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SANGGUNIANG PANLUNGSOD NG MARIKINA



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ORDINANCE NO. 145
Series of 2006

ORDINANCE ADOPTING THE REVISED MARIKINA PEACE, ORDER, PUBLIC SAFETY AND SECURITY CODE OF 2006

Introduced By: Councilor DONN CARLO B. FAVIS
Councilor FRANKIE C. AYUSON
Councilor EFREN S. DE GUZMAN
Councilor FERDIE D. MARCO
Councilor SERAFIN Y. BERNARDINO

ARTICLE 1
General Provisions

SECTION 1. Short Title. This Ordinance shall be known as the

"MARIKINA PEACE AND ORDER CODE OF 2006".

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED BY THE SANGGUNIANG PANLUNGSOD of MARIKINA, in session duly assembled, that:

SECTION 2. Declaration of Policy

(a) "General Welfare. Every local government unit shall exercise the powers expressly granted, those necessarily implied from there, 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. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, x x x promote health and safety x x x maintain peace and order, and preserve the comfort and conveniences of their inhabitants";

(b) In consonance with this right and duty to promote health, safety and maintain peace and order, the City Council of Marikina enacted various legislative measures pertaining to peace and order of the City as well as those, which relate to public safety and security;

(c) There is a need to codify and amend these existing ordinances not only for the purpose of facilitating easy reference thereto, but also for clarity and effective implementation of the same;

SECTION 3. Scope of the Code

This Code contains:

- (a) Local legislations pertaining to peace, order, public safety and security,
- (b) Corresponding penalties,
- (c) Implementing agencies and their powers and functions,
- (d) Guidelines on the implementation of this Code,
- (e) Alternative penalties that may be imposed against violators, penalty for minors and
- (f) Penalty sharing.

SECTION 4. Definition of Terms

- a) Bathing – shall refer to but not limited to the acts of swimming, dipping and diving. f

- b) Banking Institutions – shall refer to all banks operating within Marikina City, serving as cash depositories and/or engaged in financial activities of receiving, collecting and/or issuance of payments in the form of cash or other negotiable instruments.
- c) Bladed Instrument – shall refer to any kind of deadly instruments such as knife, balisong, samurai, spear, pana, dagger, bolo, barong, kris, icepick, jabbing liza or chako and similar instruments.
- d) Booster Pump – shall refer to an electrically operated mechanism that sucks water from MWSS waterlines to obtain strong water pressure but at the same time drains other connected water lines.
- e) Business Establishments – shall refer to amusement/entertainment centers, which include billiard halls, KTV bars, videoke bars, video arcades, computer shops, Internet cafes, eateries, and the likes.
- f) Cigarettes and Cigarette Paraphernalia – shall refer to Cigar or Cigarette, whether imported or manufactured locally, including tobacco and such other leaves whether imported or grown locally, and the rolling paper by which these leaves may be used for smoking.
- g) CMP- (Community Mortgage Program) – shall refer to the city's low-cost housing program as well as city-originated loans to provide its urban poor with abodes, which they can own at affordable cost.
- h) Color Game – shall refer to a game of chance utilizing three (3) wooden dices with different colors and bettors place their money bets on the colors of their choice, and the winning colors are displayed on the wooden dices thrown on a table.
- i) Commercial property- shall refer to property intended for business purpose.
- j) Commercial/Business Establishments – shall refer to eateries, restaurants, kitchenettes, carinderias, grills, KTV Bars and clubs, music lounges, disco houses, billiard halls, sari-sari stores, groceries, minimarts, convenience stores, and all other similar establishments.
- k) Computer Rental Shop – shall refer to a business establishment with two (2) or more computer units that offers internet services, typing, printing services and gaming shop or center.
- l) Domestic Helper – shall refer to the housemaid, babysitter, driver or such other similar workers who are employed for domestic work in a residential or household in Marikina City
- m) Eatery – shall refer to any establishment serving liquor in addition to cooked food and short orders for consumption of customers. Restaurants, kitchenettes, carinderias, grills and all similar establishments serving cooked food and liquor are included as eateries.
- n) Emergency Hotline Numbers – shall refer to, but not limited to the following: Rescue 161 (hotline of Marikina); Patrol 171 (hotline of the PNP); hotlines of the Bureau of Fire Protection (BFP); the National/Regional/ Local Disaster Coordinating Council; Government or Private Hospital hotlines; hotlines or cell phones of such other government and/or private hotlines whose entities provide quick response to emergency situations.
- o) Emergency Situations – shall refer to incidents of fire, flood, earthquake, civil disturbances, acts against national or local security, public disorders, terrorist attacks, commission of crimes, accidents and other incidents that require rescue or retrieval and immediate medical assistance.
- p) Entertainment Shows – shall refer to all kinds of fashion shows, all kinds of beauty pageants, bikini open, ramp modeling, and the likes.
- q) Event Coordinator – shall refer to a person who coordinates with the event organizer and the participants of the show.
- r) Event Organizer – shall refer to a person who may be an owner of an establishment or Production Company or an individual contracting with the event coordinator.
- s) Fairs – shall refer to traveling collection of sideshows and amusements.

