



OFFICE OF THE SANGGUNIANG BAYAN

ANGELINA A. BERNARDO
INB-PRESIDENT

Literal Copy of **Municipal Ordinance No. 2019-15** approved by the Sangguniang Bayan of Palanan, Isabela in its Special Session on **October 14, 2019** held at the Legislative Session Hall, this Municipality.

MUNICIPAL ORDINANCE NO. 2019-15

Sponsored by: **HON. PACITA MONA Q. ATANACIO, Sangguniang Bayan Member**

AN ORDINANCE PROVIDING FOR THE SAFETY OF CHILDREN ABOARD MOTORCYCLES AND PROVIDING PENALTIES FOR VIOLATIONS THEREFOR AND FOR OTHER PURPOSES.

JUSTIN KERBY S. BERNARDO
SK FEDERATION PRESIDENT

Be it enacted by the Sangguniang Bayan of the Municipality of Palanan, Isabela in session duly assembled:

SECTION 1. Short Title. This Ordinance shall be known as "Children's Safety on Motorcycles".

SECTION 2. Declaration of Policy.- It is the policy of the State to defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

Towards this end, the LGU shall pursue a more proactive and preventive approach to secure the safety of passengers, especially children, by regulating the operation of motorcycles along roads and highways.

SECTION 3. Definitions.- For purposes of this Ordinance, the following terms shall mean:

- (a) **Motorcycle** refers to any two (2)-wheeled motor vehicle having one (1) or two (2) riding saddles;
- (b) **Public roads** refer to roads designed by the national government or local government units as roads for public use such as, but not limited to, national highways, provincial roads, city, municipal and barangay streets;
- (c) **Foot peg** refers to a flat form attached to the motorcycles on which to stand or brace the feet; and
- (d) **Rider** refers to the driver of a motorcycle.

SECTION 4. Prohibition.- 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 volume of vehicles, there is a high density of fast moving vehicles or where a speed limit of not more than 40 kilometers per hour is imposed, unless:

- (a) The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle;
- (b) The child's arms can reach around and grasp the waist of the motorcycle rider; and
- (c) The child is wearing a standard protective helmet referred to under Republic Act No. 11054, otherwise known as the "Motorcycle Helmet Act of 2009."

SECTION 5. Exception. - Notwithstanding the prohibition provided in the preceding section, this Ordinance shall not apply to case where the child to be transported requires immediate medical attention.

SECTION 6. Penalties.- Any person who operates a motorcycle in violation of Section 4 of this Ordinance shall be fined with an amount of One Thousand Five Hundred (P1,500.00) for the **1st Offense**; Two Thousand Pesos (P2,000.00) for the **2nd Offense**; Two Thousand Five Hundred (P2,500.00) for the **3rd** and succeeding offenses.

SECTION 7. Qualifying Circumstances. - If, in violation of the provisions of this Ordinance, death shall resulted or serious or less serious injuries shall have been inflicted upon the child or any other person, a penalty of one (1) year imprisonment shall be imposed upon the motorcycle rider or operator of the motorcycle involved without prejudice to the penalties provided under Act No. 3815, otherwise known as "The Revised Penal Code of the Philippines," as amended.

SECTION 8. Authority to Deputize Traffic Enforcers and Local Government Units (LGUS). - To effectively implement the provisions of this ordinance, the LTO is hereby given the authority to deputize members of the Philippine National Police stationed in this municipality.

GLORIA D. CAULIAN
SB MEMBER

CRISELDA S. DELA PENA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERT B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
SB MEMBER

ROMNIE A. ATIENZA
SB MEMBER

MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERT B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
SB MEMBER

RONNIE A. ATIENZA
SB MEMBER

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

SECTION 9. Public Information Campaign. – Not later than fifteen (15) days following the promulgation of the Implementing Rules and Regulations (IRR) of this Ordinance, the MSWD Office in coordination with the members of Philippine National Police shall undertake the information and education campaign for a period of three (3) months on the important provisions of this Ordinance and its IRR. Thereafter the MSWD Office shall include the essential provisions of this Ordinance in their respective annual communications programs.

SECTION 10. Separability Clause. – If for any reason any section or provision of this Ordinance is declared unconstitutional, other provisions hereof which are not affected thereby shall continue to be in full force and effect.


SECTION 11. Repealing Clause. - All laws, rules and regulations, which are inconsistent with or contrary to the provisions of this Ordinance are hereby amended or repealed.

SECTION 12. Effectivity. - This ordinance shall take effect upon approval and the requisite posting and publication.

Enacted, October 14, 2019.

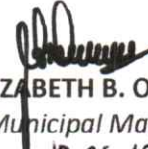
I hereby attest to the correctness of the foregoing Ordinance.

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:


JIMMY B. GONZALES
Municipal Vice Mayor/Presiding Officer

APPROVED:


NELIA ALAMO-PLATA
Secretary to the Sanggunian


ELIZABETH B. OCHOA
Municipal Mayor
Date: 10-26-19

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LNB PRESIDENT

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