



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
20th City Council

PO20CC-040

73rd Regular Session

ORDINANCE NO. SP- 2765 S-2018

AN ORDINANCE REQUIRING ALL MOTORCYCLE DRIVERS AND PASSENGERS TO IMMEDIATELY REMOVE THEIR SAFETY HELMETS, HEAD GEARS, FACE MASKS, AND/OR ANYTHING THAT WILL CONCEAL THEIR IDENTITY WHEN THEY ARE IN FULL STOP, WAITING, OR STAND-BY MODE ALONG ANY SUBDIVISION OR PUBLIC ROAD, STREET, ALLEY, SIDEWALK, EASEMENT, SHOULDER, OR ANY PORTION OF THE THOROUGHFARE OR HIGHWAY AND SUCH OTHER CRIME-PRONE AREAS OR HOTSPOTS IN QUEZON CITY, OR WHEN ENTERING ANY PRIVATE OR PUBLIC ESTABLISHMENT WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Introduced by Councilors ROGELIO "Roger" P. JUAN and OLIVIERE T. BELMONTE.

Co-Introduced by Councilors Lena Marie P. Juico, Elizabeth A. Delarmente, Victor V. Ferrer, Jr., Alexis R. Herrera, Precious Hipolito Castelo, Voltaire Godofredo L. Liban III, Ramon P. Medulla, Ranulfo Z. Ludovica, Estrella C. Valmocina, Allan Benedict S. Reyes, Gian Carlo G. Sotto, Kate Abiguel G. Coseteng, Jose Mario Don S. De Leon, Franz S. Pumaren, Eufemio C. Lagumbay, Marvin C. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Ivy Xenia L. Lagman, Marra C. Suntay, Hero Clarence M. Bautista, Jose A. Visaya, Karl Edgar C. Castelo, Julianne Alyson Rae V. Medalla, Godofredo T. Liban II, Allan Butch T. Francisco, Marivic Co-Pilar, Melencio "Bobby" T. Castelo, Jr., Diorella Maria G. Sotto, Donato C. Matius, Eric Z. Medina, Alfredo S. Roxas and Noe Lorenzo B. Dela Fuente III.

WHEREAS, Section 5, Article II of the 1987 Philippine Constitution provides that, "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

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WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the "The Local Government Code of 1991", endows that every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare;

WHEREAS, the increasing and widespread crimes involving motorists and riding-in-tandems compromise the maintenance of peace and order, and the promotion of public security and safety necessary for the advancement of the general welfare of the people and the enjoyment of their rights under the blessings of democracy;

WHEREAS, Section 3 of Republic Act 10054, otherwise known as the, "Motorcycle Helmet Act of 2009", mandates that all motorcycle riders, including their passengers, shall at all times wear standard protective helmets while driving, whether long or short drives, in any type of road and highway, while Ordinance No. SP-2444, S-2013, otherwise known as the, "Subdivision Speed Limit Ordinance of Quezon City" was enacted to protect motorists and passengers from harm in case of accident;

WHEREAS, the said Republic Act mandates the wearing of standard protective helmets only when the motorcycle drivers and their passengers are in a moving motion. Hence, it is considered permissible under the said law that when they are in full stop, the same may be removed for purpose of easy identification when they are situated in any Quezon City subdivision, village, street, ally, sidewalk, and highway, and/or upon entering any private or public establishment situated within Quezon City;

WHEREAS, Quezon City Council has recently passed and approved Ordinance No. SP-2636, S-2017, otherwise known as the "ROAD SAFETY CODE OF QUEZON CITY", which provides for the use of a safety helmet while driving within this City and prohibits anyone to drive or ride a motorcycle within this City without wearing a properly fastened, appropriately-sized, standard safety helmet;



WHEREAS, crimes committed in Quezon City was exacerbated by suspected "riding-in-tandem" criminals (now referred to as "Motorcycle Riding Suspects") that have been a reverberating problem of the community were if not addressed immediately, will result to a more fatal effect compromising the security and safety of the residents of Quezon City;

WHEREAS, Article 14, par. (11) of the Revised Penal Code endows that it is an aggravating circumstance when the crime be committed in consideration of price, reward, or promise with which most motorcycle riding suspects commit unlawful act for said considerations;

WHEREAS, there is an indispensable need to enact an Ordinance that will seek to prevent, repel or discourage motorcycle riding suspects to commit or plan to commit an unlawful act and one of the ways to do it is to require all motorcycle drivers and their passengers to remove their helmets when they are in full stop in any Quezon City subdivision, village, villa, street, alley, sidewalk, and place where crimes are often committed, and upon entering any private or public establishment situated within Quezon City.



NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. SHORT TITLE - This Ordinance shall be known as the "Quezon City Helmet Regulation Ordinance of 2018."




SECTION 2. DECLARATION OF POLICY - It is hereby declared the policy of the City Government to promote the maintenance of peace and order, the protection of life, and promote security and safety of Quezon City through means that will prevent, repel, or discourage motorcycle riding suspects from committing an unlawful act for which their identification will be at stake when the latter will try to commit or is committing a crime.

Towards this end, the paramount consideration must be the general welfare of the people and their enjoyment of their rights under the blessings of democracy with ease and security, and without fear from exercising the same. γ



SECTION 3. PURPOSE - The purpose of this Ordinance is to prevent, repel or discourage motorcycle riding suspects to execute their criminal design, as well as to provide our constituents with the necessary precaution against the motorcycle riders and/or passengers who intentionally refuse to remove their helmets, face masks, and/or anything that will conceal their facial features and identity when they are in full stop, waiting, or stand-by mode, or when entering private or public establishments in Quezon City.

