



Republic of the Philippines
Province of Cagayan
MUNICIPALITY OF STA. TERESITA

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 127TH REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF STA. TERESITA, CAGAYAN HELD ON **MAY 14, 2019** AT THE SB SESSION HALL.

Present: Hon. Wilmar O. Puyaoan - *Vice-Mayor/Presiding Officer*
 Hon. Ruben P. Fagela, Sr. - *Sangguniang Bayan Member*
 Hon. Jovey de Gracia-Eduria - *Sangguniang Bayan Member*
 Hon. William A. Lorenzo - *Sangguniang Bayan Member*
 Hon. Conrado P. Tabaco - *Sangguniang Bayan Member*
 Hon. Melchor T. Palor - *Sangguniang Bayan Member*
 Hon. Reynald A. Baldiviso - *Sangguniang Bayan Member*
 Hon. Ruperto T. Tabieros - *Sangguniang Bayan Member*
 Hon. Michael P. Macarubbo - *Sangguniang Bayan Member*
 Hon. Aider M. Javier - *ABC President*
 Hon. Guevarra J. Gregorio - *SK Municipal Federation President*

Absent: None

MUNICIPAL ORDINANCE NO. 1 SERIES OF 2019

"AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 08 *Series of 2006* RE: "THE **CHILDREN'S WELFARE CODE** OF STA. TERESITA, CAGAYAN"

BE IT ORDAINED by the Sangguniang Bayan of Sta. Teresita, Cagayan in session duly assembled, that:

ARTICLE 1

TITLE, DECLARATION OF POLICIES AND PRINCIPLES, PURPOSES, DEFINITION, STATE OBLIGATION

Section 1. Title - This ordinance shall be known as the **CHILDREN'S WELFARE CODE OF STA. TERESITA.**"

Section 2. Declaration Of Policies And Principles

The state recognizes the vital role of youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

It also recognizes that the children have the rights as provided for in the United Nations Convention on the rights of the Child.

The municipality of Sta. Teresita recognizes the importance of effectively promoting, fully enhancing and institutionalizing the survival, development, participation and protection of the rights of children within the framework of advancing general welfare in furtherance of integrate, sustainable and equitable development.



It believes in a holistic protection and development of all children through a strong partnerships between and among government agencies, NGOS and private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork.

Section 3. Purposes-This code is enacted with the following purposes:

- a. To ensure the protection of children against all forms of abuse and exploitation
- b. To advocate for children's rights and promote their welfare and development;
- c. To ensure that children's rights are given priority attention both in government and civil society;
- d. To improve the quality of life of the children in Sta. Teresita enabling them to fully develop their potentials and participate in community undertakings and nation building.

Section 4. All Proceedings To Be Conducted In The Best Interest Of The Child.

Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation and interpretation of the provisions of this code, including its implementing rules and Regulations (IRR) shall be resolved taking into consideration the best interest of the child.

Section 5. Participation Of The Child. All proceedings before any authority shall be conducted in a manner that allows children to participate and to express themselves freely. Participation of children in program and policy formulation and implementation related with children's concerns shall be ensured by the concerned government agency of Local government units.

Section 6. Duties And Responsibilities Of The State

In accordance with Section 3 paragraph 2 of Article XV of the Philippines constitution, it is the duty of the State to defend the rights of children to assistance including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

In accordance with the United Nations Convention on the rights of the child (UNCRC) to which the Philippines is a State party, the state shall:

- a. Undertake appropriate legislative, administrative and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights, the State shall undertake such measures to the maximum extent of its available resources and, where needed within the framework on international cooperation;
- b. Ensure to the maximum extent possible the survival, development, protection and participation of the child;
- c. Take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person/s who has the care of the child.

Section 7. Definition Of Terms. The following terms shall be construed to mean:

"ABANDONED CHILD"- is one who has no proper or parental care and guardianship, or whose parents or guardians have deserted him for a period of at least six continuous months.



“ANTI-SOCIAL RELATED ACTIVITIES”- are those acts against poverty, chastity and person that include but not limited to the following:

1. Using, pushing, trafficking prohibited drugs, selling illegal or lewd Reading materials
2. Gambling of any form
3. Rape and incest
4. Viewing lewd videotapes

“BAIL” refers to the security given for the release of the person in custody of the law, furnished by him/her or a bondsman, to guarantee his/her appearance before any court. Bail may be given in the form of corporate security, property bond, cash deposit, or recognizance.

BEST INTEREST OF THE CHILD refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child’s physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.

“CHILD”- refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, of discrimination because of a physical or mental disability or condition;

“CHILD AT RISK” refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:

1. being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
2. being exploited including sexually or economically;
3. being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
4. coming from a dysfunctional or broken family or without a parent or guardian;
5. being out of school;
6. being a streetchild;
7. being a member of a gang;
8. living in a community with a high level of criminality or drug abuse; and
9. living in situations of armed conflict.
- 10.

“CHILD IN CONFLICT WITH THE LAW” refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

“CHILDREN VICTIMS OF CHILD PROSTITUTION AND OTHER SEXUAL ABUSE”- children, whether male or female, who for money, profit, or any other consideration of due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct.

“CHILDREN IN SITUATIONS OF ARMED CONFLICT”- these are children being recruited by armed group who are displaced from their homes and are exposed to physical danger and diseases as a result of conflict between government forces and organized groups. They are not reached by basic social services and have higher incidence of malnutrition, disease, and death.

“CHILDREN OF INDIGENOUS PEOPLES”- children of Indigenous families who live in far-flung remote communities usually accessible only by foot. Such being the case, they are often neglected in the delivery of basic services, plagued with communicable diseases, with high



malnutrition and mortality rates, and poor environmental sanitation prevails among their children. Their areas are also usually affected by armed conflict.

"CHILDREN IN VARIOUS FORMS OF DISABILITY"- a Physically handicapped child who is deprived of the right to special care, education and training to help him or her enjoy a full decent life and dignity and achieve the greatest degree of self-reliance and social integration possible.

"CHILD ABUSE"-refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

- a. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- b. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
- c. Unreasonable deprivation of his or her basic needs for survival, such as food and shelter; or
- e. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

"CHILD TRAFFICKING"- shall refer to the recruitment, transfer or deployment of a child, an/or harboring or receipt of a child with or without the victims consent or knowledge, through legal or illegal means, fraud or deceit, violence, coercion, intimidation, abuse of position or authority, within or across national borders for purposes of prostitution, work, services, marriage or adoption and other similar arrangements characterized by forced labor, slavery-like practices of sexual exploitation.

"COMMUNITY-BASED PROGRAMS" refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.

"COURT" refers to a family court or, in places where there are no family courts, any regional trial court.

"CHILDREN IN NEED OF SPECIAL PROTECTION"- refer to children living under circumstances which gravely threaten or endanger their survival and normal development as defined to include children in worst forms of child labor, neglected and abandoned children, street children, victims of prostitution and other sexual exploitation, victim of child abuse, children in situations of armed conflict, children in conflict with the law, children in various forms of disability and children of indigenous peoples;

"CHILD LABOR"- defines as employment of children below 18 year of age, where work is hazardous or deleterious in nature, hence exposing the worker to risk that constitutes an imminent danger to his of her safety and health. For children below 15 years of age, where employment violates any of the two exceptions to the general prohibition of RA 7610 as amended by RA 7658, further amended by RA 9231 and where such employment endangers the child's life, safety, health and morals, or impairs normal development.

