



Republic of the Philippines
CITY OF CAGAYAN DE ORO
OFFICE OF THE CITY COUNCIL

(088) 857-4026; 857-4029; 857-4032; 857-4035; 857-2258



ORDINANCE NO. 13195 - 2017

AN ORDINANCE PROVIDING FOR THE PARENTAL RESPONSIBILITY CODE OF CAGAYAN DE ORO CITY, AND FOR OTHER PURPOSES

BE IT ENACTED by the City Council (*Sangguniang Panlungsod*) of Cagayan de Oro City, in session assembled, that:

CHAPTER I
TITLE, PRINCIPLES AND POLICY

SECTION 1. Title - This ordinance shall be known and cited as the "Parental Responsibility Code of Cagayan de Oro City".

SECTION 2. Declaration of Principles and Policy - The City Government of Cagayan de Oro recognizes, believes and declares:

- a) The vital role of children in nation building and therefore, the promotion and protection of their physical, moral, spiritual, intellectual and social well-being as well as inculcate in them patriotism and nationalism, and encourage their involvement in public and civic affairs;
- b) To protect the best interest of children through measures that will ensure the observance of international standards of child rights and protection, especially those to which the Philippines is a party, in order to serve the best interests of children which shall be the paramount consideration in all actions concerning them, consistent with local autonomy and the principle of "First Call for Children" as enunciated in the United Nations Convention of the Rights of the Child;
- c) The right of children to assistance, including care and nutrition and specially protection from all forms of neglect, abuse, cruelty and exploitation, and other condition prejudicial to their development and to undertake the holistic protection and development of children together with national government agencies and non-governmental organizations concerned;
- d) To effectively promote, fully enhance and institutionalize the survival, development, participation and protection of children's rights within the framework of advancing general welfare in furtherance of integrated, sustainable, and equitable development;

The recognition of rights and the granting of privileges to parents and their children shall be guided by the following:

- e) Parents shall have the primary right and obligation to provide for their children upbringing;
- f) Parents have the right to discipline their children as may be necessary for the formation of good character, and may require obedience to just and reasonable suggestions, rules, and admonitions;
- g) Children are important assets of our nation and every effort should be exerted to promote their welfare and enhance their opportunities for useful and happy lives;
- h) Children shall enjoy special protection, and be given opportunities and facilities, by law and by other means, to ensure and enable the fullest physical, mental, emotional, moral, spiritual and social development in a healthy and normal manner and in conditions of freedom and dignity appropriate to the corresponding developmental stage;
- i) Children shall be brought up in an atmosphere of universal understanding tolerance, friendship, and helpfulness and in full consciousness of their responsibilities as members of society;
- j) In all questions regarding the care, custody, education and property of children, their welfare shall be the paramount consideration;
- k) Individual traits and aptitudes of children should be cultivated to the utmost;
- l) The formation of the child's character begins at home, and consequently, every member of the family must make the home a place that will positively influence the child's development;
- m) Other institutions, like schools, churches, guilds, and the community in general, should assist the home and the State in preparing the child for the responsibilities of adulthood.



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SECTION 3. Definition of Terms and Description of Phrases – For purposes of this Ordinance, the herein terms shall be construed to mean as follows:

- (a) **Abandoned Child** refers to a child who has no proper parental care or guardianship, or whose parent(s) has/have deserted him/her for a period of at least three (3) continuous months;
- (b) **Abused Child** refers to a child who experienced all forms of abuse; *i.e.* physical, sexual, emotional and economic inflicted by parents or guardians;
- (c) **Child/Children** refer to those below the age of eighteen (18) years, at a time of any relevant proceeding, or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
- (d) **Child-Caring Agency or Institution** refers to a private non-profit or government agency duly accredited by the Department of Social Welfare and Development (DSWD) that provides twenty-four (24) hour residential care services for abandoned, neglected, or voluntarily committed children.
- (e) **Discriminated Child** refers to a child who experienced prejudices and biases from the parents restricting the child's privileges and opportunities which are available to another member of the family and excluded based on illogical and irrational decision-making for her or his total development;
- (f) **Exploited Child** refers to a child who is forced by the parents to be economically gainful;
- (g) Hazing is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization by placing the recruit, neophytes or applicant in some embarrassing or humiliating situations such as forcing him to do menial, silly, foolish and other similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury.
- (h) **Law Enforcement Officer** refers to a person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a Barangay Tanod or Barangay Police.
- (i) **Motorcycle** refers to motorcycles, scooters, tricycle, motorela and bicycles with motor attachments of two or three or four wheels.
- (j) **Neglected Child** refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:
 - i) There is physical neglect when the child is malnourished, ill-clad, and without proper shelter. A child is unattended when left by himself/herself without proper provisions and/or without proper supervision.
 - ii) There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked, or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in mortal danger, or exposed to gambling, prostitution, and other vices.
- (k) **Parent** refers to the mother, father, guardian and those exercising substitute parental authority over a child, defined under Articles 216 and 217 of the Family Code;
- (l) **Parental Authority and Responsibility** shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being.
- (m) **Special Parental Authority and Responsibility** shall be exercised by the school, its administrators and teachers, or the individual, entity or institution engage in child care while the child is under their supervision, instruction or custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.
- (n) **Truancy** is any absence unexcused by the school. An absence that is excused by a parent but not by school officials is still a truancy.
- (o) **Voluntarily Committed Child** is one whose parent(s) or legal guardian knowingly and willingly relinquished parental authority to the DSWD or any duly accredited child-placement or child-caring agency or institution.