SECTION 4. HELMET REGULATION IN FULL STOP, WAITING, OR STAND-BY MODE WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY - All motorcycle drivers and their passengers shall be required under this Ordinance to immediately remove their helmets, face masks, and/or anything that will conceal their facial features and identity, such as but not limited to protective coverings, bonnets, ski masks, bandanas, handkerchiefs, caps, hats, shades, sunglasses, colored or tinted goggles, and the likes while, whenever, and during but not limited to the following circumstances:

- 4.1. When in full stop, waiting, or stand-by mode along any subdivision or public road, street, alley, sidewalk, easement, shoulder, or any portion of the thoroughfare or highway, and other crime-prone areas or hotspots within Quezon City;
 - 4.2. When in full stop, waiting, or stand-by mode along or within any open space or public place, such as parks, parking easements, parking lots, parking facilities, market areas, and market grounds;
 - 4.3. When the rider, driver, and passenger alights his/her/their motorcycle for any reason such as, but not limited to fixing their vehicle, buying from a store, transacting in ATM machines, or for any emergency reasons;
 - 4.4. At all times or upon instruction by a detailed security personnel or guard for purposes of proper identification, when entering any subdivision, village, gated community, residential buildings and areas; 
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4.5. When entering any road, street, community, or any area or place within the territorial jurisdiction of Quezon City during security inspections, when apprehended, and being inspected by a traffic or law enforcer.

SECTION 5. "FULL-STOP, WAITING, OR STAND-BY MODE" DEFINED - A motorcycle is considered to be in "full stop, waiting, or stand-by mode" when the motorcycle is not in a moving motion at zero (0) kilometre per hour, either in a short or long stop, whether the motor is on, off, or in idle.

SECTION 6. EXCEPTIONS - A driver and/or passenger shall not be held liable under this Ordinance when:

6.1. While driving and momentarily stopping in traffic along roads or highways controlled by duly authorized traffic signals and road signs, or traffic enforcers; and

6.2. Law enforcers who are in official performance of their duties such as emergency or security escort, or in hot pursuit cases.

SECTION 7. HELMET REGULATION WHEN ENTERING PRIVATE OR PUBLIC ESTABLISHMENTS - All motorcycle drivers and their passengers shall be required under this Ordinance to immediately remove their helmets, face masks, and/or anything that will conceal their facial features and identity, such as but not limited to protective coverings, bonnets, ski masks, bandanas, handkerchiefs, caps, hats, shades, sunglasses, colored or tinted goggles, and the likes while, whenever, and during the following circumstances:

7.1. When the rider, driver, and passenger is at rest along, within, or entering any gasoline station, commercial establishment, commercial building, or institutional facility (public or private); and

7.2. When entering any government, public or private building, institution, or facility at all times or upon instruction of any detailed security personnel or guard for purposes of proper identification.



SECTION 8. INFORMATION DISSEMINATION - All barangays, business establishments, or other government and non-government agencies within Quezon City shall assist in the information dissemination of this Ordinance. They shall put up a signage or other similar informative materials which contains an express reminder to all motorcycle drivers and passengers to immediately remove their helmet and anything that will conceal their identities while in full-stop and/or parked in any Quezon City subdivision, village, villa, street, alley, sidewalk, highway, and other crime-prone areas or hotspots, or when entering any private or public establishment situated in Quezon City;

The signage shall contain an express statement, to wit: "Kindly remove your helmet/face mask when you are in full stop." and "Kindly remove your helmet/face mask when entering this establishment." The said statements shall be written either in English or Filipino, or both, whichever will best express and relay the said statement to the general public.

SECTION 9. PENALTIES - Any motorcycle driver and/or their passenger caught of not removing their helmets while in full stop in any Quezon City subdivision, village, street, alley, sidewalk, highway and other crime-prone areas or hotspots, or while entering a private or public establishment, shall be punished and issued with Ordinance Violation Receipt (OVR) with a fine of One Thousand Pesos (Php1,000.00) for the first offense; Three Thousand Pesos (Php3,000.00) for the second offense; Five Thousand Pesos (Php5,000.00) and/or revocation of Driver's License, with imprisonment of not exceeding one (1) year, at the discretion of the court, for the third offense.

SECTION 10. IMPLEMENTING RULES AND REGULATIONS -The Department of Public Order and Safety (DPOS), Quezon City Police District (QCPD), Philippine National Police-Highway Patrol Group (PNP-HPG), Metro Manila Development Authority (MMDA) and other agencies concerned are hereby enjoined to participate in the crafting of the Implementing Rules and Regulations of this Ordinance.

SECTION 11. SEPARABILITY CLAUSE - Should any provision of this Ordinance be declared unconstitutional or illegal by any court of competent jurisdiction, those parts that are not so declared shall remain in full force and effect. *γ*




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SECTION 12. REPEALING CLAUSE – Any previous Ordinance/s or parts thereof which are inconsistent with this Ordinance are hereby repealed or superseded accordingly.

SECTION 13. EFFECTIVITY CLAUSE – This Ordinance shall take effect upon its approval.


ENACTED: September 17, 2018.


MA. JOSEFINA G. BELMONTE
City Vice Mayor
Presiding Officer

ATTESTED:

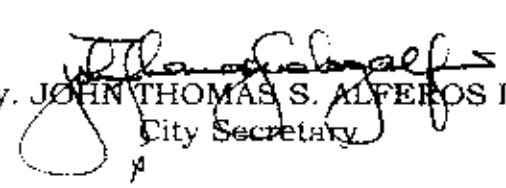

Atty. JOHN THOMAS S. ALFEROS III
City Secretary

APPROVED: 05 NOV 2018


HERBERT M. BAUTISTA
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on September 17, 2018 and was PASSED on Third/Final Reading on October 1, 2018.


Atty. JOHN THOMAS S. ALFEROS III
City Secretary