

Republic of the Philippines
Province of Iloilo
Municipality of Tigbauan
Office of the Sangguniang Bayan
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EXCERPT FROM THE MINUTES OF THE 14TH REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN, TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON APRIL 3, 2019 AT 2:20 IN THE AFTERNOON

PRESENT:

HON. VIRGILIO T. TERUEL,	Vice Mayor & Presiding Officer
HON. JOHN GERSHWIN C. TUERES	- S.B. Member
HON. ARIEL I. BERNARDO	- S.B. Member
HON. SUZETTE MARIE HILADO-BANNO	- S.B. Member
HON. JULIUS T. LEDESMA	- S.B. Member
HON. NERI T. CAMIÑA	- S.B. Member
HON. MA. GERRYLIN SANTUYO-CAMPOSAGRADO	- S.B. Member
HON. DYOSSA MARIE TERUÑEZ	- SKMF President

OFFICIAL BUSINESS:

HON. DENNIS T. VALENCIA	- S.B. Member
HON. RICKY T. NULADA	- S.B. Member

(To follow up projects at the Iloilo Provincial Capitol, Iloilo City)

HON. JERRY T. TUARES	- Liga President
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(To attend the Liga Ng Mga Barangay Sa Pilipinas (LNB) 3rd Visayas Barangay Congress, April 2-4, 2019, at the International Eucharist Center, Cebu City.)

Municipal Ordinance No. 2019 – 006

THIS ORDINANCE SHALL BE KNOWN AND REFERRED TO AS THE CHILD AND YOUTH WELFARE AND DEVELOPMENT CODE OF THE MUNICIPALITY OF TIGBAUAN, AMENDING CHAPTER XIV, ARTICLE A, SUB-SECTION 1.12 (Z) OF THE CODE OF GENERAL ORDINANCES

Sponsored by: HON. SUZETTE MARIE HILADO-BANNO, Chairperson, Committee on Women, Family, Social Services, & Senior Citizens

Seconded by: Hon. John Gershwin C. Tueres, Hon. Ariel I. Bernardo, Hon. Neri T. Camiña, Hon. Julius T. Ledesma, Hon. Ma. Gerrylin Santuyo-Camposagrado, and Hon. Dyossa Marie

SECTION 1. TITLE. – This Ordinance shall be known and referred to as “ *THE CHILD AND YOUTH WELFARE AND DEVELOPMENT CODE OF THE MUNICIPALITY OF TIGBAUAN, AMENDING CHAPTER XIV, ARTICLE A, SUB-SECTION 1.12 (Z) OF THE CODE OF GENERAL ORDINANCES.* ”

SECTION 2. REGULATORY CLAUSE

1. All Proceedings To Be Conducted In The Best Interest Of The Child. Proceedings before authority shall be conducted in the best interest of the child. All doubts in the implementing rules and regulations shall be solved taking into consideration the best interest of the child.

2. Participation of the Child. - All proceedings before any authority shall be conducted in a manner, which allow children in program and policy formulation and implementation related with children’s concerns should be ensured by the Municipal Government of Tigbauan.

3. Duties and Responsibilities of the State. – It is the duty of the State to defend the rights of the children to assistance including proper care and nutrition, special protection from all forms of neglect,

abuse, cruelty, exploitation and other conditions prejudicial to their development. Further, the state shall:

- a. Undertake all 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 of international cooperation;
- b. Ensure to the maximum extent possible the survival, development, protection and participation rights 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 person/s who has the care of the child;
- d. Assure to the child who is capable of forming his/her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his/her age and maturity;
- e. Render appropriate assistance to parents and legal guardians in the performance of their child rearing responsibilities and shall ensure the development of institution, facilities and services for the care of children.

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

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

- a. **“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 to a 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:

- a1. Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his/ her conception;
- a2. Every child has the right to a wholesome family life that will provide him/her with love, care, and understanding, guidance and counseling, moral and material security. The dependent or abandoned child shall be provided with the nearest substitute to a home.
- a3. 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.
- a4. Every child has the right to live in the community and a society that can offer him an environment free from pernicious influence and conducive to the promotion of his/her health and the cultivation of his/her desirable traits and attitudes.
- a5. Every child has the right to the care, assistance, and protection of the state of the state, particularly when his/her parents or guardians fail or unable to provide him/her with his/her fundamental needs for growths, development and improvement.
- a6. Every child has the right to live his fullest potential free from disability, physical or mental, congenital or acquired after birth due to lack or poor compliance for health interventions of their parents or guardians.

- b. **“Development Rights”** refer to the rights of a child to education to develop his or her personality, talents, mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and to opportunities for rest, play and leisure. The following are the rights:

- b1. Every child has a child to a well-rounded development of her/his personality to the end that she/he may become happy, useful, and active member of society specifically:
 - i. The gifted child shall be given the opportunity and encouragement to develop her/his special talents;

- ii. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding shall be entitled to treatment, education and care required by her/ his particular condition;
- iii. The physically or mentally disabled child shall be given treatment, education and care required by her/his particular condition;

b2. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her/his character.

b3. 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/his share in the building of a better world.

b4. Every child has the right to education. Primary education shall be compulsory and higher education shall be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:

- i. The development of the child's personality, talents and mental and physical abilities to the fullest extent.
- ii. The preparation of the child for responsible adult life free in free society;
- iii. The development of respect for the child's parents, her/his cultural identity, languages and values, and the cultural background and values or others;
- iv. The development of respect for the natural environment.

b5. Every Child has the right to full opportunities for safe and wholesome recreation and activities, individuals as well as social. For the wholesome use of her or his leisure hours.

b6. Every child has the right to live in a community and society that can offer her/him an environment free from pernicious influences conducive to the promotion of her/his health and the cultivation of her/his desirable traits and attributes.

c. "Protection Rights" cover those rights protecting the child from all forms of abuse and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuse in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation. The following are the protection rights:

c1. The right to protection against exploitation, improper influence, hazards and other conditions or circumstances prejudicial to one's physical, mental, emotional, spiritual and moral development.

c2. The right to live in the community and society that can offer an environment free from pernicious influences and conducive to the promotion of health and the cultivation of the desirable traits and attributes.

c3. The right to care, assistance, and protection of the state, particularly when parent/s or guardian/s fail or unable to provide the fundamental needs for growth, development, and improvement.

c4. The right to efficient honest government that will deepen one's faith in democracy and inspire child and youth with the morality of the constituted authorities both in public and private lives.

c5. The right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal human hood, and with the determination to contribute one's share in the building of a better world.

c6. The right to privacy shall be protected against unlawful interference with such privacy, family, home or correspondence and to unlawful attacks against one's honor and reputation.

d. "Participation Rights" refer to the child's rights to participate in matters that affect her/him most of providing all appropriate venues where she /he can express her/his opinions freely and to have these opinions taken into account, involvement in decision-making in a consultative process, freedom of association and peaceful assembly. The following are the participation rights:

d1. Every child has the right to be provided by the opportunity to be heard in any judicial and administrative proceedings affecting her/him, either directly, or through a representative or an appropriate body, in a manner consistent with the procedure and rules of national law;

- d2.** Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
- d3.** Every child has the right to Statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;
- d4.** Every child has the right to express her/his opinions freely and to have these opinions taken into account in any matter or procedure affecting her/him.