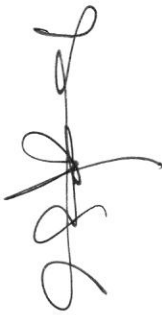


- t) Food stalls – shall refer to a small open area where foods and/or beverages are served or offered to the public.
- u) Forecourt – shall refer to a driveway or open space leading to and within the gasoline refueling station.
- v) Gambling – shall refer to a game of chance for stakes (money or property) that involves wager or money bets with uncertainty of the outcome.
- w) Gaming Shop or Gaming Center – shall refer to an establishment with two or more computers connected to a local area network that offers either online games (connected to the internet) or LAN games (not connected to the internet).
- x) Habit-Inducing Solvents – shall refer to any substance or chemical mixture which induces condition of intoxication, inebriation or stupefaction resulting in the dulling of the brain or nervous system, depression, giddiness, paralysis or irrational behavior or distorting the auditory, visual or mental processes.
- y) Illegal Drug Activities – shall refer to all activities which include using, selling or buying of illegal drugs, prohibited drugs, and dangerous drugs (as defined under the Dangerous Drugs Act), holding of pot sessions, maintenance of drug dens, manufacturing and distribution of illegal drugs. Possession, storing of illegal drugs and all such other illegal drug-related activities.
- z) Illegal drugs – shall refer to prohibited drugs which include opium and its components and derivatives, such as heroin and morphine; coca leaf and its derivatives, such as principally cocaine; alpha and beta eucaine; hallucinogenic drugs, such as mescaline, lysergic acid diethylamide and other substances producing similar effects; marijuana; and other drugs and chemical preparations whether natural or synthetic. (as defined under the Dangerous Drugs Act of 1972 (R.A. 6425))
- aa) Institutions – shall refer to organizations whose purpose is to further public welfare and learning.
- bb) Internet – shall refer to the worldwide system of computer networks in which a user at any one computer can directly get information from any other computer in the network.
- cc) Internet Cafe – shall refer to a place of business that has a number of networked personal computers with access to the internet for surfing, chatting, e-mailing and research and available for use by customers for a fee by the hour or fraction of an hour. The business establishment may or may not be serving coffee, and/or similar beverages. Also included are cyber café, arcades, and lounges.
- dd) Internet Pornography – shall refer to the visual representation or images showing prohibited acts mentioned in Section 6 hereof through any of the electronic devices or means, with the end in view of satisfying the lust or sexual desire of another, regardless of geographic location, including but not limited to the following: digital camera, camera-equipped mobile phones, webcam or similar gadgets.
- ee) Intoxicating Liquor – shall refer to any liquor intended for use as a beverage, or capable of being used, which contains alcohol, no matter how obtained, in such percent as it will produce intoxication.
- ff) Kalaskas – shall refer to a game of chance utilizing a roulette wheel with various numbers or figures replicated on squares on a table where bettors place their money bets. Dart throwing is also done on roulette wheel and the bettor must hit its target to win.
- gg) LAN (Local Area Network) – shall refer to a group of computers with associated devices that share a common communication line and typically share resources and data within a small geographic area.
- hh) Lessee – shall refer to a person, natural or juridical, who rents and/or occupies a property.



