



REPUBLIC OF THE PHILIPPINES
REGION VI-WESTERN VISAYAS
PROVINCE OF ILOILO
MUNICIPALITY OF TIGBAUAN

1st Indorsement
March 30, 2026



Respectfully forwarded to the Office of the Sangguniang Panlalawigan, Province of Iloilo is Municipal Ordinance No. 2026-005, entitled:

“CHILD AND YOUTH WELFARE DEVELOPMENT CODE OF THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO”

The said Municipal Ordinance was approved by the Sangguniang Bayan on March 25, 2026.

For your information and appropriate action.

BY AUTHORITY OF THE SB


MA. GEMMA T. MOLO
Acting SB Secretary



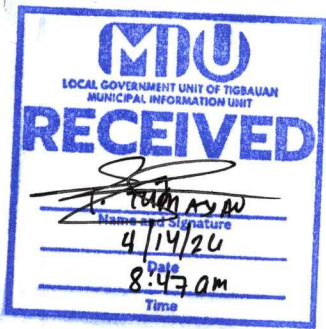
REPUBLIC OF THE PHILIPPINES
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EXCERPT FROM THE MINUTES OF THE CY 2026 – 12th REGULAR SESSION OF THE HONORABLE SANGGUNIANG BAYAN TIGBAUAN, ILOILO HELD AT THE S.B. SESSION HALL, TIGBAUAN MUNICIPAL BUILDING ON MARCH 25, 2026 AT 9:35 IN THE MORNING.

PRESENT:

HON. LUGEN T. ORTILANO,	-	Vice Mayor & Presiding Officer
HON. MARLON T. TERUÑEZ,	-	SB Member & Temporary Presiding Officer
HON. PINKY A. JARINA	-	SB Member
HON. ADRIAN S. CAMPOSAGRADO	-	SB Member
HON. JOEL L. SAYSON	-	SB Member
HON. NORA ROSE T. TUBIANO	-	SB Member
HON. REYNALDO E. TUMABOTABO	-	SB Member
HON. NORBERTO T. TURALBA	-	SB Member
HON. LORNA T. DOMINGO	-	Liga President
HON. JULIANA MARIE T. JULATON	-	SKMF President



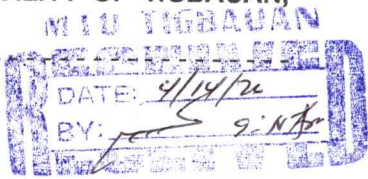
ABSENT/LEAVE:

HON. GENE ROSE C. CANAYA	-	SB Member – (Maternity Leave)
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Municipal Ordinance No. 2026-005

“CHILD AND YOUTH WELFARE DEVELOPMENT CODE OF THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO”

Introduced & Moved by: HON. JULIANA MARIE T. JULATON
Sponsored by: Committee on Youth and Sports Development
Chairperson: HON. JULIANA MARIE T. JULATON
Vice Chairperson: Hon. Lorna T. Domingo
Members: Hon. Adrian S. Camposagrado, Hon. Marlon R. Teruñez and Hon. Nora Rose T. Tubiano
Seconded by: Hon. Pinky A. Jarina, Hon. Adrian S. Camposagrado, Hon. Joel L. Sayson, Hon. Nora Rose T. Tubiano, Hon. Reynaldo E. Tumabotabo, Hon. Norberto T. Turalba and Hon. Lorna T. Domingo



BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF TIGBAUAN IN SESSION ASSEMBLED:

**CHAPTER I
TITLE, POLICIES, PRINCIPLES AND DEFINITION OF TERMS**

SECTION 1. Title. This Ordinance shall be known as the “CHILD AND YOUTH WELFARE DEVELOPMENT CODE OF THE MUNICIPALITY OF TIGBAUAN, PROVINCE OF ILOILO”

SECTION 2. Declaration of Policy. It is hereby declared the policy of the Municipality of Tigbauan to uphold, protect, and promote the rights and welfare of every child and child recognizing that all children regardless of age, status, background, or circumstances are entitled to survival, development, protection, and participation.

SECTION 3. Definition of Terms. When used in this Code, the following terms shall mean:

Adoption — As mandated by RA 11642 (Domestic Administrative Adoption and Alternative Child Care Act of 2022), all domestic adoption processes are now handled by the National Authority for Child Care (NACC). Courts no longer process domestic administrative adoption.

Age of Sexual Consent - ages from 12 to 16 years old, pursuant to RA 11648 (2022).

Alcoholic Beverages/Intoxicating Liquors - are those drinks containing fraction of alcohol such as beer, whisky, gin, rum, vodka and the like which when drank causes intoxication

Amusement Center – any center, establishment, or part of the private house which for a fee or any compensation given directly or indirectly by the public offers recreation, such as, but not limited to, video houses, billiard halls, video games (family computer) centers, disco houses, comic rental stands and the like.

Anti-Social Related Activities – Acts against property, chastity and person which include but are not limited to the following:

- a. Snatching, shoplifting, misrepresentations;
- b. Usage and pushing of prohibited drugs;
- c. Sale or distribution of lewd/obscene reading materials;
- d. Pimping for young and adult prostitutes, sexual perversions and participating in obscene shows;
- e. Gambling of any kind;
- f. Rape and incest; and
- g. All other circumstances as defined by the existing laws.

Battered Woman Syndrome – Refers to the scientifically defined pattern of psychological and behavioral symptoms found in women living in battering relationships as a result of cumulative abuse.

Board – refers to the Educational Assistance Board herein created as a governing, policy-making, advisory and recommendatory body in the implementation of the municipality's educational assistance program;

Bullying – Refers to any severe, or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the rights of another student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to the following:

- a. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and use of available objects as weapons;
- b. Any act that causes damage to a victim's psyche and/or emotional well-being;
- c. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body;
- d. Cyber-bullying' or any types of bullying done through the use of technology or any electronic means. The term shall also include any conduct that results in harassment, intimidation, or humiliations through the use of other forms of technology, including but not limited to texting, email, instant messaging, chatting, internet, social media, online games, or other platforms or formats as defined in DepEd Order No. 40, s. 2012; and
- e. Any other forms of bullying as may be provided in the school's child protection or anti-bullying policy, consistent with the Act and this IRR (IRR of RA No. 10627).
- f. The term "bullying" shall also include:
 1. "Social bullying" – Refers to any deliberate, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group.
 2. "Gender-based bullying" – Refers to any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity (SOGI);

Center of Participation – Refers to the priority Centers of Youth Participation;

Child - refers to a person below eighteen (18) years of age or those over but are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

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/her basic needs for survival, such as food and shelter, or
- d. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death.

Child Labor - means employment of children below (15) years of age, except as otherwise provided by laws, any act or practice involving children that constitutes exploitation, including: (a)

all forms of slavery or similar practices, such as the sale or trafficking of children, debt bondage, serfdom, forced or compulsory labor, and recruitment of children for armed conflict; (b) the use, procuring, offering, or exposing of a child for prostitution, pornography, or pornographic performances; (c) the use, procuring, or offering of a child for illegal or illicit activities, including the production or trafficking of prohibited drugs or substances; and (d) any work that, by its nature or circumstances, is hazardous, degrading, or harmful to a child's health, safety, or morals, including work that undermines the child's dignity, exposes the child to physical, emotional, or sexual abuse, involves dangerous machinery or materials, extreme conditions, toxic substances, biological hazards, or explosives, or otherwise endangers the child's well-being.

Child Marriage — refers to any marriage or informal union involving a person below 18 years of age as defined under RA 11596 (2021). **Child marriage is prohibited**, and facilitators, solemnizers, or individuals who arrange such unions shall be held liable.

Children in Conflict with the Law (CICL) — updated in accordance with RA 9344 as amended, and harmonized with new rules on:

- a. Diversion;
- b. child-sensitive procedures;
- c. barangay involvement;
- d. child-friendly justice.

Child Online Sexual Abuse or Exploitation (OSAEC) — defined as the use of information and communications technology (ICT) as a means to sexually abuse and/or exploit children, under RA 11930 (Anti-OSAEC and Anti-Child Sexual Abuse or Exploitation Materials Act of 2022)

Child Trafficking - includes online exploitation, grooming, recruitment through social media, and movement of children for sexual abuse, in accordance with RA 11862 (Expanded Anti-Trafficking in Persons Act of 2022).

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;

Community-Based Organization – Refers to a youth organization or youth-serving organization whose programs, projects and memberships are based only in a certain locality or community;

Comprehensive Barangay Youth Development Plan (CBYDP) – The CBYDP is a three-year rolling plan, aligned with the PYDP and the LYDP. It shall be the basis for the crafting of the BYIP or the annual program containing specific programs, projects and activities with corresponding costs including the necessary funds flow to approximate the reasonable timing in the release of funds;

Class Hours – scheduled time of classes determined by the school usually from 7 a.m. to 5:00 p.m., Mondays through Fridays.

Cultural and Arts-Based Youth – Shall refer to youth organizations whose primary purpose is to advance the cultural identity and the arts in the locale and provincial context;

CSOs – Civil Society Organizations – A non-state and non-profit association that works to improve society and the human condition. Basic types of CSOs include non-governmental organizations, people's organizations, civic organizations, cooperatives, social movements, professional groups and business groups (DILG Memorandum Circular 2013-70);

Day care - is the provisions or substitute parental care and stimulating activities for the total development of children between zero to five (0-5) years old when their parents are unable to take care of them during a certain part of the day because of work and some other situation.

Day Care Center - is a facility where care services are provided by an accredited day care worker particularly for children within three to five (3-5) years of age bracket.

Diversion - shall refer to an alternative child-appropriate process of determining the responsibility of a child in conflict with law (CICL) for an alleged offense as well as in determining the measures, if any, to be undertaken by the CICL and other persons without resorting formal court adjudication.

Diversion programs - shall refer to programs that the juvenile in conflict with the law is required to undergo after he/she is found responsible for an offense, without the child being made to undergo formal court litigation.

Domestic Violence / VAWC — acts committed by an intimate partner that cause physical, sexual, psychological, or economic harm to a woman or her child under RA 9262, RA 11313 (Safe Spaces Act), and amendments on digital violence.

E-Cigarette- also known as vapes, are battery-operated devices that heats a liquid, typically containing nicotine, flavorings, and other chemicals, to produce an aerosol that users inhale.

Enforcement Officers – are those persons who have the authority and those who are authorized to implement this ordinance. This includes, police, teachers, principals, head teachers, punong barangays, barangay tanods and barangay kagawads.

Family - shall be understood to be composed of a father, mother and child.

Family Planning Services - refers to services for reproductive health and responsible parenthood

Filial Obligations – (Special Privilege Leave) to cover the employee's moral obligation toward his parents and siblings for their medical and social needs.

Financially-challenged individuals – refers to an individual whose gross monthly income and that of his immediate family living with him or with whom he is dependent with which do not exceed Php10,000.00 per month;

Full-Term Pregnancy - pregnancy with age of gestation from 38-42 weeks

Gainful employment or source of livelihood - shall mean work, business or undertaking of whatever nature that gives the earner a monthly income of at least triple the prescribed minimum wage in the LGU net of taxes and other statutory impositions.

Gender and Development- Conscious efforts at improving the quality of lives of women and men of all sexual orientations and identities based on sustained, equitable growth and balanced ecology. It sees society as a gender system in all its aspects - economic, political and social. It views oppression in both private and public spheres recognizing women as agents of change through the reorientation of the male-centered culture.

Gender Sensitization - it is a critical process of learning and unlearning by an individual, male or female, of the causes and effects of the culturally-determined roles of women and men.

Grantee – refers to financially-challenged but deserving in-coming first year college or technical/vocational students who qualifies as a beneficiary and given the financial assistance herein provided;

Hazing – Shall mean an initiation rite being conducted as a prerequisite for admission into membership in a fraternity, sorority, or organization by placing the recruit, neophyte, or applicant in an embarrassing or humiliating situation such as forcing him/her to do menial, silly foolish, and other similar tasks or activities, or otherwise subjecting him/her to physical suffering or injury (Republic Act No. 8049);

Health Certificate —is a certificate issued by the Municipal Health Officer after performing physical and mental examination;

Illegitimate Children/ Foundlings — foundlings are natural-born Filipino citizens with full rights, regardless of age, ethnicity, or circumstances defined under RA 11767 (*Foundling Recognition Act of 2022*).

In-School Youth – Shall refer to all youth of school ages, whether organized or not, presently enrolled with any educational, vocational institution, which includes but not limited to the following school organizations (academic or non-academic), student government, fraternities and sororities;

Individual/s in Crisis – families/individual/s who are hampered to function normally because of socio-economic difficulties.

Karaoke Bars — any business establishment that caters entertainment by selling alcoholic drinks and providing videoke to their customers;

Liquor License – authority given by the municipality after paying the necessary dues to a certain establishment that sells alcoholic beverages to the customers or clients of legal ages.

Local Development Plan (LDP) – The Local Development Plan refers to the three (3) year comprehensive multi-sectoral local government development plan that sets the local government vision, sectoral goals, objectives, development strategies and policy priorities;

Local Youth Development Council (LYDC) – A multi-sectoral youth association, which shall be called Local Youth Development Council (LYDC);

Local Youth Development Officer – Is the designated and/or appointed by the LCE who will coordinate and shall harmonize the overall youth program of the Sangguniang Kabataan and Local Youth Development Council for its realization and implementation.