5. Responsibilities Of The Child. Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a.** Strive to lead an upright and virtuous life in accordance with the tenets of her/his religion, the teaching of her/his elders and mentors, and the building of a clean conscience;
- b.** Love, respect and obey her/his parents, and cooperate with them in the strengthening of the family;
- c.** Extend to her/his brothers and sisters love, thoughtfulness, and helpfulness and endeavor with them to keep the family harmonious and united;
- d.** Exert her/his utmost effort to develop her/his potentials for service, particularly by undergoing a formal education suited to her/his abilities in order that she/he may become an asset to herself/himself and to society;
- e.** Respect not only her/his elders but also the customs and traditions of her/his people, the memory of her/his people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;
- f.** Actively participate in civic affairs and in the promotion of the general welfare recognizing that the youth will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- g.** Promote in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and furthermore of world peace.

6. Roles And Functions Of Various Sectors

a. 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. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

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

c. Rights under the Family Code. - Parents shall continue to exercise the right mentioned in Articles 209 to Articles 237 of the Family Code over the person and property of their children.

d. Right to Discipline Children. - Parents have the right to discipline their 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.

e. General Duties of Parents. - Parents shall have the following general duties toward their children:

- e1.** To give them affection, companionship and understanding;
- e2.** To extend to them the benefits of moral guidance, self-discipline and religious instructions;
- e3.** To supervise their activities, including their reaction;
- e4.** To inculcate in them the value of industry, thrift and self-reliance;
- e5.** To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country.
- e6.** To advise them properly on any matter affecting development and well-being;
- e7.** To always set a good example;

e8. To provide them with adequate support, as defined in Article 194 of the Family Code; and

e9. To administer their property, if any, according to their best interest, subject to the provisions of Article 225 of the Family Code.

f. Separation Of Children From Their Families. Every effort shall be made to prevent the separation of children from their families. Wherever children are separated from their families owing to force majeure, or in their own best interest, arrangements shall be made for appropriate alternative family care or institutional placement, with due regard to continuity in the upbringing of children according to their own cultural milieu.

Extended families, relative and community institutions shall be given support to help meet the special needs of orphaned, displaced and abandoned children. Efforts shall be made to ensure that no child shall be treated as an outcast of society.

g. Role of Women.- Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development shall be begin with girl children. Enhancement of the status of women and their equal access to education, employment, training, credit, reproductive health and other extension services, constitute a valuable contribution to a nations 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.

h. Role of Fathers.- Fathers play a vital 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 their rearing and nurturing of the children in the home and be their role models.

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

i. Role of Educational Institutions. – Educational institutions shall work together with parents, community organizations and agencies concerned with activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to the guidelines set by the Department of Education (Dep Ed) and the Commission on Higher Education (CHED).

j. Roles of the Mass Media.- The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced approach.

k. Role of Judicial Institutions.- In the administration of justice, courts, prosecutors, and other sectors shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

l. Role of the Municipal Government.- The City Government shall come up with comprehensive programs for children and allocate appropriate budget for their implementation.

m. Role of the Municipal Council for the Welfare of Children (MCWC)-The Council shall, in addition to their existing duties and functions, coordinate with and assist the Municipal Government in coming up with comprehensive programs for their children and be the primary body to oversee the implementation of such programs.

7. Programs And Services For Children

a. Comprehensive Welfare Program for Children. - The Local Government of Tigbauan shall formulate a comprehensive welfare and program for children covering at least a three-year period and a periodic review every three (3) years. Such program shall include prevention, protection as well as rehabilitation programs for children, and shall emphasize prevention of children's rights violations, sexual abuse, juvenile delinquency, drug addiction, child labor and other children's problems.

b. The Community Approach Shall Be Given Special Attention In The Comprehensive Welfare Program For Children. This involves addressing community-wide issues improving the over-all environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community-based services and persons which respond to the special needs,

problems, interest, and concerns of young persons and appropriate counseling and guidance to children and their families should be developed, or strengthened.

c. Process in Formulating Comprehensive Welfare Programs- The process in coming up with Comprehensive Children's Welfare programs shall be participatory and consultative. The Municipal Council for the Welfare of Children, shall call on all sectors concerned, particularly child-focused institutions, NGO's, people's organizations, youth organizations, children's councils, educational institutions and government agencies involved with children's concerns like the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and the Department of Interior and Local Government (DILG), Parents Teachers Community Association (PTCA), and religious sectors to participate in the planning process. The Local Government of Tigbauan shall see to it that the children and youth council members participate in the formulation, development and implementation of these programs, particularly in the identification of needs.

d. Periodic Review and Assessment of the Comprehensive Welfare Program for Children- The CWPC shall be reviewed and assessed yearly by the Municipal Government in coordination with the BCPC. The program shall be reviewed by the MCWC as to their effectiveness in preventing children's rights violations based on the MCWC as to their effectiveness in preventing children's rights violations based on the indicators identified in the program. The program may be modified accordingly.

e. Prevention Program. Prevention program which shall be an important component to the CWPC, to be implemented by the Local Government of Tigbauan through the MCWC, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

e1.Primary prevention - general measures to promote social justice and equal opportunity which tackle perceived root causes of children's rights violations such as poverty and other forms of marginalization;

e2.Second prevention – measures to assist children who are identified as being more particularly at risk such as those whose parents are themselves in special difficulty or are not caring appropriately for them;

e3.Tertiary prevention – schemes to avoid and prevent children's rights violations from happening again.

In all three levels of prevention, official intervention should be pursued primarily in the overall interest of the young person and guided by fairness and equity.

f. Parenting Orientation Courses

f1.Parenting Orientation Courses shall be integrated in the curriculum of high schools in Tigbauan subject to DepEd rules and regulations.

f2.Marriage license applicants shall be required to participate in a parenting orientation Course I with Gender and Child Sensitivity, among other requirements, prior to the issuance of a marriage license by the Office of the Local Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health courses. The Municipal Council for the Welfare of Children in close coordination with the Municipal Health Office and the Office of Local Civil Registrar shall update the design of the family planning seminar in consonance with this Section.

f3.As a follow-up, Parenting Orientation Course I, parents/ guardians shall also be required to participate in a Parenting Course II. During the school year a child is enrolled in either a public or private day care center in the Municipality of Tigbauan.

f4.Such courses may also be incorporated in Parents-Teachers-Community Association (PTCA) activities for the school year in the elementary and high school levels.