CHAPTER II
PARENTAL AUTHORITY AND RESPONSIBILITY

SECTION 3. Exercise of Parental Authority and Responsibility –

- A. The father and mother shall jointly exercise parental authority and responsibility over the persons of their common.
- B. In the case of absence or death of either parent, the parent present shall continue exercising parental authority and responsibility. The remarriage of the surviving parent shall not affect the parental authority and responsibility over the children, unless the court appoints another person to be the guardian of the person or property of the children.
- C. In case of separation of the parents, parental authority and responsibility shall be exercised by the parent designated by the Court.
- D. In case of death, absence or unsuitability of the parents, substitute parental authority and responsibility shall be exercised by the surviving grandparent. In case several survive, the one designated by the Court exercises such substitute authority and responsibility.
- E. In default of parents or a judicially appointed guardian, the following persons shall exercise parental authority over the child, in the order indicated:
 - 1) The surviving grandparent;
 - 2) The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
 - 3) The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.
- F. In case of abandoned, neglected or abuse children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of homes, orphanages, and similar institutions duly accredited by the proper government agency.

SECTION 4. Special Parental Authority - The school, its administrators and teachers, or the individual entity or institution engage in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction and custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution.

SECTION 5. Non-Renunciation/Transfer of Parental Authority - Parental authority and responsibility may not be renounced or transferred except in cases authorized by law.

SECTION 6. Suspension or Termination of Parental Authority – A) Parental authority terminates permanently:

- 1) Upon the death of the parents;
 - 2) Upon the death of the child; or
 - 3) Upon emancipation of the child.
- B) Unless subsequently revived by a final judgment, parental authority also terminates:
- 1) Upon adoption of the child;
 - 2) Upon appointment of a general guardian;
 - 3) Upon juridical declaration of abandonment of the child in a case filed for such purpose;
 - 4) Upon final judgment of a competent court divesting the party concerned of parental authority; or
 - 5) Upon juridical declaration of absence or incapacity of the person exercising parental authority.



CHAPTER III
DUTIES OF PARENTS

SECTION 7. Duties of Parents - Parents shall have the following duties and responsibilities toward the child:

- 1) To give love, affection, guidance, companionship and understanding;
- 2) To extend the benefits of moral guidance, self-discipline and religious instruction;
- 3) To provide proper education in accordance with the means of the family, including the monitoring of attendance and performance in school, and attending parent-teacher conferences when required;
- 4) To supervise activities, in and outside the home, including recreation activities;
- 5) To provide medical attention and health services, including, but not limited to, accessing government services for complete immunization from diseases for which vaccines have been developed for administration to children, screening tests for newborn babies, and other health services from the city government;
- 6) To prevent addiction to intoxicating drinks, narcotic drugs, smoking and other vices or harmful habits and practices;
- 7) To avoid situations which endanger physical safety, exposure to harm, and threaten normal personal development;
- 8) To stimulate interest in civic affairs, instill the duties of citizenship, and develop commitment to the community, which include providing every opportunity to form or join social, cultural, educational, recreational, civic and religious organizations, groups or movements, and other useful community activities;
- 9) To provide for basic needs for survival such as food, shelter and clothing, including adequate support as defined by the Family Code;
- 10) To encourage breastfeeding for newborn babies until two (2) years of age;
- 11) In no case shall those exercising parental authority inflict corporal punishment upon the child.

