



REPUBLIC OF THE PHILIPPINES
 PROVINCE OF ILOILO
 MUNICIPALITY OF PAVIA
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 OFFICE OF THE SANGGUNIANG BAYAN



EXCERPT FROM THE MINUTES OF THE 5th REGULAR SESSION OF THE SANGGUNIANG BAYAN HELD ON FEBRUARY 05, 2024 AT 9:00 A. M. IN THE SESSION HALL, MUNICIPAL BUILDING, PAVIA, ILOILO.

PRESENT

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| 1. Hon. Edsel G. Gerochi | - Municipal Vice-Mayor
Presiding Officer |
| 2. Hon. Jo Jan Paul J. Peñol | - Municipal Councilor |
| 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. Ludovico S. Alfaro | - Liga ng mga Barangay President
Ex-Officio Member |
| 9. Hon. Gerard Peter G. Zaldariaga | - SK Federation President
Ex-Officio Member |

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MUNICIPAL ORDINANCE NO. 2024-05

AN ORDINANCE PROHIBITING THE DEFACING, SCRIBBLING/WRITING AND/OR SPRAY-PAINTING, AND PASTING OF DECALS OR ANY FORM OF PRE-DESIGNED STICKERS ON WALLS AND FENCES OF PUBLIC AND PRIVATE BUILDINGS, LANDMARKS AND PLAZAS, PUBLIC ANNOUNCEMENT BOARDS, TRAFFIC AND DIRECTIONAL SIGNS, MONUMENTS AND HISTORICAL STRUCTURES AND WORKS OF ART, IMPOSING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the general public are alarmed that vandals, especially in the midst of the night are again out in the streets defacing and spray-painting walls and fences, and other concrete structures of both private and public buildings and establishments, putting into the spotlight the otherwise clean and neat physical surroundings of the Municipality of Pavia.

WHEREAS, the defacement and destruction of public and private properties say a lot about public discipline, the people's character and values — or the lack of them. Moreover, the affected private property owners spend a lot of personal money, while the government itself spend a significant amount of taxpayers' money, respectively, for the repair and restoration of the damaged and defaced structures, which amounts could have been used for more productive endeavors or projects.

WHEREAS, studies conducted by behavioral psychologists reveal that most acts of vandalism are committed by students in high school and college, including campus fraternity members. Further the studies show that schools and their surrounding vicinities are also the most vandalized areas where high incidence occur when no guards are present or during nighttime or vacation periods or health crisis when such campuses are locked down or unoccupied.

WHEREAS, there are government attempts to conceal these eyesores through artworks, such as murals, such intention does not really address the root of the problem, which is, as have been mentioned, the lack of discipline and impending lawlessness. It is in this light that this Ordinance seeks to prohibit acts of vandalism by defining the same and imposing penalties for violations thereof. It is hoped that passage of this legislation will finally put to stop the threatening disorder in our streets.

BE IT ORDAINED by the Sangguniang Bayan of Pavia, that:

SECTION 1. This Ordinance shall otherwise be known as the "*Anti-Vandalism Ordinance of the Municipality of Pavia*"

SECTION 2. Definition of Terms. For the purpose of this Ordinance, the following terms shall mean:

1. "**Act of Vandalism**" — the act of doing any of the following without the written authority of the Office of the Municipal Mayor or its authorized representative or office in the case of public property, or without the written consent of the owner or occupant in the case of private property, such as but not limited to:

- a) Unauthorized writing, scribbling, drawing, painting, spray-painting, or marking any public or private property any word, slogan, caricature, drawing, mark, symbol, or other things;

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- b) Unauthorized affixing, posting, or displaying on any public or private property any poster, placard, advertisement, bill, notice, paper, or other document;
 - c) Unauthorized hanging, suspending, hoisting, affixing, or displaying on any public or private property any flag, bunting, standard, banner, or the like, with any word, slogan, caricature, drawing, mark, symbol, or other thing without authority of the owner of the private property, or Municipal Mayor for any public property.
2. **"Vandal"** — an unauthorized person who willfully destroys, damages, or defaces property belonging to another or to the public. His action includes property damage, such as graffiti and defacement directed towards any property without permission of the owner.
 3. **"Private Property"** means movable or immovable property other than public property.
 4. **"Public Property"** means movable or immovable property belonging to the Government or to the government of any foreign country, or to any statutory body lawfully present in the Municipality of Pavia.
 5. **Fee** means a charge fixed by law or ordinance for the regulation or inspection of a business or activity.
 6. **License or Permit** means the right or permission granted in accordance with law or ordinance, or by a competent authority to engage in a transaction.