Implementing Rules and Regulations for these provisions shall be formulated by the Municipal Council for Welfare of Children in coordination with the Office of the Municipal Local Civil Registrar and DepEd within one (1) year from the effectivity of the Code of General Ordinances.

The Municipal Council for the Welfare of Children, MSWDO and DepEd shall initiate the designing of modules for these courses in close coordination with the religious Sector and NGO's with child focused programs.

g. Primary Health Care.- The Local Government of Tigbauan shall implement primary health care nutrition programs for children through the Municipal Health (MHO) in coordination with other line agencies.

h. Promotion of Primary Health Care Programs. –The barangay health centers shall implement the primary health care programs. Each barangay health center shall designate a barangay health worker to assist rural health midwife to monitor children's health in barangay level.

To further ensure the implementation of this SECTION, the Local Government of Tigbauan shall take appropriate measures:

h1.To combat disease and malnutrition within the framework of primary health care through application of readily available technology and the provision of adequate nutritious food and clean drinking water, taking into consideration the dangers and risks of environmental pollution;

h2.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 Filipino Psychology;

h3.To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms which violate such Code; and the Asin Law;

h4.To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breastfeeding programs. Information on breastfeeding shall be an integral part of all school curriculums.

i. Child and Gender Sensitivity Training for Health Workers.- All Barangay Health Workers of the Municipality of Tigbauan shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the Municipal Council for the Welfare of Children.

j. Child-and Family Friendly Hospitals in the Municipality of Tigbauan. All hospitals, Maternity Clinics in Tigbauan shall set up child friendly units to include rooming – in facilities and pediatric appropriate mechanism and gadgets. They shall also allow husbands/partners inside the delivery room during the delivery of their respective wife/partner.

k. Program for Children with Special Needs. – The Local Government of Tigbauan shall make periodic child-focused and child specific comprehensive survey on children with disabilities in the Municipality as basis for more systematic coordination of services (health nutrition and education) for children with special needs.

l. Educators and Health Professional's Training for the Special Program on Children with Special Needs. A training program for educators and health professionals handling children with disabilities and special needs shall form part of the priority of the Local Government of Tigbauan.

m. Under Six Program Framework – The Local Government of Tigbauan shall ensure to the maximum extent possible the survival and development shall include the following:

m1.Monitoring of registration of babies and the completion of the immunization series for prevention of tuberculosis, Diphtheria, Pertusis, Tetanus, measles, Poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age.

m2.The barangay officials and their level support system, may call upon law enforcement agencies when there is an abused, neglected and exploited child who needs to be rescued from an unbearable home situation;

m3.A Reproductive Health Care 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 risk to mother and child: Provided, that high risk mothers shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any conditions or illness will be brought thereto for care: Provided further, that hilots (traditional birth attendants) and barangay health workers are provided the needed basic trainings for normal delivery and are trained to recognize the high-risk pregnancies which should be referred to competent obstetrical pediatric medical care.

m4.A barangay level network assistance from among the adults of the community for the total development and protection of children;

m5. Unstructured combined with structured learning exercise for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child.

m6. A pool trained day care or child development workers with an upgraded salary scheme commensurate to the task assigned to them.

n. Population-Based Day Care Center Setting-Up. –Pursuant to Republic Act 6972 or the Barangay Level Total Development and Protection of Children Act, day care centers shall be set-up in each barangay in Tigbauan. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the Local Council for the Welfare of Children and Local Social Welfare Office.

o. Importance of Day Care Center Service. –Day care service addresses the needs in the crucial stage of a child's growth. By the age of five (5) years old a child's brain has already grown to 90% of its adult weight and much of the way he/she envisions and interacts with the world have been shaped. Thus, the child's formative years and the care he/she gets during this period would have been affected his/her learning capacity, personal and social interaction well adulthood.

While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental and social needs, day care service aims to supplement the inability of some parents to provide their children with the proper care and home environment.

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

- o1.** Become physically fit through proper care and nutrition;
- o2.** Develop self-confidence, self-statement and self-discipline;
- o3.** Relate well with others;
- o4.** Develop mental, intellectual, verbal and psychomotor skills;
- o5.** Develop strong spiritual, socio-cultural and nationalistic values as well as positive attitudes towards the family community and society in general;
- o6.** Be protected from all forms of neglect, abuse, cruelty and exploitation.

p. Setting-up a Day Care Centers by Community-Based Organizations. –Community based-organizations can help mobilize resources to complement the effort of the Municipality in establishing day care centers in their communities. In this way more children needing attention can be reached.

q. Day Care Worker and Support Group

- q1.** The Local Government and each barangay shall pay for the Day Care Workers' (DCW) allowance and salary. The MSWDO shall provide continuing technical assistance in the center.
- q2.** A community Volunteer Parents Group shall be organized to be an effective support group to the center. The volunteer group shall help mobilize resources for the improvement of the center's acquisition of some learning materials and play equipment and other support services.

r. Barangay-Level Recreational and Cultural Facilities and Program- A barangay level program of the revival of indigenous games and recreation shall be installed. Research and documentation of indigenous games and pastimes shall be undertaken by the Tourism Office of the Local Government of Tigbauan. 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 municipality.

s. Municipal Children's Literature. –In support of the thrust for socio-cultural development of children in the Municipality of Tigbauan, the municipality shall invest in the promotion and production of local literature for children and other relevant educational materials.

t. Other Child-Friendly Facilities. –The Local Government of Tigbauan in partnership with civil society organizations and civic organizations shall put up and maintain other child-friendly facilities such as but not limited to libraries, museums, knowledge center for children parks and playgrounds.

u. October as Children's Month -In keeping with the mandate of Presidential Proclamation No. 267 declaring the month of October as National Children's Month, the MCWC shall conduct child focused-activities for the month promoting the rights and responsibilities of the children as well as obligations of the people and institutions responsibilities in ensuring the well-being of children.

v. October 17, Of Every Year, As The National Children's Day. - Pursuant to Presidential Proclamation No. 74 dated October 16, 1992 declaring the 17th day of October every year as the National Children's Day to honor Filipino Children and to emphasize the importance of their role within the family and within society, the MCWC is mandated to observe Children's Day with activities highlighting the rights, roles and responsibilities of children.

w. Establishment and Rationale of the Crisis Intervention Center. In recognition for the special need for protection, assistance and development of children in consonance with the spirit and letter of the Constitution Provisions and the RA 7610, mandating the establishment of a crisis center in every province and city and authorizing the appropriation of funds therefore, a crisis intervention center shall be established in the Municipality of Tigbauan. Services of the center shall not be limited to abused children but equally cater to the other vulnerable sectors of society, particularly women.

x. Objectives of the Crisis Intervention Center. The Crisis Intervention Center shall have the following objectives:

- x1.**To provide temporary shelter and basic services to abused children and women.
- x2.**To network with non-government organizations and government agencies for the provision of the needed medical, psycho-social and legal services necessary in restoring/building the self-esteem of its clients;
- x3.**To encourage and build the capacities of abused children and women to come into the open and pursue cases in Court whenever they are ready;
- x4.**To provide skills and livelihood training to abused children and women while in the center to enable them to be productive and as form of therapy;
- x5.** To provide livelihood assistance and placement of abused women and children who are ready to be reintegrated with their families and communities;
- x6.**To conduct a municipal-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women;
- x7.**To link-up with provincial, city and other government entities mandated to formulate and enforce legislation aimed at the protection of children and women for policy reforms and enforcement of laws.

y. Organizational Structure, Management and Operations of the Center.-

- y1.**The Local Council for the Welfare of Children shall formulate the organizational structure of the center depending on the need for its services;
- y2.**The member agencies of the MCWC and other national agencies and CSO's which shall pledge support for the center will sign a Memorandum of Agreement for their commitment of service and/or resource to ensure the sustainability of center's services;
- y3.**The center shall be under the supervision of the MSWDO;
- y4.**The MSWDO and the MCWC in coordination with the Local Government shall issue the necessary rules, policies. Regulations and guidelines for the effective implementation of the programs of the center.

z. Budget Allocation For the Crisis Intervention Center, Operations and Maintenance. – The Local Government of Tigbauan shall provide support for the construction, maintenance and continued operations of the crisis intervention center by appropriating specific funds which shall form part of the MSWDO annual appropriation.

aa. Establishment of the Local Population Office. – There shall be established a Local/Municipal Population Office (MPO) which shall be responsible for the implementation of the Population Management Program with responsible parenthood as the basic policy. The MPO shall likewise implement programs on Reproductive Health (RH) in order to perform and enhance the role of parents in promoting thereon

as well as their children's rights and develop and empower the youth and adolescents to become healthy and capable in the achievement of their goals.

bb. Establishment Of Adolescent Reproductive Health (ARH) Teen Center.

bb1. A community based ARH Teen Center shall be set-up in the heart of the Municipality to cater the needs of adolescents/youth who are affected by common issues and problems.

bb2. Adolescents Reproductive Health Task Committee Members with the Municipal Mayor, as the chairman shall prepare the organization design of the center.

bb3. The local agencies and the national agencies shall be coordinated to act on all referrals of clients from the municipality.

bb4. The adolescents/youth sector of the municipality, to include the SK, PYA, OSY, ISY be the respondent of the year.

bb5. The center shall be operated by identified and qualified adolescents/youth as appointed by ARH Task Force Committee with the close supervision of the Population Office and other members of the committee.

8. Special Concerns

a. Prohibited Acts. In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

a1. Illegal Recruitment – Any person who recruits other person for work shall be required to register with and secure a permit from the Office of the Punong Barangay in the place of recruitment with an undertaking not to recruit children.

There is a presumption of child trafficking when a person is found together with three or more minors not his/her relatives at the pier or port of exit for the purpose of transporting the minors to another place without any permit from the Punong Barangay.

a2. Peonage of Children- Offering the child or the services of a child as payment for debt or in exchange for a favor, such as but not limited to:

- i. Subjecting the child to work in agricultural and industrial establishments like rice and corn plantations of farms;
- ii. Working as house helpers;

a3. Subjecting children to work in places and establishments which expose them to physical, psychological or sexual abuse, such as:

- i. Lewd Shows (strip teasers, burlesque dancers, and the like)
- ii. Cabarets
- iii. Bars (KTV, Karaoke Bars)
- iv. Dance Halls
- v. Bath Houses and Massage Clinics
- vi. Escort Service
- vii. Gambling and Places

a4. Subjecting children to work underground, under water, at dangerous heights or unguarded heights of two meters and above, or in confined places, such as:

- i. Mining
- ii. Driving
- iii. Installing and repairing of telephone, telegraph and electrical lines/cable filters
- iv. Painting buildings
- v. Window cleaning
- vi. Fruit picking involving climbing

a5. Subjecting children to work with dangerous machinery, equipment and tools, or which involves manual handling or transport of heavy loads, such as in;

- i. Logging
- ii. Construction
- iii. Quarrying
- iv. Operating agricultural machinery in mechanized farming
- v. Metal woks and welding
- vi. Driving or operating heavy equipment such as pay loader, backhoes, bulldozers, cranes, pile driving equipment, trailers, road rollers, tractor lifting appliances, scaffold, hoists, excavators and loading machines
- vii. Operating or setting motor-driven machines such as saws, presses and wood-working machines
- viii. Operating power-driven tools such as drill and jack hammers
- ix. Stevedoring
- x. Working in airport hangars
- xi. Working in warehouses
- xii. Working in docks

a6. Subjecting children to work in unhealthy environment which may expose children to hazardous process, temperatures, noise levels or vibrations damaging to their, toxic, corrosive, poisonous, explosive, flammable and combustible substance or composites, to harmful biological agents, or other dangerous chemicals including pharmaceuticals, such as:

- i. Manufacturing or handling or pyrotechnics
- ii. Tanning
- iii. Pesticide spraying
- iv. Blacksmithing, hammer smith, forging
- v. Extracting lard and oil
- vi. Tiling and greasing of heavy machinery
- vii. Fiber and plastic preparation
- viii. Bleaching, dyeing, and finishing of textiles using chemicals
- ix. Embalming and undertakes
- x. Painting or as finishers in metal craft industries
- xi. Applying of adhesive/solvent in footwear, handicraft and woodwork industries
- xii. Brewing and distilling of alcoholic beverages
- xiii. Recycling of batteries and corrosives or materials used contaminated with chemicals
- xiv. Working in abattoirs or slaughterhouses
- xv. Garbage collecting
- xvi. Handling of animal manure in poultry houses or as fertilizer (compost and other decaying matter included) in farming
- xvii. Working in hospitals or other health care facilities
- xviii. Assisting in laboratories and X-ray work
- xix. Welding
- xx. Working in furnaces or kilns
- xxi. Working in discotheques
- xxii. Working in video arcades

a7. Subjecting children to work under particularly difficult conditions such as work for long hours or during the night or work where the children are unreasonably confined within the premises of the employer.

a8. Using Girls as Commodities in Benefit Dances – It shall be unlawful to use girls as commodities in benefit dances. Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this Section should they use children as dancing partners for fee or any consideration.

a9. Discrimination of Illegitimate Children – It shall be unlawful for anyone to discriminate a child by reason of his/her illegitimacy such as refusal to accept enrollment in the school by reason of such illegitimacy and requiring the marriage contract of parents as a requirement of enrollment of the child;

a10. Expulsion by reason of pregnancy – It shall be prohibited for schools to impose a penalty of expulsion against a child by reason of her pregnancy notwithstanding the fact that she has complied with all academic requirements. The school may impose any other penalty which shall be made applicable to both the pregnant girl and her partner if he is also enrolled in the same school.