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- ii) Lessee Form – shall refer to a form to be filled-out by the lessee about his/her personal circumstances, such as, name, status, employer, occupation, provincial address/residential address, address of previously rented house, and the particular unit being rented. The form must have a space where the lessee may attach his/her 1 x 1 picture. It should also contain a space where the lessor may write his name and address.
- jj) Lessor – shall refer to a person who leases his property to natural or juridical person.
- kk) Libelous – shall refer to insulting, false and malicious statements.
- ll) Liquor – shall refer to any distilled alcoholic beverage (e.g. beer, whiskey, rum, brandy, gin, etc.)
- mm) Littering – shall refer to throwing of small litter on streets, sidewalks or other public places including government buildings and offices and public utility vehicles.
- mm) Minor – shall refer to any person below 18 years of age and any person with mental incapacity and exempted to criminal liability.
- nn) Non-value items – shall refer to items which are of zero value and can be considered as surplus. These include, reconditioned appliances, machineries and equipment, and other articles of similar nature.
- oo) Nozzle – shall refer to a small tube or spout attached to a pipe or hose, usually an outlet.
- pp) Obscene – shall refer to which offends or wounds the imagination in sexual matters.
- qq) Obscene Publication – shall refer to any poster, publication, promotional material that contains pictures under scandalous circumstances or that which is contrary to prurient taste, or contrary to morals or public policy.
- rr) On credit - shall refer to the privilege of playing computer/video games on suspended or deferred payment or playtime fee or a "play-now-pay-later" scheme.
- ss) Other Forms or Acts of Gambling – shall refer to all games of chance that involve money or wager, whether using devices or not, and which are considered as gambling games that are prohibited and punishable under the laws of the Philippines. These shall include all prohibited card or table games that may be played within fair or carnival grounds (e.g. color game, kalaskas, pinball machine)
- tt) Parks and Open Spaces – shall refer to spaces either partially or fully developed, usually with benches, trees, grass, lamp posts, and playground, intended for recreation and relaxation, especially of children. Parks and open spaces may be classified as community park, subdivision park and pocket garden park.
- uu) Participant – shall refer to a person who is a candidate of the show
- vv) Person – shall refer to any natural or juridical entity.
- ww) Perya – shall refer to a temporary mini fair offering rides such as but not limited, to ferris wheels, octopus, merry-go-round, bump cars, and other forms of amusement.
- xx) Pinball Machine – shall refer to any gambling device consisting of a playing surface, containing obstacles and spectures, upon which balls or marbles, obtained by inserting a coin in the slot, one propelled by various methods but uniformly with the object of shopping such balls or marbles into particular apertures designated as scoring or "pay-off" holes.
- yy) Pornographic Site – shall refer to a website with display of erotic behavior intended to cause sexual excitement.
- zz) Prank Calls – shall refer to telephone calls or text messages made or sent by any person to any emergency numbers which do not involve a report of an emergency situation or a request for emergency assistance, but are made solely for the purpose of making fun of such hotline numbers or sow confusion among emergency responding units.