Local Youth Development Plan (LYDP) – The LYDP shall refer to the three-year strategic youth development plan formulated at municipal level, initially drafted by the respective SK Pederasyon and finalized by the LYDC. This shall be submitted to the local chief executive for inclusion in the Local Development Plan and subsequently endorsed to the sanggunian of the local government unit concerned for approval;

Loiter – to pass the time idly and to stay in one place to the other.

Municipal Health Officer — a licensed Physician who is in-charge of Primary Care Facility (PCF) of the Municipality of Tigbauan and is authorized to issue health certificate;

Obstetrical Complications – untoward incidents that may happen during the time of delivery like elevated blood pressure, profuse vaginal bleeding, breech presentation or mother's inadequate pelvic inlet in proportion to the size of the baby's head - Cephalopelvic Disproportion (CPD).

Operating Distance – location of the operation of the Videoke Bar outside the 200 meter radius from public structures such as school, church and municipal buildings.

Operation time – time given by the municipality for the Videoke Bar to operate starting from 5:30 – 12:00 Midnight during Mondays – Fridays and 5:00 – 12:00 Midnight during Saturdays, Sundays and Holidays except during Holy Thursday and Friday.

Parents- refers to biological and adoptive parents;

- a. **Biological Parents** - refers to the child's mother and father by nature, or the mother alone if the child is an unacknowledged non-marital child;
- b. **Adoptive Parents** - refers to the child's mother and father by legal adoption

Parental obligation – (Special Leave Privilege) Attendance in school programs, PTA meeting, graduations, first communion, medical needs of employees.

Pedophilia - It is a form of sexual perversion where children are preferred victims for intercourse. It shall include the following acts but shall not be limited to the following:

- a. when the offender shall have sexual intercourse with a boy or girl child;
- b. when the offender shall have anal intercourse with a boy or girl child;
- c. when the offender does other sexual acts such as fondling, kissing the private , parts of the girl or boy child or taking photographs/video of the same for pornography;
- d. when the offender shall be in possession of pornographic photographs/videos of the same.

Person with Disabilities (PWD) – Shall refer to and include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis;

Philippine Youth Development Plan (PYDP) – The PYDP shall refer to the comprehensive national plan expressing the convergence efforts of the different youth-serving agencies, civil society organizations and youth organizations designed to promote the general welfare, development and empowerment of the youth, in preparation for their vital roles in nation-building;

Pool of athletes – refers to a group of Tigbauanon athletes who are recognized by the Local Sports Development Council and in top priority to represent the municipality in any sports activities the council may join.

Psychological violence - refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.

Regular Prenatal Check-up - pregnant women having monthly prenatal visits from the 1st month to 7 month age of gestation, twice a month at 8th month age of gestation, weekly during the 9th age of gestation.

School-Based Organization – Refers to a youth organization or youth-serving organization whose memberships are students belonging to schools or universities/colleges/institutions both private and public legally recognized by the government;

Sexual Harassment - It is a form of misconduct involving a act or a series of unwelcome sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature, made directly or indirectly.

Sexual violence - refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:

- a. rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;
- b. acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
- c. Prostituting the woman or child.

Smoking - inhaling, exhaling, burning or carrying any lighted cigarette, cigar, pipe or any form of lighted object or device which contains tobacco or other similar chemical compound.

Solo Parent - a woman who gives birth as a result of rape and other crimes, provided that the mother keeps and raises the child, parent solo or alone with responsibility of parenthood due to: death of spouse, abandonment of spouse for 1 year, legal separation, physical and/or mental incapacity of spouse, annulment of marriage, or other related situations.

Special Advocacy-Based Youth - Any youth organization whose primary goal is to serve youth with particular needs such as youth with disabilities, youth in situations of armed conflict, victims of natural disaster and calamities, youth offenders, delinquent youth, LGBTQ youth, drug-dependent youth, street youth, abused/exploited youth and abandoned/neglected youth, among others;

Special Concerns - are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:

- a. Being in the community where there is armed conflict or being affected by armed conflict related activities;
- b. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
- c. Living in or fending for themselves in the streets of urban or rural areas for their survival and welfare;
- d. Being children or indigenous people or living under conditions of extreme poverty or in an area which is underdeveloped and/ or where basic services needed for good quality of life are inadequate;
- e. Being a victim of a man-made or natural disaster or calamity, or analogous circumstances that endanger the life, safety or normal development of children.

Specially-abled children - children with disabilities" or children with special needs" are children with either physical or mental infirmities whether congenital or acquired after birth.

Sports - refers to all recognized sports activities that a Tigbauanon athlete could participate in, may it be an individual, dual or team sports or may it be an exhibition or a competition game.

Sports association/organization - refers to all clubs or organizations that are recognized by the municipality as a sports association/organization.

Street children - means children below eighteen (18) years of age who are out of school, begging for a living and with no permanent dwelling.

Student Affiliate - refers to an individual enrolled in any health-related course using a Government Owned Facility as a venue for learning experiences.

TASK FORCE "MAGDALENA" - refers to the task force created under Executive Order No. 011, series of 2005.

Tigbauanon Athlete - refers to a player who resides in Tigbauan or one who is related by affinity or consanguinity to Tigbauanon.

Tour Guide - an individual who guides tourists, both foreign and domestic, for a fee commission or any other form of lawful remuneration.

United Nations Convention on the Rights of the Child (UNCRC)- an international human rights treaty that outlines the civil, political, economic, social, health, and cultural rights of children.

Working Youth - Shall refer to all youth whose ages range from 18-30 years and who are employed either on a regular or temporary basis;

Youth - Shall refer to those persons whose ages range from fifteen (15) to thirty (30) years old as defined in Republic Act No. 8044. For the purpose of targeted programming for the youth, the age disaggregation shall be considered:

- 15 - 17 - child youth
- 18 - 24 - core youth
- 25 - 30 - adult youth

CHAPTER II
RIGHTS AND OBLIGATIONS OF THE CHILD

SECTION 4. 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.

SECTION 5. Participation of the Child.

All proceedings before any authority shall ensure meaningful child participation, including through safe and child-protected digital platforms. The Municipal Government of Tigbauan shall establish secure online mechanisms that allow children to express their views on programs and policies affecting them, while ensuring protection from online abuse, exploitation, and other digital risks.

SECTION 6. 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 United Nations Convention on the Rights of the Child (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.

SECTION 7. 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, particularly when his/her parents or guardians fail or are unable to provide him/her with his/her fundamental needs for growth, 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 right 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 basic 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 are unable to provide the fundamental needs for growth, development, and improvement.
 - c4. The right to an efficient honest government that will deepen one's faith in democracy and inspire children 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 good, 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 by 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 freedom of 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.
- d5. Every child has the right to privacy and shall be protected against unlawful interference, and to unlawful attacks against his or her honor and reputation.

SECTION 8. 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. Help 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.

CHAPTER III ROLES AND OBLIGATION OF THE YOUTH

SECTION 9. Rights of the Youth. Youth shall be entitled to the rights herein set forth without distinctions as to the legitimacy or illegitimacy, sex, social status, religion, political antecedents and other factors:

- a. Right to a wholesome family life that will provide him/her with love, care and understanding, guidance and counseling, moral and material support;
- b. Right to a well-rounded development of his/her personality to the extent that he/she becomes happy, useful and active member of society;
- c. The gifted/special youth shall be given opportunity and encouragement to develop his special talents; the emotionally disturbed or socially maladjusted youth shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care; The physically or mentally handicapped youth shall be given the treatment, education and care required by his particular condition;
- d. Right to education to uplift their lives from peripheries and future security of their well-being;
- e. Right to full opportunities in socio-economic activities;
- f. Right to protection against exploitation, exposure to hazardous workplace and activities and other conditions that modify health aggressions against physical, mental, emotional, moral and social issues;
- g. Right to live in a supportive and conducive community free from pernicious influences of the industrial irregularities and unrestrained human ecological recreations;
- h. Right to a kind of government that is efficient, decent and moral;
- i. Right to choose his/her career and spouse which may constitute proper guidance and orientation to fast track his/her goal;
- j. Right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character;
- k. Right to full opportunities for safe and wholesome recreation and activities – individual as well as social - for the wholesome use of his leisure hours;
- l. Right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development;
- m. Right to the care, assistance and protection of the State, particularly when his parents or guardians fail or are unable to provide him with his fundamental needs for growth, development and improvement;
- n. Right to grow up as a free individual in an atmosphere of peace, understanding, tolerance and universal brotherhood, and with the determination to contribute his share in the building of a better world; and
- o. Right to an efficient and honest government that would deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives (Presidential Decree No. 603. Art. 3.11).

SECTION 10. Responsibilities of the Youth. All sectors declared herein and duly defined as youth regardless of his/her social, physical, mental and religious status shall: Purposefully live virtuously and uprightly through moral and experiential demonstration of his/her elders, mentors, parents and relatives;

- a. Act with love and respect to other persons and create a strong bond of family and community;
- b. Perform the 5R's comprises of responsible, reliable, responsive and ready for reforms towards social and community development;
- c. Participate actively in civic affairs as a call of duty to help reshape the nation's future by having the state of quality thought of being a servant leader;
- d. Initiate for change through creative innovations in science and technology with the social sectors as the benefactors;
- e. Demonstrate in times of conflicts diplomatic means of resolving the differences among the parties;
- f. Be a catalyst for change in raising awareness about the causes of environmental constraints, as well as the degradation of social empowerment in labor, education, health and cultures;
- g. Transcend and re-echo the learnings capacitated to him through his international affairs in the form of training, seminar and study-leave program;
- h. Accept the offer of membership and "officership" offered in any local, provincial, national and/or international organization;
- i. Formal education suited to his abilities, in order that he may become an asset to himself and to society;
- j. Respect not only his elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country and the principles and institutions of democracy;
- k. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and prosperity, and the furtherance of world peace; and
- l. Live by the truth, the whole truth, and nothing but the truth.

SECTION 11. General Duties of the Community. To ensure the full employment of the right to live in a society that offers or guarantee him or her safety, health, good moral environment and facilities for his or her wholesome growth and development, it shall be the duty of the community to:

- a. Bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental and spiritual well-being;
- b. Help institutions of learning, whether public or private, achieve the fundamental objectives of education;
- c. Organize or encourage movements and activities for the furtherance of the interests of children and youth;
- d. Promote the establishment and maintenance of adequately equipped sports, learning and recreational facilities;
- e. Support the programs and activities implemented by the Sangguniang Kabataan;
- f. Assist the municipality in addressing issues relating to children-in-conflict with the law and design and implement preventive programs;
- g. Aid in carrying out special projects for the betterment of youth in the remote areas or belonging to cultural minorities or those who are out of school; and
- h. Cooperate with community-based organizations, civil-service organizations and others.

CHAPTER IV ROLES AND FUNCTIONS OF VARIOUS SECTORS

SECTION 12. 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.

Families shall not arrange, facilitate, or consent to child marriage or any union involving a person below eighteen (18) years of age, in accordance with the Prohibition of Child Marriage Act (RA 11596).

Mandatory Participation) Parents and guardians shall **participate in Family Development Sessions (FDS)** which shall include orientation on:

- a. the prohibition and penalties related to child marriage (RA 11596),
 - b. prevention of gender-based violence and exploitation,
 - c. digital safety and online child protection,
 - d. child rights and positive parenting.
- Preserved but expanded:
- e. Must comply with RA 11596 prohibiting arranging or facilitating child marriage.
 - f. Mandatory participation in Family Development Sessions.

a. 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.

- g. **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.
- h. **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.
- i. **General Duties of Parents.** - Parents shall have the following general duties toward their children:
 - i1. To give them affection, companionship and understanding;
 - i2. To extend to them the benefits of moral guidance, self-discipline and religious instructions;
 - i3. To supervise their activities, including their reaction;
 - i4. To inculcate in them the value of industry, thrift and self-reliance;
 - i5. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country.
 - i6. To advise them properly on any matter affecting development and well-being;
 - i7. To always set a good example;
 - i8. To provide them with adequate support, such as dwellings, clothing, medical assistance, education and transportation as defined in Article 194 of the Family Code.
Education of a person shall include his schooling or training for some profession, trade or vocation, even beyond the age of majority. Transportation shall include expenses in going to and from school, or to and from place of work;
 - i9. To administer their property, if any, according to their best interest, subject to the provisions of Article 225 of the Family Code of the Philippines.
 - i10. Apply positive discipline.

SECTION 13. 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.

SECTION 14. 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 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 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 15. 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.

SECTION 16. Joint Parental Authority. The father and mother shall exercise jointly just and reasonable parental authority and responsibility over their legitimate or adopted son or daughter. In case of disagreement, the father's decision shall prevail unless there is a judicial order to the contrary.

In case of the absence or death of either parent, the present or surviving parent shall continue to exercise parental authority over such children, unless in case of the surviving parent's remarriage, the court, for justifiable reasons, appoints another person as guardian.

Furthermore, for some legal proceedings of such, Presidential Decree No. 603 shall be observed and followed as well as other pertinent existing laws and regulations.

SECTION 17. 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 (DepEd) and the Commission on Higher Education (CHED).