CHAPTER IV
VIOLATIONS OF CHILD RIGHTS AND OTHER ACTS AND/OR
CONDITIONS PREJUDICIAL TO THE CHILD'S DEVELOPMENT

SECTION 8. Abandonment, Neglect or Abuse of the Child by a Parent - Criminal liability shall attach to any parent having parental authority and responsibility who:

- a) Abandons the child under such circumstances as to deprive him/her of the love, care and protection he/she needs;
- b) Sells or abandons the child to another person for valuable consideration;
- c) Neglects the child by not giving the education that the family's status in life and financial conditions permit;
- d) Fails or refuses, without justifiable grounds, to enroll the child in school, as required by law;
- e) Causes, abates, or permits the truancy of the child from the school where the child is enrolled. Truancy as used herein means absence without cause for more than twenty (20) school days, not necessarily consecutive ;
- f) Fails to monitor the child's attendance and performance in school, and to attend parent-teacher conferences, without justifiable grounds, when required by the school;
- g) Improperly exploits the child by using him/her, directly or indirectly, such as for begging and other acts which are inimical to his/her interest and welfare;



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- h) Inflicts cruel or unusual punishment upon the child or deliberately subjects him/her to indignation and other excessive chastisement that embarrass or humiliate him/her;
- i) Causes or encourages the child to lead an immoral dissolute life;
- j) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership;
- k) Permits the child to possess or use intoxicating drinks, narcotic drugs, cigarettes and to engage in gambling and other vice or harmful practices.
- l) Causes or allows a child to act as conduit or middlemen in drug trafficking or pushing;
- m) Allows or requires the child to drive without a license or with a license that the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that the parent permitted or ordered the child to drive;
- n) Allows the child to ride on a motorcycle (a) without the standard protective motorcycle helmet, or (b) allows the child to ride on an overloaded motorcycle, whether for hire or otherwise. Overloading happens when a tricycle exceeds four (4) passengers or when a motorela exceeds six (6) passengers.
- o) Fails to present the child at health centers for free prenatal and post natal care and Basic Immunization Services, and such other immunization services that the Department of Health (DOH) prescribes under Presidential Decree No. 996;
- p) Allows a child to loiter in public places or outside their residence between the restriction hours of 10:00 P.M. to 5:00 A.M. as prohibited under Cagayan de Oro City Ordinance No. 10536-2007 (or the Comprehensive Children's Welfare Code of Cagayan de Oro City), provided further that three (3) instances, not necessarily consecutive, shall constitute as an offense punishable under Section 10 of this Ordinance;
- q) Allows his or her child to join gangs, fraternities or sororities inside or outside school, and who allows to head, join or, in any other manner, participate in hazing and other forms of initiation rites under Republic Act No. 8049; except only if such fraternities/sororities are not contrary to existing school policies and regulations of the state;
- r) Allows the child to sell, buy or smoke cigarettes or other tobacco products under Republic Act No. 9211;
- s) Allows the child to participate in any gambling activity or illegal numbers game as defined under Presidential Decree No. 1602, as amended by Republic Act No. 9287;
- t) Uses, coerces, forces, intimidates, causes, involves or directs a child in the conduct of illegal activities.

Before the filing of any formal charges, the parent concerned shall be given three (3) notices, except for Paragraphs (a), (b), (g), (h), (i), (j), (k) insofar as possession and use of narcotic drugs, (l), (m) and (t).

CHAPTER V
LIABILITIES AND PENALTIES

SECTION 9. Civil Liability of Parents - Parents shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to the appropriate defenses provided by law.

SECTION 10. Notices and Mandatory Parent Effectiveness Service Sessions for Instances of Violations of Section 8(p) – Parents of children who loiter outside of residences during restriction hours shall be dealt with as follows:

- a) First Offense – first notice of violation and required to attend Parent Effectiveness Service Sessions for, at least one (1) hour;
- b) Second Offense - second notice of violation and required to attend Parent Effectiveness Service Session for, at least, two (2) hours;



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- c) Third Offense – third notice of violation and required to attend Parent Effectiveness Service Session for, at least three (3) hours.

