



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 70TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN ON DECEMBER 11, 2023 HELD AT THE SESSION HALL, THE BUNKER, CAPITOL COMPOUND, BALANGA CITY, BATAAN

PRESENT:

Hon. Ma. Cristina M. Garcia, Vice Governor and Presiding Officer

FIRST DISTRICT:

Hon. Antonino B. Roman III, J.D., LL.M., Board Member
Hon. Benjamin C. Serrano, Jr., Board Member
Hon. Jomar L. Gaza J.D., Board Member

SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Noel Joseph L. Valdecañas, Board Member

THIRD DISTRICT:

Hon. Romano L. Del Rosario, Board Member
Hon. Jorge S. Estanislao, M.D., Board Member
Hon. Angelito M. Sunga, Board Member
Hon. Roman Harold R. Espeleta, Board Member

Hon. Jovy Z. Banzon, Board Member (PCL President)
Hon. Lovely Joy A. Poblete, Board Member (SKF President)
Hon. Feliciano G. Magay, Jr., Board Member (IPMR)

ABSENT:

None

PROVINCIAL ORDINANCE NO. 25 SERIES OF 2023

ORDINANCE PENALIZING PRANK CALLERS OF EMERGENCY HOTLINES IN THE PROVINCE OF BATAAN.

AUTHORED BY:

HON. JOMAR L. GAZA J.D

SPONSORED BY:

HON. ANGELITO M. SUNGA
HON. JOMAR L. GAZA J.D.

WHEREAS, Article II, Section 24 of the 1987 Constitution declares that, "(t)he State recognizes the vital role of communication and information in nation-building";

WHEREAS, Presidential Decree No. 1727, entitled "Declaring As Unlawful The Malicious Dissemination Of False Information Of The Willful Making Of Any Threat Concerning Bombs, Explosives Or Any Similar Device Or Means Of Destruction And Imposing Penalties Therefor", penalizes "pranksters"

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"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

"conveying, propagating or otherwise disseminating false information or willfully making threats" "through the use of telephones, telegraph, the mail, and other means of communication, for the purpose of causing or creating public confusion and disorder";

WHEREAS, Section 468 (a)(1)(v) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, provides that the Sangguniang Panlalawigan shall enact ordinances intended to prevent, suppress and impose appropriate penalties for activities inimical to the welfare and morals of the inhabitants of the province;

WHEREAS, under the general welfare clause of Republic Act No. 7160, local government units are mandated to institutionalize policies that will ensure the safety and well-being of its constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF BATAAN, IN SESSION ASSEMBLED, THAT:

Section 1. Title. - This shall be known as "The Bataan Anti-Prank Callers Ordinance."

Section 2. Declaration of Policy. - It is hereby declared the policy of the Provincial Government of Bataan (PGB) to advance the general welfare of its constituents by promoting health and well-being, protecting public safety and security, and maintaining peace and order. Towards this end, the PGB recognizes the need to urgently respond to health and safety emergencies and crisis situations, and thus sees the necessity to prohibit malicious and improper use of telecommunication devices.

Section 3. Scope and Applicability. - This Ordinance shall apply to all individuals who shall make a prank call to any of the emergency hotlines in the Province of Bataan.

Section 4. Definition of Terms. - As used in this ordinance, the following terms are defined as follows:

- a. Emergency - refers to a serious, unexpected, and often dangerous situation requiring immediate attention and action, including but not limited to natural and man-made disasters and calamities life threatening health concerns, infectious diseases, and events involving an assumption of risks to life, liberty and property of a person, natural or juridical;
- b. Hotline - refers to a telecommunication contact number set up for a specific purpose by the PGB, its departments and offices, by the City or Municipal Governments in the Province of Bataan, or by national agencies operating in the province, usually for the purpose of immediately responding to an emergency or crisis situation;
- c. Prank call - refers to a call to an emergency hotline made through any mode of telecommunications for any of the following purposes:
 - 1. Making a false requests or initiating a false alarm regarding an emergency, knowing the report or information to be untruthful;
 - 2. Willfully or maliciously conveying, communicating, transmitting, imparting, passing on, or otherwise disseminating false information,

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Provincial Governor

knowing the same to be false, to cause confusion, inconvenience, distress, panic or waste government time and resources;

3. Making a mischievous or malicious call to pull a joke or play a trick with the intention to deceive, mislead, annoy, threaten, harass, intimidate, frighten or interfere with the operations of the office maintaining such hotline;
 1. Repeatedly initiating unnecessary calls, without speaking, deliberately hanging up or dropping the call after the same is answered; or
 2. Otherwise using the emergency hotline for purposes other than for which it was established.

Section 5. Prohibition. – It shall be prohibited for any individual to make a prank call to any emergency hotlines at any time.

Section 6. Determination Identity of Prank Callers. – The identity of a prank caller shall be determined through the registered caller ID at the time the call was made, by tracing the registration of the number used in making the call, or through any applicable and legal methods, subject to the limitations of the Data Privacy Act and other existing and applicable laws, rules, and regulations.

Section 7. Penalties. – Any adult individual who shall make a prank call under the provisions of this Ordinance shall be liable as follows:

1 st Violation	Fine of PhP2,000.00
2 nd Violation	Fine of PhP4,000.00
3 rd and Succeeding Violations	Fine of PhP5,000 or imprisonment not exceeding (1) year, or both, at the discretion of the court

In cases where the prank call was made by a minor, the parents or legal guardian of the same shall be liable as follows:

1 st Violation	Fine of PhP500
2 nd Violation	Fine of PhP1,000.00
3 rd and Succeeding Violations	Fine of PhP2,000

The foregoing penalties are without prejudice to other penalties imposed and consequences provided under relevant laws, rules and regulations.

Section 8. Implementing Offices. – The following shall implement the provisions of this Ordinance:

- a. The local government unit and/or its specific department or office that established or maintains the emergency hotline to which the prank call was made shall be primarily responsible for the implementation of this Ordinance; and


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- b. The national agency stationed in Bataan that established or maintains the emergency hotline to which the prank call was made shall be primarily responsible for the implementation of this Ordinance.

Section 9. Separability. - If, for any reason any part or provision of this ordinance 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 10. Repealing Clause. - All any ordinances, rules and regulations found inconsistent with any provision of this Ordinance are hereby repealed and amended accordingly.

Section 11. Effectivity. - This Ordinance shall take effect after compliance with the relevant provisions of the Local Government Code on posting and publication.

UNANIMOUSLY ENACTED this 11th day of December 2023.

I HEREBY CERTIFY to the enactment of the foregoing Ordinance.


ATTY. MARK LORENZ C. QUEZON
Secretary to the Sangguniang Panlalawigan


ANTONINO B. ROMAN III, J.D., LL.M.
Board Member


MARIA MARGARITA E. ROQUE
Board Member


BENJAMIN C. SERRANO, JR.
Board Member


MANUEL N. BELTRAN
Board Member


JOMAR L. GAZA, J.D.
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NOEL JOSEPH L. VALDECAÑAS
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Board Member


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ROMAN HAROLD R. ESPELETA
Board Member


JOVY Z. BANZON
Board Member
(PCI President)


LOVELY JOY A. POBLETE
Board Member
(SKF President)


JOSE ENRIQUE S. GARCIA III
Provincial Governor






FELICIANO G. MAGAY, JR.
Board Member
(IPMR)

ATTESTED:


MA. CRISTINA M. GARCIA
Vice Governor & Presiding Officer

APPROVED:


JOSE ENRIQUE S. GARCIA III
Provincial Governor
Date: 12-18-2023 





TMTA





