

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

CITY ORDINANCE NO. CO 17-2016 Series of 2016

AN ORDINANCE ESTABLISHING THE ANTI-SUBSTANCE OF ABUSE PROGRAM OF THE CITY BACOOR. APPROPRIATING FUNDS FOR THE IMPLEMENTATION HEREOF, CREATING THE "FAMILY TRANSFORMATION COUNSELING CENTER" AND THE "PUBLIC NUISANCES BOARD". PROVIDING PENALTIES FOR ABATEMENT OTHER RELATED VIOLATIONS HEREOF. AND FOR PURPOSES.

Authored by:

Hon. Rowena B. Mendiola

and

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Sponsored by:

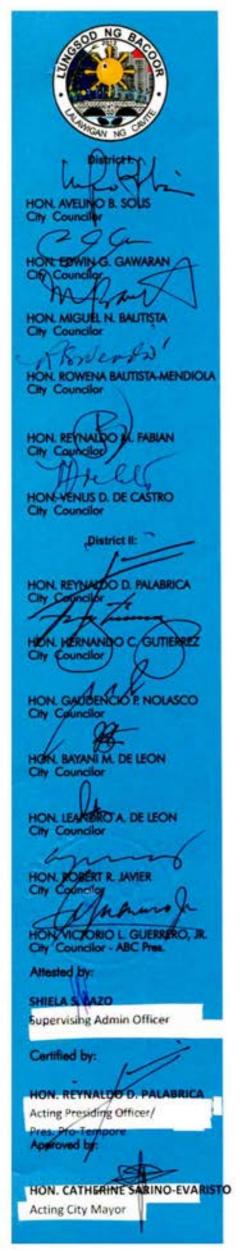
Hon. Miguel N. Bautista, Hon. Venus D. De Castro, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, Hon. Reynaldo M. Fabian, Hon. Edwin G. Gawaran, Hon. Victorio L. Guerrero Jr., Hon. Hernando C. Gutierrez, Hon. Roberto R. Javier, Hon. Gaudencio P. Nolasco, Hon. Reynaldo D. Palabrica and Hon. Avelino B. Solis.

WHEREAS, the social ills caused by substance abuse are so widespread and multi-faceted that combatting them has become fiercely urgent.

WHEREAS, the existing programs being implemented by the city government in coordination with the national government – despite the diligent efforts and best intentions of both – are not enough to stem the growing menace of substance abuse.

WHEREAS, the key to solving substance abuse is to employ a "crisis mentality" in the implementation of any government-led campaign and to create an atmosphere where every sector of the community would be involved in the fight with the end goal of not only helping substance abusers but their families as well.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacoor THAT:



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Article I Introductory Provisions

Section 1. Short Title. This Ordinance shall also be known and referred to as "The Anti-Substance Abuse Program Ordinance of the City of Bacoor".

Section 2. City Government Policy. It shall be the policy of the City of Bacoor to eradicate substance abuse by aggressively addressing the roots of the said social malaise in a comprehensive, just, and humane manner with the active help and participation of every sector of society guided by the principle that substance abusers are not criminals or mere statistics but family members that need the love, support, and understanding of the entire community.

Section 3. Definition of Terms.

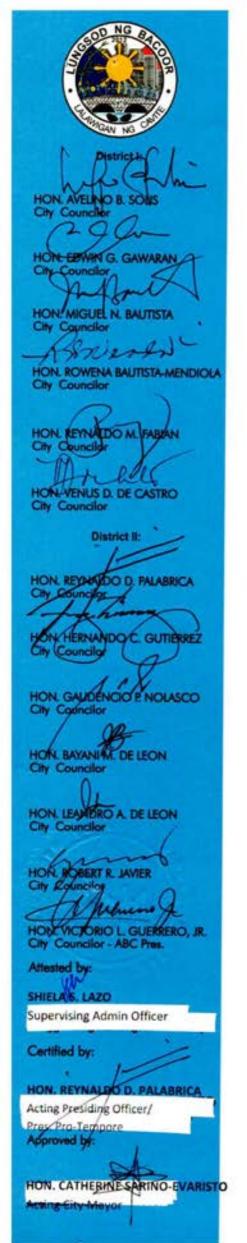
- 3.1. Abuse. As used in the context of "substance abuse", is a patterned use of a substance (drug) in which the user consumes the substance in amounts or through methods neither approved nor supervised by medical professionals including prescription drugs.
- 3.2. Addiction. A state characterized by compulsive engagement in rewarding stimuli, despite adverse consequences. It can be thought of as a disease or biological process leading to such behaviors.
- 3.3. Alcoholic Beverages. Liquids typically containing 3–40% ethanol by volume, have been produced and consumed by humans since pre-historic times. Other alcohols such as 2-methyl-2-butanol (found in beer) and y-hydroxybutyric acid (GHB) are also consumed by humans for their psychoactive effects.
- 3.4. Anti-Substance Abuse Program (ASAP). A multi-sectoral, comprehensive, community-based government platform to combat substance abuse within the City of Baccor.
- 3.5. Bacoor Anti-Substance Abuse Council. The body formerly known as the Bacoor Anti-Illegal Drug Council that was reconstituted and renamed under this Ordinance for the purpose of supervising, monitoring, managing, and implementing the various projects, events, activities, programs, and plans of action under or connected to the ASAP.
- 3.6. Bacoor Public Nuisances Abatement Board. A body created under this Ordinance pursuant to Section 52 (or Public Nuisance Abatement Board) of Republic Act No. 9165 and its Implementing Rules and Regulations for the purpose of hearing complaints against, and the declaration of, public nuisances as contemplated in the said law.



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

- 3.7. Community Service. A free public labor or work with therapeutic purpose as a sanction for an offense committed, performed by an offender for the benefit of the community designed as an after-care intervention program for the rehabilitation of a substance offender. The participation of patients in community projects that can help them integrate into the local society and can also promote community understanding of their needs and recognize their remaining potential and acceptance. Projects include among others, the following:
 - a. Crime and Drug Abuses Prevention Projects;
 - b. Citizenship and Civic Participation;
 - c. Economic and Social Development;
 - d. Health and Sanitation;
 - e. Public Construction Work:
 - f. Mentoring and Intergenerational Services;
 - g. Ecology and Environment Projects:
 - h. Socio-civic religious projects
 - i. Energy conservation initiatives; and
 - j. Agriculture and livestock management
- 3.8. Family Transformation Counseling Center. A public facility owned by the city government created under this Ordinance for the purpose of hosting all activities under the ASAP that pertains to the counseling and rehabilitation of family members that are engaged in, affected by, or one of the causes of substance abuse.
- 3.9. Public Nuisances A Places or premises used more than once as the site for the sale, delivery or distribution of dangerous drugs within the City of Bacoor.
- 3.10. Rehabilitation. A dynamic process directed towards physical, emotional/psychological, vocational, social and spiritual change to prepare a person for the fullest life compatible with his capabilities and potentials and render him able to become a law abiding and productive member of the community without abusing drugs or other substances.
- 3.11. Solvents. For purposes of this Ordinance, are liquids or gases that can dissolve or extract other substances usually used to dissolve grease, oil, and paint; to thin or mix pigments, paint, glue, pesticides, and epoxy resins; to clean electronics, automotive parts, tools, and engines; and to make other chemicals that are inhaled or ingested to create or achieve the effects of intoxication.
- 3.12. Substance Abuse. A patterned use of a drug or chemical substance –including solvents and alcoholic beverages–in which the user consumes the substance in amounts or with methods which are harmful to themselves or others, and is a



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

form of substance-related disorder. Drugs most often associated with this term include: alcohol, substituted amphetamines, barbiturates, benzodiazepines (particularly alprazolam, lorazepam, diazepam and clonazepam), cocaine, methaqualone, cannabis and opioids.

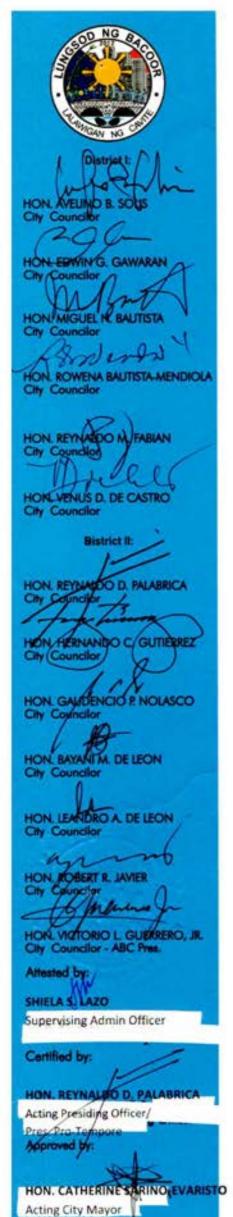
Section 4. Legal Framework. This Ordinance shall be implemented in conjunction with Republic Act 9165 and its implementing rules and regulations, as well as various circulars and issuances of the national government and its various agencies in relation to substance abuse.