SECTION 11. Penalties for Violation of this Ordinance - The acts mentioned in Section 8 of this Parental Responsibility Code shall be punishable as follows:

- a) Fourth Offense - a fine of PhP 1,000.00 or one (1) month imprisonment, or both, at the discretion of the court;
- b) Fifth Offense - a fine of PhP 3,000.00 or two (2) months of imprisonment, or both, at the discretion of the court;
- c) Sixth - maximum penalty of a fine of PhP 5,000.00 or three (3) months imprisonment, or both at the discretion of the court.

SECTION 12. Filing of Complaint/Information Against the Parent - Should the child be determined to be abandoned, neglected or abused by his/her parent under any of the circumstances under Section 8 of this Parental Responsibility Code, the CSWD Officer shall file the necessary complaint or information against the parent before the court having jurisdiction over the place where the child resides.

SECTION 13. No Contest Provision - The parents concerned who wish not to contest their liability may pay the fine for the offense with the barangay before the institution of formal charges. All payment of fines shall be placed in a Special Fund of the barangay to be used solely for the implementation of this Ordinance and managed by the Barangay Council for the Protection of Children (BCPC).

In case of inability to pay the fine, the parents concerned shall render community service in lieu of the fine as follows:

- a) For a penalty of a fine of PhP 500 = eight (8) hours
- b) For a penalty of a fine of PhP 1,000 = sixteen (16) hours
- c) For a penalty of a fine of PhP 3,000 = twenty-four (24) hours;

Provided that, should the parent concerned already rendered community service in lieu of fines provided in this Parental Responsibility Ordinance three (3) times, said parent can no longer avail of the same, and the corresponding complaint for violation of this Ordinance with the maximum penalty imposed shall be filed;

SECTION 14. Undertaking by the Parent - The parent concerned shall execute a duly notarized Undertaking stating the terms and conditions for the availment of the *No Contest Provision*, as follows.

- a) Relationship with the child;
- b) Circumstances supporting the determination that the child has been abandoned, neglected or abused by the parent;
- c) Admission of liability by the parent;
- d) Intention to avail of the *No Contest Provision* option to pay the fine or community service;
- e) Type of diversion for the Parent such as reparation for damages, attendance in parenting seminar, promise/apology, type and duration of community service, etc.
- f) Consequence for failure to comply with the terms and conditions; and
- g) Duration or period within as to the schedule to complete the Undertaking.

SECTION 15. Completion of the Undertaking - Upon completion of the Undertaking, the CSWD Office or concerned Barangay Council for the Protection of Children (BCPC) shall put the stamp mark "COMPLETED" thereon indicating the date and signature thereon. The CCPC, CSWD Officer shall issue an Order certifying completion of the Undertaking, and consider the case closed.



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SECTION 16. Failure or Refusal to Complete the Undertaking - In case of failure or refusal to complete the Undertaking within the stipulated period, the concerned BCPC or CCPC, through the CSWD Office shall institute formal charges against the parent.

SECTION 17. Confidentiality of Records and Proceedings - All records and proceedings involving the child taken custody under this Ordinance from initial contact until final disposition of the case shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children taken custody under this Ordinance, and adopting a system of coding to conceal material information which will lead to the child's identity. Records of a child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender upon his/her written consent.

The child shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose.

SECTION 18. Recording and Reportorial Requirement - The concerned BCPC shall keep a record of all completed Undertakings, and shall make the necessary reportorial requirements to the Cagayan de Oro City Council for the Protection of Children in accordance with RA 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006.

SECTION 19. Attendance in Parent Effectiveness Service Sessions Mandatory - In all cases of violations under this Ordinance, the parent concerned shall always undergo Parent Effectiveness Service Sessions to be conducted in their respective barangays under the supervision of the concerned BCPC, in addition to the penalty imposed.

SECTION 20. Failure to Implement by Local Government Officials - Failure of the officials of local government offices under the City Government of Cagayan de Oro and its barangays to implement the provisions of this Code shall be punishable pursuant to applicable existing laws, and their rules and regulations.

CHAPTER VI
THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN,
THE CITY COUNCIL FOR THE PROTECTION OF CHILDREN,
AND THE CITY SOCIAL WELFARE DEVELOPMENT OFFICE

SECTION 21. Role of the Barangay Council for the Protection of Children (BCPC) - In cases of violations of this Ordinance, the BCPC shall immediately summon the parents of the child.