SECTION 18. Roles of the Mass and Social Media. - The mass media shall be aware of their extensive social role and responsibility, and the significant influence they hold in disseminating information concerning the youth. They shall utilize such influence to uphold and protect the rights and welfare of children and the young people by ensuring balanced, responsible, and ethical reporting. Special attention shall be directed toward strengthening public awareness and preventive campaigns on matters affecting children and the youth, including but not limited to: anti-drug education; early sexual encounters; delinquency prevention; cyber-pornography; video game addiction; HIV/STD awareness; pandemics; overweight and obesity; mortality and morbidity of child-youth populations; women-related health concerns; educational programs; youth economic empowerment; youth equity; assistance to youth-in-conflict-with-the-law; shelter and protection for youth victims of violence; ensuring equitable representation in youth organizations; support to youth-serving organizations and youth leaders at the local and provincial level; promotion of non-government and government initiatives for youth development; youth involvement in environmental advocacy; and youth engagement in international learning development programs, trainings, and seminars.

Confidentiality shall be observed at all times in the reporting, handling, and dissemination of information pertaining to cases of child or youth abuse. No media entity shall engage in actions that expose, endanger, or violate the privacy, dignity, and rights of any child or youth involved in such cases.

In all forms of publicity concerning children and youth, the best interest of the child or youth shall be the paramount consideration. Any undue, inappropriate, exploitative, or sensationalized reporting of cases involving children or youth shall constitute a violation of their rights.

The mass and social media are encouraged to:

- a. Ensure that children and youth have access to information and materials from a diverse range of national and international sources;
- b. Portray the positive contributions of children and youth to society;
- c. Disseminate information on available services, facilities, and opportunities for children and youth;
- d. Provide platforms for the expression of children's and youth's issues, insights, and concerns.

Furthermore, in recognition of the vulnerability of children and youth in digital environments, the media shall also promote:

- a. Cautious and responsible posting among children and youth, emphasizing the importance of verifying information and avoiding harmful, misleading, or inappropriate online content;
- b. Parental or guardian guidance in monitoring and advising children and youth on the proper use of social media and digital platforms;
- c. Awareness among children and youth to refrain from participating in online issues, cyberbullying, misinformation, and other harmful digital interactions;
- d. Educational efforts that equip children and youth with digital literacy, critical thinking, and responsible online behavior.

SECTION 19. 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.

SECTION 20. Role of the Local Government Units- The Municipal Government shall come up with comprehensive programs for children and allocate appropriate budget for their implementation. Each concerned LGU shall ensure provision of child protection in emergencies including but not limited to child-friendly spaces and psycho-social support, and establishments of child minding and SPED centers and Anti-Violence Against Women and Children (Anti-VAWC) desks in the locality.

The LGU shall also assign/designate a focal person to ensure functionality of their local council with a corresponding source of compensation. It shall also provide resources for meetings and other capability building activities.

The LGU shall come up with the following for children and the youth:

- Local Development Plan for Children
- Local Investment Plan for Children
- Local Code for Children
- Local State of the Children Report
- Local Youth Development Plan
- Local Annual Youth Investment Plan

SECTION 21. Role of the Local Council for Protection of Children 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 which can be based on Sustainable Development Goals for Children.

SECTION 22. Role of Sangguniang Kabataan and the Barangay Unit. The SK can directly engage the LGUs through various mechanisms provided by the SK Reform Act as follows:

Through the Sangguniang Bayan; Local Special Bodies; and Local Youth Development Council:

- a. Advance and fulfill its advocacies and programs on issues and concerns of the youth sector;
- b. Propose policies and programs or projects for the youth;
- c. Push for prioritization and utilization of resources for development plans, programs, projects and activities for the youth;
- d. Advance the issues and concerns of the young people in relation to the mission, vision, and objectives of local bodies;
- e. Provide youth-related information and data to the local special bodies that may be relevant to their decision-making through the LYDO; and
- f. Coordinate the registration and verification of youth and youth-serving organizations and participation in mandatory and continuing training and coordinate with other youth activities to the LYDC.

SECTION 23. SANGGUNIANG KABATAAN AND THE NATIONAL YOUTH COMMISSION.

- a. SK must coordinate for capacity development and training program and other youth programs and activities;
- b. SK must coordinate for guidelines on establishment and registration of youth/youth-serving organizations: privilege on NSTP-CWTS; SK/KK meeting; and manner of election, suspension, and removal of the officers and their terms of office;
- c. Coordinate with NYC concerning other powers and functions that it may prescribe in relation to its mandate on youth empowerment; and
- d. SK must submit a copy of accomplishment and financial reports and profile and database of youth;

CHAPTER V PROGRAMS AND SERVICES FOR CHILDREN

SECTION 24. Comprehensive Programs 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, participation, rehabilitation and reintegration aligned with updated national laws such as rehabilitation programs for children, and shall emphasize prevention of children's rights violations, sexual abuse, juvenile delinquency, worst forms of child labor, CAR, CICL, drug addiction, and other children's problems.
- b. **The Community Based-Approach.** The community based-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 where they exist.
- c. **Process in Formulating Comprehensive Children's Programs-** The process in coming up with Comprehensive Children's programs shall be participatory and consultative. The LGU in coordination with the Local Council for the Protection of Children, shall call on all sectors concerned, particularly child-focused institutions, NGO's, CSO'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), Department of Education (DepEd) and Office of the Civil Defense (OCD), Department of Interior and Local Government (DILG), Parents Teachers Community Association (PTCA), and religious sectors to participate in the planning process.

The LGU shall see to it that the children participate in the formulation, development and implementation of these programs, particularly in the identification of needs.

The Provincial Council for the Protection of Children (PCPC) shall develop a children's profiling tool and provide coaching and technical assistance to MCPC.

The MCPC shall provide technical assistance to the BCPC in administering tool, consolidate BCPC survey results and submit to MCPC. The BCPC shall conduct the baseline survey on children's profile and annual assessment survey and submit results to MCPC.

- 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 MCPC as to their effectiveness in preventing children's rights violations based on the MCPC as to their effectiveness in preventing children's

rights violations based on the indicators identified in the program. The program may be modified accordingly.

SECTION 25. Programs to Prevent Children's Rights Violations Prevention program shall be an important component of the Comprehensive Children's Programs to be implemented by the Local Government of Tigbauan through the MCPC, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

- a. 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;
- b. 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;
- c. 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.

SECTION 26. Proactive Programs

a. Parenting Orientation Courses

1. Parenting Orientation Courses shall be integrated in the curriculum of high schools in Tigbauan subject to DepEd rules and regulations such as Gender-based violence awareness, Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) training for parents, Anti-child marriage orientation and Parenting for children with disabilities.
2. Marriage license applicants shall be required to participate in a Pre-marriage Counseling Session with Gender and Child Sensitivity Modules, 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 Protection 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.
3. As a follow-up to the Pre-Marriage Counseling Session, the parent/guardian is also required to participate in the Responsible Parenthood Classes and Family Development Sessions conducted in the barangays.
4. 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 Protection of Children in coordination with the Office of the Municipal Local Civil Registrar and DepEd within one (1) year from the effectiveness of the Code of General Ordinances.

The Municipal Council for the Protection 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.

b. Health Care

1. **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 like MSWD and DepEd.
2. **Promotion of Primary Health Care Programs.** - The Barangay Officials shall implement the primary health care programs. Each Barangay Health Center shall have a Barangay Child Health Officer to be designated by the Punong Barangay and shall be supported by Barangay Health Workers (BHW), Barangay Service Point Officer (BSPO) Barangay Nutrition Scholar (BNS) to monitor children's health at the barangay level, with honorarium commensurate to the task assigned.

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

1. 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;
2. 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;
3. 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 Asian Law;

4. 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 curricula;
5. To combat diseases related to poor sanitation, the LGU through an ordinance shall require each household to install sanitary toilet in their respective houses; and
6. To establish child and adolescence friendly health facilities in all municipalities in the Province of Iloilo.

SECTION 27. Child and Gender Sensitivity Training for Child Service Provider.- All Barangay Frontliners of the Municipality of Tigbauan shall be required to attend mandatory training courses on child-youth and gender sensitivity to be conducted by organizations duly accredited by the Municipal Council for the Protection of Children.

All clinics in Tigbauan, must comply with the maternal and neonatal care standards - Department of Health protocols on child injury reporting and abuse detention.

SECTION 28. Program for Children with Special Needs. – The Local Government of Tigbauan shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the Municipality as a basis for more systematic coordination of basic services (health nutrition and education) for children with special needs.

SECTION 29. Educators' and Health Professionals' Training for the Special Program on Children with Disabilities & 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.

SECTION 30. Under Six Program Framework – The Local Government of Tigbauan shall ensure to the maximum extent possible the survival, growth and development of the child which shall include the following:

- a. Monitoring of registration of births and the completion of the routine immunization for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, rubella, poliomyelitis, pneumonia, hepatitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age and among school children.
- b. A Reproductive Health Care Center for pregnant mothers for quality prenatal and postnatal care, with infant and young child feeding program through breastfeeding and complimentary feeding;
- c. A barangay level network assistance from among the adults of the community for the total development and protection of children;
- d. The barangay officials and their barangay-level support systems, 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;
- e. Unstructured combined with structured learning exercise for children under early childhood education shall be instituted in the day care centers respecting the rights and responsibilities of the child;
- f. Setting up of day care centers in every barangay for children ages three to four (3-4) years of age;
- g. Establishment of child-minding centers in the province and in each municipality/ component city whenever necessary;
- h. A pool of trained day care or child development workers with level four (4) and five (5) competencies with an upgraded salary scheme commensurate to the task assigned to them;
- i. Ensure that basic education is free and compulsory, encourage different forms of secondary education accessible to every child ensure that school discipline shall be consistent with child's rights and dignity;
- j. Protect and promote the right of all children to quality education and shall take appropriate steps to make such education accessible to all;
- k. Ensure that basic education shall prepare children to become mature and responsible members of society with opportunities for a full and happy life.

SECTION 31. 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.

SECTION 32. Early Childhood and Development Centers. –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 has been shaped. Thus, the child's formative years and the care he/she gets during this period would have affected his/her learning capacity, personal and social interaction well into 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:

- a. Become physically fit through proper care and nutrition;
- b. Develop self-confidence, self-statement and self-discipline;
- c. Relate well with others and develop sensitivity to children with special needs;
- d. Developmental, 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.

Pursuant to Republic Act 6972 or the Barangay-Level Total Development and Protection of Children Act, day care centers shall be set up in every barangay in the Province of Iloilo. 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 social welfare offices. The local government unit concerned shall pay for the day care worker's allowance and honorarium. The MSWD and the local social welfare and development officer shall provide continuing technical assistance and supervision to the center services.

SECTION 33. Setting-up of Early Childhood Care and Development 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.

SECTION 34. Day Care Worker and Support Group

- a. 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.
- b. 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.

SECTION 35. 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.

SECTION 36. 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 recognized by DepEd.

SECTION 37. 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 and facilities for children with disabilities

To cultivate/ encourage the children the love of books, the barangay shall establish a mini library and learning center in the barangay.

SECTION 38. Program for Out of School Youth- The Municipality of Tigbauan shall establish a center for Out of School Youth in the Municipality which program shall include values formation and Alternative Learning System to provide a viable alternative to the existing formal education instruction.

The ALS shall be implemented by the DepEd in coordination with the MSWDO.

CHAPTER VI YOUTH PROGRAMS

SECTION 39. Programs for the Youth. This section reiterates and seeks to enable, promote and ensure the youth's active, meaningful and holistic participation in society in furtherance of their rights and welfare under the Ten centers of Youth Participation primarily composed of Health, Education, Economic empowerment, Social inclusion and equity, Security, Governance, Active Citizenship, Environment, Global Mobility and Agriculture.

a. Health

1. Provide health education for child-youth, core youth and adult youth;
2. Augment access to Medical Services among Youth Sectors including SK Officials;
3. Initiate educational campaign for HIV/STD, COVID 19, Overweight and Obesity, Mortality and Morbidity of Teenage Pregnancy and other Women Related Illness; and Family Planning;
4. Make accessible to the youth sector membership in SSS and PhilHealth as their medical insurance;
5. Provide access to PWD-friendly establishments;
6. Provide counseling programs and sessions to guide the path tracked by the youth along academic and social issues; and
7. Enjoin health entities to assist the parents in looking after the health of the youth.

b. Education

1. Provide scholarship Programs among the youth including those individuals who are in Alternative Learning System, Special Education, In-School Youth (Secondary and Tertiary Education) and Technical and Vocational Courses;
2. Provide Specialized Program intended for the Out of School Youths (OSYs) and those considered as Person with Disabilities (PWD);
3. Intensify the promulgation and strong campaign towards Anti-Hazing and Bullying Policy;
4. Provide a responsive learning environment that will nurture their skills, talents and intellect;
5. Demonstrate values reformation, social responsibility and nationalism among the youths; and
6. Provide technical support and administrative support for sports education.

c. Economic Empowerment

1. Educate on laws covering the labor code among the employed youths;
2. Enroll in the Specialized Employment Program for Qualified Special Youth;
3. Intensify the coverage of TESDA courses to accommodate the current labor trend;
4. Include job offers for the youth in the programs of DOLE in the Municipality of Tigbauan through the Public Employment Service Office; and
5. Provide Alternative work opportunities through community development programs where local and national speakers from respected agencies impart knowledge and expertise on entrepreneurial activities.

