

5 **OFFICE OF THE SANGGUNIANG PANLALAWIGAN**
6

7 Draft Provincial Ordinance No. 2008-04-043
8

9 Sponsored by Kristian R. Ablan
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11 **AN ORDINANCE PENALIZING THE PARENT OR**
12 **LEGAL GUARDIAN OF CHILDREN CAUGHT**
13 **OPERATING MOTORCYCLES**

14 **WHEREAS**, it has been observed that more and more children, with no proper
15 government permits or licenses, are driving motorcycles along the streets and highways
16 of the Province of Ilocos Norte;

17 **WHEREAS**, there have been numerous reports of children being involved in
18 traffic accidents concerning motorcycles, some of which result to serious injuries and
19 death;

20 **WHEREAS**, the Land Transportation and Traffic Code (Republic Act No. 4136,
21 as amended) clearly states that to qualify for a professional driver's license a person has
22 to be at least 18 years old, and for non-professional driver's license, at least 17 years old;

23 **WHEREAS**, under R.A. 4136, it is illegal for a person to operate any motor
24 vehicle without having in his possession a valid license to drive a motor vehicle,
25 punishable by a five hundred peso fine and imprisonment not exceeding fifteen days;

26 **WHEREAS**, although children cannot be held liable for their criminal acts due to
27 the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344), under the theory
28 of *respondent superior*, violations of children should be deemed violations of their
29 parents or legal guardians, the latter being the ones who exercise parental authority;

30 **NOW, THEREFORE**, Be it ordained, that:

31 **SECTION 1. TITLE.** This ordinance shall be known as the "*Anti-Child Drivers*
32 *Ordinance of 2008.*"

33 **SECTION 2. DEFINITION OF TERMS.**

34 A. "**CHILD**" refers to a person under the age of eighteen (18) years.

35 B. "**DRIVING**" refers to travelling by operating a motor-powered vehicle.

36 C. "**MOTORCYCLE**" refers to any open-seated motor-powered vehicle with
37 two or three wheels.
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1 **SECTION 3. REGULATION.**

- 2 A. Any child caught driving a motorcycle without a valid driver's license or
3 student permit, will be dealt with the provisions of the Land Transportation
4 and Traffic Code (Republic Act No. 4135, as amended), the Juvenile Justice
5 and Welfare Act of 2006 (Republic Act No. 9344), and other related laws.
- 6 B. The parent or legal guardian of the child caught driving a motorcycle without
7 a valid driver's license or student permit shall be held responsible and liable
8 under this ordinance.

9 **SECTION 4. FINES.** The following fines are imposed on the parent or legal
10 guardian of the child caught driving a motorcycle without valid driver's license or student
11 permit:

12 1 st Offense	-	PhP 500.00
13 2 nd Offense	-	PhP 1,000.00
14 3 rd and Succeeding Offenses	-	PhP 2,500.00

15 **SECTION 5. SEPARABILITY CLAUSE.** – If any part, section or provision of
16 this ordinance is held invalid or unconstitutional, other provisions not affected thereby
17 shall remain in force and effect.

18 **SECTION 6. REPEALING CLAUSE.** – All other ordinances, orders, issuances,
19 rules and regulations which are inconsistent with the provisions of this ordinance are
20 hereby repealed, amended or modified accordingly.

21 **SECTION 7. EFFECTIVITY.** – This ordinance shall take effect fifteen (15)
22 days after publication.

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24 Approved,