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- aaa) Prankster – shall refer to the person who is making a prank call.
- bbb) Prescribed drugs – shall refer to any drug prescribed and authorized by a physician, dentist, veterinarian or practitioner.
- ccc) Prostitution – shall refer to the act, practice or profession of offering the body for sexual relations for money.
- ddd) Public Places – shall refer to sidewalks, streets, churches, parks and open spaces, cemeteries, alleys, parking areas, waiting sheds, gymnasiums, playgrounds, basketball courts, government buildings and their surroundings, including undeveloped open spaces within the City.
- eee) Public Social Welfare Institutions – shall refer to DSWD-NCR accredited social welfare institutions, which provide street children/elders/infants/orphans with basic necessities such as food, clothing, shelter and basic education.
- fff) Pump Crew – shall refer to a person employed to pump gasoline or diesoline into the fuel tank by the of a motor vehicle; any such person who dispenses petroleum products.
- ggg) Refuel – shall refer to supplying a motor vehicle with fuel.
- hhh) Registered Water Connection – shall refer to water service connection duly registered with the Metropolitan Waterworks Sewerage System (MWSS).
- iii) Residential Property – shall refer to a property intended for dwelling.
- jjj) Restaurants – shall refer to establishments serving cooked food, liquor, etc.
- kkk) Satanic Site – shall refer to the sinister, devilish, diabolic, wicked, evil and fiendish web site on the Internet.
- lll) Scandalous – shall refer to offensive, shocking acts.
- mmm) School Hours – shall refer to hours prescribed for students to be in school for their classes, that is, from Mondays thru Fridays, but may include "make-up" classes during weekends.
- nnn) Security Personnel – shall refer to any person employed by any security agency and is deployed to any residential, commercial, banking and industrial establishments within the City, delivering and transferring money from a bank or establishment.
- ooo) Seditious – shall refer to rebellious, unruly.
- ppp) Serve – shall refer to the distribution/ supply to customers of food, drinks etc., at the table.
- qqq) Sidewalk – shall refer to any paved or unpaved footwalk at the side of the street or roadway.
- rrr) Sidewalk vendor – shall refer to anyone who uses the sidewalk and offers for sale any good or article.
- sss) Short Shorts – shall refer to trousers covering less than ¼ of the lower torso and legs.
- ttt) Straddle – shall refer to sitting on a motorbike with legs spread wide apart.
- uuu) Street Children – shall refer to persons, below 18 years of age, who loiter on streets, use sidewalks and other public places as a place for sleeping, eating, etc., and utilize begging as a means of livelihood and/or use rugby and other habit-inducing solvents.
- vvv) Surfing – shall refer to the act of exploring a sequence of web sites in a random or unplanned manner.
- www) Swing out door – shall refer to when opening is done by pushing the door from the inside.



- xxx) Take Custody – shall refer to gathering and extending protection and security.
- yyy) Things of value – shall refer to pieces of jewelry, ornaments, furniture and fixtures, appliances, works of arts and designs, and other articles of similar nature or value.
- zzz) Tiangge – shall refer to a temporary market place, set up during a specified holiday, for the purpose of selling small items, goods, materials or foods as authorized by the city government on special occasions.
- aaaa) Topless – shall refer to half-naked or wearing of clothing covering only the lower portion of the body
- bbbb) T-back underwear – shall refer to a kind of underwear with no cover at the buttock.
- cccc) Transient workers –shall refer to persons who work or are employed in a commercial, residential and industrial establishment with no permanent place of residence.
- dddd) Used Oil – shall refer to any of various greasy, combustible, liquid substances, obtained from mineral matter used in the operation of auto and industrial machineries. The term shall also include lubricants, petroleum, and substance of similar character.
- eeee) Vandalism – shall refer to the willful and malicious destruction or defacement of private and public property including the removal, defacement, or other forms of vandalism such as writing, carving, drawing, designing, or painting, any figure or lettering of any kind, post any bill, and destroy any signboards, streamers, traffic signs, street names, and other public or national markers posted on streets or other officially designated places in the City is prohibited.
- gggg) Video Monitoring Device – shall refer to an electronic equipment, usually installed in the ceiling, consisting of a camera or cameras hooked up to a television monitor from where activities, occurrences and people within the premises can be visually monitored.
- hhhh) Videoke Bars/KTV Bars – shall refer to establishments offering videoke entertainment in addition to cooked food and liquor.
- iiii) Violent Site- shall refer to a web site on the Internet which downloads brutal, furious, vicious, and forceful materials
- jjjj) VIP Rooms – shall refer to rooms inside videoke bars/KTV Bars and restaurants, which are enclosed and intended for exclusive use of customers using videoke.
- kkkk) Webcam – shall refer to a video or digital camera, usually attached directly to a computer, designed to take photographs or images and transmit them over the internet.
- llll) Working permit – shall refer to a written license issued by the Office of the Mayor to an employee or worker who works in a commercial, residential and industrial establishment for the purpose of giving right or opportunity o work in the city and shall pay the corresponding fee.

ARTICLE 2
Restriction for the use of streets and sidewalks/public places
(Parks, river parks and playgrounds)

SECTION 5. Prohibited Activities

The conduct of the following activities are prohibited in public places.

- a) Carrying, displaying or possessing of deadly or bladed instruments except where such articles are being used as necessary tools or implements to earn a livelihood or in pursuit of a lawful activity.
- b) Carrying or displaying of bladed instruments by vendors or butchers outside their place of work.