"COMPREHENSIVE PROGRAM FOR CHILDREN"-refers to the coordinated programs of services, facilities and interventions to for the development and protection of children.

"COMMUNITY-BASED PROGRAMS" - refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.



“DANGEROUS CIRCUMSTANCE FOR CHILDREN”- circumstances which gravely threaten or endanger the survival and normal development of children which include, but not limited to the following:

1. Working under conditions hazardous to life, safety and morals, which unduly interfere with their normal development or working without the provision for their education.
 - a) Living in or finding themselves in the streets without the care of parents or guardians or any adult supervision needed for their welfare.
 - b) Being a member of cultural community and/or living under conditions of extreme poverty or in area, which is underdeveloped and/or lack or inadequate access to basic services needed for a good quality of life.
 - c) Being with family members or guardians having psychological problems grave enough for them to commit incest, siblings’ rape, lascivious acts and other forms of physical and mental abuse;
 - d) Being a victim of man-made natural disasters or calamity;
 - e) Being a victim of an illegal transnational organizations; or child trafficking;
 - f) Circumstance analogous to those abode stated which endanger the life safety or normal development of children.

“DIVERSION”_ refers to an alternative child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

“DEPRIVATION OF LIBERTY” refers to any form of detention or imprisonment, or to the placement of a child in conflict with the law in a public or private custodial setting, from which the child in conflict with the law is not permitted to leave at will by order of any judicial or administrative authority.

“DEVELOPMENT RIGHTS”-pertain to access of a child educational opportunities, access to relevant information, play, leisure, cultural activities and the right to freedom of thought, conscience and religion;

“DIVERSION” refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

“DIVERSION PROGRAM” refers to the program that the child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.

“DIVERSION PROGRAM”- refers to program that the child in conflict with the law is required to undergo after he/she is found responsible of an offense without resorting to formal court proceedings.

“EARLY CHILDHOOD CARE AND DEVELOPMENT PROGRAM (ECCD)- refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of a young children from birth to age of six, to promote their optimum growth and development.

“INITIAL CONTACT WITH-THE CHILD” refers to the apprehension or taking into custody of a child in conflict with the law by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law receives a subpoena under Section



3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law under immediate custody.

“INTERVENTION”-refers to a series of activities, which are designed to address issues that caused the child to commit an offense. It may take the form of individualized treatment program, which may include counseling, skills, training, education and other activities that will enhance his/her psychological, emotional and psycho-social well-being.

“JUVENILE JUSTICE AND WELFARE SYSTEM”-refers to a system dealing with children at risk and children in conflict with the law which provides child appropriate proceedings, including program and services for protection, diversion, rehabilitation, reintegration and after care to ensure their normal growth and development.

“LAW ENFORCEMENT OFFICER” refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod.

“LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN”- is a body established in the municipal and barangays of the local government units, with primary functions, among others, to coordinate the implementation and enforcement of all laws relative to the promotion of child and youth welfare so as to formulate and evaluate policies, programs and services relative to the development of the general welfare and protection of the best interests of children and youth.

“NEGLECTED CHILD”- is one whose basic needs have been deliberately unattended or inadequately attended.

“OFFENSE” refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.

“PARTICIPATION RIGHTS”-the child’s freedom of oneself in matters affecting his/her life as part or preparation for responsible parenthood and to freedom of association;

“PROTECTION RIGHTS”-cover those which guard children against all forms of abuse, exploitation and discrimination in major areas where a child is considered in extremely difficult circumstances;

“RECOGNIZANCE” refers to an undertaking in lieu of a bond assumed by a parent or custodian who shall be responsible for the appearance in court of the child in conflict with the law, when required.

“RESTORATIVE JUSTICE” refers to a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.

“SURVIVAL RIGHTS”- deal with the provision in relation to parental and government duties and liabilities, adequate living standard and access to basic health and nutrition services and social security;



"STATUS OFFENSES" refers to offenses which discriminate only against a child, while an adult does not suffer any penalty for committing similar acts. These shall include curfew violations; truancy, parental disobedience and the like.

"STREET CHILDREN"-are those who are below 18 years old and below who spends a significant amount of time on the streets, fending for themselves for the family.

"SALT IODIZATION PROGRAM"-the addition of iodine to salt intended for human or animal consumption in accordance with specifications as to form, fortificant, method, manner and composition as may be prescribed by the Bureau of Foods and Drugs.

"SPECIAL PROGRAM EDUCATION FOR STUDENTS" (SPES)-it is a program for the employment of students and drop-outs during summer vacation, collaboration with government and private entities as a means of providing/augmenting their income to pursue their education.

"SPECIAL OFFICE, A DIVISION OR A DESK FOR CHILDREN'S CONCERNS"-refers to an office, division or desk created which main function is to monitor the implementation of this code and such other functions that may be undertaken which shall be provided in the Implementing rules and Regulations.

"YOUTH DETENTION HOME" refers to a 24-hour child-caring institution managed by accredited local government units (LGUs) and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

"YOUTH REHABILITATION CENTER" refers to a 24-hour residential care facility managed by the Department of Social Welfare and Development (DSWD), LGUs, licensed and/or accredited NGOs monitored by the DSWD, which provides care, treatment and rehabilitation services for children in conflict with the law. Rehabilitation services are provided under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals. Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.

ARTICLE II

RIGHTS AND OBLIGATIONS OF THE CHILD

Section 8. Rights Of The Child:

Every child shall be entitled to the rights herein set forth without distinction as to the legitimacy, sex, social status, religion, political antecedents, and other factors.

Every child shall possess the following rights that are classified into survival, development, protection and participation rights:

1 SURVIVAL RIGHTS ensure the child's inherent right to life and to the needs that are most basic to existence, the right to a name and nationality, the right to identify and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:

- a) Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception; Every child has the right



to a wholesome family life that will provide him or her with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with nearest substitute of a home;

- b) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

2 DEVELOPMENT RIGHTS Refer to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information and opportunities for rest, play and leisure. The following are the development rights:

- a) Every child has the right to a well-rounded development of her of his personality to the end that she or he may become a happy, useful and active member of society specifically:
1. the gifted child shall be given the opportunity and encouragement to develop her of his special talents;
 2. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 3. the physically or mentally disabled child be given treatment, education and care required by her or his particular condition;
 4. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
 5. Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building or a better world;
 6. Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child must be directed to:
 - The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 - The preparation of the child for responsible adult life in a free society;
 - The development of respect for the child's parents, her of his cultural identity, language and values, and the cultural background and values of others;
 - The development of respect for the natural environment;
 7. Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of her or his leisure hours;
 8. Every child has the right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes,

3 PROTECTION RIGHTS Cover those rights protecting the child from all form of abuses and discrimination such as protection from cruelty, torture, arbitrary, separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse and exploitation.



- 4 PARTICIPATION RIGHTS** refer to the child' rights to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights;
- a. every child has the right to b provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
 - b. Every child has the right to freedom of thought, conscience, and religion subject appropriate parental guidance;
 - c. Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;
 - d. Every child has the right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her;
 - e. Every child has a right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.