d. Social Inclusion and Equity

1. Provide avenue for youth to participate in a peaceful and just society that affords them equal and equitable opportunity, social security and protection in all aspects of development regardless of their gender, disability, specific needs, political beliefs, ethnicity, religion and socio-cultural-economic status; and
2. Support gender-sensitive, safe offices, schools and establishments.

e. Security

1. Assist rehabilitation for Youth Victims of Drug Abuse and Trafficking;
2. Provide care and protection for the disadvantaged and marginalized youth sector;
3. Provide shelter for youth-victims of violence;
4. Assist youth under-conflict-with-the-law; and
5. Strongly implement the Magna Carta for Women and Violence against Women and their Children.

f. Governance

1. Mainstream the Youth Development Program in the Local and Provincial Legislation;
2. Allow participation of the youth in legislation such as proposing resolutions and ordinances that are beneficial to the youth of Tigbauan;
3. Empower the youth through the exercise of the power and duties of the Sangguniang Kabataan and the Local Youth Development Council;
4. Make equitable representation of youth organizations, youth-serving organizations and youth leaders at the local and provincial level; and
5. Secure rights of youth to independence in the creation of consortium, faith-based organization, advocacy-based organization and the like. Youth organizations are encouraged to apply for the Youth Organization Registration Program (YORP) of the National Youth Commission.

g. Active Citizenship

1. Develop and harness the full potential of the youth as responsible partners in nation-building;
2. Harmonize all non-government and government initiatives for the development of the youth sector.
3. Promote reserved youths for humanitarian civic affairs;
4. Establish special advocacy-based organizations such as Emergency Response Team, Tigbauan Youth Teaching Organization and the like in the local government units;

5. Foster the preservation, enrichment and dynamic evolution of Filipino national culture to the youth of Tigbauan;
6. Demonstrate a spirit of volunteerism and camaraderie among their program and projects.

h. Environment

1. Local government units shall engage the youth in improvising effective forms of peaceful action and activism, thereby generating effective responses to ecological challenges;
2. Every local government unit shall assist, inform and lead in transcending the learnings to the youth organizations and youth individuals based on collated factual researches of environmental findings and best practices for its mitigation;
3. Local government units shall provide programs for research and best practices, programs and awards to those who have exemplary concepts and ideas suitable to combat climate change;
4. Local government unit shall reinforce youth combat warriors of climate change and support its advocacy through the 5Rs concept (Reuse, Reduce, Recycle, Repair and Recover); and
5. Social responsibility, community development and sustainable programs shall be implied in all private and public establishments, offices and local communities.

i. Global Mobility

1. Youth must have the freedom of movement, mobility rights or the right to travel from place to place within the territorial jurisdiction in the Municipality of Tigbauan, as well as regional, national and international.
2. Youth may participate and enjoy in international learning development programs, trainings and seminars;
3. The Sangguniang Kabataan shall create an avenue for the youth to become updated on the current trends in national and international youth opportunities; and
4. The Sangguniang Kabataan shall "Initiate and implement, in coordination with any national government agency and/or any private or nongovernment institution, programs and projects designed to promote the general welfare, development and empowerment of the youth." Section 8 (d) of the RA No. 10742.

j. Agriculture

1. Filipino youth enjoy food security, and a safe, livable, and climate-resilient environment.
2. The Sangguniang Kabataan shall create programs and activities for the enrichment of knowledge in agriculture to the youth.

CHAPTER VII CHILDREN'S MONTH CELEBRATION

SECTION 40. November as National Children's Month -In keeping with the mandate of Republic Act No. 10661 declaring the month of November as National Children's Month, the local councils for the protection of children shall conduct child-youth focused programs, projects and activities for the month promoting the rights and responsibilities of Filipino children as well as the obligations of the people and institutions responsible in ensuring the well-being of Filipino children.

SECTION 41. November 17, of Every Year, as the Provincial Children's Day. - Pursuant to Republic Act No. 10661 dated July 28, 2014 "An Act declaring November of every year a National Children's Month", the Province of Iloilo shall celebrate every 17th day of November as Provincial Children's Day.

CHAPTER VIII YOUTH PARTICIPATION

SECTION 42. Youth Organizations Registration Program. The YORP is the National Youth Commission (Youth Organizations and Youth-Serving Organizations) registration platform. Youth organizations shall refer to organizations with members in good standing entirely composed of the youth, whose ages range from fifteen (15) to thirty (30) years old with core advocacy that is meant to serve the youth. Youth-serving organizations shall refer to organizations with members in good standing whose principal programs, projects and activities are youth-related and youth-oriented, and whose compositions are not limited to the youth.

To register, organizations should prepare and complete the following: a) YORP registration form, b) directory of officers and advisers, c) list of members in good standing, d) copy of constitution and by-laws, and e) certification, endorsement or resolution from appropriate authority.

SECTION 43. Local Registration of Youth Organizations and Youth Serving Organizations. All youth organizations and youth-serving organizations with a minimum number of ten (10) members in good standing, and which are operating in the municipality shall be registered in the following manner:

- a. Must register with the Municipal Youth Development Office (MYDO);

- b. In the absence of a Local Youth Development Office (LYDO) in the municipality the LCE shall designate existing personnel from the local government unit who shall register these organizations, until such time that the local government unit can already create the office; and
- c. Youth and youth-serving organizations registered in other national government agencies shall also be recognized as registered organizations by the LYDO, provided that the organization is based and/or operating in municipality.

SECTION 44. Local Verification of Youth Organizations and Youth-Serving Organizations. Pursuant to Section 24(a), Rule III of the IRR of the RA 10742, the designated personnel, or the agencies in Section 24 (d) shall verify the registration information provided by these organizations. The LYDO or the designated personnel in Section 24 (d) shall send a list of registered and verified youth organizations and youth-serving organizations to the Commission.

SECTION 45. Observance of Linggo Ng Kabataan Celebration. Every barangay shall conduct an annual activity to be known as the Linggo ng Kabataan on the week where the 12th of August falls to coincide with the International Youth Day. The SK, in the case of barangay, and the respective LYDC in cooperation with the Pederasyon ng mga SK in the municipality shall take the lead in this observance.

SECTION 46. Junior Officials. The observance of the Linggo ng Kabataan shall include the election of counterparts of all local elective and appointive officials, as well as heads of the department of the local government unit, among in-school and community youth residing in the local government concerned from ages thirteen (13) to seventeen (17). During the said week, they shall hold office as boy and girl officials and shall perform such duties and conduct such activities as may be provided in the ordinance enacted pursuant to this IRR.

CHAPTER IX YOUTH POLICIES

SECTION 47. Access to Quality Elementary, Secondary and Tertiary Education. The Government recognizes the right of every youth to education based on equal opportunity, in coordination and partnership with DepEd, CHED and other agencies:

- a. Establish and maintain a system of free public education in elementary, secondary and tertiary levels;
- b. Develop different forms of secondary education, including general and vocational education, making them available and accessible to every youth; and take appropriate measures such as the introduction of free education and offering financial assistance to those in need;
- c. Make educational and vocational information and guidance available and accessible to the youth;
- d. Take measures to reduce drop-out rates and encourage regular attendance in schools;
- e. Ensure that youth with disabilities are provided with access to quality education and ample opportunities to develop their skills; learning institutions should take into account their special needs in the use of school facilities, class schedules, physical education requirements, provision of auxiliary services and other pertinent considerations.

SECTION 48. Provision of Sports and Other Skill-Enhancing Facilities. The Sangguniang Kabataan fund shall provide program or sports facilities for youth such as basketball, badminton and volleyball courts, soccer fields and baseball diamonds, subscribing to proper accounting and reporting rules and policies by the governing authority.

The funds from the Local School Board shall be allocated to procure skill-enhancing facilities in dressmaking, carpentry and other instruments integrated in the school curricula.

SECTION 49. Public Libraries. The Municipal Public Library shall continue to develop and provide youth access to appropriate facilities, information and materials from national and international sources, especially those aimed by the promotion of the youth's social, spiritual and moral well-being and physical and mental health. A Memorandum of Agreement (MOA) shall be entered into among the Sangguniang Kabataan, public libraries and DepEd.

SECTION 50. Support to Education Programs. The municipality shall establish educational assistance programs that will provide access by scholarship to economically marginalized but deserving high school and college students. Such assistance may be in the form of scholarship grants, student loan programs, subsidies and other incentives to qualified students in both public and private schools.

SECTION 51. Practice of One's Culture and Religion. The right of the youth to choose their religious and cultural beliefs shall be respected.

SECTION 52. Friendly Structures. Friendly structures shall be established in government buildings, schools, public markets and other places.

SECTION 53. Street Child-Youth. The Local Government shall provide special protection for street child-youth, and as such, shall ensure that rescue operations to take street child-youth away from the streets are conducted with respect to the dignity of the youth, in accordance with Administrative Order No. 08 (VI)(D)(8)(9) s, 2009 of DSWD on "Standards for community-based services for street children." The rescue shall be a reaching-out process where the child-youth knows that there is assistance available to them to enable them to decide what better option and clear direction in life they could adopt. Every effort shall be exerted to reconcile street child-youth who are separated from their families, unless circumstances require otherwise, as provided by law.

SECTION 54. Separate Youth Homes for Boys and Girls. The MSWDO shall ensure that boys and girls who are placed in the custody of youth homes shall be housed in separate facilities that provide the necessary services to promote their welfare and development.

SECTION 55. Mandatory Services to Persons who are Victims of Human Trafficking. Pursuant to Section 16 (j) of R.A. No. 9208, there shall be a collaborative effort among Local Government Units in coordination with other concerned national agencies to provide available services and actions to trafficked persons. "Local government units (LGUs) – shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases. They shall also undertake an information campaign against trafficking in persons through the establishment of the Migrants Advisory and Information Network (MAIN) desks in municipalities in coordination with DILG, Philippine Information Agency (PIA), Commission on Filipinos Overseas (CFO), NGOs and other concerned agencies. They shall encourage and support community-based initiatives which address the trafficking in persons.

 **SECTION 56. Employment of Young Workers.** Pursuant to Art. 139, Book III, Title III, Chapter II- Employment of Minors under the Labor Code Provisions On Young Workers (b) any person between fifteen (15) and eighteen (18) years of age may be employed for such number of hours and such periods of the day as determined in appropriate regulations, and (c) the foregoing provisions shall in no case allow the employment of a person below eighteen (18) years of age in an undertaking which is hazardous or deleterious in nature as determined by the Secretary of Labor and Employment.

In consonance therein, Article 140 of the same code provides that no employer shall discriminate against any person in respect to terms and conditions of employment on account of his age.

 **SECTION 57. Sangguniang Kabataan as Social Indicators of Local Conditions.** The SK is a social indicator of local conditions. It shall be the responsibility of the concerned Barangays in Tigbauan and other civic societies to resolve and provide various programs and services to realize the mandates stipulated in the Code.

 **SECTION 58. Youth and Psychosocial Support Program.** The Municipal Social Welfare and Development Office (MSWDO), Local Youth Development Office (LYDO), in coordination with the Department of Health (DOH), Department of Education (DepEd) and Commission on Higher Education (CHED) shall design a comprehensive psychosocial support program for children and youth and their families affected by armed conflicts, disasters, calamities and other similar situations experienced by the child and youth.

 **SECTION 59. Child-Youth in Obscene Publication and Indecent Shows.** Any person who shall hire, employ, use, persuade or coerce a child (child-youth) to perform in obscene exhibitions and indecent shows, whether live or in video, pose or model in obscene publications or pornographic materials shall suffer the penalty as prescribed in R.A. 7610.

 **SECTION 60. No Admission of Children (Child-Youth) to Prohibited Establishments.** No children (child-youth) shall be admitted to any bars, clubs, cafes, or any similar establishments that sell liquors. However, children between ages 13 to 17 years may be allowed entry to the said establishments if accompanied by their parents, adult relatives and other responsible adults. Proof of ages shall be required from parents or guardians before children aged 13.

SECTION 61. Control in Entry of Child-Youth to Hotels, Motels and Lodging Houses. Minorities are prohibited to check in hotels, motels and lodging houses within the municipality except when accompanied by their parents/guardians who are obliged to show proof of filial relationship between them through presentation of IDs, or any other documents available that would establish filial relationship.

SECTION 62. Prohibition of Forced and Arranged Marriage among Child-Youth. Marriage including informal or customary union or live-in arrangement between an adult and a child (child-youth) or between two children is prohibited.

SECTION 63. Curfew Hours for Children/Child-Youth. Upon the discretion of LGU, and depending on the prevailing conditions, curfew hours for minors may be imposed, subject to existing laws.

SECTION 64. Illegal Gambling and Cockfighting. Youth shall be prohibited from direct or indirect participation, promotion and the like, from any form of gambling.

SECTION 65. Condition for Admission of Students in Video/Computer Establishment During School Hours. Any commercial video or computer establishment allowing children (child-youth) to enter the establishments during school days for authorized research or activity for educational purposes shall not be covered by this Code: Provided, that the student or group of students/pupils can present school clearance or permit signed by the principal or teacher-in-charge.

SECTION 66. Smoking Ban to Children and Minor and Unlawful Selling of Cigarettes, E-Cigarettes and Vape. It shall be unlawful for minors to smoke cigarettes, e-cigarettes and use vape. It shall be unlawful also for any person to sell, or entertain the purchase of cigarettes, e-cigarettes, vape or cigar products to minors.