SECTION 3. Authorized Billboard and Posters. Only posters with approved permits duly signed by the LGU's official representative is allowed to be displayed on public areas pursuant to Municipal Ordinance No. 2002-16, otherwise known as *"An Ordinance Prohibiting any Act of Vandalism or Unauthorized Posting of Poster or Promotional Material on Public Places, Facilities or Properties, Amending Ordinance No. 18 Series of 1972."*

Hanging of posters and installation of Billboards and advertisements on public places shall adhere to the provisions of the Municipal Revenue Code of the Municipality of Pavia. Posters without proper permit and authority from the Municipality shall be removed immediately. Furthermore, any person or persons who wish to post any

poster or promotional material shall secure Mayor's Permit specifying the location of the said posting. Promotional materials and posters of the municipality, barangay, and public schools shall likewise be exempted.

SECTION 4. Responsibility of Schools. School administrators are hereby enjoined to conduct information dissemination among the students and inform their parents regarding the implementation of this Ordinance.

SECTION 5. Authorized Enforcers/ Implementors. The following agencies/ personnel are hereby authorized, deputized and mandated to strictly enforce this Ordinance.

- a) Any officer or personnel of the Philippine National Police;
- b) Barangay officials, whether elected or appointed, including their deputized Barangay Peacekeeping Action Teams (BPAT);
- c) Any personnel of the Pavia Public Safety Traffic Management Office;
- d) Municipal Disaster Risk Reduction and Management (MDRRM) personnel for surveillance and monitoring using the town's CCTV cameras;
- e) Persons to be duly deputized by the Office of the Municipal Mayor under an executive order authorizing the establishment of a Task Force.

Any valid complaint in written form from any resident of the Municipality of Pavia, duly assessed by the authorized enforcers shall also be considered.

SECTION 6. Penal Provision

- a. Any person found committing Acts of Vandalism shall, in addition to payment of expenses for restoration of the property vandalized, suffer the penalty of the following fines:

1. First Offense: P1,000.00
2. Second Offense: P1,500.00
3. Third Offense: P2,500.00

The offender, upon discretion of the apprehending officer, may be detained at the Pavia Police Station for a maximum

of twelve (12) hours. The payment of the monetary penalty however, shall not prevent the offender from being accused in Court.

Fifty percent (50%) of the proceeds of the fine herein provided shall accrue to the barangay where the act is committed.

- b. As to the extent of the liability of fraternities and gangs, the offender, together with his/her Fraternity Leader or Gang Leader shall be held liable for the violation of their erring subordinates/ members;
- c. If the violator is a minor or below eighteen (18) years of age at the time of the commission of the act, he/she shall be referred to the MSWDO to undergo appropriate intervention program such as but not limited to Community Service as per RA 9344, otherwise known as the "Juvenile Justice and Welfare Act" amended by RA 10630, otherwise known as "An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile justice and Welfare Council under the Department of Social Welfare and Development, Appropriating Funds Therefor, and for Other Purposes," together with his/her parent or guardian, consisting of removing, cleaning and repairing to its former condition the damaged wall, gate, and building at the expense of such violator. The manner of community service shall be determined by the Philippine National Police personnel under Pavia Police Station;
- d. If there are no first-hand witnesses to the incident, and while there are no records in the CCTV footages under the MDRRMO, an investigation must commence at the Barangay Level under the lead of the Punong Barangay and the Chairman of the Committee on Peace and Order or the Committee on Disaster Risk Reduction and Management.

SECTION 7. Separability Clause. If any provision or part hereof is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 8. Repealing Clause. Ordinance No. 2002-16 is hereby repealed. All ordinances, rules and regulations or parts thereof, which are consistent or in conflict with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 9. Effectivity Clause. This Ordinance shall take effect upon its approval and publication in a local newspaper of general circulation.

BE IT ORDAINED FURTHER, to furnish copies of this Ordinance to all concerned for information and appropriate action.

ENACTED this 5th day of February, 2024 at Pavia, Iloilo, Philippines.

APPROVED.

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

Gynny G. Gumban
GYNNYN G. GUMBAN

Secretary to the Sangguniang Bayan

ATTESTED BY:

[Signature]
HON. EDESEL G GERACHI
Municipal Vice Mayor
Presiding Officer

APPROVED:

[Signature]
HON. LAURENCE ANTHONY G. GORRICETA
Municipal Mayor