Section 9. Responsibilities Of The Child

Every child regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

Strive to lead and upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors and the bidding of a clean conscience;

1. Love, respect and obey his/her parents and cooperate with them in the strengthening of the family;
2. Extend to his or her brothers and sisters love, thoughtfulness and helpfulness and endeavor with them to keep the family harmonious and united;
3. Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that she/he may become an asset to himself or herself and to society.
4. Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country and the principles and institutions of democracy;
5. Actively participate in civic affairs and in the promotion of the general welfare, cognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future, and;
6. Help in the observance of individual human rights, strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world's peace.

ARTICLE III

ROLES AND FUNCTIONS OF VARIOUS SECTORS

Section 10. The Family- The family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. Government and social efforts to preserve the integrity of the family, including the extended family, should be pursued.



Section 11. Primary Rights of Parents- The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin the family. The parents shall have the right to the company of their children and, in relation to all persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

Section 12. Rights Under The Family Code-The parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family code over the person and property of their children.

Section 13. Right To Discipline Children.-. Parents have the right to discipline their children as may be necessary for the formation of their good children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this code. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

Section 14. General Duties Of Parents-Parents shall have the following general duties toward their children:

- a. To give them affection, companionship and understanding.
- b. To extend to them the benefits of moral guidance, self-discipline and religious instruction;
- c. To supervise their activities, including their recreation;
- d. To inculcate in them the value of industry, thrift and self-reliance;
- e. To stimulate their interest in civic affairs, teach them the duties of citizenship and develop their commitment to their country;
- f. To advise them properly on any matter affecting their development and well-being;
- g. To always set a good example;
- h. To provide them with adequate support, as defined in Article 194 of the family code; and
- i. To administer their property, if any, according to their best interest, subject to the provisions of Article 225 of the Family code.

Section 15. Role Of Women- Women in their various roles play a vital role and critical role in the well-being of the children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension service constitute a valuable contribution to a nation's social and economic development.

To achieve that and to prepare women for their various roles, equal opportunity shall be provided for the girl children for them to benefit from health, nutrition, education and other basic services for their full growth.

Section 16. Role Of Fathers-Fathers play a vital and critical role in their children's lives. Policies and legislation shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

Equal opportunity shall be provided to the boy children for them to benefit from the health, nutrition, education and other basic services for their full growth and development.

Section 17. Role Of Educational Institutions- Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the



rights and responsibilities of children, subject to guidelines set by the Department of Education.

Section 18. Role Of Local Government Units- The Local Government Units shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation.

Section 19. Role of Local Council for the Protection/Welfare of children-These councils shall, in addition to their existing duties and functions, coordinate with and assist their corresponding LGUs in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

Section 20. Role Of Local Health Board-The Local Health Board (LHB) shall actively advocate for the adequate delivery of health services for all children in the locality. It shall conduct periodic monitoring and evaluation of children's health vis-à-vis health services available.

Section 21. Role Of Local School Board- Functions. As a special body of the Local Government Unit, determine the Special Education Fund and authorize for its disbursement in accordance with existing rules, serve as advisory to the Sanggunian on educational matters and recommend changes in the names of public schools for legislation.

Section 22. Role Of The Sangguniang Kabataan- The Sangguniang kabataan as established under the Local government Code shall, in addition to its power and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the Local Council for the Welfare of children for this purpose.

Section 23. Internal Rules of the Council for the Welfare of Children- The Local Councils for the Welfare of Children shall formulate and adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as the organization's structure, parliamentary procedure, order of the meetings and quorums and such other rules the council may deem necessary.

Section 24. Municipal Nutrition Committee- The Inter-agency Council spearheads the implementation of the nutrition program of the municipality.

ARTICLE IV

PROGRAMS AND SERVICES

CHILD SURVIVAL

SECTION 25. Under Six Program Framework. The municipality of Sta. Teresita shall ensure to the maximum extent possible the survival of the child.

25.1 Primary Health Care program

1. Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six years of age;



2. To combat the diseases and malnutrition within the framework of primary health care through application of readily available technology and through the provision of adequate nutritious foods and potable drinking water, taking into consideration the dangers and risks of environmental pollution;
3. To establish a comprehensive parents Orientation Development program which includes gender-responsive courses on reproductive health, child health and child rearing practices in the context of the Filipino psychology
4. To monitor the full implementation of the milk code of the Philippines and advocate the prosecution of milk firms which violate such code;
5. To conduct massive information and education on breast feeding, health and nutrition, utilizing existing reference materials for effective breastfeeding education program and
6. A reproductive health center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will eliminate or minimize risks to mothers and child: Provided, the high risks mothers shall referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care: Provided, further, that hilots (traditional birth attendants) and Barangay health workers (BHWs) are provided the needed basic training for normal delivery and are trained to recognize high risk pregnancies which should be referred to competent obstetrical and pediatric medical care. A Strict house to house visit to pregnant mothers by the rural health midwives to ensure the safety of the mothers.
7. The health workers shall have their continuing capability building to be supported by the barangay and the municipal government

CHILD DEVELOPMENT

25.2 Early Childhood Care And Development

1) Population Based Day Care Center Setting-Up-

Pursuant to Republic Act 6972 of the Barangay level total Development and Protection of children Act, day care centers shall be set up in every barangay. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the respective municipal and barangay councils for children in coordination with the social welfare and development office.

1. Importance of Day Care Service-

Day care service addresses the needs in the crucial stage of a child's growth and development. By the age of five (5), a child's brain has already grown to 90 percent of its adult weight and as much of the way he/she envisions and interacts with the world has been shaped. Thus, the child's formative years and the care that he/she gets during this period would significantly affect his/her learning capacity, personal and social interaction well into adulthood.

Specifically, Day Care Service aims to help the child to:

- a. Become physically fit through proper care and nutrition;
- b. Develop self-confidence, self-statement and self-discipline;
- c. Relate well with others
- d. Develop mental, intellectual, verbal and psychomotor skills;



- e. Develop strong spiritual, socio-cultural and nationalistic values as well as positive attitudes towards the family, community and society in general;
- f. Be protected from all forms of neglect, abuse, cruelty and exploitation.

2. Setting Up of Day Care Centers by community-Base organization-

Community based organizations can help mobilize resources to complement the efforts of the LGUs in establishing day care centers in their communities. In this way, more children needing attention can be reached and served.

3. Maintenance of Day Care center and children's playground-

The LGU both the barangay and the municipal level shall allocate funds for the construction/maintenance/improvement of day care centers and children's playground/

4. Honorarium of Day Care worker

The LGU-barangay is the primarily agency to provide the honoraria of the Day Care workers with augmentation fund from the Municipal Level

5. Monitoring and Supervision of Day Care Center

Both the barangay and the Municipal have the responsibility of monitoring the day care program. The LGU thru the Office of the social Welfare and Development shall provide continuing technical supervision and monitoring to the day care program

6. Support Group to Day Care Service

A community Volunteers Parents Group shall be organized to be an effective support to the operationalization of the day care centers. The said group shall help mobilize resources for the improvement of day care centers and other support activities

25.3 Program for Children with special Needs-The municipal government of Sta. Teresita shall make a periodic child-focused and child specific comprehensive survey on children with disabilities in the municipality as basis for a more systematic coordination of services (health, nutrition, and education) for children with special needs.