a11. Refusal to Graduate by Reason of Pregnancy – it shall be prohibited for schools to refuse to graduate a child by reason of pregnancy notwithstanding the fact that she has complied with all academic requirements.

a12. Refusal to Issue Clearances by Reasons of Pregnancy – It shall be prohibited for schools to refuse to issue clearances to a child by reason of pregnancy;

a13. Physical and Degrading Forms of Punishment – Subjecting the child to physical and degrading forms of punishment such as, but not limited to the following;

- i. Ordering the child to kneel on salt;
- ii. Placing a child inside a sack and/ or hanging him/her;
- iii. Shaving the head of the child;
- iv. Harsh whipping of the child with the tail of a stingray (pagi), stick, belt and other similar objects;
- v. Stripping the child of his/her clothes;
- vi. Locking up the child in a cabinet or aparador or any closed structure;
- vii. Tying up the children or otherwise detaining him / her;
- viii. Throwing objects such as but not limited to erasers, chalk and notebooks at the child;
- ix. Pulling the hair of the child;
- x. Making the child stand under the heat of the sun;
- xi. Exposing the child to be eaten by ants;

a14. Pushing/Enticing Minors to Live-in Arrangements – it shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration;

a15. Sexual Exploitation of Minors – Sexual exploitation of children by any person, foreigner, or otherwise, shall be 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;

a16. Entry, Selling and Distribution of Pornographic Materials – The MCWC/local law enforcers shall monitor and prevent the entry of pornographic materials. It shall be unlawful for any person to sell and distribute such materials;

a17. Selling Liquor, Cigarettes, Rugby And Other Addicting Substance To A Child – It shall be unlawful for any person to sell liquor, rugby and other addicting substance to a child.

a18. Smoking in Enclosed Places and Public Conveyances – Smoking in any enclosed place or public conveyances shall be prohibited.

a19. Establishing and/or operating of video karera within fifty (50) meters radius from any educational establishment.

b. Employment of Domestic Helpers of Household Service.- Persons below 18 years of age may be allowed to engage in domestic household service,. Subject in all cases to the limitations prescribed in this Code; provided further that the employer shall give him/her an opportunity to complete at least elementary education.

c. Enforcement. – The labor standards enforcement officers of the Department of Labor and Employment shall use the foregoing provisions as additional guidelines in monitoring compliance with labor standards laws related to child labor.

d. Exception to the Prohibition on Employment of Minors. – The following shall be only exceptions to the probation on the employment of children below 15 years of age and conditions for the availment of such exceptions:

d1. When the child works directly under the sole responsibility of his/her parents or legal guardians who employ members of his/her family only, under the following conditions;

- i. The employment does not endanger the child's life, safety, health and morals;
- ii. The employment does not impair the child normal development; and
- iii. The employment parent or legal guardian provides the child with primary and or secondary educational prescribed by DepEd.

d2. Where the child's employment or participation in public entertainment or information through cinema, theatre, radio or television is essential provided that:

- i. the employment does not involve advertisement or commercials promoting alcoholic beverage, intoxicating drinks, tobacco and its by-products or exhibiting violence;
- ii. there is a written contract approved by the Department of Labor and Employment; and
- iii. the conditions prescribed in Section 5.A.4.a hereof are met.

Before the employer engages a child for employment under the exceptions enumerated above, he/she shall first secure a work permit from the Office of the DOLE.

e. *Sagip Anghel Task Force/Sagip Batang Manggawa – Quick Action Team.* The Municipal Inter-Agency Quick Action Team shall be created for detecting, monitoring and rescuing children in extremely abject conditions such as bonded labor, commercial sexual exploitation/trapped in the prostitution, trafficking, mining & quarrying, home-based industries (sub-contract agreements), hazardous work/activities.

f. *Composition.* – The Municipal Mayor as chairman with DOLE, MHO, MSWDO, DILG, PNP, CIDG, Liga ng mga Barangay, DEPED, CHR, NCIP, OMA, NGO, as members.

9. Control on Exposure to New Technology

a. Commercial establishments renting out electronic video games to children during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon, and beyond 7:00 o'clock in the evening, shall be subjected to suspension of business permit for fifteen (15) days during the first offense and, one (1) month suspension of the same for the second offense. Confiscation of Video game equipment and cancellation of the business permit of the same establishment shall constitute the penalty for the third offense.

b. *Control on Children's Exposure to Internet Café's.* – Internet café's catering to children except college students during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon and beyond 7:00 in the evening shall be subjected to suspension of the same for the second offense. Confiscation of computer units and cancellation of the business permit for said establishment shall constitute the penalty for the third offense.

10. Children in Situation of Armed Conflict.

a. *Protection of Children in Situation of Armed Conflict.* – Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provision of RA 7610 or the Anti-Child Abuse Act.

11. Children of Indigenous Cultural Minorities.

a. *Rights of Children of Indigenous Minorities.-*

a1. In addition to the rights guaranteed to children under this Code and existing laws, children of indigenous cultural minorities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

a2.The MCWC in coordination with DepEd Division Office shall develop and institute an alternative system of education for children of indigenous people that are culture-specific and relevant to their needs.

a3.The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other institutions shall ensure that children of indigenous people are given equal attention. In the provisions of health practices shall be respected and recognized.

a4.Children of indigenous people shall not be subjected to any form of discrimination.

12. Juveniles

a. Rights of a Juvenile. – Pursuant to the UNCRC, every child alleged or accused of having infringed the penal law at least the following guarantees:

a1.To be presumed innocent until proven guilty under the law

a2.To be informed promptly and directly of the charges against him/her, if appropriate, through his/her parents or legal guardians, and to have legal and other appropriate assistance in the preparation of his/her plea/defense;

a3.To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his/her age or situation, or his/her parents or legal guardians;

a4.Not to be compelled to give testimony or to confess guilt; to examine adverse witness and to obtain the participation of, and examination of the witness on his/her behalf under conditions of equality;

a5.If considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

a6.To have the free assistance of an interpreter if the child cannot understand or speak the language used;

a7.To have his/her privacy fully respected in all stages of the proceedings;

b. System of Diversion – A system of diversion is hereby established wherein juveniles shall as much as possible be referred to alternative measures without undergoing court proceedings. Diversion shall apply to a child or youth as defined in SECTION 7 of this Code and subject to the conditions hereinafter provided.

c. Levels of Diversion – Diversion shall be conducted at the Barangay and Police level. The Lupong Tagapamayapa and the BCPC are the competent authorities to conduct diversion proceedings.

