



OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF GUIMARAS HELD AT THE SP SESSION HALL, PROVINCIAL CAPITOL ON AUGUST 5, 2015.

PRESENT:

Hon. Vicente B. de Asis	-	Vice Governor/Presiding Officer
Hon. Cyril C. Beltran	-	SP Member/Majority Floor Leader
Hon. David G. Gano	-	SP Member/Deputy Majority Floor Leader
Hon. John Edward G. Gando	-	SP Member
Hon. Josefina G. de la Cruz	-	SP Member
Hon. Dan Elby C. Habaña	-	SP Member
Hon. Diosdado G. Gonzaga	-	SP Member
Hon. Rex G. Fernandez	-	SP Member
Hon. Nelly S. Rentoy	-	Ex-Officio Member (PCL Fed. President)
Hon. Fred C. Gamayao	-	Ex-Officio Member (LNB Fed. President)

OFFICIAL BUSINESS:

N o r e

ABSENT:

Hon. Roy P. Habaña	-	SP Member
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ORDINANCE NO. 2015-004
Series of 2015

"AN ORDINANCE PENALIZING ANY PERSON ALLOWING, CONSENTING, INDUCING OR DIRECTING MINORS TO DRIVE MOTOR VEHICLES AND FOR OTHER PURPOSES"

WHEREAS, Section 2 of Republic Act 7610 otherwise known as An Act Providing Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, And For Other Purposes provides 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, under the said law, circumstances which gravely threaten or endanger the survival and normal development of children include, among others, those who work under conditions hazardous to life and safety which unduly interfere with their normal development and those circumstances analogous to those enumerated in Section 3 (c) thereof which endanger the life, safety or normal development of the children;

WHEREAS, it disheartens us to hear some vehicular accidents in the Province that cost the lives and limbs of our constituents;

WHEREAS, it disheartens us even more to learn that these 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 motor vehicles.

Section 1. This Ordinance shall be known as an "Ordinance Penalizing any Person Allowing, Consenting, Inducing or Directing Minors to Drive Motor Vehicles" otherwise known as "Anti-Minor on Wheels.

Section 2. For purposes of this Ordinance, the following shall be defined as follows:

- a) **Person** – shall include natural or judicial person.
- b) **Owner** – 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 the public highways or roads. It includes public and private utility vehicles among others.
- d) **Minors** - those below 18 years of age or those who are 18 years or over , but are not capable of taking care of themselves.
- e) **License** – a driver's license duly issued by the Land Transportation Office
- f) **MSWDO** – shall refer to the Municipal Social Welfare and Development Office

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.

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 motor 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 driver's license duly issued, to drive a motor vehicle.

Section 4. Penalty - any person found guilty thereof shall suffer the penalty of IMPRISONMENT OF NOT LESS THAN FIVE (5) months nor more than ONE (1) year or a fine of FIVE THOUSAND (P5,000.00) pesos or both such imprisonment and fine as the Court may impose.

Section 4.1 Should an accident happen as a result thereof, the person found guilty shall suffer the penalty of both an imprisonment of one (1) year and a fine of FIVE THOUSAND (P5,000.00) PESOS.

Section 4.2 Minor offenders shall be subjected to mandatory guidance counseling with the MSWDO or any of his/her designated personnel in the presence of either or both of the parents of the minor.


Section 5. Repealing Clause - Prior ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed, amended, suspended or modified accordingly.

Section 6. Separability Clause - If any portion of this ordinance shall be declared by a competent authority or court as unconstitutional, the other portions not so declared as such shall remain valid and operative.

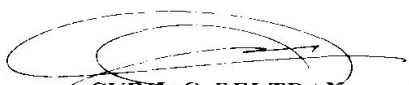

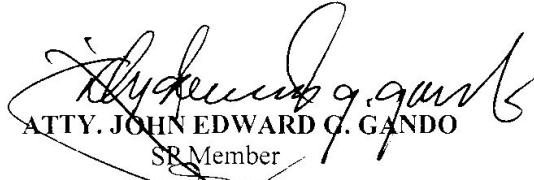
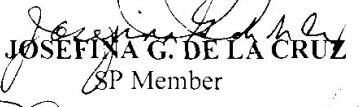
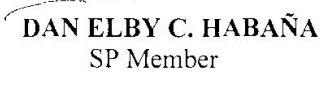




Section 7. Effectivity - This Ordinance shall take effect immediately following its posting and publication.

ENACTED: August 5, 2015.


I hereby certify to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlalawigan of the Province of Guimaras during its regular session on August 5, 2015.


LORENA MINIERVA-ITUCAS
Secretary to the Sangguniang Panlalawigan

Concurred:

 CYRIL C. BELTRAN SP Member	 DAVID G. GANO SP Member	 ATTY. JOHN EDWARD G. GANDO SP Member
 JOSEFINA G. DE LA CRUZ SP Member	 DAN ELBY C. HABAÑA SP Member	
 DIOSDADO G. GONZAGA SP Member	 REX G. FERNANDEZ SP Member /	 NELLY S. RENTOY Ex-Officio Member
 FRED C. GAMAYAO Ex-Officio Member (LNB Fed. President)		

Attested:


ATTY. VICENTE B. DE ASIS
Vice Governor
Presiding Officer

Approved:


SAMUEL T. GUMARIN, MD, MPH
Governor