- c) Buying and vending of jewelry and/or pawnshop papers and other similar articles of value.
- d) Vandalizing and destructing park facilities and public and private property/signboards, streamers, traffic signs and other public or national markers
- e) Soliciting or the act of asking money by individuals who do voluntary acts such as, patching or filling up of ruts and potholes.
- f) Conducting obscene, scandalous, libelous and seditious theatrical performances
- g) Conducting political and religious activities and rallies unless supported by the necessary permit
- h) Vagrancy – the act of wandering around from place to place.
- i) Gambling – or the act of taking risk by staking one's money
- j) Establishing businesses such as fun joints, beer houses, cabarets, and dens or establishments, the purpose of which is the exploitation of women. All persons planning to operate business within the premises of any public park must first secure the necessary permit from the proper office. In case of those planning to set up business at the vicinity of the Marikina River, they must first secure necessary permit from the Parks Development Office.
- k) Conveying of motor vehicles through bicycle and jogging lanes, twenty-four (24) hours a day, all days of the week, on either sides of the Marikina River and other public parks.

Exemption:

- i. Government vehicles.
 - ii. Anyone physically handicapped using motorized wheel chairs.
 - iii. Emergency cases.
 - iv. Vehicles attending to functions or any occasions thereof (for jogging lanes only).
 - v. Access road leading to public parks for parking purposes (for jogging lanes only).
 - vi. Pedicabs for family use, among others.
 - vii. Bicycle traveling leisurely at low speed. Bicycle racing is not allowed.
 - viii. Vehicles used for maintenance and construction.
 - ix. Access road or portion thereof leading to business and commercial establishments located in Barangay Dela Peña and Sto. Niño and other places related thereto.
- l) Drinking of intoxicating liquor – drinking any liquor excessively that can cause drunkenness.
 - m) Mendicancy /Begging for Alms
 - n) Buying or selling of foods, magazines, newspapers, cigarettes, brooms, watches or jewelry, shoes and other footwear, and/or any other items
 - o) Dumping garbage – as stated in street and sidewalk ordinance.
 - p) Vehicle repair – mechanical works using the street and sidewalks as garage
 - q) Bathing, washing of clothes/any articles, hanging of clothes, other household chores
 - r) Conducting shoe-shine operation
 - s) Using the sidewalk/ street for picnics and gatherings
 - t) Storing softdrinks or wine/liquor bottles and cases
 - u) Storing of junks and recyclable materials
 - v) Storing construction materials for sale (pipes, tubings, lumber, cement, and the like)
 - w) Installing permanent or picket fence

- x) Installing plants, trees and plant boxes
- y) Installing signs or signboards on or above sidewalks and detached from the business establishment
- z) Setting up of basketball court/goal
- aa) Using the sidewalk for animals (with or without pens).
- bb) Spilling of used motor oil (including all bodies of water, canals, sewerages)
- cc) Moving about (jog, walk, run or the like) topless

Market vendors/sellers, whether in government-owned or privately owned markets must be attired as follows:

- i. T-shirt, or any top apparel with sleeves for male vendors; t-shirt, blouse or any top apparel, with or without sleeves for female vendors in the dry goods section only.
- ii. Pants or skirt.
- iii. Shoes, sandals or step-in.
- iv. Apron, for vendors in the wet section and carinderia.

The following manner of dressing by vendors/sellers in the market sites are prohibited:

- i. Topless or half-naked.
- ii. Wearing of shorts/short shorts.
- iii. Wearing of sando or any sleeveless shirt/blouse.
- iv. Wearing of slippers.
- v. Wearing of dirty or tattered clothes.

dd) Littering

ee) Sleeping in public places is strictly prohibited twenty-four (24) hours a day, 7 days a week. However, the following are hereby exempted:

- i. Family members who, during a picnic or small gathering in parks and open spaces, take a nap or rest during the day, i.e., from 6:00 A.M. to 6:00 P.M.
- ii. Persons who are attending a prayer vigil to honor their deceased loved ones inside public/private cemeteries during All Saints' Day and All Souls' Day.
- iii. Persons who are attending a prayer vigil or any event for a cause, in certain public places, and the conduct of which has the approval of the City Government or national government.
- iv. Persons who are inside their vehicles, which are parked on designated parking areas.

SECTION 6. Any use of the sidewalk and streets on a temporary basis and for a definite period only, shall secure a special permit from the City Government and/or Barangay office.