Section 5. Rules on Interpretation. In case a conflict in the interpretation hereof arises between the English version of this ordinance and its Filipino translation, the provisions of this ordinance and its annexes appearing in English shall prevail.

The following rules shall be observed in the interpretation of this ordinance:

- 5.1. Words used in singular also include the plural. The reverse is also true;
- Words used in the present tense shall also include the past tense. The reverse is also true;
- 5.3. The words "must", "shall", "will" and "may not" as used in this ordinance are mandatory;
- 5.4. The word "may" is permissive while "should" is advisory and not mandatory or required;
- 5.5. When used with numbers, "Up to X," "not more than X" and "a maximum of X" all include X;
- 5.6. Words or phrases not defined herein shall be interpreted in the context it was used in this ordinance and in consideration of the reason why the Sangguniang Panlungsod used the said terms:
- 5.7. In interpreting words and phrases not defined herein, the meaning of the said terms as popularly understood at the time the ordinance was approved shall be used:
- 5.8. Any word, phrase, or term not enumerated above but used in this ordinance shall be interpreted by taking into account the context in which it was used, its meaning as popularly understood, or its definition in either Black Law Dictionary or in the 2015 edition of Merriam-Webster Dictionary; and
- 5.9. Unless otherwise specified, any reference to the male gender in any provision of this ordinance shall also include the female gender and vice versa.

⁴ City Ordinance No. CO 17-2016 (The Anti-Substance Abuse Program Ordinance of 2016)



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Section 6. Date of Effectivity. This Ordinance shall take effect immediately after it has been published at least once in a newspaper of general circulation and after the Sangguniang Panlalawigan of the Province of Cavite has approved it.

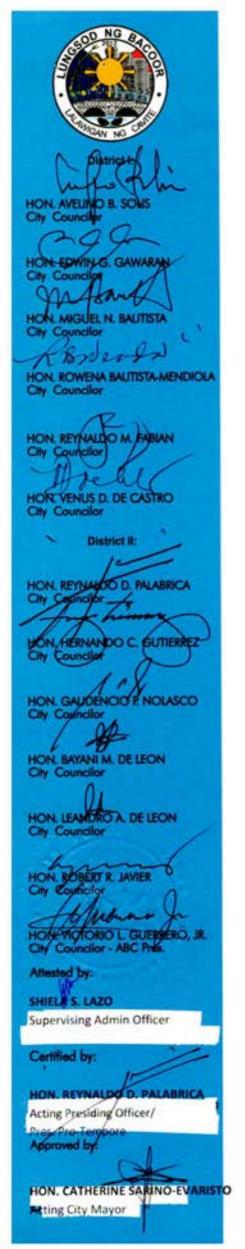
Section 7. Automatic Review. The Sangguniang Panlungsod shall automatically review this Ordinance once every three (3) years after its approval or whenever the need for such review arises.

Section 8. Due Process Requirements. The rudimentary requirements of procedural due process shall be strictly observed prior to the imposition of any of the penalties specified hereunder. Thus, the City Mayor and City Social Welfare and Development Officer and all other city employees under them shall ensure that persons against whom the said penalties are intended to be imposed shall be:

- (a) Notified in writing of the acts committed or not committed that constitute a violation of this Ordinance;
- (b) Given at least 24 hours from receipt of the notice within which to comply with the particular provision of the Ordinance that was allegedly violated or to explain why he should not be held accountable for such offense/s;
- (c) Exempted from facing criminal prosecution after the suspected offender voluntarily pays the corresponding fine for the offense/s allegedly committed; and
- (d) Allowed to defend himself in a proper court of law before the imposition of any fine in case the suspected offender chooses to challenge the allegations against him.

Section 9. Repeal Clause. All ordinances, resolutions, or executive orders in conflict with the provisions of this Ordinance are hereby repealed or modified accordinaly.

Section 10. Separability Clause. Any provision of this Ordinance nullified by any court of law shall not affect the validity of the remaining provisions hereof that are not affected by the said judicial declaration.



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Article II Establishment of the ANTI-SUBSTANCE ABUSE PROGRAM (ASAP) of the City of Bacoor

Section 11. Institution of the Anti-Substance Abuse Program of the City of Bacoor. A multi-sectoral, comprehensive, community-based government platform to combat substance abuse within the City of Bacoor to be known as the Anti-Substance Abuse Program (ASAP) of the City of Bacoor is hereby created and established. All officials and employees of the city government, including elected city and barangay officials are hereby enjoined to implement the provisions of this Ordinance.

Section 12. Reconstitution and Renaming of the City Anti-Drug Abuse Council into the Bacoor Anti-Substance Abuse Council (BASAC). The Anti-Drug Abuse Council of the City of Bacoor is hereby reconstituted and renamed as the Bacoor Anti-Substance Abuse Council ("the Council"). The Council shall supervise, monitor, manage, and implement the various projects, events, activities, programs and plans of action under or connected to the ASAP.

Section 13. Composition of the Bacoor Anti-Substance Abuse Council. The BASAC shall be comprised of the following individuals:

Chairperson City Mayor

Co-Chair The Head of the Cavite

Catholic Archdiocese or the highest ranking official of any other religion with a place of worship within the

City.

Vice-Chair City Chief of Police

Secretary SP Secretary

Members:

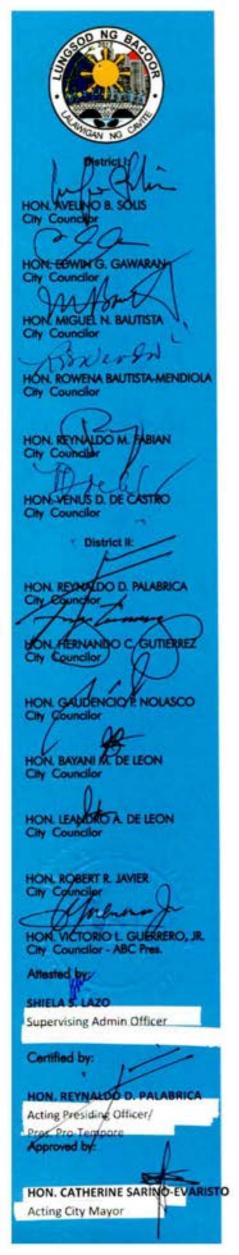
City Division Schools Superintendent of the Department of Education (DepEd) or his representative;

City Prosecutor or his representative;

City Social Welfare and Development Officer or his representative;

City Health Officer or his representative:

City Legal Officer or his representative;



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

President of the Federation of Tricycle Operators and Drivers Associations of the City of Bacoor or his representative;

Active media practitioner or journalist usually covering the police beat:

Representative of a NGO engaged in anti-crime advocacy of proven integrity and competency;

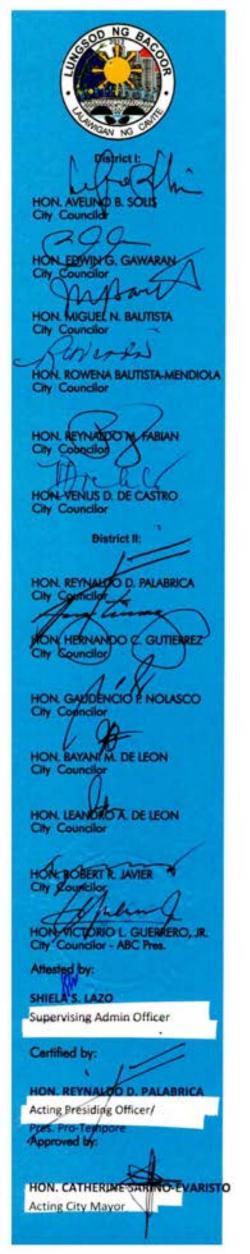
Mother Superior of a religious order of nuns engaged in family ministry advocacy; and

President of Baccor Homeowners Association Council Inc.

The members of the BASAC shall be appointed by the City Mayor subject to confirmation by the Sangguniang Panlungsod.