d. Duty To Inform The Child Of His Offense – The competent authorities are duty bound to the minor in a language known and understood by him/her the consequence of his/her acts and/ or omissions. The minor's responsibility for the commission of any felony shall be explained to him/her with a view towards counseling and rehabilitating him/her, and avoiding his/her contact with the criminal justice system and indemnifying the victim/s if there be any.

e. Indigenous Modes of Diversion – Indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards shall be resorted in and encouraged. The minor and his /her families shall be held answerable as well as exercise parental care and supervision over the person of the minor;

f. Termination of Case. If the competent authorities shall have ascertained that the child did not commit the offense charged, the case shall be terminated and decision to that effect shall be written and explained to both parties.

g. Confession or Admission of Offense. If the child voluntarily admits or confesses to the commission of the offense charged, the competent authorities shall decide on the diversion program to be undertaken by the child. Any admission or confession of the child shall be signed by the child and countersigned by the parents or legal guardian, and any of the following in the following order: 1.) local social welfare and development officer, 2.) the nearest relative; 3.) member of a child focused group, religious group, or a member of the BCPC concerned. They shall see to it that the confession of the child is voluntarily executed.

If the child does admit or confess to the commission of the offense and the weight of the evidence presented shows that the child conclusively committed the offense, the competent authorities shall endeavor to make the child realize his/her responsibility and obligation arising from the commission of the offense as well as the penalty imposed therefor.

During the stage of the diversion proceedings, any admission or confession of a child for an offense shall be inadmissible as evidence against the child should the diversion proceedings fail. Neither shall the same be held to be admissible in evidence against the child before any proceeding.

h. Provision Against Labeling – In all conduct of the proceeding from the initial contact of the child, the competent authorities shall refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys 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.

i. Prohibited Acts Against Children In Conflict With Law – 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.

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 minors in cells – shall be dealt with administratively and criminally;

Likewise, degrading, inhumane 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 the community wearing signs which embarrass, humiliate and degrade their personhood and dignity and which harm them psychologically, emotionally, spiritually, morally and physically shall be prohibited.

No minors shall likewise be made subject to involuntary servitude in any and all forms under any and all instances by arresting officers and/or custodians. Designating and/or compelling minors to act and serve as errand boys/girls, cleaners or helpers are also prohibited.

j. Diversion Programs, When Proper. – Where the parties and/or component authorities decide that the child shall undergo a diversion program, such a continuing program for the rehabilitation and reintegration of the child shall be formulated with the cooperation of the complainant and the child.

k. Factor in Determining Diversion Programs. – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- k1.** The nature and circumstances of the offense charged;
- k2.** The frequency and the severity of its occurrence;
- k3.** The character and reputation of the child;
- k4.** The circumstances of the accused child (*e.g. age, maturity, intelligence, etc*);
- k5.** The influence of the family and environment on the growth of the child;
- k6.** The emotional relief of the victim;
- k7.** The weight of the evidence against the child; and

k8. The safety of the community.

l. Criteria of Formulating Diversion Programs. – In formulating a diversion program, the individual characteristics and the peculiar circumstances on the child shall be used to formulate an individual treatment. The following factors shall be considered in formulating a diversion program of the child:

- l1.** The child's feeling of remorse for an offense he/she committed;
- l2.** The parents or legal guardians' ability to guide and supervise the child;
- l3.** The victim's views about the propriety of the measures to be imposed;
- l4.** The availability to community-based programs for rehabilitation and reintegration of the child;

m. Diversion Programs. – The Diversion Programs shall include adequate socio-cultural and psychological responses and services for the child. Diversion Programs can include, but not limited to the following:

- m1.** Written or oral reprimand or citation;
- m2.** Restitution of property;
- m3.** Reparation of the damaged caused;
- m4.** Indemnification of consequential damages;
- m5.** Confiscation and forfeiture of the proceeds or instruments of the crime;
- m6.** Fine;
- m7.** Payment of costs of the proceedings;
- m8.** Written or oral apology;
- m9.** Guidance and supervision orders;
- m10.** Counseling form the child and the family
- m11.** Trainings, seminars, lectures on (a) anger management skills, (b) problem solving and/or conflict resolution skills, (c) values formation, and (d) other skills which help the child to deal with situations which can lead to re-offending;
- m12.** Community-based programs available in the community;
- m13.** Institutional care and custody.

n. Criteria for Community-based Programs – The Local Government of Tigbauan and every barangay shall establish programs, through the MCWC and the BCPC that will focus on the rehabilitation and reintegration of the child. All programs shall meet the following criteria:

- n1.** Its primary purpose shall be the rehabilitation and reintegration of the child;
- n2.** Referral to such programs shall need the consent of the child and the parents or legal guardian/s;
- n3.** The participation of other child-centered agencies, religious, civic and other organizations shall be allowed.
- n4.** Community service;
- n5.** Membership in civic and/or religious organizations.

o. Conditions or Diversion Program – In all cases where a child is required to undergo a diversion program, the following conditions shall be mandatory:

- o1.** A contract of diversion containing the diversion programs to be undergone by the child and the parents or legal parents/ guardian if applicable shall be signed by the authority concerned and the child;
- o2.** The child shall present himself/herself to the competent authorities that imposed the diversion at least once a month for reporting and review of the effectiveness of the program;
- o3.** The child shall cooperate and faithfully comply with the conditions in the contract;
- o4.** The child shall permit the competent authorities and/or the municipal social welfare and development officer to visit the child's home;

o5. The child and other parties concerned shall satisfy other conditions related to the diversion program as long as such conditions are not contrary to law, morals and good customs. Such other conditions shall be considered void and shall not affect the conditions that are validly agreed upon and written in the contract of diversion.

p. *Applicability of the Katarungang Pambarangay* – The Katarungang Pambarangay Law shall be applied as part of the diversion process for offenses punishable by imprisonment not exceeding one (1) month or a fine not exceeding Five Thousand Pesos (5,000.00).

q. *Training of the Lupong Tagapamayapa*. – In addition to the requirement provided in SECTION 399 of the Local Government Code, the members constituting the Lupon shall be provided with regular training by the Local Government in cooperation with the Local Social Welfare and Development Officer and CSOs specializing in children, which training shall include, among others, conflict management and mediation skills, paralegal seminars on laws on children and child psychology.

r. *Assistance of Child by Parents*. – Any Agreement resulting in barangay conciliation shall also be signed by the child with the assistance of any of the following in the following order;

- r1.** the parent/s or legal guardian/s;
- r2.** municipal welfare and development officer or his/her representative,
- r3.** a relative within the 3rd degree of consanguinity, and
- r4.** a member of a child-focused group, or
- r5.** a member of the BCPC concerned. Otherwise, such documents shall be null and void.

s. *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 Unit (CYRO OR CYRU) to handle cases involving children in conflict with law. This may be integrated with the present Women and Children's Desk or maybe a separate unit.

t. *Designation of Officer or Unit to Handle Cases Involving Children in Conflict with Law*. – The Philippine National Police shall designate the Child and Youth Relations Officer or Unit (CYRO OR CYRU) to handle cases involving children in conflict with law. This may be integrated with the present Women and Children's Desk or may be a separate unit.

u. *Manner of Investigation of a Child in Conflict with Law*. – A child shall only be investigated or his/her statement secured in the presence of any of the following orders: 1) his/her parents/guardians, 2) the nearest relative, 3) member of a child-focused or religious group, 4) member of the BCPC concerned, 5) the municipal social welfare and development officer, 6) his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and to have a competent and independent counsel of his/her own choice in a language that is clearly understood by the child, the parents/guardian.