ARTICLE 3 Regulation of Peryahan

SECTION 7. Operation Requirements.

All operators of "peryas" or mini fairs, shall secure the following documents before they are allowed to operate.

- a) Business permit and licenses
- b) Barangay clearance
- c) Sanitation permit
- d) Clearance from Parks Development Office

- e) Such other requirements as may be required by the City Government of Marikina and/or the Barangay council where the fair will be located.

An inspection team shall be created to conduct an inspection on the site of the "perya" prior to the issuance of any clearance and permit from the concerned Barangay and/or city government offices. It shall likewise be the responsibility of the Inspection Team to conduct regular inspections on all the rides, carnival equipment of "perya" and to monitor activities thereon to ensure that the "perya" premises and facilities are not being used for unlawful or illegal activities.

The Inspection Team shall be composed of the following officials and shall be responsible for their respective functions:

- a) Chairman - Chairman of the Committee on Games and Amusement of the City Council of Marikina. The Chairman of the Inspection Team shall report regularly to the office of the City Administrator, and recommend measures for the operational improvement of the "perya" or its closure, as may be necessary.
- b) Members
- i. The City Engineer or his representative shall, after inspection of the rides, issue certificates of inspection and certify to the safety of the rides or equipment.
 - ii. The City Health Officer shall ascertain the sanitary conditions of the surroundings and the food items being sold.
 - iii. The Chief of the Business Permit and Licensing Office shall ensure that no unauthorized activity is being operated within the "perya" premises.
 - iv. The Chief of the Office for Public Safety and Security, for the maintenance of peace and order.

The operator or proprietor of the "perya" shall:

- a) Post a bond of Twenty Thousand Pesos (P20,000) with the office of the City Treasurer of Marikina. The bond shall serve as a deposit for any liability or damage(s) the perya operation may cause.
- b) Provide trash/garbage receptacles for each booth, stall or ride.
- c) Ensure minimum noise so as not to disturb the immediate area.

The City Government of Marikina reserves the right to revoke any or all permits and licenses issued, subject to prior notice to the operator.

SECTION 8. Public Liability Insurance.

Private owners/ operators of the following businesses are required to secure Public Liability Insurance

- a) Peryahans with the following features: Circuses, merry-go-rounds, roller coaster, ferris wheels, swings, shooting galleries or similar contrivances, bingo games
- b) Rock band concerts

The public liability insurance must be obtained from an insurance company, duly registered, licensed and authorized under the law to transact insurance business in the Philippines.

The insurance policy or proof of payment of the corresponding premium shall be a condition for the signing of a contract of lease and the grant of business permit by the Business Permit and Licensing Office (BPLO).

All insurance policies must remain in force until the expiration period of the business permit and up to the end of the contract of lease for the activity or project. No policy shall be cancelled prior to this expiration of the contract or activity/project.

SECTION 9. Installation of Portable Toilets.

All owners, operators, or administrators of carnivals, perya and other amusement facilities are required to install adequate portable toilets within the premises of said amusement facilities.

The installation of portable toilets on the amusement grounds shall be a pre- requisite to the issuance of permit to operate the amusement facilities.

SECTION 10. Prohibited Acts

The following acts are prohibited inside the peryahan:

- a) Gambling - Gamblers shall be penalized by PD 1602 Anti-Gambling Law.
- b) Sleeping, bathing and cooking of foods on the open grounds of all carnivals, fairs and other amusement facilities.
- c) Drinking liquor and intoxication in relation to Section 5 Article 2
- d) And such other prohibited acts on public places

ARTICLE 4
Businesses or Individuals Catering to Minors

SECTION 11. Prohibited Acts of Minors

Minors are prohibited from doing the following acts:

- a) Drinking and selling of liquors or alcoholic beverages
- b) Smoking cigarettes and other tobacco products
- c) Loitering from 11 P.M. to 4:00 A.M of the following day

Exemption. This shall not apply to minors loitering within the time and place mentioned herein-above with sufficient justifiable reasons. (i.e. school or work related activities) Provided that students must present their school I.D.s while out of school youth's and working students must present their job I.D.'s to the apprehending officer. Likewise, minors accompanied by their parents and/or legal guardians are exempted.