Selling or distributing tobacco products in schools, public playgrounds, youth hostels and recreational facilities for minors, including those frequented by minors or within 100 meters from any point of the perimeter of these places are hereby prohibited. Any violation of this section shall be penalized under Section 32 (b) of the Republic Act No. 9211.

SECTION 67. Strong and Sustained Police and Civilian Visibility. Strong and sustained police and civilian visibility in the barangay are keys to the protection and prevention of youth from becoming victims of crimes and violence at the grassroots level.

Regular patrolling of policemen assigned in community precincts, together with barangay authorities and volunteers shall be made in every barangay in order to protect the children and the youth.

SECTION 68. Assistance to Rehabilitation of Youth Victims of Drug Abuse. Youth victims of drug abuse shall be treated with care and supervision by the barangay where they belong through various intervention programs before their reintegration into the mainstream society.

SECTION 69. Prevention of Brutality. The local government shall endeavor to encourage the Philippine National Police (PNP) assigned to community precincts to undergo training on proper handling and treatment of abused and delinquent youth such that rudeness, harshness, brutality and cruelty against the youth be prevented;

SECTION 70. Assistance By Registered Social Workers. The local government shall also assign social workers, as the need arises, in every police precinct to team up with the police in the conduct of investigation and treatment of youth victims of crimes and violence.

SECTION 71. Gender-Sensitive Law Enforcers. To develop a gender-sensitive police force and barangay enforcers dealing with the youth, the local government unit, in coordination with the national government agencies and non-government organizations, shall assist in capability-building of PNP personnel assigned at police stations in the municipality, as well as local barangay authorities.

SECTION 72. Care and Protection for the Disadvantaged and Marginalized Youth Sector. The local government shall promote the welfare of the disadvantaged and marginalized youth giving special attention to policies and programs concerning youth inequities, gender-based discrimination and youth-trafficking.

SECTION 73. Rehabilitation for Children in Conflict With the Law. The local government shall promote the welfare of the disadvantaged and marginalized youth by giving special attention to policies and programs concerning youth inequities, gender-based discrimination and youth trafficking.

SECTION 74. Provisions and Comprehensive Intervention Program (CIP) for Children in Conflict with the Law (CICL). The Local Council for the Protection of Children (LCPC) at municipal and barangay levels shall organize and coordinate activities among partner agencies and organizations. The following are the interventions towards holistic and responsive program:

- a. Organization of youth, faith-based organizations and children associations/federations;
- b. Psychosocial intervention such as group/individual session with a social worker for children at risk;
- c. Involvement of former CICL in self-help groups as advocates;
- d. Family therapy to the family of the children at risk;
- e. Organization of watch groups;
- f. Development of foster families;
- g. Establishment of Special Drug Education Center ;
- h. Family Drug Abuse Prevention Program;
- i. Institutionalize Birth Registration in Barangays;
- j. Establishment of Temporary shelter;
- k. Psychosocial and therapeutic programs;
- l. Financial assistance and support services
- m. Organization of peer support groups; and
- n. Diversion program as indicated in RA 9344.

SECTION 75. Child Pornography. The local government shall protect every child from all forms of exploitation and abuse including, but not limited to:

- a. Use of a child in pornographic performances and materials;
- b. Inducement or coercion of a child to engage or be involved in pornography through whatever means;
- c. Other provisions stipulated under Republic Act No. 9775 or the Anti-child Pornography Act of 2009.

SECTION 76. Cybercrime. The local government recognizes the importance of providing an environment conducive to development, exploitation of information and communications technology to attain free, easy and intelligible access to exchange and/or delivery of information, and the need to protect and safeguard the integrity of communications systems, networks and database and the confidentiality, integrity and availability of information and data stored therein from all forms of misuse, abuse and illegal access by making punishable under the law such conduct or conducts.

SECTION 77. Regular Conduct of Job Fairs. The local government, through the Public Employment Service Office (PESO) and Department of Labor and Employment (DOLE) shall establish linkages with the private sector and companies for diverse job opportunities for the working youth.

SECTION 78. Employable Skills Training and Career Orientation for the Youth. The local government shall provide the unemployed, undergraduate and out-of-school youth (OSY) highly employable skills training and non-formal courses geared towards local and overseas employment. They shall also assist in-school youth and new graduates for career orientations and seminars.

SECTION 79. Stopping Discrimination at the Workplace. The local government unit shall endeavor to stop all forms of discrimination in whatever aspect of employment on all working youth-men, women, including the LGBTs in the workplace, whether public or private.

SECTION 80. Anti-Discrimination on the Basis of Sexual Orientation and Gender Identity and Expression (SOGIE). Any act of discrimination or harassment based on actual or perceived SOGIE which demeans the dignity and self-respect of a person or impairs, reduces or nullifies the recognition, enjoyment or exercise of a person's human and legal rights and basic freedoms in civil, political, labor, social, cultural, educational spheres.

SECTION 81. Incorporation of Sexual Orientation, Gender Identity and Expression (SOGIE) in the Functions of Existing Violence Against Women and Children (VAWC) Desk/Human Rights. The local government unit is strongly encouraged to handle the specific concerns relating to SOGIE through existing Violence Against Women and Children or VAWC/Human Rights Desk in all government offices such as police stations and/or barangay LGU.

SECTION 82. Youth Accessibility for Medical Services. The local government shall provide reliable medical services in local public hospitals and health centers, and promote employment of youth health workers in the municipality. The LGU shall monitor that private establishments and offices enroll their working youth in SSS and PhilHealth.

SECTION 83. Health Education. The local government through the Regional Health Unit and Department of Health shall enforce proper education among the youth about reproductive health, family planning, and shall educate them how to reduce the incidence of teenage pregnancy and pre-marital sex. The LGU shall also promote information on HIV and sexually transmitted diseases on the youth-men, women and LGBTs and encourage voluntary counseling and testing for all HIV victims.

SECTION 84. Sign Languages. The local government shall also promote the use of sign languages at the frontline offices for deaf-mute youth residents of Tigbauan.

SECTION 85. Pag-Asa Youth Association of The Philippines. The Pag-Asa Youth Association of the Philippines, Incorporated (PYAP, Inc.) shall establish a Barangay-Based Organization for the disadvantaged youth between 15-24 years old. The PYAP shall be an affiliate organization of the Department of Social Welfare and Development under the Unlad Kabataan Program (UKP).

SECTION 86. Head, Heart, Hands and Health (4H CLUB). The 4H Club shall establish a constituted Barangay-Based Organization for the development of citizenship, leadership, responsibility, and life skills of youth through experiential learning programs and a positive youth development approach. The 4H Club shall be an affiliate organization of the Municipal Agriculture Office.

SECTION 87. Batang Pinoy. The local government and other allied agencies such as DepEd shall support the institutionalization of the program of Batang Pinoy which serves as a national youth sports competition of the Philippines for athletes under 15 years old that also enjoins out-of-school youth. The local government unit shall allocate necessary funding for the realization of this program.

SECTION 88. Athlete Development Programs and Policies. The local government unit shall likewise espouse policies that support the training of athletes, including coaches and referees in developing and

enhancing their skills in sport. The local government unit shall further implement policies that would embrace a comprehensive and dynamic sports program that not only would upgrade the quality of its athletes, coaches and trainers but more so, to produce for the municipal top-rate athletes for wider competitions.

An athlete, upon the recommendation of DepEd or state universities and colleges in the Province of Iloilo may be given partial/full scholarship grant or educational assistance and other forms of rewards. The fund shall be determined by the local chief executive of the respective LGUs.

SECTION 89. Establishment of Municipal Youth Center. The Local Youth Center shall be established to empower the youth sector of Tigbauan to help in the development of their communities. It shall create a youth network and shall carry out activities adopting the 10 centers of youth participation.

CHAPTER X YOUTH IN EDUCATION

SECTION 90. Right of Youth to Quality Education. In line with RA 9155, RA 6655, and RA 10931, every youth has the right to:

- a. Free and compulsory basic education in public elementary and secondary schools;
- b. Free tuition and miscellaneous fees in SUCs and LUCs, as mandated by RA 10931;
- c. Access to quality education regardless of socioeconomic status, religion, gender, or ethnicity;
- d. Safe and inclusive learning environments free from violence, discrimination, and bullying;
- e. Participate in all school programs consistent with DepEd, TESDA, and CHED standards.

SECTION 91. Promotion of Safe, Gender-Responsive, and Inclusive Schools. All schools within the LGU shall comply with:

- a. Safe Spaces Act (RA 11313) – ensuring campuses free of sexual harassment
- b. DepEd Child Protection Policy (2012) – safeguarding students from all forms of abuse, exploitation, bullying
- c. Anti-Bullying Act (RA 10627)
- d. Accessibility standards for learners with disabilities, in line with RA 7277 (Magna Carta for PWDs)

The LGU shall promote initiatives to create safe, learner-centered, gender-inclusive, and respectful school environments.

SECTION 92. School-Based Youth Participation. Aligned with RA 8044 and the Sangguniang Kabataan Reform Act (RA 10742), the LGU shall support youth participation in:

- a. Supreme Pupil Governments (SPG)
- b. Supreme Student Local Governments (SSLG)
- c. Student councils and recognized student organizations
- d. Local youth development councils in schools

Youth representatives shall be included in community-based education consultations and planning activities.

SECTION 93. Scholarships and Educational Assistance. The LGU shall maintain, support, and expand scholarship and financial aid programs complementary to national programs under:

- a. CHED Merit Scholarships, TDP, STuFAPs
- b. TESDA Training for Work Scholarship Program (TWSP)
- c. DOST-SEI Scholarships
- d. RA 10687 (UniFAST – Tertiary Financial Assistance)

The LGU may grant:

- a. Merit-based scholarships
- b. Need-based assistance
- c. Assistance for board/licensure exam takers
- d. Assistance for out-of-school youth returning to education

SECTION 94. Support for the Alternative Learning System (ALS). In accordance with the ALS Act (RA 11510), the LGU shall support programs for:

- a. Out-of-School Youth (OSY)
- b. Youth with interrupted schooling
- c. Working youth
- d. Persons deprived of liberty
- e. IP youth through Indigenous Peoples Education (IPEd)

The LGU shall collaborate with DepEd to provide:

- a. ALS learning centers
- b. Mobile teachers

- c. Community-based learning hubs
- d. Digital literacy programs

SECTION 95. Technical-Vocational Education and Youth Employment Pathways. To help youth transition from school to employment, the LGU shall promote:

- a. TESDA-accredited skills training
- b. Apprenticeship and dual training system programs
- c. Entrepreneurship and livelihood education
- d. LGU-supported job fairs and skills certification
- e. Digital skills and ICT training, aligned with DICT programs

Priority shall be given to senior high school graduates under the K-12 TVL track.

SECTION 96. Health, Nutrition, and Mental Wellness in Schools. In line with DepEd and DOH programs, schools shall implement:

- a. School-Based Feeding Program (RA 11037 – Masustansyang Pagkain para sa Batang Pilipino Act)
- b. Mental health support services, in line with RA 11036 (Mental Health Act)
- c. Adolescent reproductive health education, consistent with DepEd's Comprehensive Sexuality Education framework
- d. Anti-smoking and anti-vaping campaigns under RA 9211 and RA 11900
- e. Drug abuse prevention programs consistent with DDB and DepEd policies

The LGU shall coordinate with health centers to ensure delivery of youth-specific health programs.

SECTION 97. Digital Literacy and Access to Learning Technologies. To enhance 21st-century skills, the LGU shall:

- a. Facilitate youth access to ICT tools and learning technologies
- b. Support DICT's free Wi-Fi programs, digital literacy campaigns, and Tech4ED centers
- c. Promote responsible digital citizenship and online safety

SECTION 98. Monitoring, Evaluation, and Reporting

The Local Youth Development Office (LYDO), in coordination with DepEd, TESDA, CHED, and schools, shall:

- a. Monitor youth education indicators
- b. Submit annual reports on school participation, ALS enrollment, OSY population, and scholarship beneficiaries
- c. Recommend enhancements to youth education programs

CHAPTER XI CRISIS INTERVENTION PROGRAM

SECTION 99. Crisis Intervention Program

- a. **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.

- b. **Objectives of the Crisis Intervention Center.** The Crisis Intervention Center shall have the following objectives:

1. To provide temporary shelter and basic services to abused children and women.
2. 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;
3. 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;
4. 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;
5. To provide livelihood assistance and placement of abused women and children who are ready to be reintegrated with their families and communities;
6. 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;
7. 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.

c. Organizational Structure, Management and Operations of the Center

1. The Local Council for the Welfare of Children shall formulate the organizational structure of the center depending on the need for its services;
2. 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;
3. The center shall be under the supervision of the MSWDO;
4. 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.

SECTION 100. 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.

SECTION 101. Child-Centered Community Development (CCCD)- The Local Government Unit shall promote the child-centered community development and develop programs to encourage children to actively participate in community activities and process to promote children's right, identify their own needs, access community resources, design their own project and empower children to continue with their plan of action for the years to come.

SECTION 102. 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.

SECTION 103. Establishment of Adolescent Reproductive Health (ARH) Teen Center.

- a. A community based ARH Teen Center/ Adolescent Friendly Health Facility (AFHF) 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.
- b. Adolescents Reproductive Health Task Committee Members with the Municipal Mayor, as the chairman shall prepare the organization design of the center.
- c. The local agencies and the national agencies shall be coordinated to act on all referrals of clients from the municipality.
- d. The adolescents/youth sector of the municipality, to include the SK, PYA, OSY, ISY be the respondent of the year.
- e. The center shall be operated by identified and qualified adolescents/youth as appointed by the ARH Task Force Committee with the close supervision of the Population Office and other members of the committee.