Capability of the Service Providers- The barangay and municipal government shall support the development of the service providers thru trainings, seminars and convention

25.4 Basic Education Program

1. Implementation of the Basic Compulsory Education(BCE) through legislation.
2. The LGU shall continue to provide funds for the hiring of LGU teachers both elementary and secondary.
3. The LGU shall continue to allocate funds for the Alternative Learning System (ALS) purposely for the out-of-school youths. Provision of non-formal, informal and skills training opportunities for income generating projects.
4. As an advocacy, information and education campaign of the government on the survival and development, protection and security and participation rights of children, the Convention on the Rights of Child (CRC) shall be encouraged to be



included as part of the school curriculum of the schools in the municipality, both private and public at all levels.

5. The LGU shall augment funds for the repair and maintenance of school buildings and other facilities.
6. Funding and hiring of a Youth Development Officer (YDO) to implement youth programs.

CHILD PROTECTION

Section 26. Programs For Children In Need Of Special Protection (CNSP). There shall be comprehensive program to be formulated by the Municipal Council for the Welfare of Children (MCWC) to protect children against child prostitution and other sexual acts of abuse; and circumstances which endanger child survival and normal development.

1. COMMUNITY-BASED PROGRAMS AND SERVICES

The LGU shall establish community-based programs that will focus on the total development of children. It shall support all endeavors in enhancing the capabilities and capacitate the members of the MCWC in handling and managing the CNSPs. The MCWC shall provide psychosocial interventions to all children in need of special protection. The LGU shall provide funds appropriate to the needs of the victims of abuse and their families.

2. PROGRAM FOR CHILDREN IN CONFLICT WITH THE LAW(CICL)

1. The family shall be responsible for the primary nurturing and rearing of children, which is critical in delinquency prevention
2. The LGU shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in rehabilitation and reintegration of Children in Conflict with Law.
3. The LGU shall strengthen the LCPCs in all levels who serve as a primary agency to coordinate with and adopt a comprehensive plan on delinquency prevention and to oversee its proper implementation.
4. A comprehensive juvenile intervention program shall be instituted by the LGUs through the LCPC, school. Youth organizations, Sangguniang Kabataan, non-government organizations and other concerned agencies.
5. The LGU shall allocate at least one percent (1%) of the Internal Revenue Allotment of barangays and the municipality for the strengthening and implementation of the programs of the LCPC as provided for in Section 15, paragraph 2 of RA 9344, An Act Establishing a Comprehensive Juvenile Justice and Welfare system.

3. PROGRAM FOR VICTIMS OF CHILD LABOR

1. The MCWC shall conduct extensive advocacy and information dissemination on Republic Act 9231, An Act providing for the Elimination of the Worst of Forms of Child Labor and affording Stronger Protection for the Working Child, which amended Republic Act 7658, An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, and other pertinent national statutes.
2. The Honorable Sangguniang Bayan shall legislate resolutions and ordinances specially on child labor.



3. The Municipal Council for the Protection of Children shall have the following composition:
 1. Municipal Mayor as a Chairperson
 2. Vice-Mayor as Co-Chairperson
 3. MSWDO Secretariat
 4. SB-Committee Chairman on Women and Family Welfare
 5. District Supervisor/Secondary Principal
 6. Representative of the Public Employment Service Office (PESO)
 7. Officer of the Philippine National Police
 8. MLGOO of the Department of Interior and Local Government
 9. Federation of Senior Citizens of Sta. Teresita
 10. Catholic Women's League
 11. Working Youth Club
 12. ABC Federation President
 13. SK Federation President

4. PROGRAMS for Indigenous Children

1. A Council for Indigenous Communities In the municipality of Sta, Teresita shall be created to facilitate planning, decision making, implementation, and evaluation of all government programs affecting children of indigenous people. NGOs focused on this community shall also be recognized, respected and presented to the Council.
2. In addition to the rights guaranteed to children under this Code and the existing laws, children of Indigenous cultural communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.
3. The MCWC shall develop the institute an alternative system of education for indigenous cultural communities, which is culture-specific and relevant to their needs.
4. The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Clinics and other health institutions shall ensure that children of indigenous and cultural communities are given equal attention. In the provision of health and nutrition services to children of indigenous cultural communities, indigenous health practices shall be respected and recognized.
5. Children of indigenous cultural communities shall not be subjected to any forms of discrimination.

5. PROGRAM FOR CHILDREN VICTIMS OF ARMED CONFLICT

1. The MCWC through the Municipal Social Welfare and Development Office in coordination with other government and non-government agencies shall design a comprehensive psychosocial program for both children and their families especially those affected by armed-conflict.
2. The MCWC in coordination with National Line Agencies shall initiate appropriate training for Members of the Local Police Force, members of Citizens Armed Forces Geographical Unit, and the Barangay Police.

6. PROGRAMS FOR VICTIMS OF CHILD PROSTITUTION AND OTHER SEXUAL ABUSE

1. The MCWC shall initiate rescue operations on reported alleged victims from videoke bas and other hazardous places.



2. The Municipal Council for the Welfare of Children shall formulate and develop notices, information and checklist of requirements to be posted in hotels, night club and other similar establishment for their compliance. The Municipal Mayor's Office Licensing division shall require these requirements as basis for the renewal/approval of their licenses.

7. VIOLENCE AGAINST WOMEN AND CHILDREN CENTER

1. The LGU shall sustain the implementation of programs and services for women and children victims of violence relative to RA 9262, An Act Defining Violence Against Women and their Children, Providing for Protective Measures of Victims, Prescribing Penalties Thereof, and for other Purposes.
2. The Municipal Government shall organize and strengthen the Task Force on Violence in all levels to initiate programs and projects and acts as front liners in the management of cases of abuse.
3. Women and Children Concerns Desk-

The MCWC through the PNP shall maintain the WCCD manned by trained female police officer which shall promote foremost the best interest and welfare of the children and women and facilitate the filing of cases.

The MCCD is tasked to handle cases involving children Child Friendly police procedures shall be implemented as contained in the police handbook of the management of cases of children in especially difficult circumstances. Each PNP element shall be provided a copy of the said handbook. The said Section must be administered by a female police officer.

8. OTHER PROACTIVE PROGRAMS

1. Parenting Orientation course

1. Parenting Orientation Courses
 - a. Parenting orientation Course shall be integrated into the curriculum of all high schools in Sta. Teresita subject to the Department of Education rules and regulations.
 - b. Marriage applicants shall be required to participate in a parenting orientation course with gender and child Sensitivity, among other requirements, prior to the Issuance of a marriage license by the office of the civil Registrar. This course becomes and integral part of existing Pre-marriage counseling courses.
 - c. As a follow-up to the Parenting orientation course, parents/guardians shall also be required to participate in a Parenting Orientation Course during the school year a child is enrolled in either a public or private day care center within the municipality.
 - d. Such course may also be incorporated in Parent-Teacher Association (PTCA) activities for the school year in the elementary and secondary levels.

Implementing guidelines for this provision shall be formulated by the Municipal Technical working Group of the Municipal Council for the Protection of children in coordination with the office of the Municipal civil Registrar within one year from the effectivity of this code.



CHILD PARTICIPATION

Section 27. Children's Congress. There shall be a children's congress to be held every November of the year to be participated in by the children Representatives from the barangays of within the municipality.

