



Republic of the Philippines
 Province of Davao Oriental
OFFICE OF THE SANGGUNIANG PANLALAWIGAN
 SP Complex, Government Center, Dahican
 CITY OF MATI



EXCERPTS FROM THE MINUTES OF THE 78TH REGULAR SESSION OF THE 16TH SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL, HELD ON TUESDAY, DECEMBER 22, 2020, AT THE CITY OF MATI, THIS PROVINCE.

PRESENT:

Hon. Niño Sotero L. Uy, Jr. Vice Governor - Presiding Officer

Regular Members:

District I

Hon. Dante M. Caubang
 Hon. Marietta D. Palmera
 Hon. Joselito B. Villademosa
 Hon. Laureano B. Taya

District II

Hon. Louis N. Rabat
 Hon. Anacleto P. Macatabog
 Hon. Lemuel Ian M. Larcia
 Hon. Enrico M. Antopuesto
 Hon. Dennis V. Roflo, Jr.

Ex-Officio Members:

Hon. Rabsalon M. Lamarin
 Hon. Charlie S. Ambasan

President, Philippine Councilor's League
 Indigenous Peoples' Mandatory
 Representative
 Sangguniang Kabataan Provincial
 Federation President

Hon. Ronald T. Lara, Jr.

ABSENT:

Hon. Nelson R. Dayanghirang, Jr.
 Hon. Rustan R. Castellones

SP Member, District I – O.B. District I
 President, Liga Ng Mga Barangay

PROVINCIAL ORDINANCE NO. 16-53-12-2020

Author : Hon. Anacleto P. Macatabog
 Sponsor : Hon. Enrico M. Antopuesto

AN ORDINANCE PENALIZING ANY PERSON ALLOWING, CONSENTING, INDUCING OR DIRECTING MINORS TO DRIVE MOTOR VEHICLES IN THE PROVINCE OF DAVAO ORIENTAL AND FOR OTHER PURPOSES

WHEREAS, Section 2 of Republic Act No. 7610, otherwise known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination And for Other Purposes" provides among others that "*it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development*";

WHEREAS, Section 3(c)2 of Republic Act No. 7610 further defined the circumstances which gravely threaten or endanger the survival and normal development of children which includes, among others, those who work under conditions hazardous to life and safety which unduly interfere with their normal development;

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WHEREAS, it is quite disheartening to learn that tragic accidents involved minors who, in their tender years, are carefree and at times careless, and are not supposed to be driving motor vehicles;

WHEREAS, these minors, not being a possessor of any driver's license are not equipped with the necessary knowledge on traffic rules and regulations;

WHEREAS, it is imperative to put a stop, at all cost, to our culture of complacency over minors' driving of motor vehicles.

WHEREFORE, on motion of SP Member Enrico M. Antopuesto, duly and jointly seconded by SP Members Dennis V. Roflo, Jr., and Ronald T. Lara, Jr., it was

Be it ordained by the 16th Sangguniang Panlalawigan of Davao Oriental in session duly assembled that:

SECTION 1. TITLE – This Ordinance shall be known as an “Ordinance Penalizing any Person Allowing, Consenting, Inducing or Directing Minors to Drive Motor Vehicle” otherwise known as “Anti-Minor on Wheels Ordinance of Davao Oriental.”

SECTION 2. DEFINITION OF TERMS – For purposes of this Ordinance, the following shall be defined as follows:

- a) **Person** – shall include natural or juridical person.
- b) **Owner** – refers to the one whose name is reflected in the Official Receipt/Certificate of Registration as the owner of the motor vehicle or a person found to be exercising attributes of ownership over the subject motor vehicle.
- c) **Motor Vehicle** – shall mean any vehicle propelled by any power other than muscular power using public highways or road. It includes public and private utility vehicles among others.
- d) **Minors** – refers to those below 18 years of age or over, but not capable of taking care of themselves.
- e) **License** – refers to a drivers' license duly issued by the Land Transportation Office (LTO).
- f) **LSWDO** – shall refer to the Local Social Welfare and Development Officer.
- g) **Parents** – shall include the guardian and head of the institution or foster home which has custody of the child”

SECTION 3. Unless otherwise allowed by law, it shall be unlawful for any person of legal age to allow, consent, induce or direct any minor to drive any motor vehicle for any purpose within the territorial jurisdiction of Davao Oriental.

SECTION 3.1 The fact of registration of the motor vehicle to a particular person driven by the minor shall establish a *prima facie case* that the said owner allowed, consented, induced or directed the minor to drive the subject vehicle.

SECTION 3.2 It shall likewise be prohibited for any person to allow, consent, induce or direct any person who is not a possessor of a drivers' license duly issued, to drive a motor vehicle.

SECTION 4. FINES AND PENALTIES – Any person found guilty thereof shall be subjected to the following fines and penalties:

a. First Offense	Five Hundred Pesos (P500.00)
b. Second Offense	Two Thousand Pesos (P2,000.00)
c. Third and succeeding offenses	A penalty of Five Thousand Pesos (P5,000.00) and Imprisonment of not less than Five (5) months nor more than One (1) year or both at the discretion of the Court.

SECTION 4.1 Upon apprehension, minor offenders shall be indorsed by the apprehending officer/enforcer to the Local Social Welfare and Development Officer or any of its designated personnel for mandatory guidance counselling in the presence of his/her parents.

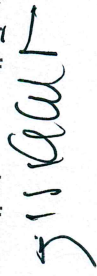
SECTION 5. IMPLEMENTATION - Impounded motor vehicle and other similar automobile pursuant to the provisions hereof shall be released only upon full payment of the penalty or fine and other fees and upon showing of an official receipt from the Local Treasurer's Office.

SECTION 6. COLLECTION. All fines collected for violation thereof shall be shared by the province and component City/Municipalities and Barangays who help enforce/implement this Ordinance. Barangays shall be given 30% share and 50% share shall also be given to the component City/Municipality where fines are being collected and 20% shall accrue to the General Fund of the Provincial Government.

SECTION 7. REPEALING CLAUSE - All previous ordinances, resolutions, local issuances and provisions inconsistent with this ordinance shall be deemed amended, repealed or modified accordingly.

SECTION 8. SEPARABILITY CLAUSE - If for any reason any part or provision of this Ordinance shall be held unconstitutional or invalid other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 9. EFFECTIVITY - This ordinance shall take effect thirty (30) days after posting and publication in a newspaper of general circulation in the Province of Davao Oriental.



ENACTED: DECEMBER 22, 2020.

CARRIED, by twelve (12) affirmative votes of SP Members Louis N. Rabat, Anacleto P. Macatabog, Lemuel Ian M. Larcia, Enrico M. Antopuesto, Dennis V. Roflo, Jr., Dante M. Caubang, Marietta D. Palmera, Joselito B. Villademoso, Laureano B. Taya, Rabsalon M. Lamarin, Charlie S. Ambasan, and Ronald T. Lara, Jr.; negative votes – none; and abstention - none.

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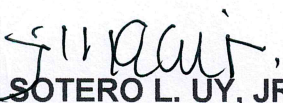
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**I hereby Certify to the Correctness
of the foregoing Ordinance.**



MAXIMINO A. NAZARENO II
Secretary to the Sangguniang Panlalawigan

**Attested and Certified
to be duly Adopted:**



NIÑO SOTERO L. UY, JR.
Vice Governor and Presiding Officer

APPROVED:



NELSON L. DAYANGHIRANG
Governor

Date approved
and signed DEC 29 2020