and upon showing of an official receipt.
4. A daily storage fee shall be imposed on impounded chattel which shall be computed from receipt of this required notice to the owner, or from the day following the impoundment, whichever is later under the following schedule.

Amount (per unit)	Kind of Chattel (per day)
10.00	Motorcycles and Tricycles
20.00	Other automobiles

**SECTION 7. Scope and Coverage.** – This imposition shall apply to all motorcycle riders, prohibiting minors in the territorial jurisdiction of Alegria Surigao Del Norte from driving motorcycle, tricycle, two wheeled or three-wheeled vehicle, motorboat, and other similar automobiles.

**SECTION 8. ENFORCED REGULATION.** All motorcycle drivers are enjoined to comply strictly with the provision prescribed hereof or else they shall be prevented from travelling any further.

**SECTION 9. AMENDATORY CLAUSE** – provisions or existing ordinance, which are inconsistent herewith, are hereby deemed amended and modified accordingly.

**SECTION 10. SUPPLEMENTARY CLAUSE** –this ordinance supplements the existing ordinances for protection of children and such other protection ordinances.

**SECTION 11. SEPARABILITY CLAUSE** –should any provision of this ordinance be there after declared illegal or unconditional, the same shall not affect the other provisions hereof which are implementable in themselves.

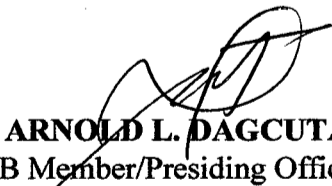
**SECTION 12. EFFECTIVITY** – this ordinance shall take effect after 15 days from the last day of posting.

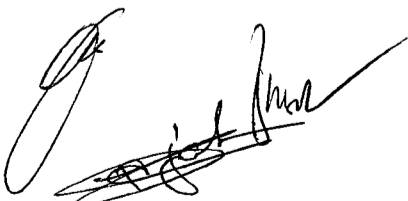
**ADOPTED AND APPROVED.** September 30, 2019.

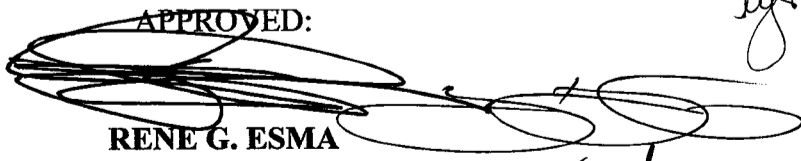
MOVANT : Hon. Nimfa N. Sagaral, RSW  
SECONDED BY : Hon. Erlinda B. Silvosa

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING MUNICIPAL ORDINANCE.

Attested by:  **MARIA ELENA J. BUCONG**  
SB Secretary

  
**ARNOLD L. DAGCUTA**  
SB Member/Presiding Officer



APPROVED:  
  
**RENE G. ESMA**  
Municipal Mayor