SECTION 104. Prohibited Acts and Penalty. In addition to all acts defined and penalized under Republic Act 3815 as Amended (The Revised Penal Code), P.D. 603 (The Child and Youth Welfare Code), Republic Act 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) as amended by Republic Act 9231 (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Protection for the Working Child), Republic Act 9208 (Anti-Trafficking in Persons Act of 2003), Republic Act 9262 (Anti-Violence Against Women and Children), and other pertinent laws, administrative orders, executive orders and issuances involving a child, the following acts shall likewise be punishable:

- a. **Illegal Recruitment** – Any recruiter shall be required to register with and secure a permit to operate/recruit for a barangay clearance from the Office of the Punong Barangay, and to secure a Mayor's permit to operate in the concerned municipality, with an undertaking not to recruit children.
- b. **Child Trafficking** – Transporting a child/children from his/her place of residence without any justifiable reason and without the consent of his/her parents or guardian there is a presumption of child trafficking when a person is found together with three or more minors not his/her relatives or ward at the pier or port of exit for the purpose of transporting the minors to another place without any clearance/permit from the barangay where the children came from. The Barangay Official who issues a false permit or makes false statements in the permit shall also be liable under this section;
- c. **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:
 1. Subjecting the child to work in agricultural and industrial establishments like rice and corn plantations or farms;
 2. Working as house helpers.
- d. **Pre-arrangement for Marriage** – Pre-arrangement (*buya*) made by parents or guardians to marry off their children or wards. One manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other;
- e. **Using Girls as Commodities in Benefit Dances** – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use

children as dancing partners for payment, fee or any other monetary consideration to the organizers;

- f. **Discrimination of Children** – Discrimination of children by prohibiting and depriving them of formal education by reason of their age and sexual orientation, religion or disability;
- g. **Discrimination of Illegitimate** – For schools to discriminate against illegitimate children as follows but not limited to the following:
 1. Refusal to accept enrolment of illegitimate children in the school by reason of one's illegitimacy; and
 2. Requiring the marriage contract of parents as a requirement for enrolment of the child.
- h. **Expulsion by Reason of Pregnancy** – For schools to impose a penalty of expulsion against a child who has complied with all academic requirements by reason of her pregnancy;
- i. **Refusal to Graduate by Reason of Pregnancy** – For schools to refuse to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;
- j. **Refusal to Issue Clearances by Reason of Pregnancy** – For schools to issue clearances to a child by reason of pregnancy;
- k. **Physical and Degrading Form of Punishment** – Subjecting the child to physical and degrading forms of punishment such as, but not limited to the following:
 1. Ordering or directing a child to kneel on salt;
 2. Placing a child inside a sack or any container, or hanging him/her;
 3. Shaving the head of a child;
 4. Harsh whipping of the child with the tail of a stingray (*pagi*), stick, belt and other similar objects.
 5. Stripping the child of his/her clothes;
 6. Locking up the child in a cabinet or *aparador* or any enclosed structure;
 7. Tying up the child or otherwise detaining him/her;
 8. Throwing objects such as but not limited to erasers, chalk, books and notebooks at the child;
 9. Pulling the hair of the child;
 10. Making the child stand under the heat of the sun; and
 11. Exposing the child to be bitten by the ants
- l. Prohibiting a Child or Pregnant Minors to Access Health Services and Facilities;
- m. **Pushing/ Enticing Children to Live-In Arrangements** – 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;
- n. **Sexual Exploitation of Minors** – Sexual exploitation of children by any person, foreigner or otherwise. Consorting with children in any sexual or lascivious conduct, or public display of sexual or lascivious conduct involving children shall be considered *prima facie* evidence of sexual exploitation;
- o. **Entry, Selling, Distributing, and Showing of Pornographic Materials** – Selling, distributing, or showing of pornographic materials to children, or possessing or selling, distributing or showing pornographic materials in places where children are present. There is a *prima facie* evidence of violation of these section when the act is done in the presence of the child;
- p. It shall be unlawful for any person to sell liquor, cigarette, rugby or any addicting substance to a child;
- q. Smoking in public places;
- r. Recruitment of children as laborers in pyrotechnic industries, illegal fishing, sugar cane plantation, rice plantation, corn plantation and other worst forms of child labor practices;
- s. Using children in social and/or cultural activities where they are compelled to wear skimpy outfits and/or perform sexually suggestive movements or immoral activities;
- t. Allowing children to smoke, drink alcoholic beverages, use or possess illegal drugs and use or possess deadly weapons. Any adult who has in his company a child who smokes, drinks, uses or possess illegal drugs, or uses or possess deadly weapons shall be presumed guilty of this provision.
- u. Allowing a child below twelve (12) years of age to drive or operate a *pedicab/trisikad* for any purposes. The owners of the *pedicab/trisikad* driven/operated by the child is presumed to have allowed the child to drive/operate such *pedicab/trisikad* in public places, streets, and highways shall be guilty of this provision;
- v. Failure to provide possible medical and educational opportunities to a child living in a house other than the child's own home or to a child working as a household helper;
- w. Bringing of a child below fifteen (15) years of age to public gatherings or any other situation which may expose the child to harm and danger;
- x. Exposing a child to any gambling activity, which may include, but not limited to , any game of *jueteng*, *masiao*, animal race, illegal numbers games, *longing*, *pula-puti*, and cockfighting or any other games involves risking something of value on an uncertain event in hopes of winning something of greater value. (Forms of Gambling and Betting), R.A. 3063 (Horse Racing Bookies), P.D. 449 (Cockfighting), P.D. 483 (Game Fixing), P.D. 510 (Slot Machines) in relation to Opinion Nos. 33 and 97 of the Ministry of Justice, P.D. 1306 (Jai-Alai Bookies). Any adult who brings or has in his company a child in any place where gambling activities are conducted. The financier, owner, manager or operator of any place or premises where the gambling activity is held or conducted shall also be presumed guilty of exposing a child to any gambling activity when a child is allowed inside the place where any gambling activity is held or conducted.

- y. Having a child on board a public utility vehicle without the adequate seat as a passenger.

SECTION 105. 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.

SECTION 106. 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.

SECTION 107. 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:

- a. 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;
 1. The employment does not endanger the child's life, safety, health and morals;
 2. The employment does not impair the child normal development; and
 3. The employment parent or legal guardian provides the child with primary and or secondary education prescribed by DepEd.
- b. Where the child's employment or participation in public entertainment or information through cinema, theatre, radio or television is essential provided that:
 1. The employment does not involve advertisement or commercials promoting alcoholic beverage, intoxicating drinks, tobacco and its by-products or exhibiting violence;
 2. There is a written contract approved by the Department of Labor and Employment;

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.

SECTION 108. Sagip Anghel Task Force/Sagip Batang Manggagawa – 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.

SECTION 109. Composition. – The Municipal Mayor as chairman with DOLE, MHO, MSWDO, DILG, PNP, CIDG, Liga ng mga Barangay, DEPED, CHR, NCIP, OMA, NGO, as members.

CHAPTER XII CONTROL ON EXPOSURE TO NEW TECHNOLOGY

SECTION 110. Control on Exposure to Video Games - Commercial establishments renting out digital/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.

SECTION 111. 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.

CHAPTER XIII CHILDREN IN SITUATIONS OF ARMED CONFLICT

SECTION 112. 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 Article X of Republic Act 7610 or the Anti-Child Abuse Act.

CHAPTER XIV CHILDREN OF INDIGENOUS PEOPLES

SECTION 113. Rights of Children of Indigenous Minorities

- a. In addition to the rights guaranteed to children under this Code and the Indigenous People Right Act (Republic Act No. 8371), children of indigenous cultural communities (ICCs) / indigenous peoples (IPs) shall be entitled to protection, survival, participation and development consistent with the customs and traditions of their respective communities;

- b. The MCPC in coordination with DepEd district office shall encourage and support the integration into the IP curriculum the Indigenous Knowledge System and Practices (IKSP) relevant to the needs and interest of ICC/IP children.
- c. The delivery of basic social services in health and nutrition to children of Indigenous Cultural Communities/ Indigenous Peoples should be given priority. Service providers in hospitals and other institutions shall be culture sensitive in dealing with indigenous people especially children. They shall not be subjected to any form of discrimination and verbal abuses that degrade their dignity and self-esteem. Their traditional health knowledge, beliefs and practices should be respected.
- d. Children of indigenous people shall not be subjected to any form of discrimination.

CHAPTER XV CHILDREN IN CONFLICT WITH THE LAW

SECTION 114. Guarantee under the United Nations Convention on the Rights of the Child (UNCRC)

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

- a. To be presumed innocent until proven guilty under the law;
- b. 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;
- c. 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;
- d. 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;
- e. 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;
- f. To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- g. To have his/her privacy fully respected in all stages of the proceedings;

SECTION 115. 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 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 wait for 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 his/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 the 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;
- o. Other rights as provided for under existing laws, rules and regulations.

SECTION 116. 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.

SECTION 117. 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.

SECTION 118. 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.

SECTION 119. Intervention and Delinquency Prevention – Each LGU shall establish programs for CICL or CAR intervention and delinquency prevention to address issues that cause the child to commit an offense, taking into consideration the following:

- a. Emphasis on the intervention policies facilitating the successful socialization and integration of all children with the family, through the community, peer group, schools, vocational training and world of work, as well as through voluntary organizations;
- b. Due respect should be given to the proper personal development of children, and they should be accepted as full and equal partners in socialization and integration processes; and
- c. Provision of local counterparts for the establishment of school-based/ community-based teen centers, and other similar facilities.

The LGU shall comply with the guidelines prescribed in the National Intervention Program by the CICL or CAR Justice Welfare Council as provided for in R.A. No. 9344 (CICL or CAR Justice Welfare Act of 2006) and its Implementing Rules and Regulations, in the formulation of its CICL or CAR Intervention and Delinquency Prevention Programs.

SECTION 120. 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 to 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;

SECTION 121. 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 a decision to that effect shall be written and explained to both parties.

SECTION 122. 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:

- a. local social welfare and development officer,
- b. the nearest relative;
- c. 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.

SECTION 123. Prohibition 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, CICL or CAR 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.

SECTION 124. 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.

SECTION 125. Intervention 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, the child and the parents/guardian of the child, in accordance with the provisions of R.A. 9344, as amended, (CICL or CAR Justice Act of 2006), its implementing rules and regulations and other pertinent laws.

SECTION 126. Factor in Determining Intervention Programs. – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- a. The circumstances of the child (e.g. age, level of development, educational background, etc.)
- b. Needs of the child especially if disadvantaged, i.e. street child, or child with mental or physical difficulties;
- c. Family and social background of the child;
- d. Influence of family and environment on the growth of the child;
- e. Ability and willingness of the parents or guardians to guide and supervise the child;
- f. The nature and circumstances of the offense charged;
- g. Availability of community-based programs for intervention and prevention; and
- h. Safety and security of the child.

SECTION 127. Criteria of Formulating Intervention 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:

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

SECTION 128. Intervention 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:

- a. Written or oral reprimand or citation;
- b. Restitution of property;
- c. Reparation of the damaged caused;
- d. Indemnification of consequential damages;
- e. Confiscation and forfeiture of the proceeds or instruments of the crime;
- f. Fine;
- g. Payment of costs of the proceedings;
- h. Written or oral apology;
- i. Guidance and supervision orders;
- j. Counseling form the child and the family;
- k. 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;
- l. Community-based programs available in the community;
- m. Institutional care and custody;
- n. Counseling;
- o. Peer counseling and life skills training and education;
- p. Provision of support services to the family, e.g. education, health, skills training;
- q. Referral to other agencies for appropriate services, e.g. education, health, skills training; and
- r. Access to child and youth organizations in the community, such as but not limited to the Sangguniang Kabataan.

SECTION 129. 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:

- a. Its primary purpose shall be the rehabilitation and reintegration of the child;
- b. Referral to such programs shall need the consent of the child and the parents or legal guardian/s;
- c. The participation of other child-centered agencies, religious, civic and other organizations shall be allowed;
- d. Community service;

- e. Membership in civic and/or religious organizations.

SECTION 130. Conditions or Intervention Programs – In all cases where a child is required to undergo a diversion program, the following conditions shall be mandatory:

- a. 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;
- b. 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;
- c. The child shall cooperate and faithfully comply with the conditions in the contract;
- d. The child shall permit the competent authorities and/or the municipal social welfare and development officer to visit the child's home;
- e. 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.

SECTION 131. 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).

SECTION 132. 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.

SECTION 133. Assistance of Children 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;

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

SECTION 134. Referral to Diversion Programs. – In the process of conciliation, the Lupon or the Pangkat as the case may be, shall encourage the inclusion of a 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.

SECTION 135. Designation of Officer or Unit to Handle Cases Involving Youth Offenders. – The LGUs shall designate Local Social Welfare and Development Officers to handle cases involving youth offenders. They shall handle all cases involving children, family relations and domestic violence, and shall be required to undergo annual mandatory training on handling such cases.

SECTION 136. 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:

- a. his/her parents/guardians;
- b. the nearest relative;
- c. member of a child-focused or religious group;
- d. member of the BCPC concerned;
- e. the municipal social welfare and development officer; and
- f. 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.