Section 14. Duties and Powers of the Board. The Council shall have the following duties and powers:

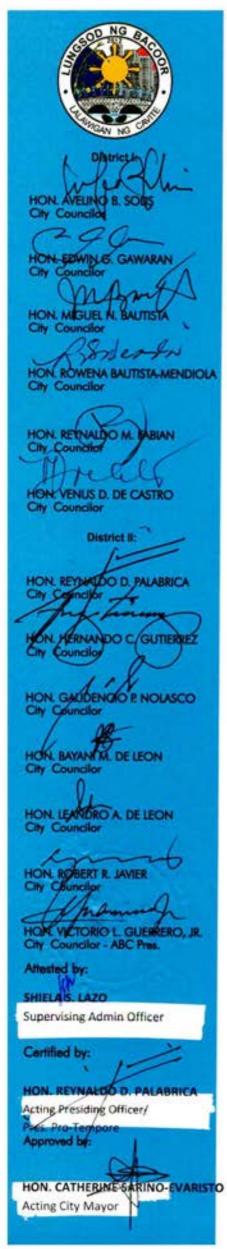
- 14.1. Formulate, revise, implement, and supervise all the programs and activities covered under this Ordinance and all other programs and activities of the city government related to its anti-drug abuse campaign;
- 14.2. Authorize, take part, supervise, or formulate any research, study, survey, or data-gathering activity related to the implementation of the ASAP;
- 14.3. Coordinate, transact, and negotiate with any national government agency such as the Dangerous Drugs Board (DDB) and the Philippine Drug Enforcement Agency (PDEA), private juridical entities, and foreign government or organizations engaged in combatting substance abuse with regard the implementation of any activity, program, or project under the ASAP;
- 14.4. Regularly report to the Sangguniang Panlungsod regarding the implementation of the ASAP and recommend any modification or revision to this Ordinance or to any of the projects, strategies, and activities related to the ASAP;
- 14.5. Participate in the process of reviewing, interviewing, assessment, training and hiring of city government employees who would be hired to implement various facets of the ASAP in coordination with the Personnel Selection Board and the Human Resources Development and Management Department (HRDMD) of the City of Bacoor;



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

- 14.6. Promote, develop, and take charge of any event, project, or activity related to the implementation of the ASAP including public information campaigns including the formulation of training seminars and programs for the benefit of city employees and officials in coordination with the HRDMD:
- 14.7. Monitor all random drug testing activities within the City of Bacoor in coordination with the City Health Office (CHO), the City Social Welfare and Development Office (CSWDO), and the HRDMD pursuant to Section 36 of Republic Act No. 9165 (the "Comprehensive Drug Abuse Act of 2002");
- 14.8. Supervise and monitor all activities to be undertaken by the various Barangay Anti-Drug Abuse Councils in the City of Bacoor including barangay drug clearing operations;
- 14.9. Formulate and implement programs and policies implementing the various provisions of RA 9165 and its Implementing Rules and Regulations such as, but not limited to, determining if schools and workplaces have student or employee handbooks outlining policies on drug testing or the carrying out of such drug tests; and
- 14.10. Engage in fund-raising and public awareness campaigns in support of the ASAP subject to government auditing regulations.
- Section 15. The Anti-Substance Abuse Program and Its Various Components. The ASAP is intended to complement and improve the various anti-drug abuse initiatives of the city government by controlling, preventing, and eradicating all forms of substance abuse such as, but not limited to: (a) alcohol abuse, (b) the inhaling or ingestion of various commercial products that contain solvents such as rugby, roof sealants, acetone, and the like, and (c) the taking or use of dangerous drugs. To achieve this, the ASAP shall comprise of the following components:
- 15.1. The Substance Abuse Prevention Component. The Substance Abuse Prevention Component of the ASAP shall comprise of the following activities:
 - A. Development of the Substance Abuse Directory (SAD). The Substance Abuse Directory (SAD) is a confidential list of the names and addresses of all persons engaged in substance abuse in the City of Bacoor including those persons who traffic dangerous drugs, and those who compel minors to buy or sell intoxicating substances including the exact location of the various establishments where such substances are being sold, delivered, or distributed illegally. The



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

SAD shall be kept, maintained, and updated by the Council for use by the city government and by the Philippine National Police (PNP) in various activities related to the implementation of the ASAP.

- 1) Mandatory Reporting by Clerks of Court, Secretaries, Barangay the Prosecutors Office, and the Bacoor PNP of Substance Abuse Cases to the BASAC. To ensure that the SAD is updated and accurate, all Clerks of Court, barangay secretaries, and police officers posted in the City of Bacoor shall report the names and other personal details of all persons suspected of committing, or who have been charged with, offenses related to substance abuse including cases involving violence against women and children to the Council at least five (5) days before the end of each month.
- Confidentiality of Contents of SAD. The Council shall ensure that the contents of the SAD shall be kept confidential at all times.
- B. Mandatory Installation of CCTV Cameras in All Areas in the City with High Substance Abuse Prevalence. The city government, coordination the with Council and all barangays concerned, shall install closed circuit television (CCTV) cameras in all areas within the city where there is high prevalence of substance abuse or where suspected drug traffickers reside or operate. The said CCTV cameras shall be jointly monitored and maintained by the PNP and the Council. The said CCTV cameras shall have high resolution and all weather capabilities and shall be purchased with the use of either the Local Disaster Risk Reduction and Management Fund (LDRRMF), the funds of the Peace and Order Council, or the intelligence fund of the City Mayor. The PNP and the Council shall use digital data gathered with the use of the said CCTV cameras in the effective prosecution of drug traffickers and substance abusers.
- C. Mandatory Installation of Streetlights in all Blighted Areas in the City. The city government shall install streetlights in all places with high criminality incidence rates or where substance abusers or drug traffickers frequent as certified



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

by the PNP or by the various barangays in the city. The city government shall shoulder the cost of installing and maintaining the said streetlights,

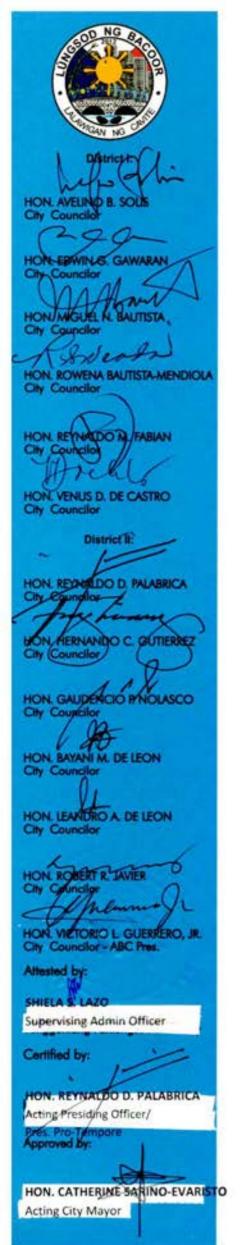
- D. Mandatory Substance Abuse Testing. Pursuant to the pertinent provisions of RA 9165 and its implementing guidelines, mandatory substance abuse testing shall be conducted by the City Health Officer on the following persons:
- City government employees and officials;
- [2] Barangay employees and officials;
- [3] Police officers and personnel;
- [4] Bureau of Jail Management personnel assigned in the City:
- [5] Bureau of Fire Protection personnel assigned in the City:
- [6] Inmates at detention centers and children in conflict with the law staying at the city government's Halfway House in the City;
- [7] Tricycle and pedicab drivers; and
- [8] School children, school teachers and school employees in all public and private elementary, high school and colleges in the City of Bacoor.

Except with regard the schoolchildren mentioned in paragraph [8] above, the said substance abuse testing on the above-mentioned individuals shall be conducted randomly by the City Health Office without need of prior notice.

> E. Mandatory Teaching on the Evils of Substance Abuse in all public and private elementary, high school and colleges using teaching materials and methods developed by the Council, the DDB or the DepEd. The teaching of the evils and deleterious effects of substance abuse on the body, the family, and society in general using teaching materials and methods developed by either the Council, the DDB, or the DepEd shall be done in all private and public elementary schools, high schools, colleges and universities in the City of Bacoor. The said lessons shall be taught regularly not only to the students enrolled in the said institutions but also to their parents during parent-teacher conferences or meetings.

15.2. The Family Counseling Program.

A Family Counseling Program to be implemented by the Council all over the City is hereby created. The Council shall establish, develop, and implement the Family Counseling



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Program that will involve family home visitations designed to prevent and treat substance abuse and the various social ills connected to it such as child abuse and neglect, juvenile delinquency, domestic violence, teen pregnancies, poor academic performance, and child malnutrition while promoting positive parenting techniques, strengthening family health, and economic self-sufficiency for children and families.

The purpose of the said family home visitations is not only to rehabilitate substance abusers but also to prevent family members who are under emotional, financial, physical, psychological, or social stress from succumbing to substance abuse as a coping mechanism.