Section 28. Other Children Activities And Programs

1. Recreational and cultural Program

Barangay Level Recreational and cultural facilities and Program

A barangay level program for the revival of indigenous games and recreation shall be established. Research and documentation of indigenous games and traditional past times shall be undertaken by the Municipal Government in coordination with Department of Education in the municipality. Every barangay in the municipality shall allocate space for recreational facilities appropriate for different age groups. A year round cultural program appropriate for different age groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the local government units.

2. Local children's Literature

In support to the thrust for the socio-cultural development of children in the municipality, the barangays shall invest in the promotion and production of local literature for children and other relevant educational materials.

3. Other Child Friendly Facilities

Local government Units in partnership with NGOs and civic organizations are also encouraged to put up and maintain other child-friendly facilities such as but no limited to libraries/reading centers, museums, parks and playground facilities.

Section 29. Children's Month Celebration. In keeping with the mandate of Presidential Proclamation No. 267 signed on September 30,1993 declaring the month of November of every year as National children's Month. The Local Councils for the Protection of children in coordination with the Social Welfare and Development Office shall conduct child-focused activities for the month promoting the rights of children as well as the responsibilities and obligations of the people and institutions responsible in ensuring the well-being of the Filipino children.

ARTICLE V

SPECIAL CONCERNS

Prohibited Acts

Section 30. Prohibited Acts-In addition to all acts defined and penalized under Republic Act 7610 on child Abuse and Exploitation, Republic Act 7658 as child labor and other pertinent laws, the following acts shall likewise be punishable:

- 1. Illegal Recruitment-**any person who recruits other persons for work shall be required to register with and secure permit fro the Office of the Barangay Captain in the place of recruitment with an undertaking not to recruit children.

There is a presumption of illegal trafficking when a person is found together with two or more minors not his/her relatives at the jeepney or bus terminals for the purpose



of transporting the minors to another place without permit from the Barangay Captain.

2. Peonage of children-Offering a child or the services of a child as payment for debt or in exchange for a favor, such as but not limited to:
 1. working in agricultural industries like rice, corn ,banana, tree plantations and farms, fishponds;
 2. Working as house helpers or store keepers.
 3. Children as Sexual Commodities-Pimping, engaging in sexual activities with children defined under this code whether commercial or with mutual consent. Sexual exploitation of children by any person, foreigner or otherwise, shall at all times prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation;
 4. Admission into cockpits, karaoke or KTV bars and other places intended only for adult patronage;
 5. Entry, selling and distribution of pornographic materials-The local council for the protection of children, the local law enforcers (PNP) shall monitor and prevent the entry of such pornographic materials;
 6. Pushing/enticing minors to Live-In arrangements-it shall be unlawful for parents/guardians to entice, encourage and/or push their children/wards to live together with any person as husband and wife in exchange for money or any other consideration;
 7. Pre-arranged marriage-Pre-arranged marriage made by parents of guardians to marry off their children or wards against their will;
 8. Using infants and those under the age of Six (6) years old as part of stage shows, props, in all forms of contests that put the safety of the infant/child in danger;
 9. Discrimination of illegitimate children-for schools and religious institutions to discriminate illegitimate children by but not limited to the following:
 - Refusal to accept enrollment of the child by reason of illegitimacy;
 - Requiring the marriage contract of the parents as a pre-requisite for enrollment;
 - Refusal to baptize a child by reason of illegitimacy.
3. Expulsion, Suspension from school, Refusal to Graduate or Refusal to Issue Clearance by reason of pregnancy-for schools to impose a penalty of expulsion or suspension, refusal to graduate or refusal to issue clearance against a child who has complied with all her academic requirements by reason pf her pregnancy is deemed as an illegal act under this code. Schools may impose any other penalty which shall be made applicable to both the pregnant child and her partner if he is also enrolled in the same school, something which shall not deprive the child of her/his right to be educated.
4. Right to Education- it is prohibited under this act if schools whether private or public refuse to enroll a six year old child who has not undergone day care service or any pre-school education.
5. Physical and other Degrading forms of Punishment-subjecting the child to esteem physical and other forms of degrading punishment is prohibited under this code, but not limited to the following:
 1. Punishing a child to kneel on salt, rice, or any related thing;
 2. Placing a child in sack and/or hanging him/her;
 3. Shaving a child's head as form of punishment;



4. Harsh whipping a child using objects that can cause contusions or bleeding on any part of his/her body;
 5. Stripping a child of his/her clothes
 6. Locking up a child in any enclosed structures;
 7. Tying up a child or otherwise detaining him/her;
 8. Throwing objects at a child resulting in injury
 9. Pulling the hair, ears, and other sensitive parts of a child
 10. Berating a child in public;
 11. Shoving objects into a child's mouth, nose, ears and other delicate parts of her/his body
 12. All forms of physical contact as a requisite for initiation rites.
6. Selling liquors, cigarettes, rugby and all other addicting substance to a child-it shall be unlawful for any person to sell to child liquors, cigarettes, rugby and any other addicting substance to a child.
7. It shall be unlawful for a child to smoke drink-intoxicating liquor in any public places like the school campus, place of worships and public conveyances.

The above acts which are likewise punishable under Republic Act 7610 of the child Abuse Act RA 7658 on child labor, the Revised Penal code, or other pertinent national laws shall be penalized there under. Acts or omissions not falling under said laws shall be penalized by imprisonment of one (1) year and a fine of not more than Two Thousand Pesos (P2,000.00) or both at the jurisdiction of the court.

8. Control on child's Exposure to New Technology and other forms of entertainment that impedes their educational development.
9. Control on children's Exposure to commercial video Games-The following are prohibited Acts:
- 1] Establishing commercial Video Games One Hundred Linear Meters from any school or place of worship, Municipal governments shall not grant business permits to those who violate this provision.
 - 2] Admitting school children into commercial video establishments during school days from seven in the morning to five in the afternoon.
 - 3] Catering children beyond ten o'clock in the evening during school days.

Violators shall be subjected to suspension of business permit for fifteen days on the first offense and One (1) month suspension of the same plus a fine of five Hundred pesos (P500.00) on the second offense and confiscation of the video game equipment plus cancellation of the business permit of said establishment on the third offense.

10. Control On Children's Exposures To Billiard Halls And Similar Establishments. Billiard halls and similar establishments are prohibited from catering to school children during school days from seven in the morning up to five in the afternoon, except when school children are doing a subject requirements or when doping researchers on the internet and/or practicing billiard games for sports competition purposes as authorized by school authorities, but only when a written certification from the teacher is presented prior to admission, or when the school children are accompanied by their parents or guardians.

Violators are subjected to the same penalties provided for under paragraph 2 of Section 42 hereof.



- 11.** control on children's usage o cellular phones in schools- The classroom teacher shall at all times ensure that children equipped with cellular phones shall be required to put off the same in the classroom or while the classes are going on. Only during emergencies can the teacher allow a student to use the cellular phones but has to be done outside of the classroom so as not to disturb the other students.