Each BCPC shall perform the following functions consistent with the objectives of the RA 9344 on juvenile intervention and delinquency prevention:

- a) Encourage the proper performance of the duties of parents, and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
- b) Assist parents, whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agency;
- c) In addition, it shall hold classes and seminars on the proper rearing of children. It shall distribute to parents available literature and other information on child guidance. The Council shall assist parents, with behavioral problems whenever necessary, in securing expert guidance counseling from the proper governmental or private welfare agency;
- d) Coordinate the activities of organizations devoted to the welfare of children in coordination with other local government offices and secure their cooperation;



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- e) Protect and assist children at risk; and
- f) Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice.

SECTION 22. Role of the City Council for the Protection of Children (CCPC) – The Cagayan de Oro CCPC shall serve as the Oversight Committee for monitoring the implementation of this Parental Responsibility Code and as such, may suggest proposals and submit recommendations for legislative action on matters affecting children. The CCPC can also provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children (BCPC).

SECTION 23. Role of the City Social Welfare Development Office (CSWD) – The Cagayan de Oro CSWD Office shall be the primary public service agency of the city government for leading and coordinating the implementation of this Parental Responsibility Code.

The CSWD Office can also provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children (BCPC), its local projects and activities.

Trained social workers of the Cagayan de Oro CSWD Office shall prepare a program for Parent Effectiveness Service Sessions and conduct the same in the city's barangays, and shall teach, train and develop proper barangay personnel in the conduct of such activities.

CHAPTER VII **FINAL PROVISIONS**

SECTION 24. Coverage and Interpretation - This Parental Responsibility Code shall cover all persons exercising parental authority and responsibility over minor children in the City of Cagayan de Oro, its barangays, and to the extent herein provided for, communities, institutions, departments, offices and agencies under the supervision and jurisdiction of the Cagayan de Oro City Government.

In case of doubt, the interpretation of any of the provisions of this Parental Responsibility Ordinance shall be construed liberally in favor of the parents, consistent with the best interest of the child, the rights of the child, principles of restorative justice and general welfare.

SECTION 25. Formulation of Implementing Rules and Regulations - Within six (6) months after the approval of this Parental Responsibility Code, the City Council for the Protection of Children through a technical working group shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance which shall be effective after approval by the City Mayor, and review this Code for possible amendments.

SECTION 26. Appropriations - There shall be allocated in the annual budget of every City Government department, office or agency involved and mandated to implement the provisions of this Parental Responsibility Code reasonable amounts necessary to carry them out.

SECTION 27. Repealing Clause - All ordinances, resolutions, Executive Orders and other issuance/s, which are inconsistent with any of the provisions of this Code, are hereby repealed or modified accordingly.

SECTION 28. Separability Clause – If, for any reason or reasons, any part or provision of this Parental Responsibility Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 29. Effectivity – This Ordinance shall take effect upon completion of its publication in a local newspaper of general circulation and posting in at least two (2) conspicuous public places for a minimum period of three (3) consecutive weeks.



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APPROVED BY MAJORITY.

Author: - Councilor Enrico D. Salcedo
Co-Author: - Councilor Ian Mark Q. Nacaya

Infavor (11):

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|---------------------------------|------------------------------------|--------------------------------------|
| <i>1ST District:</i> | - Councilor Edna M. Dahino | - Councilor Jay R. Pascual |
| | - Councilor Romeo V. Calizo | - Councilor George S. Goking |
| | - Councilor Annie Y. Daba | - Councilor Reuben R. Daba |
| <i>2nd District:</i> | - Councilor Maria Lourdes S. Gaane | - Councilor Ian Mark Q. Nacaya |
| | - Councilor Teodulfo E. Lao, Jr. | - Councilor Suzette G. Magtajas-Daba |
| | - Councilor Enrico D. Salcedo | |

Against (2): - Councilor Lordan G. Suan - Councilor Leon D. M. Gan, Jr.

Out of the Session Hall: - Councilor Dometilo C. Acenas, Jr.

On Official Business: - Councilor Yan Lam S. Lim, *Liga Ng Mga Barangay (President)*

On Leave: - Councilor Nadya B. Emano-Elipe

Absent: - Councilor Zaldy O. Ocon, *Indisposed*

ENACTED this 27TH day of February 2017 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

Attested as duly enacted:

RAINEIR JOAQUIN V. UY
 CITY VICE MAYOR
 PRESIDING OFFICER

Approved:

ARTURO S. DE SAN MIGUEL
 CITY COUNCIL SECRETARY

OSCAR S. MORENO
 CITY MAYOR

Attested:

DIONNIE P. GERSANA
 ASSISTANT CITY ADMINISTRATOR