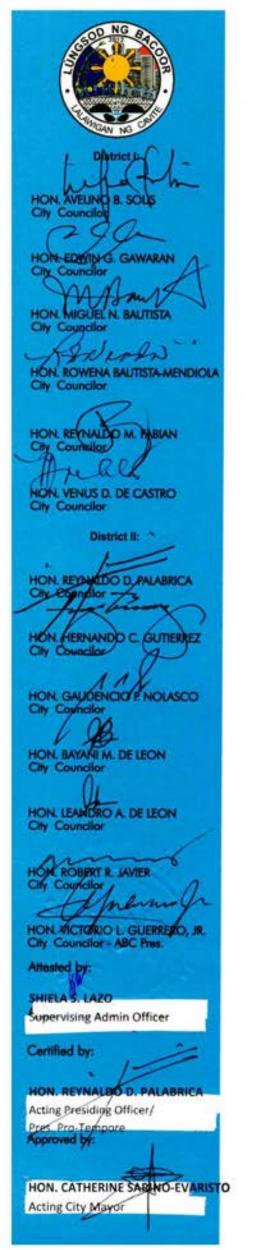
The Council shall promote partnerships, collaboration, and multidisciplinary visiting done by teams of specially trained social workers, volunteers, or job order employees (to be referred to hereafter as "family social workers") and medical professionals under the employ of the city government with the active assistance of barangay and police officials during the conduct of such family home visits. Influential members of the community where the family at risk resides such as parish priests, family pastors, elderly relatives, or long-time family friends may also be allowed by the Council to take part in the home visitations to a limited extent.

The Family Counseling Program shall be implemented in every barangay and may also involve professionals from the private sector specializing in the fields of public health nursing, social work, and early childhood education.

To enhance the effectiveness of the program, family home visitations shall prioritize families determined by a family social worker (1) to have at least one member engaged in substance abuse or drug trafficking, (2) those families suffering from the effects of substance abuse such as child abuse, child neglect, or juvenile delinquency, and (3) those families under emotional, financial, physical, psychological, or social stress and are at risk of falling prey to substance abuse.

The family social workers to be assigned under the ASAP shall design family home visitation protocols and counseling programs for families that have the following characteristics:

- (1) Adolescent parents;
- (2) Family members with a history of alcohol or drug abuse;
- (3) Family members with a history of child abuse, domestic abuse, or other types of violence;
- (4) Family members with a history of domestic abuse, rape, or other forms of victimization;
 - (5) Family members with reduced cognitive functioning:
- (6) Families with a lack of knowledge of child growth and development stages;



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

- (7) Families with low resiliency to adversities and environmental stresses as evidenced by the occurrence of suicides or attempted suicides in the family or the succumbing to mental depression by any family member;
- (8) Families with insufficient financial resources to meet family needs brought about by unemployment;
- (9) Families with a history of homelessness, are actually homeless, or are living in hazardous environments;
- (10) Families dealing with the serious illness of a family member;
- (11) Families that have at least one member who is connected to a criminal gang, has been convicted of a crime, or has been the subject of various criminal complaints; or
- (12) Families suffering from, or experiencing, other risk factors as determined by the Council.

15.3. Court Order Authorizing Home Visitation.

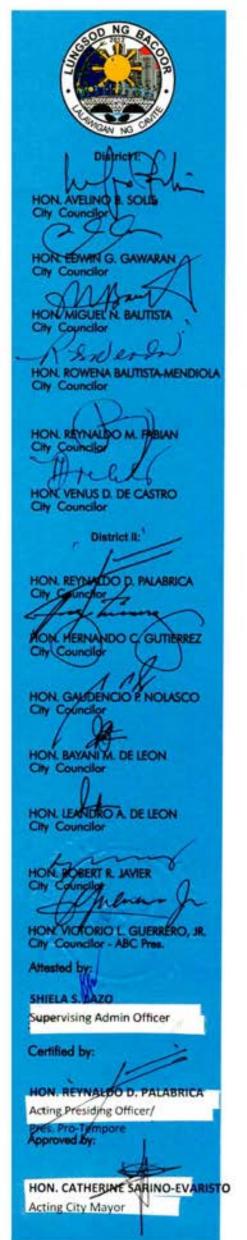
No home visitation shall be conducted unless an order issued by the presiding judge of any of the Municipal Trial Courts in Cities (MCTC) sitting in the City of Bacoor is in the possession of the family social worker in charge of the family home visitation. The said order shall be issued upon a written motion filed by either the Council, the City Legal Office, or the CSWDO. Provided a court order shall no longer be required if the head of the family to be visited consented to the said visitation in writing. Provided further that the written consent should be obtained by the family social worker prior to the home visitation.

15.4. Presentation of Court Order Prior to Home Visitation.

In case the head of the family to be visited did not consent to the home visitation, the court order shall be presented by the family social worker to any member of the family before entering the family home together with their identification cards issued by the city government or by the Philippine National Police. If the family social worker and her/his companions are refused entry into the family home for any reason despite having been shown the foregoing, the family social worker shall have the authority to forcibly enter the family home with the assistance of police or barangay officials.

15.5. Mandatory Family Counseling.

The court order shall state that the family members concerned shall be required to attend counseling sessions during the family home visitations. Police or barangay officials shall provide security to the family social worker during the counseling sessions. The refusal of any adult family member to attend the counseling sessions, or his/her refusal to cooperate during the said counseling sessions, shall be considered a violation of this Ordinance.



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

15.6. Family Counseling Recommendation Report.

The family social worker shall submit a Family Counseling Recommendation Report (FCRR) to the court that issued the order authorizing the family home visitations. The report shall recount the findings and recommendations of the family social worker.

The recommendations of the family worker may include:

- (a) Commitment of a family member to a drug or substance abuse rehabilitation center;
- (b) Subjecting family members to counseling:
- (c) Requiring family members to undergo livelihood training;
- (d) Requiring family members to coordinate with the Public Employment Services Office (PESO) of the City of Bacoor for possible employment opportunities;
- (e) Requiring a member of the family regardless of age to enroll in a public school within the city under the joint supervision of the DepEd and the family social worker assigned to the family concerned;
- (f) Authorizing the city government to take temporary custody of a child subjected to acts of violence as defined under and Republic Act No. 7610 and Republic Act No. 9262 whose parent/s or older relatives is/are the culprit/s of such violence or are incapable of preventing such acts of violence;
- (g) Committing one or both parents, or guardian/s, of abused children to a detention facility or rehabilitation center for such period as may be deemed necessary by the court which shall not exceed one (1) year;
- (h) Directing the proprietors of all business establishments doing business within a 100kilometer radius from the place of residence of the substance abuser not to sell any intoxicating substance or dangerous drugs to the substance abuser or to any of the immediate family relatives of the substance abuser;
- (i) A combination of any of the foregoing; or
- (j) Any other action that the court may deem necessary for the protection of children or of any other member of the family being subjected to abuse/violence by the substance abuser.



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

15.7. Procedure for Court Approval or Denial of the Family Counseling Recommendation Report.

The court shall furnish the person/s subject of the FCRR with a legible copy of the report and give him/her five (5) working days within which to file a verified answer to the FCRR. It prayed for by the family social worker who filed the FCRR, the court may issue a temporary restraining order (TRO) against the person/s who is abusing the other members of the family subject of the report.

After receiving the answer, the court may call a hearing and require the family social worker and the person/s subject of the FCRR to appear. Both parties may present evidence with the assistance of counsel. In no instance shall proceedings exceed five (5) consecutive working days.

At the end of the proceedings, the court shall have five (5) working days within which to grant or deny the FCRR. The court shall furnish both parties with copies of its order.

Procedure for Implementation of Court Order Approving the FCRR.

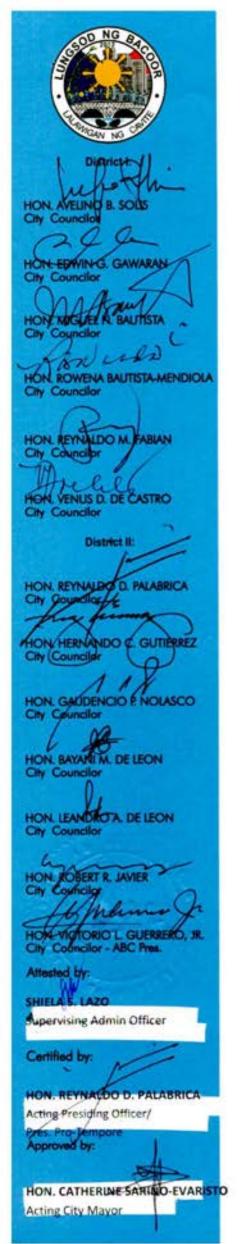
In case the FCRR is approved, the Clerk of Court shall issue a notice to the Chief of Police of Bacoor and direct him/her to assist the family social worker concerned in implementing the said order. The implementation of the court's order shall be done within 24 hours after it has been received by the family social worker. The refusal or failure of barangay or police officials to properly, effectively, and immediately implement the said order shall be deemed a violation of this Ordinance.

15.9. Effect of Denial of the Family Counseling Recommendation Report.

In case the court denies the FCRR, the BASAC shall replace the family social worker originally assigned to assist the family concerned. The replacement family social worker shall reevaluate the data submitted by the original family social worker handling the case as well as the process or techniques employed by the latter. After the said reevaluation, the family social worker shall submit a revised Family Counseling Recommendation Report to the BASAC.