If the child cannot be represented by counsel of his/her own choice, the CYRU OR CYRO shall conduct a member of a Public Attorney's office to assist the child. Any confessions and admissions in violation of these rights are inadmissible as evidence against the child. Respect for the human rights of the child, as provided by both international and Philippine Laws, shall be of paramount consideration during the custodial investigation.

v. *Diversion. When Proper*. – Where there is no private offended party, or where the offended party and the child give consent to a diversion, the CYRU OR CYRO in consultation with the child's parents/guardians, nearest relative, member of the child-focused group, member of a religious group, member of the Barangay Council for the Protection of Children Concerned, or the municipal social welfare and development officer, shall formulate a diversion program and refer the child to the appropriate agencies for compliance of the program.

w. Right of the Juvenile Counsel. – From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented 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 or void.

x. Custody and Supervision – No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances or her/his case make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody 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 BCPC, or the municipal social welfare and development officer. If necessary, the municipal social welfare and development officer in coordination with the DSWD may refer the child to the appropriate child caring institution.

y. Confidentiality of Proceedings and Records. – All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings. The competent authorities shall undertake all measures, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children and adopting a system of coding to conceal material information which will lead to the child's identity. Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offenders.

z. Care and Maintenance of Children in Conflict with Law. – The parents or other person liable to support the children shall pay the expenses for the care and maintenance of said child whose disposition of the case is 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 maintaining such a facility.

z.1. There shall be maintained an interventional facility governed by the LGU-Tigbauan known as the DUYAN NG PAG-ASA to cater to abused children and children in conflict with the law.

z.2. The standards in maintaining the DUYAN NG PAG-ASA must conform with the requirements of the concerned government agencies involved in the program.

aa. Reintegration Program. – The Local Government shall implement reintegration programs for a child in conflict with law who is released by the Court. This is for the purpose of preparing the said child for reintegration to the community.

13. Implementing Mechanism

a. Municipal Council for the Welfare of Children

a1. Creation of the Local Council for the Welfare of Children (MCWC). The Sangguniang Bayan shall create a council for the protection of children and coordinate with the BCPC. This is in keeping with the Council for the Welfare of Children (CWC) to coordinate the formulation, implementation and enforcement of all policies, programs and projects relative to the survival, development, participation and protection of children, and the Philippine Plan of Action for Children (PPAC)

It shall plan and implement programs and services for children by virtue of the Municipal government's power and authority to plan and implement municipal socio – economic plans, policies and programs.

a2. Composition and functions of the Municipal Council for the Welfare of Children (MCWC).

i. Composition of MCWC

Members of the MCWC shall include the following agencies, departments, offices or unit or other agencies it deems important depending on the current situations/programs of the municipality:

- Chairman – Municipal Mayor
- Co – Chairman
- The Chairperson of the SB Committee on Women and Family
- The Municipal Planning and Development Coordinator
- The Municipal Social Welfare and Development Officer
- The Municipal Health Officer
- The Municipal Schools Division Superintendent
- The Department of Labor and Employment Officer
- PTCA President
- Three (3) NGO's Representative – two of whom are appointed by the committee handling ACCD programs and one (1) from the trade / Labor Union Sector.
- One (1) child representative
- The President of the Liga ng mga Barangay
- The Municipal Budget Officer
- The Chief of Police
- The Nutrition Officer
- The Municipal Treasurer

The Municipal Mayor may designate any member as co-chairman. The MCWC shall oversee and coordinate with the implementation of this Code.

ii. Functions of the MCWC

- Formulate plans, programs and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
- Prepare Annual Work Financial Plan (AWFP) for children and recommend appropriations to the Sanggunian;
- Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
- Provide technical assistance and recommend financial support to the *Barangay Council for the Protection of Children*;
- Establish and maintain database on children in the municipality;
- Foster education of every child;
- Advocate for the establishment and maintenance of playgrounds, day care centers and other facilities necessary for the child and youth development;
- Recommend to the Sanggunian legislation's promoting child survival, protection, participation and development, especially on the quality of television shows and media prints and coverage, which are determined to children with appropriate funding support.
- Conduct capability-building programs to enhance knowledge and skills in handling children's programs;
- Protect and assist children in need of special protection (*e.g. abandoned, maltreated and dependents*) and refer cases filed against child abuses to proper agencies/institutions;
- Monitor situational reports on children updates including the implementation of children program and make recommendation of children programs to the Municipal Development Council (CDC) for consideration; and

- The MCWC shall oversee and coordinate the implementation of this Code.

Secretariat support shall be provided by the Municipal Social Welfare and Development Office and be responsible for the documentation of proceedings of meetings and preparation of reports and other necessary documents as needed by the MCWC.

a3. Representation of the Civil Society Organization in the MCWC. The MCWC shall invite CSO's with child-focused programs to be members in the MCWC, provided that these CSOs are duly accredited by the Sangguniang Bayan based on its criteria of accreditation.

a4. Internal Rules of the MCWC. The MCWC shall adopt its own internal rules of procedures and regulations to serve as guidelines for the members in the parliamentary procedures, order of meeting and quorums, discipline and such other rules the council may deem proper.

b. Barangay Council For The Protection Of Children

b1. Creation of Barangay Councils for the Protection of Children (BCPC). The Barangay Council shall create a Barangay Council for the Protection of Children (BCPC with the following composition:

- i. The Punong Barangay, who may act as Chairperson.
- ii. The Chairman on the Committee on Youth and Sports Development who may act as Vice Chairperson.
- iii. A representative of the municipal government concerned with the welfare of children, whose area of assignment includes the particular barangay.
- iv. A representative from each of the civil society organizations (CSOs) concerned with the welfare of children and operating in the barangay.
- v. An active and responsible member of the community.
- vi. An active member from each of the People's Organizations (POs) in the barangay.
- vii. A representative from DepEd, DOH and human rights group.
- viii. A child advocate whose age ranges from 9 – 14 duly chosen by the barangay officials.

b2. The BCPC shall have the following functions:

- i. To foster education of every child in the barangay. To ensure that every child in the barangay acquires at least an elementary education;
- ii. To encourage the proper performance of the duties of the parents and provide learning opportunities on the adequate rearing of the child and on positive parent- child relationship.
- iii. To report all cases of child abuse to the proper authorities.
- iv. To prevent child labor in their area and to protect working children from abuse and exploitation;
- v. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get expert advice;
- vi. To adopt measures to promote the health and nutrition of children;
- vii. To promote the opening and maintenance of playgrounds and day care centers and other services that is necessary for child and youth welfare and development;
- viii. To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities.
- ix. To promote wholesome entertainment in the barangay especially in the movie houses;
- x. To assist parents whenever necessary in securing expert guidance and counseling from the proper government or private welfare agencies;
- xi. To advocate for the passage of a child-friendly barangay ordinances in response to child-related issues and concerns;

- xii. To prepare the barangay plans of action for children which address the needs of children in the barangay and ensure implementation by the barangay; and
- xiii. To submit quarterly barangay accomplished reports to the MCWC on the implementation of plan.

c. Desk Of Children's Concerns

c1. Creation of Desks for Children's Concerns. There shall be created a Desk for Children in the following offices:

- i. Municipal Social Welfare and Development Office
- ii. Municipal Health Office
- iii. Philippine National Police (PNP) Station
- iv. NGO's that cater to children programs
- v. Schools
- vi. Barangays

c2. Functions of the Desk for Children's Concern. The Desk for Children's Concern shall:

- i. Act as secretariat to the MCWC;
- ii. Serve as a venue to respond to children's needs and problems;
- iii. Coordinate or facilitate with appropriate institutions for direct assistance;
- iv. Provide appropriate physical, medical and psychological interventions and other needed services.

c3. Consultations with the Desk for the Children's Concern.

The Desk for Children's Concern shall be consulted by the Municipal Government and other bodies whenever they are considering proposal to change or repeal existing laws or to introduce new legislation likely to affect children's lives.

c4. Reporting to the United Nations Committee on the Rights of the Child. The Desk's for Children's Concern shall be consulted over reporting obligations under the UN Convention on the Rights of the child. Concerned government agencies in the Municipality are required to consult the Desk for Children's Concern and to give consideration to their comments.

c5. Child Impact Statements. – The Local Government is required to prepare "child impact statements" indicating the likely repercussion on proposed legislation or policy on child and submit these to the Desk for Children's Concern.

c6. Mandatory Consultations. – Prior to the implementation of any national prefect by any and all government agencies, bureaus, or offices affecting children, the express approval of the Municipal Mayor and the Sangguniang Bayan shall be obtained after the holding of the public hearings on the matter and after consideration with the Desk for the Children's Concerns.

c7. Child Representative. – Aside from the youth representative from the Sangguniang Kabataan, a seat shall be provided for a child representative in the MCWC to represent children below 15 years of age. The MCWC shall see to it that the child is able to genuinely participate in the decision-making particularly in matters involving children's concerns.

c8. The implementing rules and regulating of this Code shall be drafted by the MCWC within on one (1) year from the affectivity of this Code

14. Remedial Measures

a. Persons Who May File A Complaint. – Complaints on unlawful acts committed against children as enumerated herein may be filed by the following:

- a1. Offended Party;
- a2. Parents or legal guardian;
- a3. Ascendant or collateral relative within the third degree of consanguinity;

- a4. Official or social worker of the Municipal Social Welfare and Development Office;
- a5. Officer, social worker or representative of licensed child-caring institutions;
- a6. Punong Barangay; or
- a7. At least three (3) concerned responsible citizens of the barangay where the violation occurred.

b. Protective Custody of the Child. – Offended Party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the Municipal Social Welfare and Development Office 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 Office shall be free of any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provision of Presidential Decree No. 603, as amended.

c. Confidentiality– At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case in violation of this Code which results in the moral degradation and suffering of the offended party.

d. Reporting – A person who learns of the facts or circumstances that have given rise to the belief that a child has suffered abuse may report the same, either orally or in writing to the Department of Social Welfare and Development (National Office), the Municipal Social Welfare and Development Office or to the law enforcement agency or to the MCWC.

e. Mandatory Reporting. – The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing to the department or agency mentioned in Section 103 the examination and / or treatment of a child who appeared to have suffered abuse within forty eight (48) hours from the knowledge of the same.

f. Duty of Government Workers to Report. – It shall be the duty of all teachers and administrators in the 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 the possible child abuse to the authorities mentioned in the preceding Sections.

g. Failure to Report. – Any individual who possesses knowledge of a possible child abuse and failure to report to the proper authorities shall be punishable under RA 7610.

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

15. Budgetary Appropriations

a. Appropriations for Children Programs.– The Local Government shall appropriate funds as part of its annual budget for the implementation of the children's programs.

Likewise, the Local Government of Tigbauan shall allocate funds for the necessary operation of the MCWC, drafting of the IRR and its publications, training and orientation of stakeholders, and promotion of this Code to the general public.

SECTION 3. PENAL CLAUSE.- The penalty of any violation of this Ordinance, which is not penalized elsewhere in other sections of the Code of General Ordinances or in any national law, shall be imprisonment of six (6) months to one (1) year and/or a fine of not exceeding Two Thousand Five Hundred Pesos (P2,500.00).

For first offenders, in case where the offender is the parent or teachers of the child or relatives within the fourth degree of consanguinity, if the offender admits the offense and is sincere and

willing to reform, the penalty may be waived subject to the consent of the child, and the following measures shall be imposed instead;

- 1. attendance in a parenting or any appropriate seminar;
- 2. community service of ten to fifteen (10-15) days.
- 3. counseling sessions;
- 4. family therapy;
- 5. participation in appropriate training courses.

ENACTED. April 3, 2019.

CERTIFIED CORRECT:

MARLENE TAYO-NAVA
S.B. Secretary

ATTESTED:

ATTY. VIRGILIO T. TERUEL
Vice Mayor & Presiding Officer

APPROVED:

ATTY. SUZETTE TENEFRENCIA-ALQUISADA
Municipal Mayor

(Date signed)

HON. VIRGILIO T. TERUEL, LAWYER
Municipal Vice Mayor

Sangguniang Bayan Members:

Hon. Dennis T. Valencia	Hon. Suzette Marie Hilado-Banno, M.D.	Hon. Ma. Gerrylin Santuyo-Camposagrado, LLB,MPA
Hon. John Gershwin C. Tueres,LLB	Hon. Neri T. Camiña	Hon. Ricky T. Nulada
Hon. Ariel I. Bernardo	Hon. Julius T. Ledesma, O.D.	Hon. Jerry T. Tuares, (LnB-Pres.)- Civil Engineer
		Hon. Dyossa Marie Teruñez (SKMF-Pres.)

“Public office is a public trust. Public Officials must at all times be accountable to the people.”