In cases where students defy a teacher's order third time to put off their cellular phones while attending classes, this section empowers the teacher to confiscate the same and turn over the confiscated cellular phone to the school principal, head teacher or Teacher In-charge of the school for safe keeping purposes. Subject student shall be banned

- 12.** Children shall not be Used/Recruited by any individual or Group of Individuals in Fighting for a Cause Whether Pro or Against the Duly constituted Authority of Government.-Children in situation of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of RA 7610 or the Anti-Child Abuse Act.

SECTION 31. Rights Of Children Of Indigenous People

1. In addition to the rights guaranteed to children under this Code and other existing laws, children of Indigenous people shall be entitled to protection, survival and development consistent with customs and traditions of their respective communities.
2. The municipal Council for the Welfare of Children in Coordination with the Department of Education District Office in the municipal shall develop and institute an alternative system of education for children of indigenous people which is culture specific and relevant to their needs.
3. The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institution shall ensure that children of indigenous people are given equal attention. In provisions of health and nutrition services to children of indigenous people, indigenous health practices shall be respected and recognized.
4. Children of indigenous people shall not be subjected to any form of discrimination.

Section 32. Rights of the Child in Conflict with the Law. – Every child in conflict with the law shall have the following rights, including but not limited to:

- (a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- (c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- (d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- (e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or



- other competent, independent and impartial authority, and to a prompt decision on such action;
- (f) the right to bail and recognizance, in appropriate cases;
 - (g) the right to testify as a witness in hid/her own behalf under the rule on examination of a child witness;
 - (h) the right to have his/her privacy respected fully at all stages of the proceedings;
 - (i) the right to diversion if he/she is qualified and voluntarily avails of the same;
 - (j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
 - (k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
 - (l) in general, the right to automatic suspension of sentence;
 - (m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
 - (n) the right to be free from liability for perjury, concealment or misrepresentation; and
 - (o) other rights as provided for under existing laws, rules and regulations.

Section 33. Community-based Programs on Juvenile Justice and Welfare. – Community-based programs on juvenile justice and welfare shall be instituted by the LGUs through the LCPC, school, youth organizations and other concerned agencies. The LGUs shall provide community-based services which respond to the special needs, problems, interests and concerns of children and which offer appropriate counseling and guidance to them and their families. These programs shall consist of three levels:

- (a) Primary intervention includes general measures to promote social justice and equal opportunity, which tackle perceived root causes of offending;
- (b) Secondary intervention includes measures to assist children at risk; and
- (c) Tertiary intervention includes measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

Section 34. Levels of Diversion- Diversion shall be conducted at the barangay and police levels. The Lupong Tagapamayapa is the competent authorities to conduct diversion proceedings with the presence of Social Welfare Office.

Section 35. Children Below the Age of Criminal Responsibility. – If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child, in consultation with the local social welfare and development officer, has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. The child shall be subjected to a community-based intervention program supervised by the local social welfare and development officer, unless the best interest of the child requires the referral of the child to a youth care facility or 'Bahay Pag-asa' managed by LGUs or licensed and/or accredited NGOs monitored by the DSWD.

The local social welfare and development officer shall determine the appropriate programs for the child who has been released, in consultation with the child and the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

- "(a) A duly registered nongovernmental or religious organization;
- "(b) A barangay official or a member of the Barangay Council for the Protection of Children (BCPC);



"(c) A local social welfare and development officer; or, when and where appropriate, the DSWD.

"If the child has been found by the local social welfare and development officer to be dependent, abandoned, neglected or abused by his/her parents and the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: *Provided*, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the Local Social Welfare and Development Office (LSWDO) pursuant to Presidential Decree No. 603, as amended, otherwise known as 'The Child and Youth Welfare Code' and the Supreme Court rule on commitment of children: *Provided, further*, That the minimum age for children committed to a youth care facility or 'Bahay Pag-asa' shall be twelve (12) years old."

Section 36. Serious Crimes Committed by Children Who Are Exempt From Criminal Responsibility. – A child who is above twelve (12) years of age up to fifteen (15) years of age and who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery, with homicide or rape, destructive arson, rape, or carnapping where the driver or occupant is killed or raped or offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall be mandatorily placed in a special facility within the youth care facility or 'Bahay Pag-asa' called the Intensive Juvenile Intervention and Support Center (IJISC).

"In accordance with existing laws, rules, procedures and guidelines, the proper petition for involuntary commitment and placement under the IJISC shall be filed by the local social welfare and development officer of the LGU where the offense was committed, or by the DSWD social worker in the local social welfare and development officer's absence, within twenty-four (24) hours from the time of the receipt of a report on the alleged commission of said child. The court, where the petition for involuntary commitment has been filed shall decide on the petition within seventy-two (72) hours from the time the said petition has been filed by the DSWD/LSWDO. The court will determine the initial period of placement of the child within the IJISC which shall not be less than one (1) year. The multi-disciplinary team of the IJISC will submit to the court a case study and progress report, to include a psychiatric evaluation report and recommend the reintegration of the child to his/her family or the extension of the placement under the IJISC. The multi-disciplinary team will also submit a report to the court on the services extended to the parents and family of the child and the compliance of the parents in the intervention program. The court will decide whether the child has successfully completed the center-based intervention program and is already prepared to be reintegrated with his/her family or if there is a need for the continuation of the center-based rehabilitation of the child. The court will determine the next period of assessment or hearing on the commitment of the child."

Section 37. Repetition of Offenses. – A child who is above twelve (12) years of age up to fifteen (15) years of age and who commits an offense for the second time or oftener: *Provided*, That the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall undergo an intensive intervention program supervised by the local social welfare and development officer: *Provided, further*, That, if the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: *Provided, finally*, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary



commitment shall be immediately filed by the DSWD or the LSWDO pursuant to Presidential Decree No. 603, as amended."

Section 38. Exploitation of Children for Commission of Crimes. – Any person who, in the commission of a crime, makes use, takes advantage of, or profits from the use of children, including any person who abuses his/her authority over the child or who, with abuse of confidence, takes advantage of the vulnerabilities of the child and shall induce, threaten or instigate the commission of the crime, shall be imposed the penalty prescribed by law for the crime committed in its maximum period."

Section 39. Joint Parental Responsibility. – Based on the recommendation of the multi-disciplinary team of the IJISC, the LSWDO or the DSWD, the court may require the parents of a child in conflict with the law to undergo counseling or any other intervention that, in the opinion of the court, would advance the welfare and best interest of the child.

"As used in this Act, 'parents' shall mean any of the following:

- "(a) Biological parents of the child; or
- "(b) Adoptive parents of the child; or
- "(c) Individuals who have custody of the child.

"A court exercising jurisdiction over a child in conflict with the law may require the attendance of one or both parents of the child at the place where the proceedings are to be conducted.

"The parents shall be liable for damages unless they prove, to the satisfaction of the court, that they were exercising reasonable supervision over the child at the time the child committed the offense and exerted reasonable effort and utmost diligence to prevent or discourage the child from committing another offense."

Section 40. Assistance to Victims of Offenses Committed by Children. – The victim of the offense committed by a child and the victim's family shall be provided the appropriate assistance and psychological intervention by the LSWDO, the DSWD and other concerned agencies."