The BASAC shall study the revised FCRR and determine whether the family home visitation program for the family concerned should be (1) continued as designed by the original family social worker, (2) continued but with revisions mandated by the BASAC, or (3) discontinued altogether.

In case the BASAC decides to continue the family home visitation program as designed by the original family



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

social worker or proceed with a revised family home visitation program, the family social worker shall submit the FCRR to the court and comply with the provisions of Section 15.7 hereof before the FCRR can be implemented.

Article III Rehabilitation Program

Section 16. Establishment of the "Family Transformation Counseling Center" (FTCC). A counseling and rehabilitation center for families and family members who suffer from the effect of substance abuse or who has a member who is at risk of becoming a substance abuse owned, managed, and operated by the City of Baccor to be known as the Family Transformation Counseling Center (FTCC) is hereby created.

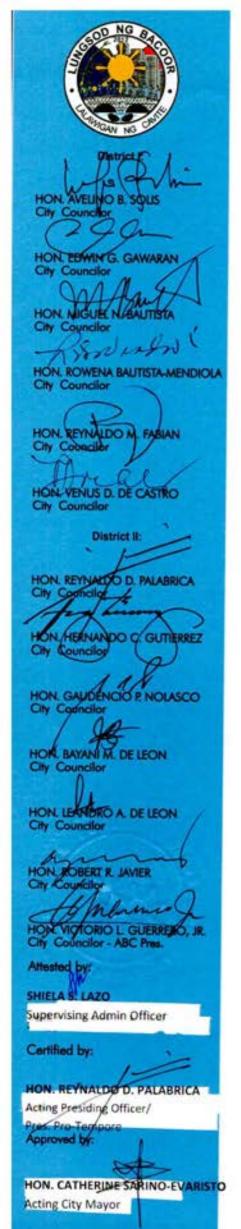
Section 17. Organizational Set-up. The FTCC shall have the following organizational set-up:

Name of Position No. of Employee/ City Official		
FTCC Director	CHO	
Asst. FTCC Director	CSWDO	
Psychologist 1	3 employees	
Psychiatrist	1 consultant	
Utility Aide	3 employees	
Aide Clerk	3 employees	
Security Guards	4 PADPAO and PDEA accredited guards	
House Parents	3 casual employees	
Nurse 1	3 employees	

All of the above-mentioned employees, with the exception of the House Parents, Utility Aides, and Security Guards shall be under the direct control and supervision of the City Health Officer. The City Social Welfare and Development Officer (CSWDO) shall have direct control and supervision over the House Parents, Utility Aides, and Security Guards mentioned above. **Provided**, that the CHO and the CSWDO shall consult with each other on all policies to be implemented at the FTCC. **Provided that** in case of dispute with regard the implementation or interpretation of such policies, the decision of the CHO shall govern. **Provided that** the FTCC shall not implement any policy that is contrary to this Ordinance or to the directives of the BASAC.

Section 18. Functions of the FTCC. The FTCC shall have the following functions.

 Counseling of various family members, or of the entire family, who are suffering from the effects of substance



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

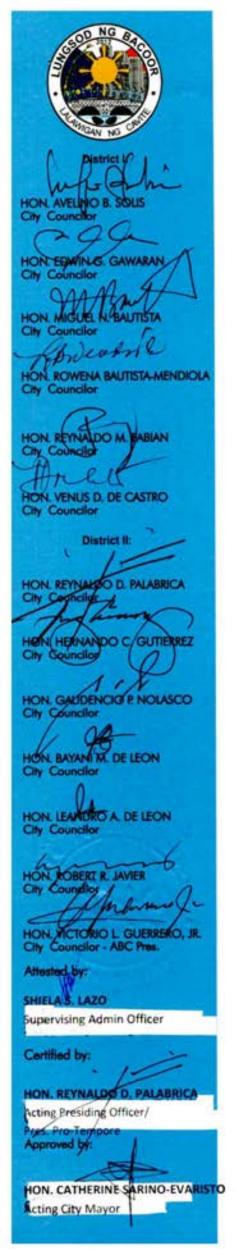
abuse, or who are in danger of falling prey to substance abuse;

- 18.2. Rehabilitation of substance abusers or of the immediate relatives of substance abusers who have been subjected to various acts of abuse by the substance abuser;
- 18.3. Formulation of comprehensive family rehabilitation program;
- 18.4. Formulation of a comprehensive community rehabilitation program;
- 18.5. Gathering of data and conduct of studies related to substance abuse and its effects on families and communities in general;
- 18.6. Conduct post rehabilitation/counseling programs for individual family members or for the entire family who may have been victimized by a substance abuser or that has a member who is a substance abuser or who is at risk of becoming one;
- 18.7. Accept donations from various sectors subject to proper accounting regulations of the Commission on Audit; or
- 18.8. Perform such tasks as may be determined by the BASAC in the form of a council resolution or by the Sangguniang Panlungsod by way of a city resolution or ordinance.

Section 19. Court Mandated Rehabilitation or Counseling.

All persons ordered by a court of law in the City of Baccor to undergo rehabilitation or counseling under and by virtue of this Ordinance shall be taken to the FTCC. Any person who refuses to comply with the said order or with the orders of the various personnel of the FTCC shall be deemed to have violated this Ordinance. Provided that the length of rehabilitation or counseling period shall depend on the recommendation of the family social worker as approved by the court. Provided further that the court, upon motion of the BASAC, the City Health Officer or the City Legal Officer may extend the rehabilitation or counseling period.

Section 19.1. Cost of Rehabilitation or Counseling. The city government shall shoulder the cost of the initial phase of the rehabilitation or counseling. Adult persons subject of rehabilitation who suffers a relapse after treatment necessitating a second phase of rehabilitation shall shoulder the cost of such rehabilitation through community of service to be ordered by the court. The details of the said



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

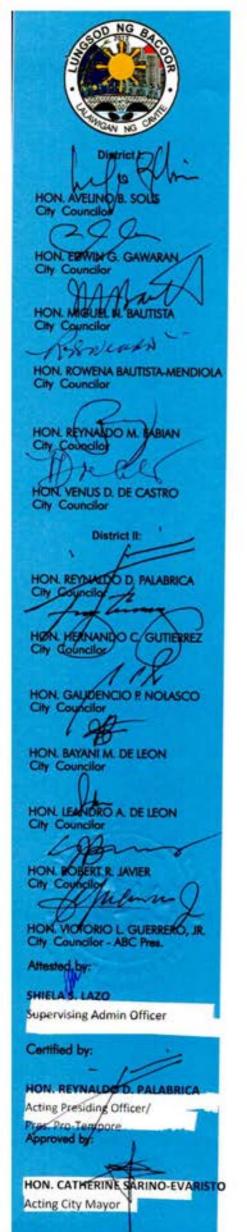
community service and the monetary value of the community service to be rendered shall be approved by the court.

In determining the number of hours of community service to be rendered, the court shall take into consideration (1) the cost of the second phase of rehabilitation as assessed by the FTCC, (2) the prevailing daily minimum wage in the City of Baccor as determined by the Department of Labor and Employment, and (3) the recommendation of the FTCC as to the length and nature of the community work to be rendered.

Section 19.2. Humane and Dignified Rehabilitation or Counseling; Confidentiality of Records. The rehabilitation or counseling program to be implemented by the FTCC upon all its subjects shall be humane and shall take the dignity of the persons concerned into consideration. All information obtained during such rehabilitation or counseling shall be confidential and shall only be shared with the presiding judge of the court with jurisdiction over the person subject of The parents of children rehabilitation or counseling. attending rehabilitation or counseling sessions may share information about the program with the press. Provided that the parents of minors who attended rehabilitation or counseling sessions may share personal details about the program used on them but not information related to the rehabilitation or counseling of people outside their immediate family.

Section 20. Post Rehabilitation or Counseling Sessions. People subject of rehabilitation or counseling shall be required to report twice a month to the FTCC voluntarily or by order of the court upon the recommendation of the BASAC and the family social worker. The family social worker assigned to the case shall monitor the attendance of the person/s concerned and shall report their compliance to the court. Failure of the said persons to attend the post rehabilitation or counseling sessions with no justifiable reason shall be considered as indirect contempt of court.

Section 21. Issuance of Clearance Certificate by the BASAC. The BASAC, upon completion of the post rehabilitation or counseling sessions, shall evaluate if the person/s subject of the program are already rehabilitated or no longer need further counseling. If satisfied about the progress of the said person/s, the BASAC shall issue a certificate clearing the said person/s and recommending that he be cleared of all criminal liability related to possible violation of this Ordinance. If the BASAC has reservations about the progress of the person/s concerned, it shall recommend to the court that the said person/s be required to undergo post-clearance reporting.



