

ORDINANCE NO. 2005-006
(Sponsor: Hon. REDENTOR S. HALILI)

**AN ORDINANCE PROHIBITING VAGRANCY WITHIN THE
TERRITORIAL JURISDICTION OF THE CITY OF SAN
FERNANDO, PAMPANGA AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

WHEREAS, vagrancy, also known as loitering is one big factor that contributes to the problems of health and peace and order in our midst;

WHEREAS, because there are no explicit local laws prohibiting vagrancy or loitering, the local police is having a hard time preventing or controlling the proliferation of vagrants and prostitutes plying their trades in the city thereby exposing the populace to health hazards particularly that of the dreaded HIV-related diseases;

WHEREAS, the maintenance of peace and order is likewise at stake because the unregulated movements of people particularly during nighttime up to the wee hours of the morning without any lawful purpose or justification, contribute greatly to the rising incidents of indexed crimes in the city;

WHEREAS, to fully clothe the police authorities in coordination with the City Health authorities with the power to apprehend and penalize these vagrants, this Ordinance is necessary.

NOW THEREFORE, BE IT ENACTED BY THE SANGGUNIANG PANLUNGSOD, in session assembled:

ARTICLE I

Section 1. Title - This Ordinance shall be known and cited as:

THE ANTI-VAGRANCY ORDINANCE OF SAN FERNANDO, PAMPANGA

2. Definition of Terms - As used in this Ordinance, the following terms shall mean:

1. loitering - the act of wandering without any lawful or justifiable purpose;

2. pimps - those who provide gratification for the lust of others by peddling prostitutes to ready takers;

3. prostitutes - are women who for money or profit, habitually indulge in sexual intercourse or lascivious conduct;

4. ruffians - are violent or brutal persons who quarrel with others and are ready to do violent acts;

5. vagrancy - otherwise known as vagabondage, is an act of wandering whereby a person having no settled home, living the life of a tramp or having the characteristic of a vagrant, etc. whose way of life makes him/her liable to arrest;

6. vagrants - those who have no apparent means or subsistence or without visible means of support who are found loitering on public or semi-public buildings or places or tramping or wandering about the streets without any lawful or justifiable purpose.

Section 3. Coverage - This Ordinance shall find application only within the territorial jurisdiction of the City of San Fernando, Pampanga.

Section 4. Purpose. - This Ordinance is enacted for the following purposes:

1. to prevent or control the proliferation of vagrants and prostitutes plying their trades in the city;
2. to prevent the exposure of the people of San Fernando, Pampanga to health hazards particularly that of the dreaded HIV/STD related diseases;
3. to maintain peace and order threatened by the unregulated movements of people particularly during nighttime up to the wee hours of the morning without any lawful purpose or justification that contribute greatly to the rising incidents of indexed crimes in the city;
4. to fully clothe the authorities with the power to apprehend and penalized vagrants and prostitutes operating in the City of San Fernando, Pampanga

ARTICLE II PROHIBITED ACTS

Section 5. Prohibited Acts. The following acts are prohibited under this Ordinance:

5.1 Loitering within the territorial jurisdiction of the City of San Fernando, Pampanga after twelve midnight without justifiable purpose;

5.2 Loitering of minors (below 18 years of age) after ten o'clock in the evening without the company of parent/s or their guardians or without justifiable reason or consent from parent/s or their guardians;

5.3 Staying in dark places within the territorial jurisdiction of the City of San Fernando, Pampanga without justifiable reasons or purposes;

ARTICLE III MISCELLANEOUS PROVISIONS

Section 6. Creation of Task Force for this purpose. The City Government through the Philippine National Police (PNP) in coordination with the City Health Office, City Social Welfare & Development Office shall assign City Personnel and PNP officers and men that shall directly enforce or implement this Ordinance.

ARTICLE IV PENAL PROVISIONS

Section 7. Penalty Provision. - The following penalties shall be imposed on any or all violators of this Ordinance:

A. For Vagrants-Violators

1. For First Offense - Any person apprehended for violating this Ordinance for the First time shall be meted the fine of one thousand (P1,000.00) Pesos;

2. For Second Offense - Any person apprehended for violating this Ordinance for the Second time shall be meted the fine of one thousand five hundred (P1,500.00) Pesos and or imprisonment of one (1) week or both at the discretion of the regular court; and

3. For Third Offense - Any person apprehended for violating this Ordinance for the Third time shall be meted the fine of five thousand (P5,000.00) Pesos and or imprisonment of two (2) weeks or both at the discretion of the regular court.

B. For City Health Office, City Social Welfare & Development Office personnel and PNP officers and men

1. For First Offense - Any City Health Office, City Social Welfare & Development Office personnel and PNP officers and men who shall deliberately fail to implement this Ordinance for the First time with intent to favor directly or indirectly a particular individual or entity shall be rebuked or given stern verbal warning by his immediate superior;

2. For Second Offense - Any City Health Office, City Social Welfare & Development Office personnel and PNP officers and men who shall deliberately fail to implement this Ordinance for the Second time with intent to favor directly or indirectly a particular individual or entity shall be meted a suspension of one (1) week without pay;

3. For Third Offense - Any City Health Office, City Social Welfare & Development Office personnel and PNP officers and men who shall deliberately fail to implement this Ordinance for the Third time with intent to favor directly or indirectly a particular individual or entity shall be charged administratively and shall be meted the maximum penalty of dismissal from service, upon conviction by the proper court.

Section 8. Repealing Clause - Local Ordinances, Resolutions, Orders, Rules and Regulations that are inconsistent with this Ordinance are hereby repealed, modified or amended accordingly.

Section 9. Separability Clause - If any provision of this Ordinance is declared unconstitutional and or illegal, the remainder of this Ordinance shall not be affected and shall therefore be in full force and effect.

Section 10. Effectivity Clause - This Ordinance shall take effect immediately upon satisfaction of its required publication in a newspaper of general circulation in the Province of Pampanga and the posting of the same for three consecutive weeks in conspicuous places of the City Hall and Barangay Halls of the City of San Fernando, Pampanga.

ADOPTED this 6th day of April 2005.