Duties During Initial Investigation. – The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

"The taking of the statement of the child shall be conducted in the presence of the following:

- (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office;
- (2) the child's parents, guardian, or nearest relative, as the case may be; and
- (3) the local social welfare and development officer. In the absence of the child's parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

"The social worker shall conduct an initial assessment to determine the appropriate interventions and whether the child acted with discernment, using the discernment assessment tools developed by the DSWD. The initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. The local social worker shall do either of the following:



- “(a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and
- “(b) If the child is above fifteen (15) years old but below eighteen (18) and who acted with discernment, proceed to diversion under the following chapter.”

Section 41. Prohibition against Labeling- In all conduct of the proceedings beginning from initial contact of the child, the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys/girls or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor’s class or ethnic origins. The officer violating this provision shall be administratively liable.

Section 42. Prohibited Acts Against Youth Offenders- Any and all acts and practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited:

1. Authorities shall refrain from employing threats of whatever kind and nature and/or abusive, coercive and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by persons in authority, their representatives, or any other persons acting under them or in their behalf- such as cursing, beating, stripping, and detaining minor in cells shall be dealt with administratively and criminally;
2. Likewise, degrading inhuman and cruel forms of punishment such as shaving the heads of minors, pouring, irritating, corrosive or harmful substances over their bodies, or forcing minors to walk around community wearing signs which embarrass, humiliate and degrade their person and dignity and which harm them psychologically, emotionally, spiritually, morally and physically shall be prohibited;
3. No minor shall likewise be made subject to involuntary servitude in any and all forms under any in all instances by their arresting officers and/ or custodians. Designating and/ or compelling a minor to act and serve as errand boy/girl, or as a helper is also prohibited.

Any violation shall be penalized with at least One (1) year imprisonment and a fine of not more than One Thousand Pesos (P1,000.00). However, if these violations are likewise penalize in any national law, the penalty imposed in such national laws shall be followed.

Section 43. Factors in Determining Diversion Program. – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- (a) The nature and circumstances of the offense charged;
- (b) The frequency and the severity of the act;
- (c) The circumstances of the child (e.g. age, maturity, intelligence, etc.);
- (d) The influence of the family and environment on the growth of the child;
- (e) The reparation of injury to the victim;
- (f) The weight of the evidence against the child;
- (g) The safety of the community; and
- (h) The best interest of the child.

Section 44. Kinds of Diversion Programs. – The diversion program shall include adequate socio-cultural and psychological responses and services for the child. At the different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

- (a) *At the level of the Punong Barangay:*
 - (1) Restitution of property;
 - (2) Reparation of the damage caused;



- (3) Indemnification for consequential damages;
- (4) Written or oral apology;
- (5) Care, guidance and supervision orders;
- (6) Counseling for the child in conflict with the law and the child's family;
- (7) Attendance in trainings, seminars and lectures on:
 - (i) anger management skills;
 - (ii) problem solving and/or conflict resolution skills;
 - (iii) values formation; and
 - (iv) other skills which will aid the child in dealing with situations which can lead to repetition of the offense;
- (8) Participation in available community-based programs, including community service; or
- (9) Participation in education, vocation and life skills programs.

(b) *At the level of the law enforcement officer and the prosecutor:*

- (1) Diversion programs specified under paragraphs (a)(1) to (a)(9) herein; and
- (2) Confiscation and forfeiture of the proceeds or instruments of the crime;

(c) *At the level of the appropriate court:*

- (1) Diversion programs specified under paragraphs (a) and (b) above;
- (2) Written or oral reprimand or citation;
- (3) Fine;
- (4) Payment of the cost of the proceedings; or
- (5) Institutional care and custody.

Section 45. Objectives of Community Based Programs. – The objectives of community-based programs are as follows:

- (a) Prevent disruption in the education or means of livelihood of the child in conflict with the law in case he/she is studying, working or attending vocational learning institutions;
- (b) Prevent separation of the child in conflict with the law from his/her parents/guardians to maintain the support system fostered by their relationship and to create greater awareness of their mutual and reciprocal responsibilities;
- (c) Facilitate the rehabilitation and mainstreaming of the child in conflict with the law and encourage community support and involvement; and
- (d) Minimize the stigma that attaches to the child in conflict with the law by preventing jail detention.

Section 46. Criteria of Community-Based Programs. – Every LGU shall establish community-based programs that will focus on the rehabilitation and reintegration of the child. All programs shall meet the criteria to be established by the JJWC which shall take into account the purpose of the program, the need for the consent of the child and his/her parents or legal guardians, and the participation of the child-centered agencies whether public or private.

Section 47. After-Care Support Services for Children in Conflict with the Law. – Children in conflict with the law whose cases have been dismissed by the proper court because of good behavior as per recommendation of the DSWD social worker and/or any accredited NGO youth rehabilitation center shall be provided after-care services by the local social welfare and development officer for a period of at least six (6) months. The service includes counseling and other community-based services designed to facilitate social reintegration, prevent re-offending and make the children productive members of the community.



Section 48. Referral to Diversion Programs. In the process of conciliation, the Lupon or the Pangkat, as the case may be, shall encourage the inclusion of community service program or other forms of diversion to be included in the settlement.

Section 49. Manner of Investigation of a Juvenile.

49.1 A child shall only be investigated or his/her statement secured in the presence of any of the following order: his/her parents/guardians, the nearest adult relative, member of the child-focused group, religious group, member of the Barangay Council for the Protection of Children Concern or the local social welfare and development officer, and his/her constitutional rights to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child, the parents or guardian.

49.2 If the counsel of his/her own choice cannot present the child, the CYRU shall contact a member of the Public Attorney's Office to assist the child. Any confessions and admissions in violation of these rights are inadmissible as evidence against the child. In no case shall deceit, false promises, intimidation or harassment, physical or mental torture be employed against the child. Respect for the human rights of the child, as provided by both international and Philippine laws shall be paramount consideration during the custodial investigation.

Section 50. Right of the Juvenile to Counsel.- From custodial investigation and throughout the proceedings, the juvenile shall have the right to be presented by counsel. The arresting officer, prosecutor or judge shall ensure that the juvenile is represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

Section 51. Custody and Supervision- No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of his/her case make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or legal guardians who shall be responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Protection of Children, or the local social welfare and development officer. If necessary, the local social welfare and development officer in coordination of DSWD may refer the child to the appropriate child-caring institution.

Section 52. Confidentiality of Records and Proceedings. – All records and proceedings involving children in conflict with the law 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 participants in the proceedings for any purpose whatsoever, except to determine if the child in conflict with the law may have his/hes sentence suspended or if he/she may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action.

The component authorities shall undertake all measures to protect this confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children in conflict with the law 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 and upon his/her written consent.

A person who has been in conflict with the law as a 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 53. Care and Maintenance of Juveniles.- The parents or other person liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case institutionalization. The disposition shall include the proportion of support if such person is not capable of paying the whole amount and the rest shall be paid by the local government unit maintaining such facility.

Section 54. Creations of a Desk Children's Concerns.- The Desk for Children's concern shall be consulted by local government units and other bodies whenever they are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives.

Section 55. Persons Who May File a Complaint.- Complaints of unlawful acts committed against children may be filed by any of the following:

1. The offended party;
2. The parents or guardians
3. Ascendants or collateral relative within the third degree of consanguinity;
4. Officer, social worker or representative of a licensed child-caring institution;
5. Officer or social worker of the Department of Social Welfare Development;
6. Municipal or Barangay Officials; or at least
7. At least three (3) concerned responsible citizens with direct knowledge of the offense committed who are residing in the community where the violation occurred.