Province of Cavite

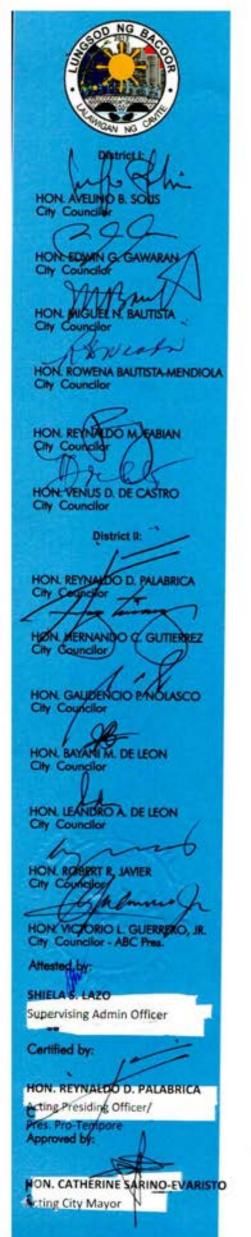
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Section 22. Court Order Mandating Post-Clearance Reporting Every Two (2) Months if Recommended by the BASAC. If the BASAC has reservations about the progress of the person/s concerned and it recommends to the court that the said person/s be required to undergo post-clearance reporting, the court shall order the said person/s to undergo mandatory substance abuse testing once every two (2) months for a period not exceeding two (2) years. Failure of the said persons to attend the post rehabilitation or counseling sessions with no justifiable reason shall be considered as indirect contempt of court.

Section 23. Court Order Requiring Family Members to Undergo Livelihood Training. Upon the recommendation of the BASAC, family members of substance abusers or the substance abusers themselves shall either voluntarily, or be ordered by the court, to undergo livelihood training to be provided by either the City Livelihood Office (CLO) or the Technical Education and Skills Development Authority (TESDA). The CLO and the TESDA shall evaluate the person/s subject of the order and prepare the appropriate livelihood training program within ten (10) working days after the said offices receive a copy of the said order. The CLO and the TESDA shall furnish the BASAC and the court with details of the said livelihood training program as well as monthly report on the progress of the person/s concerned. Failure of the said persons to attend the livelihood training sessions with no justifiable reason shall be considered as indirect contempt of court.

Section 24. Court Order Requiring Family Members to Coordinate with the Public Employment Services Office (PESO) of the City for Possible Employment Opportunities. The court, upon the recommendation of the BASAC, may also order relatives of the substance abuser or the substance abuser himself to coordinate with the Public Employment Services Office (PESO) of the city for possible employment opportunities. The Head of the PESO shall report to the court and to the BASAC on the actions taken by her to assist the relatives of the substance abuser or the substance abuser himself in finding a job. The failure of the Head of the PESO to make the said report with no justifiable reason shall be considered as indirect contempt of court.

Section 25. Court Order Requiring Family Members to Undergo Supervised Public Schooling. Upon the recommendation of the BASAC, the court may also require relatives of the substance abuser or the substance abuser himself to enroll in a public school and continue his elementary or secondary education in order to improve his skills and fitness for employment. The principal of the public school where the relatives of the substance abuser or the



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

substance abuser himself enrolled in shall be ordered by the court to submit monthly reports to the court and to the BASAC on the progress of the person/s concerned. The failure of the relatives of the substance abuser, the substance abuser, or the principal to comply with the said order with no justifiable reason shall be considered as indirect contempt of court.

Section 26. Court Order Authorizing Government to Take Temporary Custody of a Child; Development of a Foster Parenting Program. Upon recommendation of the BASAC and petition of the City Social Welfare and Development Office (CSWDO), the court may issue an order authorizing the CSWDO to temporarily take custody of children being subjected to, or are in danger of being subjected to, various acts of abuse or violence as defined and penalized under Republic Act No. 7610 (the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act") or Republic Act No. 9262 ("Violence Against Women and their Children Act of 2004"). The court, upon its determination of probable cause, may issue an interim order granting the said petition and temporarily placing the child/ren under the custody of the CSWDO while proceedings on the petition are ongoing.

The parents of the children concerned shall be required to appear in court and oppose the petition within a non-extendible period of fifteen (15) days. The parties shall then be required by the court to present evidence during hearings to be conducted during five (5) consecutive working days in support of their respective positions. Thereafter, the court shall decide whether to grant or deny the said petition.

If the court denies the petition, the CSWDO shall be ordered to immediately return the child/ren to the custody of its parents. If the court grants the petition, it shall order the CSWDO to take custody of the child/ren while looking for suitable foster parents who shall take care of the child/ren.

The CSWDO is hereby directed to develop a foster parenting system within six (6) months after the date of effectivity of this Ordinance. The details of the said foster parenting system shall be submitted by the CSWDO for the approval of the BASAC, the Department of Social Welfare and Development (DSWD), and the Sangguniang Panlungsod.

Section 27. Court Order Committing the Parents or Guardians of Abused Children to the FTCC. Upon the recommendation of the BASAC and petition of the City Social Welfare and Development Office (CSWDO), the court may issue an order committing any or both of the parents, or guardians, of an abused child at the Family Transformation



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Counseling Center to undergo mandatory and supervised rehabilitation for a period not exceeding one (1) year.

The court, upon its determination of probable cause, may issue an interim order temporarily placing the child/ren under the custody of the CSWDO while proceedings on the petition are ongoing.

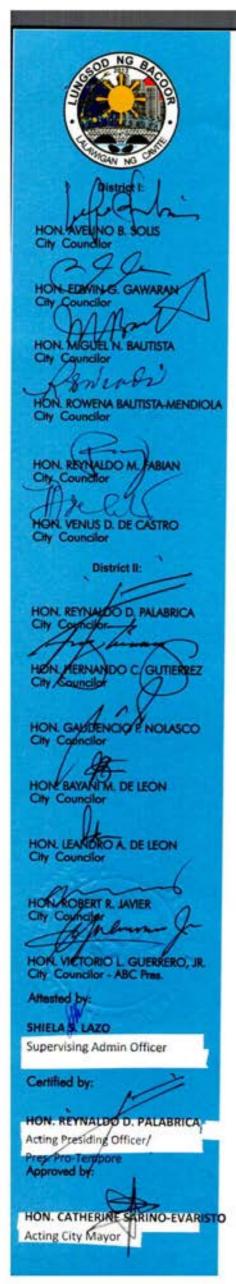
The parents or guardians of the children concerned shall be required to appear in court and oppose the petition within a non-extendible period of fifteen (15) days. The parties shall then be required by the court to present evidence during hearings to be conducted during five (5) consecutive working days in support of their respective positions. Thereafter, the court shall decide whether to grant or deny the said petition.

Section 28. Court Order Directing Commercial Establishments to Refrain from Selling Intoxicating Substances to Substance Abusers or to their Immediate Family Members. Upon the recommendation of the BASAC and petition of the City Health Office (CHO), the court may issue an order directing owners of all commercial establishments located within a 100-kilometer radius from the place of residence of a substance abuser including sari-sari stores, variety stores, public or private markets, department stores, and supermarkets to refrain from selling any intoxicating substance such as alcoholic beverages, industrial products with solvents and other propellants, and regulated drugs to substance abusers or to their immediate family members.

The alleged substance abuser shall be required to appear in court and oppose the petition within a non-extendible period of fifteen (15) days. The parties shall then be required by the court to present evidence during hearings to be conducted during five (5) consecutive working days in support of their respective positions. Thereafter, the court shall decide whether to grant or deny the said petition.

The failure of the owners of the said establishments to comply with the said order with no justifiable reason shall be considered as a violation of this Ordinance.

Section 29. Mandatory Reporting to the Court by the BASAC Regarding the Progress of Substance Abusers. The BASAC is hereby directed to submit monthly reports to the court on any progress achieved by the substance abuser in relation to the court order issued against him or against his relatives. The said reports shall be confidential and shall be used by the court in reducing the period of intervention specified in any of its orders even without motion from any party.



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

Section 30. Penalties for Repeat Offenders. Persons who have previously been subjected to rehabilitation and who have been cleared by the BASAC, shall be subjected to the following penalties in case they become substance abusers again:

a) Fine of Five Thousand Pesos (PhP 5,000.00);

 b) Confinement at the FTCC and undergo mandatory substance abuse rehabilitation for a period not exceeding one (1) year;

c) Pay the cost of his rehabilitation; and

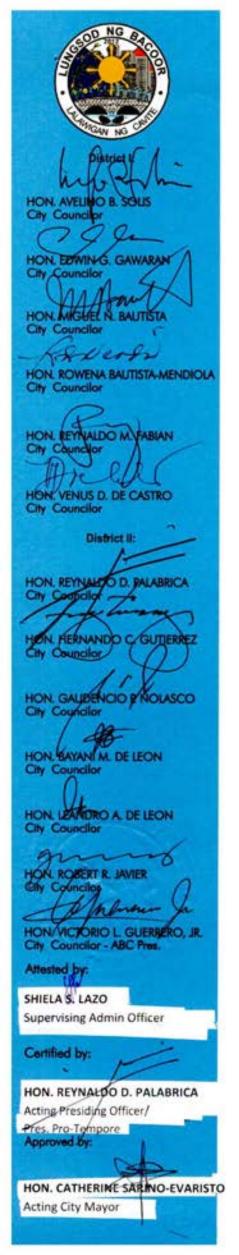
d) Perform community service for 300 hours under the supervision of a court appointed family social worker. Provided that, the said community service shall consist of, among others, conducting testimonials in front of high school and college students enrolled in high schools or colleges/universities within the city under the supervision of the court appointed family social worker.

