



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF ILOILO  
MUNICIPALITY OF PAVIA  
-oOo-

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON DECEMBER 04, 2023 AT 9:00 A.M. IN THE SESSION HALL, MUNICIPAL BUILDING, PAVIA, ILOILO.

PRESENT

1. Hon. Edsel G. Gerochi -Municipal Vice-Mayor  
Presiding Officer
2. Hon. Ariel B. Gerada - Municipal Councillor
3. Hon. Jose Maria D. Trimañez - -do-
4. Hon. Leonardo L. Belasa - -do-
5. Hon. Daniel S. Fajardo, II - -do-
6. Hon. Roy H. Gorriceta, Sr. - -do-
7. Hon. Rhia B. Sotomil - -do-
8. Hon. Joshua Philippe B. Gumban- -do-
9. Hon. Tito J. Henarios - Liga President, Ex-Officio Member

ABSENT

1. Hon. Jo Jan Paul J. Peñol - Municipal Councillor
2. Hon. Gerard Peter G. Zalduendo - SK Fed. President, Ex-Officio Member

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MUNICIPAL ORDINANCE NO. 2023-46

ORDINANCE PROHIBITING DRAG RACING IN THE MUNICIPALITY OF PAVIA, ILOILO

**WHEREAS**, "Drag racing, when referring to motor vehicle/motorcycle speed contests done within a controlled and regulated environment, and adhering to safety standards, is not illegal when sanctioned. In the Philippines, there are automobile clubs and other sports associations which sponsor legitimate drag racing events in various race circuits. However, when conducted in public street, highways and other thoroughfares without permits and without regard to the safety of motorists, spectators and innocent third parties, drag racing becomes a punishable act." (Advisory on Drag Racing-Advisory Opinion No.01, Series of 2012, penned by Secretary Leila M. de Lima, posted at the Official Website of the Department of Justice on August 08, 2012)

**NOW THEREFORE, BE IT ORDAINED** by the Sangguniang Bayan of Pavia in a session duly assembled to enact:

**SECTION 1. Title.** This Ordinance shall be called as the Ordinance prohibiting Drag Racing in the Municipality of Pavia".

**SECTION 2. Legal Basis.**

- A. Section 35 (a) of Republic Act No.4136, otherwise known as the Land Transportation and Traffic Code, provides that: "No person shall operate a motor vehicle on any highway recklessly or without reasonable caution considering the width, traffic, grades, crossing, curvatures, visibility and other conditions of the highway and the conditions of the atmosphere and weather, or so as to endanger the property or the safety or rights of any person or so to cause excessive or unreasonable damage to the highway."

From the above provision, engaging in drag racing constitutes either a speeding or a reckless driving violation.

**SECTION 3. Declaration of Policies.** It is hereby declared as the policy of the Local Government Unit of Pavia to promote social order and equality, maintain peace and ensure the safety of its constituents amidst innovation and advancement in technology.

**SECTION 4. Scope and Coverage.** This ordinance shall apply to all riders, road users, pedestrian, barangay residents and all persons, natural or juridical, resident or non-resident, engaged in drag racing within the territorial jurisdiction of Pavia.

**SECTION 5. Definition of Terms.** As used in this Ordinance, the following terms are hereby defined:

- a. **DRAG RACE** – a race between automobile, motorcycle or tricycle on a paved or unpaved straight track with the object of trying to maneuver each other in terms of speed in order to win a certain bet or price.
- b. **DRAGSTRIP** – a short straight tract used for drag racing.
- c. **MOTORCYCLE** – a two-wheeled road vehicle powered by a gasoline engine.
- d. **TRICYCLE** – a two-wheeled road vehicle with motorcycle attached to sidecar.
- e. **GAMBLING** – is the wagering of money or something of material value (referred to as "the stakes") on an event with an uncertain outcome with the primary intent of winning additional money and/or material goods.