Section 56. Protective Custody of a Child. The offended party shall immediately be placed under the protective custody of the Department of Social Welfare and Development through the local Social Welfare and Development Officer pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be accordance with the provisions of Presidential Decree No. 603.

Section 57. Mandatory Registry of Children in Conflict with the Law. – All duty-bearers, including barangay/BCPC workers, law enforcers, teachers, guidance counselors, social workers and prosecutors who will receive report, handle or refer cases of children in conflict with the law, shall ensure a faithful recordation of all pertinent information, such as age, residence, gender, crime committed or accused of and the details of the intervention or diversion, as the case may be, under which they will undergo or has undergone, of all children in conflict with the law to guarantee the correct application of the provisions of this Act and other laws. The JJWC shall lead in the establishment of a centralized information management system on children in conflict with the law. This provision is however without prejudice to Section 43 of this Act.

Section 58. Mandatory Reporting.- The head of any public or private hospital, medical clinic and similar institution, as well as the attending physician/s and nurses, shall report either orally or in writing, to the above-mentioned department or agency the examination and/ or of a child who appears to have suffered abuse within forty eight(48) hours from the knowledge of the same.



Section 59. Duty of Government to Report.- It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers and other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the proceeding sections.

Section 60. Failure to Report.- Any individual mentioned in Section 56 above who possess knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

Section 61. Immunity for Reporting.- Any person who acting in good faith, reports case of child abuse shall be free from any civil or administrative liability arising there from. There shall be a presumption that such person acted in good faith.

Section 62. Selective Ban On Benefit Dance In The Barangays. Barangay level fund raising activities shall not include "benefit dance" as defined in this Ordinance. Any person caught promoting such "benefit dance" in the barangay shall be punished by one (1) year imprisonment and fined Five Thousand (P 5,000.00) Pesos after due proceeding by the court of justice having jurisdiction thereof. Culturally relevant activities shall be promoted instead of utilizing women as commodities during the "benefit dance".

Section 63. Curfew On Minors For The Protection Of Children Below Eighteen (18) Years Of Age. They shall be prohibited from loitering around or sleeping in public places from 10:00 in the evening until 4:00 in the morning of the following day unless they are in the company of their parents or guardians.

Section 64. Regulating Ambulant Vendors Of Junk Food Vendors In School Vicinities For Sanitation Purposes And Establishing Monitoring System.

1. The Municipal Government thru the Municipal Health Office shall protect the school children from unsanitary food and junk food. In furtherance to this mandate, all food vendors within the vicinity of all school campuses within the municipality shall be subjected to safety, health and sanitary standards.
2. All foods sold in canteen and within the vicinity of the school campuses should bear "Sangkap Pinoy" seal as mandated by RA 8976, Food Fortification Law.
3. All food vendors shall secure a sanitary permit from the Municipal Health Office in compliance to PD 856, Sanitation Code of the Philippines.

Section 65 . Prohibition Against Loitering. All students below 18 years of age are hereby prohibited to loiter during school hours particularly at (7:30) in the morning to five (5:00) o'clock in the afternoon under pain or penalty as therein provided.

ARTICLE VI

REWARDS AND INCENTIVES FOR BEST PERFORMANCES

Section 66. To promote consciousness on the implementation of Children's programs and projects to the fullest, there shall be an annual Search for Excellence in implementing the Child-Friendly activities based on the four (4) Rights of Children to be participated by all barangays with cash prizes to be determined by the Local Finance Committee. The members of the Municipal Council for the Welfare of Children shall formulate implementing guidelines.



ARTICLE VII

PROGRAM IMPLEMENTATION AND MONITORING

Section 67. The purpose of the monitoring mechanism is to further the effective implementation of the Code. It will assist every agency (national as well as local) including the barangays in assessing the level of implementation of the Code and in measuring its progress. The monitoring should identify strengths that could be sustained and later on become good practices which could be replicated and obstacles and suggest suitable measures that would contribute to the successful implementation of this Code.

ARTICLE VIII

FUNDING SUPPORT

Section 68. Appropriations for the Implementation of the Code.- For the effective and efficient implementation of this ordinance, the municipality shall allocate funds that are necessary for its implementation, drafting and publication of the IRR, training and orientation of stakeholders, reproduction and distribution of the Approved copies of this Code to all barangays as well as to all national and local agencies of government, and cost of promotion of this Code to the general public.

Section 69. Appropriations for Children's Programs.- The LGU shall allocate funds for the implementation of programs and projects with funding sources from the General Fund, Gender and Development Fund (GAD), Twenty Percent (20%) Development Fund of the LGU Municipal as well as barangays.

ARTICLE IX

AUTOMATIC REVIEW/AMENDMENTS OF THE CODE

Section 70. Review of the Code shall be automatically be conducted regularly based on its applicability and amendments shall be done after five (5) years after its adoption and approval.

ARTICLE X

PENAL PROVISIONS

Section 71. Penalty for Refusal or Neglect on the part of any government Official or Employee to Implement this Ordinance.- Any government official or employee, In charge with the duty to implement this ordinance, and who refuses or neglects his duty shall be punished with six (6) months suspension from service without pay, provided that the due process on administrative discipline as established under the Civil Service Rules and regulations and other pertinent laws be strictly observed before said penalty is imposed to such offender.



ARTICLE XI

FINAL PROVISIONS

Section 72. Implementing Rules and regulations. Within one (1) year after approval of the Code, the Local Chief Executive as assisted by the Municipal Council for the Welfare of Children shall formulate and issue the appropriate rules regulations necessary for the efficient and effective implementation of any and all provisions of this ordinance.

Such rules and regulations shall take effect after fifteen (15) days following the completion of their full publication in two (2) local newspapers of general circulation in the Province of Cagayan.

Section 73. Separability Clause.- If for any reason a provision of this ordinance is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to be in full and effect.

Section 74. Applicability Clause - The pertinent provisions of existing laws and other ordinances shall govern all the matters relating to impositions or regulations provided in this Code. This Code shall apply to all people within the territorial jurisdiction of the municipality of Sta. Teresita, and to all persons who may have committed violations on any of the provisions of this Code.

Section 75. Repealing Clause - All ordinances, executive orders, resolutions and other memoranda or rules consistent with the provisions of this ordinance or hereby repealed or modified accordingly.

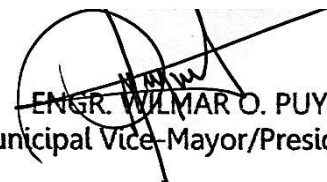
Section 76. Effectivity Clause - This ordinance shall take effect fifteen (15) days following the completion of its full publication in at least two (2) days of local newspapers of general circulation within the Province of Cagayan, and posting of copies ion conspicuous places in the municipal town hall and barangay halls in the different barangays.

APPROVED, this 14th day of May 2019.

I CERTIFY to the correctness of the foregoing ordinance.


JOVY P. TACTAC
Sanggunian Secretary

ATTESTED & CERTIFIED TO BE ADOPTED:


ENGR. WILMAR O. PUYAOAN
Municipal Vice-Mayor/Presiding Officer

APPROVED, this day of May 17, 2019:


LOLITA C. GARCIA, CPA
Municipal Mayor