Article IV Administrative Matters

Section 31. Creation of Plantilla Positions for 73 SG 11 Social Workers. The position of 73 Social Workers with salary grade 11, consistent with relevant civil service laws and regulations, are hereby created. One social worker (who shall be known as "family social workers") shall be assigned by the CSWDO to each of the 73 barangays of the city. The appointment of the said social workers shall be subject to the availability of funds. In case there are no sufficient funds, the City Mayor may appoint job order employees who shall perform the duties and functions appearing hereafter. Qualified volunteers may also be appointed by the City Mayor as family social workers.

Section 32. Duties and Functions of Family Social Workers. The family social workers shall have the following duties and functions:

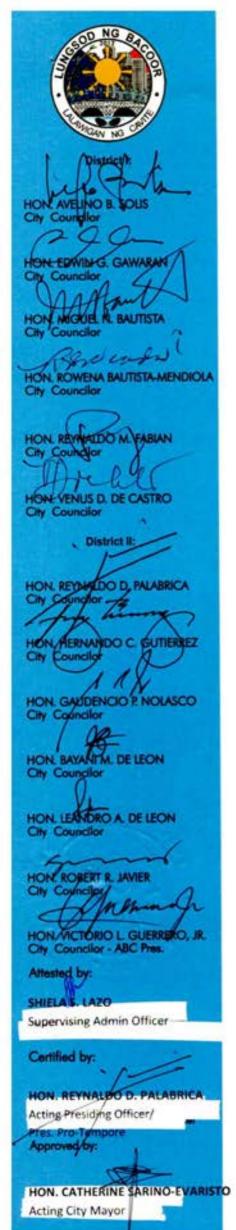
- a) Counsel individuals, groups, families, or communities within the barangay where he/she is assigned regarding issues including mental health, poverty, unemployment, substance abuse, physical abuse, rehabilitation, social adjustment, child care, or medical care;
- b) Interview clients individually, in families, or in groups, assessing their situations, capabilities, and problems to determine what services are required to meet their needs;



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

- c) Serve as liaisons between students, homes, schools, family services, child guidance clinics, courts, protective services, doctors, and other contacts to help children who face problems, such as disabilities, abuse, or poverty;
- d) Maintain case history records and prepare reports to be submitted to the BASAC or to the courts;
- e) Counsel parents with child rearing problems, interviewing the child and family to determine whether further action is required;
- f) Submit family counseling recommendation reports to the BASAC and to the courts, if needed;
- g) Collaborate with other professionals to evaluate patients' medical or physical condition and to assess client needs;
- h) Advocate for clients or patients to resolve crises:
- i) Refer patient, client, or family to community resources to assist in recovery from mental or physical illness and to provide access to services such as financial assistance, legal aid, housing, job placement or education;
- j) Investigate child abuse or neglect cases and take authorized protective action when necessary;
- k) Counsel clients and patients in individual and group sessions to help them overcome dependencies, recover from illness, and adjust to life;
- Recommend the discharge of a client from the FTCC or other care facility;
- m) Monitor, evaluate, and record client progress according to measurable goals described in a treatment and care plan to be submitted to the CSWDO, the BASAC, and to the courts;
- n) Identify environmental impediments to client or patient progress through interviews and review of patient records;
- o) Organize support groups or counsel family members or community members to assist them in understanding, dealing with, and supporting the client or patient;



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

- p) Identify circumstances in the community where he/she is assigned that cause substance abuse in the said barangay;
- q) Submit recommendations to the BASAC on how to prevent the said circumstances from causing substance abuse in the barangay including the declaration of a place, building, or residence as a public nuisance pursuant to the provisions of Section 52 of RA 9165; or
- r) Any other task or function that may be assigned to him/her by the City Mayor or by means of an ordinance.

Section 33. Creation of Various Plantilla Positions for Family Counseling Center. The following plantilla positions are hereby created:

Department	Position Title	Salary Grade	Number of Employees
CSWDO	House Parent (Casual)	P9,000/month	5
	Utility Aide (Permanent)		3
	Aide Clerk (Permanent)		3
	Security Guards		4
CHO	= 0.01002000		
	Psychologist 1 (Permanent)	18	3
	Nurse I (Permanent)	18	1
	Psychiatrist (Consultant)	P20,000/month	

Section 34. Withholding of Allowances of Under Performing Prosecutors and Public Attorneys. The City Mayor, upon the recommendation of the BASAC, with the concurrence of the presiding judges of the various courts of law sitting within the City of Bacoor, shall have the authority to withhold the monthly allowance of any public prosecutor or public attorney who neglects to perform his duties under RA 9165 resulting in the dismissal of any case or in the wrongful conviction of an accused under the said law.

Section 35. Creation of the Bacoor Public Nuisances Abatement Board. A body to be known as the Bacoor Public Nuisance Abatement Board (the "Board") is hereby created for the purposes of hearing complaints against, and the abatement of, public nuisances pursuant to Section 52 of Republic Act No. 9165 and the pertinent provisions of its Implementing Rules and Regulations.



Province of Cavite

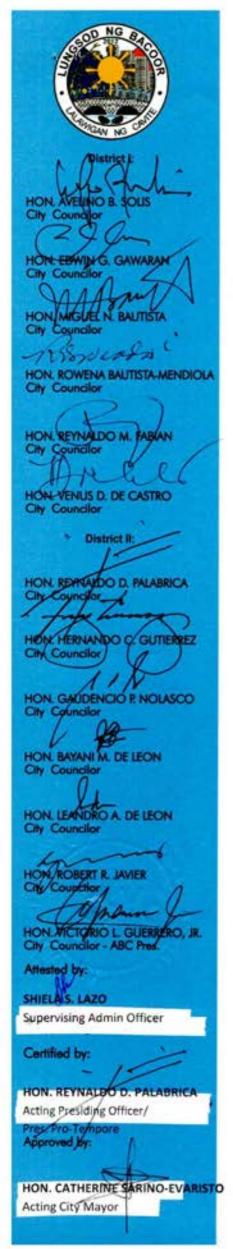
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Section 36. Procedures for the Abatement of Public Nulsances. The Board shall observe the following procedures in the abatement of public nuisances:

- 36.1. Any place or premises which have been used on two or more occasions as the site of the unlawful sale, delivery, or distribution of dangerous drugs or substances, or used as drug dens for pot sessions and other similar activities, may be declared to be a public nuisance, and such nuisance may be abated by the Board;
- 36.2. Any employee, officer, or resident of the city including police officers and barangay officials may bring a complaint before the Board after giving not less than three (3) days written notice of such complaint to the owner of the place or premises at his/her last known address. In case the owner of the place or premises is unknown or cannot be located, the said written notice shall be given to the occupant of the place or premises. In case the owner or occupant of the place or premises alleged to be a public nuisance refuses to accept the written notice, the said notice shall be posted on the place or premises mentioned or sent to the said owner or occupant via courier services whichever is more expedient;
- 36.3. Within three (3) days from receipt or posting of the complaint, a hearing shall then be conducted by the Board, with notice to both parties, and the Board may consider any evidence submitted, including evidence of general reputation of the place or premises:
- 36.4. The owner/manager of the premises or place shall also be given an opportunity to present any evidence in his/her defense with or without the assistance of counsel. **Provided that** the technical rules of judicial proceedings shall not be observed by the Board and all of its proceedings shall be administrative and summary in nature;
- 36.5. After hearing, the Board may either declare the place or premises to be a public nuisance or dismiss the complaint for lack of basis; and
- 35.6. The hearing shall be terminated within ten (10) consecutive working days from commencement of the proceedings.

Section 37. Composition of the Board. The Board shall be comprised of the following:

- a) The City Legal Officer as Chairperson;
- b) The City Health Officer as Co-Chairperson;
- The City Social Welfare and Development Officer as Member;
- d) The Sangguniang Panlungsod Secretary as Member;
 and



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

e) The Chief of Police of the City as Member.

In case either the City Health Officer or City Legal Officer are absent or indisposed, their duties and functions as Chairperson or Co-Chairperson shall be temporarily assumed by the Sangguniang Panlungsod Secretary. In case the City Health Officer and the City Legal Officer are absent or indisposed, the City Social Welfare and Development Officer and the Sangguniang Panlungsod Secretary shall temporarily assume the duties and functions of the Chairperson and Co-Chairperson, respectively as long as such absence or indisposition subsists.