SECTION 137. 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.

SECTION 138. Right of the CICL or CAR to Counsel. – From custodial investigation and throughout the proceedings, the CICL or CAR shall have the right to be represented by counsel. The arresting officer, prosecutor or judge shall ensure that the CICL or CAR 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. Ensure that immediately and not later than eight (8) hours after apprehension, custody of CICL are turned over to social services.

SECTION 139. 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 MSWD may refer the child to the appropriate child caring institution.

SECTION 140. 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.

SECTION 141. 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.

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

SECTION 142. Reintegration Program. - The Local Government shall implement reintegration programs for a CICL or CAR who is released by the court. This is for the purpose of preparing the said child for reintegration to the community.

CHAPTER XVI LOCAL COUNCILS FOR THE PROTECTION OF CHILDREN

SECTION 143. Municipal Council for the Protection of Children

SECTION 144. Creation of the Local Council for the Protection of Children (MCPC). The Sangguniang Bayan shall create a council for the protection of children and coordinate with the BCPC. This is in keeping with the Municipal Council for the Protection of Children (MCPC) 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.

SECTION 145. Composition and Functions of the Municipal Council for the Protection of Children (MCPC).

a. Composition of MCPC

Members of the MCPC 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 MCPC shall oversee and coordinate with the implementation of this Code.

b. Functions of the MCPC

- 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 MCPC 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 MCPC.

SECTION 146. Representation of the Civil Society Organization in the MCPC. The MCPC shall invite CSO's with child-focused programs to be members in the MCPC, provided that these CSOs are duly accredited by the Sangguniang Bayan based on its criteria of accreditation.

SECTION 147. Internal Rules of the MCPC. The MCPC 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.

SECTION 148. 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:

The Punong Barangay, who may act as Chairperson;

- a. The Chairman on the Committee on Youth and Sports Development who may act as Vice Chairperson;
- b. A representative of the municipal government concerned with the welfare of children, whose area of assignment includes the particular barangay;
- c. A representative from each of the civil society organizations (CSOs) concerned with the welfare of children and operating in the barangay;
- d. An active and responsible member of the community;
- e. An active member from each of the People's Organizations (POs) in the barangay;
- f. A representative from DepEd, DOH and human rights group;
- g. A child advocate whose age ranges from 9 – 14 duly chosen by the barangay officials.

SECTION 149. The BCPC shall have the following functions:

- a. To foster education of every child in the barangay. To ensure that every child in the barangay acquires at least an elementary education;
- b. 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;
- c. To report all cases of child abuse to the proper authorities;
- d. To prevent child labor in their area and to protect working children from abuse and exploitation;
- e. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get expert advice;
- f. To adopt measures to promote the health and nutrition of children;

- g. 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;
- h. To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;
- i. To promote wholesome entertainment in the barangay especially in the movie houses;
- j. To assist parents whenever necessary in securing expert guidance and counseling from the proper government or private welfare agencies;
- k. To advocate for the passage of a child-friendly barangay ordinances in response to child-related issues and concerns;
- l. 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
- m. To submit quarterly barangay accomplished reports to the MCWC on the implementation of the plan.

SECTION 150. Children's Concerns Desk - There shall be created a Desk for Children in the following offices:

- a. Municipal Social Welfare and Development Office;
- b. Municipal Health Office;
- c. Philippine National Police (PNP) Station;
- d. NGO's that cater to children programs;
- e. Schools
- f. Barangays

SECTION 151. Functions of the Desk for Children's Concern. The Desk for Children's Concern shall:

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

SECTION 152. 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 proposals to change or repeal existing laws or to introduce new legislation likely to affect children's lives.

SECTION 153. 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.

SECTION 154. Child Impact Statements. - The Local Government is required to prepare "child impact statements" indicating the likely repercussions of proposed legislation or policy on children and submit these to the Desk for Children's Concern.

SECTION 155. 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.

SECTION 156. Child Representative. - Aside from the youth representative from the Sangguniang Kabataan, a seat shall be provided for a child representative in the MCPC to represent children below 15 years of age. The MCPC shall see to it that the child is able to genuinely participate in the decision-making particularly in matters involving children's concerns.

CHAPTER XVII LOCAL YOUTH DEVELOPMENT COUNCIL AND ITS SPECIAL BODIES AND ADVISORY GROUP

SECTION 157. Creation of the Local Youth Development Office. Thereby created the Local Youth Development Office (LYDO) as a division under the Office of the Municipal Mayor. It can be a separate department with divisions and units for policy and planning, administration and finance and programs and operations. The local government unit, upon the recommendation of the Local Youth Development Officer, may provide additional staffing requirements in the Local Youth Development Office and shall be appointed by the concerned LCE in whatever status deemed appropriate, and in accordance with civil service rules and regulations.

SECTION 158. Functions of the Local Youth Development Office. The Local Youth Development Office shall have the following functions:

- a. In accordance with Section 24 (d) of these rules, register and verify youth and youth-serving organizations (Subject to the revitalized Youth Organization's Registration Program (YORP) guidelines);

- b. Provide technical assistance to the LYDC of the concerned LGU in the formulation of the LYDP;
- c. Serve as secretariat to the LYDC;
- d. Facilitate the election of the LYDC Representatives;
- e. Conduct the mandatory and continuing training of SK officials and LYDC members, in accordance with the programs jointly designed and implemented by the Commission and the DILG. The local youth development officer and/or his or her staff shall apply for accreditation from the Commission for them to conduct the mandatory and continuing training programs of SK officials and LYDC members. In the absence of a Youth Development Office in the municipality, the designated existing personnel by the LCE shall apply accreditation with the Commission in order for said official to conduct the mandatory and continuing training programs of SK officials and LYDC members;
- f. Provide technical, logistical and other supports in the conduct of the mandatory and continuing training programs, and to such other programs of the Commission and DILG;
- g. Coordinate with the Commission with regard to the youth programs within their jurisdiction; and
- h. Perform such other functions as may be prescribed by law, ordinance, or as the LCE, the DILG or the Commission may require.

SECTION 159. Head of the Local Youth Development Office. The Local Youth Development office (LYDO) shall be headed by a Local Youth Development Officer (LYDO) who shall be designated by the LCE from existing personnel who he or she deems fit to serve as such and, in addition to the requirements prescribed by the Civil Service Commission (CSC).

SECTION 160. Municipal Youth Development Advisory Board – The Council shall be composed of the following:

Chairman – Mayor

Vice Chairman – Local Youth Development Officer

Members:

- Ex-Officio Sangguniang Bayan – SK Provincial Federation President
- Chairperson, Sangguniang Bayan Committee on Youth and Sports; and Women, Welfare of Children, LGBTQ and Gender Equality Local Youth Development Officers, and Education
- Sangguniang Kabataan Chairperson
- Municipal Social Worker and Development Office
- Philippine National Police
- Rural Health Office
- Municipal Budget Office
- Municipal Planning and Development Office
- Municipal Information Unit (MIU)
- Municipal Local Government Operations Officer (DILG)
- Representative – Department of Education (DepEd)
- Municipal Disaster Risk Reduction Management Office
- Public Employment Service Office

SECTION 161. Meeting of the Board. The Board shall meet quarterly and that if any member, for one reason or another, cannot attend the meeting of the Board, that member may designate a representative to attend the meeting for and on his behalf, which shall have the same right of the original member.

SECTION 162. Functions of the Board. The Board shall have the following functions:

- a. Offer advice in developing constructive policies, standards, procedures and programs relating to the improvement of youth development programs and the various problems confronting the youth sectors and SK officials in the Municipality;
- b. Monitor the implementation of sports program of the municipality;
- c. Review, recommend and approve all sports programs of the municipality;
- d. Create appropriate committee as deemed necessary;
- e. Perform such other functions as may be provided by law or ordinances.

SECTION 163. Composition of Local Youth Development Council. The LYDC shall be composed of at least ten (10) but not more than twenty-one (21) members including the two (2) core members from the SK. The two (2) core members shall be composed of the president and the vice-president of the concerned Pederasyon and shall be supported by at least eight (8) but not more than nineteen (19) other representatives from registered youth organizations or youth-serving organizations, provided that all other incumbent SK officials shall not be eligible to become members of the Provincial Youth Development Council.

Presiding Officer – SK Pederasyon President

Members – SK Pederasyon Vice President

– At least eight (8) but not more than nineteen (19) representatives of the different registered Youth Organizations (YOs) or Youth-Serving Organizations (YSOs) in the municipal level.

SECTION 164. Functions of the Municipal Youth Development Council.

- a. Ensure wide and multi-sectoral youth participation in governance and provide support for the development and coordination of youth projects;
- b. Formulate the Local Youth Development Plan (LYDP);
- c. Assist in the planning and execution of projects and programs of SK and of the Pederasyon at all levels;
- d. Coordinate and harmonize activities of all agencies and organizations in the locality that are engaged in youth development;
- e. Implement programs aimed at developing the full potential of the youth;
- f. Empower the youth through information, education and communication strategies to heightened awareness on various issues affecting the youth;
- g. Recommend youth programs and project proposals to appropriate government agencies;
- h. Monitor and evaluate the implementation of the LYDP; and
- i. Perform such other functions as may be required by the local government unit and the law.

SECTION 165. Convening of the LYDC. Within forty-five (45) days after the SK elections, the LYDO or the designated existing personnel from the local government unit shall notify all the presidents or authorized representatives of the registered youth organizations or youth-serving organizations in that locality; assemble them in a public venue, and by consensus or secret balloting, they shall choose at least eight (8) but not more than nineteen (19) representatives. These representatives shall serve for a term of three (3) years in the LYDC.

SECTION 166. Secretariat to the LYDC. The Local Youth Development Officer shall serve as the secretariat of the Local Youth Development Council (LYDC).

SECTION 167. Meeting of the Council. The Council shall meet quarterly or as may be deemed necessary. The Chairperson or his duly designated convener shall preside in all council meetings.

SECTION 168. Budget Allocation of the LYDO. Funding requirements shall be provided in the Annual Performance Budget of the Local Government.

CHAPTER XVIII

SAUNTER AND LOITER OUTSIDE THE SCHOOL PREMISES DURING CLASS HOURS

SECTION 169. Regulatory Clause

- a. No high school student shall be allowed to saunter, loiter and to stay outside the school premises during class hours, except for errands and emergency cases duly certified by the teacher-in-charge.
- b. Class hours determined by the school should be strictly observed and no high school student shall be allowed to stay outside the school premises such as at nearby stores, refreshment parlors and any public places during class hours.

CHAPTER XIX

SELLING OF BEER, ALCOHOLIC BEVERAGES, WINE AND LIQUOR TO MINORS AND HIGH SCHOOL STUDENTS

SECTION 170. Regulatory Clause

- a. It shall be prohibited to all Store Owners and business establishments to sell beer, alcoholic beverages, wine & liquors to minors and High School Students.
- b. Karaoke Bars are likewise prohibited to serve and sell intoxicating liquors to minors and High School Students.
- c. Minors & High School Students are prohibited to drink intoxicating liquors in public places.
- d. Responsible for Posting of Sign - the owner or proprietor of the said store and establishment shall be responsible for providing signs, logos or symbols, marking or any other informative devices.
- e. The National High School, Barangay Operation Center, Barangay Council shall conduct a continuing program to educate, inform, and disseminate to the public the provision of this ordinance.
- f. General Provision, Nothing in this ordinance shall be construed to allow store owners and Business establishments to sell intoxicating liquor to minors and High School Students.
- g. 50% of any fine so collected shall be remitted to the apprehending Barangay while 50% will go to the Municipal Treasurer.

CHAPTER XX

SELLING OF CIGARETTES TO MINORS

SECTION 171. Prohibition on the Sale of Cigarettes, Heated Tobacco Products (HTPs), and Vaporized Nicotine and Non-Nicotine Products (Vape/E-Cigarettes) to Minors. In accordance with Section 12 of RA 11900 and Section 9 of RA 9211, it is strictly prohibited for any person or establishment to: Sell, distribute, deliver, or otherwise make available cigarettes, tobacco products, heated tobacco products (HTPs), vaporized nicotine products (VNPs), or non-nicotine vaping products (NNVNPs) to any individual below eighteen (18) years old.

SECTION 172. Prohibition on Selling Near Schools and Areas Frequented by Minors. Following Section 10 of RA 9211 and supporting provisions of RA 11900, it is unlawful to sell, advertise, or distribute any tobacco, HTP, or vape product within 100 meters of:

- a. Schools
- b. Playgrounds
- c. Youth centers
- d. Child-care facilities
- e. Recreation areas frequented by minors

This applies to physical stores, kiosks, mobile vendors, and delivery riders.

SECTION 173. Ban on Self-Service Displays, Online Sales to Minors, and Vending Machines

- a. All tobacco, HTP, and vape products must be stored behind the counter and not accessible to the public.
- b. Vending machines for these products are prohibited.
- c. Selling to minors through online platforms, social media, or delivery apps is strictly prohibited under RA 11900
- d. Delivery services must perform age verification upon delivery.

SECTION 174. Mandatory Signage for Stores Selling Tobacco, HTPs, and Vapes. All establishments must display visible signage reading:

- a. "SALE OF CIGARETTES, TOBACCO PRODUCTS, AND VAPE/ECIGARETTES TO MINORS IS STRICTLY PROHIBITED."
- b. "AGE VERIFICATION REQUIRED."
- c. "NO SMOKING / NO VAPING WITHIN 100 METERS FROM SCHOOLS OR FACILITIES FREQUENTED BY MINORS."