- d) Roaming in parks/amusement centers during school hours

Exemption. Students attending a school activity accompanied by school officials or their respective teachers and authorized by the principal/administrator of the school.

- e) Roller skating and scooting along major thoroughfares, secondary traffic routes, and on sidewalks.

The legal guardian/parents of the child shall be properly informed of the violation committed before the sanctions are carried out by the apprehending officer/s.

All establishments such as video arcades, computer shops, videoke/KTV bars and billiard/pool halls are tasked to display a copy of the ordinance in front of their shops.

Any minor caught using dangerous drug or substances or engaged in activities contrary to morals or public policy shall be dealt with in accordance with pertinent ordinances, provisions of P.D. 603 (Child and Youth Welfare Code), and such other national laws as may be applicable.



SECTION 12. Business Establishments Catering to Minors.

The following acts of business establishments shall be prohibited:

- a) Owners, operators or managers of cockpits are prohibited from allowing minors to enter its premises anytime
- b) Billiard or pool hall shall not be established, put up or operated within two hundred (200) meter radius from any school or education institution, or of any place of worship. Owners, managers or operators of billiard or pool halls shall not allow minors to enter, loiter, or play in any billiard or pool hall during school hours or curfew hours.

All owners and operators of billiard and pool halls to be put up and operated within a subdivision or village shall first secure the clearance and consent of the duly accredited homeowners association prior to the operation. Denial of issuance of the clearance of the homeowners association shall be sufficient ground for non-issuance of a business permit of the City's Business Permit and License Office, however the inaction of the HOA within 5 days, will be subject to the discretion of BPLO.

- c) Establishments/individuals selling rugby and other habit inducing products are prohibited from selling these products to minors.
- d) Establishments/individuals selling cigarettes, other tobacco products and cigarette paraphernalia are prohibited from selling, transferring and/or conveying these products to minors
- e) Establishments operating beyond 11:00 P.M. are prohibited from catering to minors within the curfew hours This shall not apply when minors are accompanied by their parents or legal guardians in said business establishments. The minor and/or his company must present their IDs to the enforcers/apprehending officers to justify his relationship with the accompanying adult.

Business establishments catering to minors are mandated to display a notice at the entrance of the establishment containing the words "MINORS ARE NOT ALLOWED FROM 11:00 P.M. TO 4:00 A.M.". The notice shall be clear and noticeable to the public.

Factories using rugby and other habit forming solvents are prohibited from allowing minors who have no business staying in the confines of their factory.

The City Engineer and the Business Permits and License Office (BPLO) shall take this prohibition into consideration in the issuance or non-issuance of the required building and business permits. The BPLO must disseminate the information to all establishments.

SECTION 13. Regulation of Internet Cafes/Computer Rental Shops/Computer Gaming Shops or centers.

The City Government hereby regulates the establishment and operation of internet cafés/ computer rental shops/computer gaming shops or centers and providing penalties for violation thereof.

COVERAGE.

This Ordinance shall cover the following:

- a) Any business establishment with more than one (1) computer unit, offering for a fee, services including but not limited to e-mail, game, chatting, surfing, research and other services which requires the use of computers and access to the internet. These business establishments are classified as internet cafés or computer rental shops/computer gaming shops or centers.
- b) Other business establishments which offer a combination of services such as food and internet, recreation and other similar business fusions requiring the use of computers and access to the internet, such as cyber café, arcades, lounges and other similar establishments.

CLASSIFICATION OF COMPUTER SHOPS.

Computer shops are hereby classified as follows:

- a) INTERNET CAFE – a place of business that has a number of network personal computers with access to the internet for surfing, chatting, e-mailing and research and available for use by customers for a fee by the hour or fraction of an hour. The business establishment may or may not be serving coffee, and/or similar beverages. Also included are cyber café, arcades, lounges.
- b) COMPUTER RENTAL SHOP - refers to a business establishment with two (2) or more computer units that offers internet services, typing, printing services and gaming shop or center.
- c) COMPUTER GAMING SHOP OR CENTER - refers to a establishment with two or more computers connected on a local area network that exclusively offers either online games (connected to the internet) or LAN games (not connected to the internet).