**SECTION 6. Prohibited Acts.** The following activities strictly prohibited:

- a. All drag racing activities, such as but not limited to speed racing involving motorcycles, automobiles, trucks, tricycles or any vehicle, on public streets, roads, highways and thoroughfares;
- b. All drag racing activities in a privately-owned property if not on an appropriate dragstrip; and
- c. Any form of gambling during drag racing or within the vicinity of a drag racing activity.

**SECTION 7. Administrative Provisions.** For the effective implementation of this ordinance, the Office of the Local Chief Executive, this municipality, shall:

- a. Issue an Executive Order prescribing the rules and regulations for the smooth implementation of this Ordinance, and
- b. Issue such other rules and regulations deemed necessary to ensure the safety and protection of all concerned race enthusiasts, individuals or group of individuals.

**SECTION 8. Enforcement.** It is the duty of the Pavia Safety Traffic Management Office, Philippine National Police, Barangay Officials and deputized Barangay Tanods to apprehend any persons who engages in drag racing at any given time, place or event, as specified and described in this ordinance.

It shall also be the obligation of the enforcer to examine the driver's license of the participants in the drag race and the vehicles used in the same to ascertain violations of existing laws and regulations, and to file the necessary charge/s if warranted against those responsible therein.

Pavia Traffic Management Office, Philippine National Police, Barangay Officials and deputized Barangay Tanods shall confiscate bets and paraphernalia involved in drag racing; the bets and paraphernalia as evidence of gambling for purposes of filing the necessary charge/s related thereto.

**SECTION 9. Fine and Penalty.** Any person or group of persons caught violating this ordinance shall be penalized by a fine of Two Thousand Five Hundred (P2,500.00) pesos or imprisonment of ten (10) days or both at the discretion of the court.

If the violator is a group, association, corporation, partnership, or cooperative, the group leader, president or manager, together with the participant's, shall be liable thereof.

Provided however, that when the violator of this Ordinance does not contest his or her apprehension and opt to pay the fine imposed under the preceding paragraph, the apprehending officer shall forthwith issue citation ticket to the person apprehended without resort to the filing of charges in the appropriate Court. The citation ticket shall state or contain the following:

- a. The name, signature, age and address of the person apprehended;
- b. The materials facts substantiating the commission or omission of the crime defined and penalized under this Ordinance;
- c. The amount of fine which is payable in favor of the Municipal Government of Pavia; and
- d. Notice requiring the offender to settle the fine at the Office of the Municipal Treasurer within seventy-two (72) hours from issuance thereof, otherwise, appropriate complaint shall be filed against the offender before the court of law.

**SECTION 10. Repealing Clause.** Any ordinance, resolution or order inconsistent with any of the provisions of this Ordinance are hereby amended, repealed or modified accordingly.

**SECTION 11. Separability Clause.** If, for any reason or reasons, any portion or provision of this Ordinance is declared unconstitutional or invalid, other parts hereof, which are not affected, shall continue to be in full force and effect.

**SECTION 12. Effectivity Clause.** – This ordinance shall take effect upon approval of this ordinance.

**BE IT ORDAINED FURTHER** to furnish copies of this ordinance to the Sangguniang Panlalawigan of the Province of Iloilo for review, DILG, and other concerned agencies for their information and appropriate action.

ENACTED this 4<sup>th</sup> day of December, 2023 at Pavia, Iloilo Philippines.

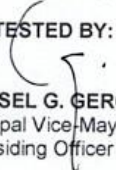
Approved.

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I HEREBY CERTIFY to the correctness  
of the above-quoted ordinance:

  
GYNNYN G. GUMBAN  
Secretary to the Sanggunian

ATTESTED BY:

  
HON. EDSSEL G. GEROCHI  
Municipal Vice-Mayor  
Presiding Officer

APPROVED:

  
HON. LAURENCE ANTHONY G. GORRICETA  
Municipal Mayor