Section 38. Meetings and/or Hearings of the Board. The Board shall meet at least once every week. In case there is a pending complaint, the Board shall conduct hearings everyday until the complaint is resolved.

Section 39. Place of Meeting/Hearing. The Board shall meet in either of the following offices situated on the second floor of the City Hall at the Bacoor Government Center depending on availability of the same:

- 39.1. The Sangguniang Panlungsod Conference Room;
- 39.2. Conference Room 1 or 2 of the Office of the Vice Mayor; or

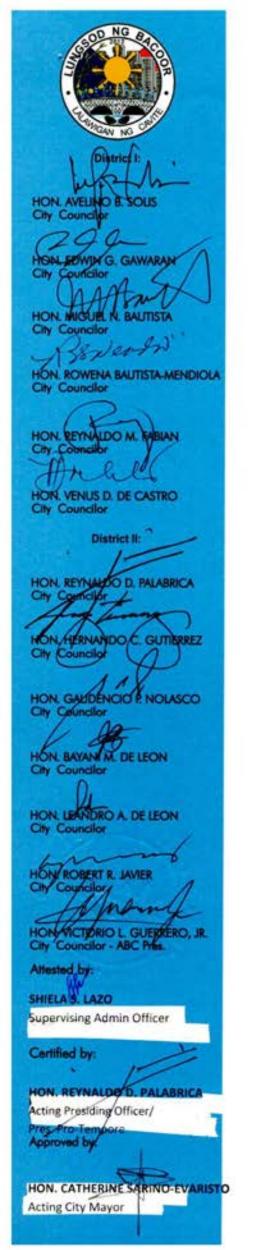
39.3. The Hearing Room of the People's Law Enforcement Board.

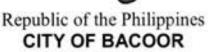
Section 40. Power to Formulate Rules of Procedure. The Board is hereby empowered to formulate its own rules of procedure provided that the said rules (1) should not violate the requirements of due process, and (2) should be approved by the Sangguniang Panlungsod prior to its implementation.

Section 41. Honoraria of the Members of the Board. Subject to the limitation on personal services under the Local Government Code of 1991, the availability of funds and the existing Department of Budget and Management (DBM) Local Budget Circulars, the chairpersons and members of the Board shall be entitled to a honoraria of Five Hundred Pesos (PhP500.00) for every hearing of the Board that such chairpersons or members actually attended.

Section 42. Recording of all Proceedings and Safekeeping of Records of the Board. All of the proceedings of the Board shall be recorded. All of the records of the Board shall be placed under the custody of the Sangguniang Panlungsod Secretary and shall be kept at all times in the Records Room of the Sangguniang Panlungsod.

Section 43. Effect of an Abatement Order Issued by the Board. If the Board declares a place or premises to be a public nuisance, it shall issue an order immediately prohibiting the conduct, operation or maintenance of any business or activity





Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

on the premises that is conducive to such nuisance. The City Mayor shall implement the order of the Board and shall assume full responsibility in seeing to it that the order is immediately complied with. The order issued by the administrative board shall expire after one (1) year, or at such an earlier time as stated in the order. The Board may bring a complaint seeking a permanent injunction against any nuisance described under this ordinance in the proper court of law. The Board, upon showing that the place is no longer a public nuisance, may conduct hearing with the complainant duly notified, for the possible lifting of the order. This provision shall not restrict the power of the Sangguniang Panlungsod per Section 458 [a] [4] [i] of the Local Government Code, to declare or abate any nuisance.

Section 44. Penalties. The following penalties shall be imposed against any private individual who violates this Ordinance:

44.1 Violations Committed by Government Employees or Officials.

Any government employee or official who violates any provision of this ordinance shall be meted with the following penalties:

First Offense: Fine of P 2,000 plus 10-day suspension

without pay

Second Offense: Fine of P3,000 plus 20-day suspension

without pay

Third Offense: Fine of P 4,000 plus 30-day suspension

without pay

Fourth Offense: Fine of P 5,000 plus termination from

employment in case of appointed City Government Employees or

Officials.

44.2 Violations Committed by a Private, Natural Person.
The following penalties shall be imposed against private, natural persons who shall violate this Ordinance:

First Offense: Fine of Three Thousand Pesos

(P3,000.00) plus community work of not less than 100 hours. The nature of such community work shall depend upon the discretion of the court subject to the provisions of this

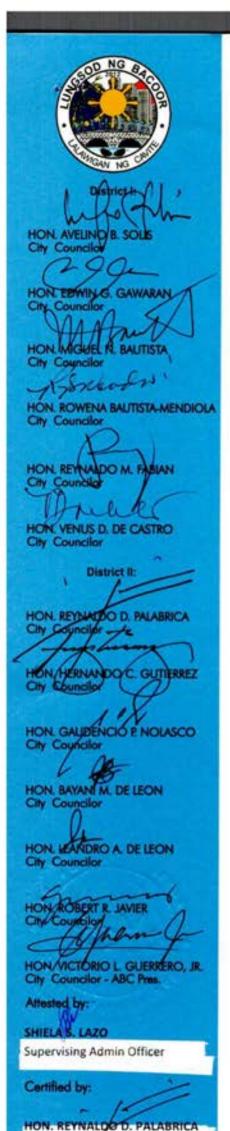
Ordinance.

Second Offense: Fine of Four Thousand Pesos

(P4,000.00) plus community work of not less than 200 hours. The nature of

6 City Ordinance No. CO 17-2016 (The Anti-Substance Abuse Program Ordinance of 2016)

26



Acting Presiding Officer/

HON. CATHERINE SARINO-EVARISTO

Approved by:

Acting City Mayor



Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

such community work shall depend upon the discretion of the court subject to the provisions of this Ordinance.

Third Offense: Fine of Five Thousand Pesos

(P5.000.00) plus community work of not less than 300 hours. The nature of such community work shall depend upon the discretion of the court subject to the provisions of this

Ordinance.

Fourth Offense: Fine of Five Thousand Pesos

(P5,000.00) plus imprisonment of one

year.

44.3. Violations Committed by a Juridical Person. The following penalties shall be imposed against any sole proprietorship, partnership, or corporation that violates this Ordinance:

First Offense:

Fine of Three Thousand Pesos (P3,000.00) plus community work of not less than 100 hours to be rendered by the manager. proprietor, supervisor, president, or chief executive officer of the juridical person concerned. The nature of such community work shall depend upon the discretion of the court subject to the provisions of this Ordinance.

Second Offense:

Fine of Four Thousand Pesos (P4,000.00) plus community work of not less than 200 hours to be rendered by the manager, proprietor, supervisor, president, or chief executive officer of the juridical person concerned. The nature of such community work shall depend upon the discretion of the court subject to the provisions of this Ordinance.

Third Offense:

Fine of Five Thousand Pesos (P5,000.00) plus community work of not less than 300 hours to be manager, rendered by the proprietor, supervisor, president, or chief executive officer of the juridical person concerned. The nature of such community work



HON, AVELING B. SOLIS City Councilor

HON, MIGUEL N. BAUTISTA

Swertni N. ROWENA BAUTISTA-MENDIOLA

HON REYNALDO M. FABIAN City Councilo

HON VENUS D. DE CASTRO City Councilor

District II:

HON REYMATOO D. PALABRICA

HERNANDO C/GUTIERREZ

HON. GAUDENCIO P NOLASCO

HON, BAYANT M. DE LEON

HON LEANDRO A DE LEON

HON ROBERT R. JAVIER

HON VICTORIO L. GUERRERO, JR. City Councilor - ABC Pres.

Attested by:

SHIELA S. LAZO

Supervising Admin Officer

Certified by:

HON. REYNALDO D. PALABRICA

Acting Presiding Officer/

Bres Pro-Tempore

Approved by:

HON. CATHERINE SARINO-EVARISTO

Acting City Mayor





Republic of the Philippines CITY OF BACOOR

Province of Cavite

OFFICE OF THE SANGGUNIANG PANLUNGSOD

shall depend upon the discretion of the court subject to the provisions of this Ordinance.

Fourth Offense:

Fine of Five Thousand Pesos (P5,000.00) plus revocation of business permit for a period of one year.

ORDAINED by Sangguniang Panlungsod of Bacoor, Province, Cavite this 21st day of March 2016.

I hereby certify that the foregoing Ordinance is true and correct and that it was approved in accordance with law.

Certified by:

HON. REYNALDO D. PALABRICA Acting Presiding Officer/Pres. Pro-Tempore

Attested by:

SHIELA S. LAZO Supervising Admin. Officer

Approved by:

HON. CATHERINE SARINO-EVARISTO

Acting City Mayor,

(Date of Approval)