REQUIREMENTS

In securing business license, any person(s) who shall establish and operate an internet café/computer rental shop/computer gaming shop or center is required to submit the following documents to the Business Permit and Licensing Office (BPLO):

- a) Barangay Clearance
- b) Residence Certificate
- c) Homeowners Association Clearance (if located inside subdivisions) or Marikina Settlements Office Clearance (if located in settlement areas)
- d) Sanitary Permit from the City Health Office
- e) Fire Safety Clearance from the City Fire Department
- f) Picture of establishment with permanent signboard
- g) Contract of lease, business permit of lessor (if leased)
- h) Accreditation with Internet Café Association of Marikina or any City Government accredited internet association.

BUILDING SPECIFICATIONS

Internet cafés or computer rental shops/computer gaming shops or centers must comply with the National Building Code with the following building specifications:

- a) Proper ventilation (as may be specified by the City Engineering's Office).
- b) Front wall panel is fifty percent (50%) transparent (free from any obstruction) to allow a clear view of the interior of the establishment.
- c) Adequate lighting both inside and outside of the establishment to allow a clear view of the interior at all times.
- d) No enclosed cubicles
- e) Main doors should be installed in a swing out manner.

SECTION 14. Prohibited Activities

The following acts are hereby prohibited among customers inside internet cafés/ computer rental shops/ computer gaming shops or centers.

- a) Perform or exhibit in front of a digital camera, computer video camera, camera equipped-mobile phones, webcam and the like, any of the following acts, either for free or for consideration, promise or reward:
 - a.1) Actual or simulated sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between same or opposite sex.
 - a.2) Bestiality (sexual relations with an animal)

- a.3) Masturbation.
 - a.4) Sadistic or masochistic abuse.
 - a.5) Use of vibrator or any instrument where the genitals, breast or pubic area of any person is exhibited.
 - a.6) Watching somebody performing activities from (a.1) to (a.5).
 - a.7) Other activities which are of similar nature.
- b) Surf the internet at websites which contain pornographic or lewd materials, satanic/violent materials or those that advertise or promote prostitution is likewise prohibited; and
 - c) Produce, distribute, and transmit images or visual representation depicting the above-cited prohibited acts in (a).
 - d) Use, consume or trade prohibited drugs, intoxicating liquor/beverages, cigarettes within the premises.
 - e) Gamble on -line and/or bet among customers inside the premises.
 - f) In the case of students of minor age, the following acts are likewise prohibited:
 - f.1) Enter the premises wearing school uniform (except students who will be doing research work/school work in internet cafes or computer rental shops during vacant/free school hours).
 - f.2) Enter the premises during school hours (except students who will be doing research work/school work in internet cafes or computer rental shops during vacant/free school hours). Computer gaming shops or centers are strictly prohibited from allowing the entry of students during school hours.
 - f.3) Enter the premises without Identification Cards (I.D.) and class schedule duly issued by the Registrar's Office.
 - g) For both students and out-of-school of minor age, entry to the premises during curfew hours (from 11:00 P.M. to 4:00 A.M. of the following day) is likewise prohibited, except when accompanied by a parent or guardian.

SECTION 15. Duties and Responsibilities of Owners/Proprietors/Managers of Internet Cafes/Computer Rental Shops/Computer Gaming Shops or Centers.

Owners,/proprietors/managers of internet cafés/ computer rental shops/ computer gaming shops or centers are required to perform and undertake the following measures in their operation:

- a) Ensure strictly that customers comply with Section 14 of this Ordinance. The I.D's. and class schedules of students (minor) must be checked as basis for allowing/disallowing them to enter the premises.
- b) Display necessary warning against access to pornographic and on-line gambling sites, "INTERNET PORNOGRAPHY AND ON-LINE GAMBLING ARE PROHIBITED"
- c) Install filtering software to remove access to all pornographic and on-line gambling sites.

STUDENTS' CLASS SCHEDULE

Any student of minor age who shall enter internet cafés or computer rental shops/computer gaming shops or centers must present his I.D. and class schedule. The class schedule must be issued by the Registrar's Office.

REGULAR INSPECTION/VISIT

The properly trained technical inspection team, composed of representatives from the BPLO and the Philippine National Police-Marikina (PNP-Marikina), shall conduct regular inspection of abovementioned establishments during their business hours to ensure compliance with this Ordinance. The inspection team shall recommend appropriate measures to be applied on the establishment for the violation of the Ordinance.