



Republic of the Philippines
Province of Iloilo
MUNICIPALITY OF BINGAWAN



SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 40TH REGULAR SESSION OF THE 13TH SANGGUNIANG BAYAN OF THE MUNICIPALITY OF BINGAWAN, PROVINCE OF ILOILO, HELD AT THE SANGGUNIANG BAYAN SESSION HALL ON APRIL 5, 2017.

Present:

Hon. Matt P. Palabrica, Ph.D.	Vice Mayor/ Presiding Officer
Hon. Joy L. Quimba	SB Member
Hon. Jose C. Rabago, Jr.	SB Member
Hon. Lorens M. Belloga	SB Member
Hon. Nemesio A. Cachite	SB Member
Hon. Ted Peter P. Plagata	SB Member
Hon. Jofe C. Celeste	SB Member
Hon. Eduardo A. Dalipe	SB Member
Hon. Leovy C. Simora	SB Member
Hon. Perceval T. Girao	Ex-officio SB Member/Liga President

Absent:

None

**MUNICIPAL ORDINANCE NO. 237
(Series of 2017)**

AN ORDINANCE MANDATING ALL MOTORCYCLE RIDERS TO WEAR STANDARD PROTECTIVE MOTORCYCLE HELMETS WHILE DRIVING WITHIN THE MUNICIPALITY OF BINGAWAN, ILOILO AND PROVIDING PENALTIES THEREFOR.

Principal Sponsor: Honorable Vice Mayor Matt P. Palabrica, Ph.D.,

Co-Sponsor: Committee on Transportation and Communications and Committee on Legal Matters, Privileges, Ordinances & Legal Matters

Section 1. Short Title. – This Ordinance shall be known as the *“Motorcycle Helmet Ordinance of 2017 of Bingawan, Iloilo”*.

Section 2. Declaration of Policy. – It is hereby declared the policy of the Local Government Unit of Bingawan to secure and safeguard its citizenry, particularly the operators or drivers of motorcycles and their passengers, from the ruinous and extremely injurious effects of fatal or life threatening accidents and crashes. Toward this end, the local government shall pursue a more proactive and preventive approach to secure the safety of motorists, their passengers and pedestrians at all times through the mandatory enforcement of the use of standard protective motorcycle helmet.

Section 3. Mandatory Use of Motorcycle Helmets. – All motorcycle drivers, shall at all times wear standard protective motorcycle helmets while driving, whether long or short drives, in any type of road and highway. Standard protective motorcycle helmets should be appropriate types of helmets for motorcycle drivers that comply with the specifications issued by the Department of Trade and Industry (DTI).

Section 4. Provision for Motorcycle Helmets. – A new motorcycle helmet which bears the Philippine Standard (PS) mark or Import Commodity Clearance (ICC) of the Bureau of Product Standards (BPS) and complies with the standards set by the BPS shall be made available by every seller and/or dealer every time a new motorcycle unit is purchased and which the purchaser may buy at his option. Failure to comply with the requirements provided under this section shall constitute a violation of this ordinance.

Section 5. Exemption. – Drivers of tricycles shall be exempted from complying with the mandatory wearing of motorcycle helmets as provided in this ordinance.

Section 6. Implementation. – The Office of the Municipal Mayor, with the Bingawan PNP and the Bingawan Traffic Management Enforcement Council are mandated by this ordinance to issue guidelines necessary to implement the provisions of this ordinance.

Section 7. Penalties. – (a) Any person caught not wearing the standard protective motorcycle helmet in violation of this ordinance shall be punished by a fine of Five Hundred Pesos (P500.00) for the first offense; One Thousand Five Hundred Pesos (P1,500.00) for the seconded offense; and Two Thousand Five Hundred Pesos (P2,500.00) for the third offense; plus confiscation of the driver's license for the fourth and succeeding offenses.

(b) Any seller and/or dealer who violates Section 4 of this ordinance shall be punished with a fine of not less than One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00).

(c) Any person who uses, sells and distributes substandard motorcycle helmets or those which do not bear the PS mark of the ICC certificate shall be punished with a fine of not less than One Thousand Pesos (P1,000.00) for the first offense and Two Thousand Five Hundred Pesos (P2,500.00) for the seconded offense, without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines" and other laws, rules and regulations.

(d) Tampering, alteration, forgery and imitation of the PS mark and the ICC certificates in the helmets shall be punished with a fine of not less than One Thousand Pesos (P1,000.00) but not more than Two Thousand Five Hundred Pesos (P2,500.00), without prejudice to other penalties imposed in Republic Act No. 7394 or the "Consumer Act of the Philippines" and other pertinent laws, rules and regulations.

Section 8. Municipal-wide Public Information Campaign. – The Bingawan PNP, in coordination with the Liga ng mga Barangay and the Bingawan Traffic Management Enforcement Council, Department of Education and private agencies and organizations shall undertake a municipal-wide information, education and communication campaign for a period of Fifteen days (15) for the attainment of the objectives of this ordinance.

Section 9. Separability Clause. – If any provision or part hereof is held invalid or unconstitutional, the remainder of this ordinance or the provisions not otherwise affected shall remain valid and subsisting.

Section 10. Repealing Clauses. – (a) Chapter IV, Art. H., Sec. 4H.01 (22) of the Updated Revenue Code is hereby repealed.

(b) Chapter XVI, Art. XI, Sec. 81 (23) of the Municipal Ordinance No. 196 of the Code of General Ordinances is hereby repealed.

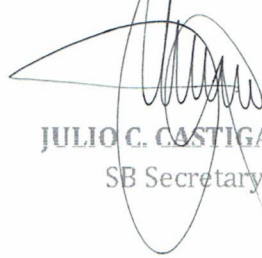
(c) All ordinances, rules and regulations or parts thereof inconsistent with this ordinance are hereby repealed or modified accordingly.

Section 11. Effectivity Clause. -- This ordinance shall take effect on the day following its posting in the bulletin board at the entrance of the Municipal Hall and in at least two (2) other conspicuous places in the municipality for a minimum period of three (3) consecutive weeks and after publication in a newspaper of general circulation in the Province of Iloilo.

ENACTED, this 5th of April 2017.

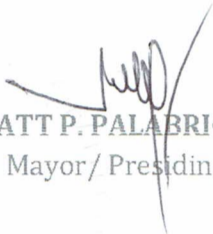
I HEREBY CERTIFY to the veracity of the above-quoted ordinance.

CERTIFIED CORRECT:



JULIO C. CASTIGADOR
SB Secretary

ATTESTED:



MATT P. PALABRICA, Ph.D.
Vice Mayor/ Presiding Officer

APPROVED:



MARK P. PALABRICA
Municipal Mayor

Signed on: 4-11-2017