SECTION 175. Confiscation and Proper Disposal of Cigarettes, HTPs, and Vape Products

- a. Confiscated items must be turned over to the Municipal Police Station.
- b. Vape devices with batteries shall be disposed of following safety and environmental guidelines.
- c. Liquids, pods, and cartridges must be properly destroyed.
- d. Returned or resold confiscated products are strictly prohibited.

SECTION 176. Inter-Agency Coordination and Enforcement. Enforcement shall involve:

- a. Philippine National Police
- b. Municipal Health Office
- c. Municipal Treasurer
- d. Barangay Councils
- e. Schools (Elementary & High School)

All must coordinate regularly for inspection and monitoring, Recording violations, Public information campaigns, Data reporting to the Municipal Mayor.

CHAPTER XXI

OPERATION OF KARAOKE BARS AND SALE OF ALCOHOLIC DRINKS WITHIN THE RADIUS OF TWO HUNDRED (200) METERS FROM ALL SCHOOL PREMISES

SECTION 177. Prohibition — No business establishments shall be allowed to operate as karaoke bars and sell alcoholic drinks within the radius of 200 meters from all school premises, in the Municipality of Tigbauan, Province of Iloilo, without the corresponding business permit from the Office of the Municipal Mayor. Violators thereof shall be fined Two Thousand Pesos (P2,000) and shall cause the cancellation of their business permit.

• **SECTION 178. Employment** — Operators of karaoke bars within the radius of 200 meters from all school premises are not allowed to employ GRO's except waiters and waitresses with health certificates from the Municipal Health Officer, Municipality of Tigbauan, Province of Iloilo. Violators thereof shall be fined.

SECTION 179. Authorized Apprehending Personnel - All Barangay Officials, Barangay Tanods, School Principals and PNP-Tigbauan personnel are authorized by this Ordinance to apprehend violators and impose penalties in violation of the provisions of this Ordinance.

SECTION 180. Monitoring – TASK FORCE MAGDALENA is authorized to check and monitor all karaoke bars to strictly implement Sections 3, 4 & 5 of this Ordinance and to report to any authorized personnel as mentioned herein for any violations thereof.

CHAPTER XXII

SETTING FOR DISCIPLINARY HOURS IN TIGBAUAN, ILOILO FOR MINORS FROM 10:00 P.M. TO 5:00 A.M.

SECTION 181. Prohibited Activities/ Offenses

- a. All minor children are prohibited to roam around, loiter, wander, stay or meander in all public places during disciplinary hours 10:00 P.M. every night up to 5:00 AM. the next morning- whether singly or in groups without lawful purpose or justifiable reason.
- b. It is unlawful for a parent or guardian of a minor to knowingly permit or by insufficient control allow the minor to remain in any public place within the territorial jurisdiction of the Municipality of Tigbauan during discipline hours.

SECTION 182. Exemptions. Minor children under the following circumstances not be covered by the provisions of this ordinance;

- a. Those accompanied by their parents or guardian;
- b. Those on their way to or from a party, graduation ceremony, religious mass; and/or other extra-curricular activities their school or organization wherein their attendance are required or otherwise indispensable, or when such minors are out and unable to go home early due to circumstances beyond their control as verified by the proper authorities concerned; and
- c. Those attending to, or in experience of, an emergency situation such as earthquake, hospitalization, road accident, law enforcers encounter, and similar incidents.
- d. When the minor is engaged in an authorized employment activity, or going to or returning home from the same place of employment activity, without any detour or stop;
- e. When the minor is in motor vehicle or other travel accompanied by an adult in no violation of this Ordinance;
- f. When the minor is involved in emergency;
- g. When the minor is out of his/her residence attending an official school, religious, recreational, educational, social, community or other similar private activity sponsored by the city, barangay, school or other similar private civic/religious organization/group (recognized by the community) that supervises the activity or when the minor is going to or returning home from such activity, without any detour or stop; and
- h. When filed a minor can present certifying that he/she is a student and was dismissed from his/her class/es in the evening or that he/ she is a working student.

SECTION 183. Enforcement Procedure. In compliance with the Juvenile Justice Welfare Act of 2006 or Republic Act No. 9344, law enforcement officer, a police officer, Barangay Public Safety Officer (BPSO), Barangay Council for the protection of Children (BC'PC) or neighborhood crime watch enforcer enforcing action under this ordinance, shall observe the prescribed provision under Section 21 of Republic Act No. 9344 dealing with a minor or minors believed to be in violation of the herein ordinance as follows:

RA No. 9344, Section 21. Procedure for Taking the Child into Custody – From the moment a child is taken into custody, the law enforcement officer shall:

- a. Explain to the child in simple in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- b. Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- c. Properly identify himself/ herself present proper identification to the child;
- d. Refrain from using vulgar or profane words and from sexually harassing or abusing, or sexual advances on the child conflict with the law;
- e. Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- f. Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/ her apprehension;
- g. Avoid violence or unnecessary force;
- h. Determine the age of the child pursuant to Section 7 of this Act;
- i. Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/ guardians the consequences of the child's act with a view towards counselling and rehabilitation, diversion from the criminal justice system, and separation, if appropriate;
- j. Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination result shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- k. Ensure that should detention of the child in conflict with the law, be necessary the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- l. Record the following in the initial investigation:
 1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
 2. That the parents or guardian of a child, the DSWD and the PAO have been informed of the apprehension and the details thereof; and
 3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination of the failure to submit a child to such examination; and

- m. Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

SECTION 184. Obligations and Liability of Parent/s or Guardian/s – The parent/s or guardian/s who are in actual custody or living together with the minor child are hereby mandated to supervise the conducts or activities of their minor children and see to it that the latter are already in their home prior to and until after the occurrence of the disciplinary hours.

SECTION 185. Community Involvement/Participation – Any person who has personal knowledge of the existence of any minor during the wee hours as provided under Section 3 hereof, must immediately call the attention of the Barangay.

CHAPTER XXIII INSTITUTIONALIZING THE "KAARAM SA DUYAN" AS THE PRIMARY LITERACY PROGRAM

SECTION 186. Institutionalization of "Kaaram sa Duyan" Program – Kaaram sa Duyan is hereby institutionalized as the primary literacy program of the Local Government Unit of Tigbauan and shall be partially and comprehensively become part of all the other basic services of this municipality.

SECTION 187. Medium of Instruction. – The municipality shall hereby adopt the mother tongue, English and Filipino as its media of instruction. The mother tongue of the learner shall be the primary medium of instruction for effective teaching and learning.

SECTION 188. Implementing Office – The authority to regulate the organization, operation and/or implementation of the "Kaaram sa Duyan" Program shall be vested upon Local Chief Executive in cooperation with the DepEd, through a Municipal Literacy Coordinator to achieve a successful implementation.

SECTION 189. Creation of the Position of the Municipal Literacy Coordinator. – There shall be created a position of the Municipal Literacy Coordinator which shall be directly under the Office of the Mayor which may later be separated in the future when funds would already be sufficient enough for the creation of said office.

SECTION 190. Funding. – The Local Government Unit of Tigbauan may utilize existing funds for Gender and Development, trainings and education for the implementation of the various literacy projects and activities. The municipality may also appropriate, raise funds or avail of funding assistance to sustain and subsidize the operation and promotion of the literacy program.

SECTION 191. Inter-agency Linkages – For purposes of this ordinance, the Municipality of Tigbauan shall closely coordinate with other government agencies for a more comprehensive and collaborative implementation of the literacy programs, projects and activities.

CHAPTER XXIV INSTITUTIONALIZING THE "STUDYANTE SA TIGBAUAN NGA ALISTO (STA) EDUCATIONAL ASSISTANCE PROGRAM"

SECTION 192. Statement of Policy. It is hereby declared the policy of the Local Government Unit of Tigbauan to provide equal opportunities for all, to avail of accessible basic and continuing education that would effectively promote the holistic development of an individual.

The Local Government Unit of Tigbauan also ensures that education continues after completion of the basic education curriculum. It shall provide a mechanism for the poor but deserving students to avail of educational assistance to allow them to pursue their dreams and make them partners in nation-building.

SECTION. 193. Eligibility. Only financially-challenged but deserving students enrolling in any college or technical vocational courses are eligible for admission to the program. The applicant must be:

- A Filipino citizen and registered voter of Tigbauan, Iloilo;
- With good moral character and without any derogatory record;
- Not more than twenty-five (25) years old at the time of the filing of application;
- A high school graduate or an in-coming First year college student, with 80% General Weighted Average (GWA) with no failing grade in any subject;
- Has passed the entrance examination, if required, of the school where he or she intends to enroll on;
- With parents/guardians having a gross annual income of not more than Php180,000.00; and
- Not presently enjoying any scholarship or study grant.

Provided that only one (1) member in the family shall be granted scholarship at any given school year. Provided further, that the grantee shall enroll only in the CHED or TESDA accredited school or institute of learning within the Province and City of Iloilo.

Should the fund allocation be insufficient to accommodate all applicants in a given period, priority shall be given to those who obtained higher rating in the examination given and administered under the program.

SECTION 194. Financial Assistance. A one-time Financial Assistance of FIVE THOUSAND PESOS P 5,000.00) shall be awarded to each qualified student per year.

SECTION 195. Obligation of the STA Educational Assistance Grantee. To become a scholar carries with it some obligations and responsibilities.

The scholar shall:

- a. Enroll in any technical, vocational, college or university in the province or city of Iloilo
- b. Not participated in any offense involving moral turpitude that will destroy his character and reputation as an STA scholar;
- c. Not quit school without prior notice to the Municipal Mayor or the Scholarship Office; and
- d. Have participated in community service and other activities of the Scholar's Organization.

SECTION 196. Terms. The amount granted to a scholar shall be subject to the following terms and conditions, to wit:

- a. Amount – The maximum amount that may be granted under this program shall be a one-time Five Thousand Pesos (Php 5,000.00) at the beginning of the school year and shall be payable directly to the student upon proof that he has qualified for enrollment.

SECTION 197. Availment Procedure.

- a. Submission of Requirements. The applicant must fill up the prescribed application form and must submit the following documents, to wit:
 1. Latest BIR Income Tax Return (ITR) of applicant's parents/guardians;
 2. An affidavit of applicant's parents/guardians stating the reason for not filing the Income Tax Return (ITR), if the above first requirement is not applicable;
 3. High School Report Card (Form 138) for in-coming freshman;
 4. National College Assessment Examination (NCAE) result (photo copy);
 5. Official report of ratings or certificate of grades with an average of not lower than 80%.
- b. Examination - Applicants who passed the initial qualification requirements shall still be required to take a written examination to determine final qualification and prioritization based on test results. The examination shall be administered by the Implementing Office on a given date.
- c. Interview - An interview shall be conducted by the Implementing Office to determine compliance with the requirements herein set forth and the applicant's willingness to abide by the terms and conditions of the program.
- d. Notice - Applicants who qualified under this Program shall be immediately notified thereof.
- e. Payment – Payment of benefits shall be made directly to the scholar in the presence of his/her parents/guardian.

SECTION 198. STA Scholarship Board. An Educational Assistance Board is hereby created to be composed of the following:

- a. The Municipal Mayor
- b. The Vice-Mayor;
- c. The Chairman, Committee on Education of the Sangguniang Bayan;
- d. Representative of the Tigbauan Secondary Schools Teachers Association;
- e. The LGU's Human Resource and Management Officer;
- f. The District Supervisor;
- g. The President of the Federated Parents-Teachers Association; and
- h. Two (2) others who shall be appointed by the Mayor from those involved in education.

SECTION 199. Powers and Functions of the STA Scholarship Board.

The Board shall take charge of the implementation of the STA Educational Assistance Program and shall have the following powers and functions, to wit:

- a. With the approval of the Municipal Mayor, issue rules and regulations necessary for the proper implementation of this ordinance;
- b. Establish and develop such programs and activities that shall be required of the grantees and/or their parents to participate in to ensure the scholars' active cooperation and full development as responsible members of the society;
- c. In collaboration with the Educational Assistance Office, conduct review every three (3) years of the program's performance in terms, among others, of total number of beneficiaries, their field of study, the grantees' academic performance and their family income classification;

- d. Exercise such other functions and duties as will promote and expand relevant educational opportunities for needy and deserving Tigbaueño students.

SECTION 200. Meetings of the Board. For purposes of exercising the powers and functions given it and without prejudice to a special meeting that may be called, the Board shall hold a regular meeting every last Friday of April of any given year.

SECTION 201. STA Scholarship Office. A Scholarship Office under the Office of the Mayor and later as a division is hereby created. It shall be headed by a Program Officer as may be designated by the Mayor, and shall provide for the qualifications and compensation of employees therein following Civil Service rules and regulations.

Its powers and functions shall be as follows:

- a. Serve as secretariat of the Scholarship Board;
- b. Administer and promote participation to the program;
- c. Provide all public high schools information regarding the available Scholarship and Financial Assistance programs or grants;
- d. Monitor performance of the grantees and keep tract of them, especially after their availment of the benefits of the program;
- e. Submit s yearly Status Report of the program to the Board for the latter's consideration and submission to the Sangguniang Bayan and the Mayor;
- f. Solicit donations and inform donors regarding the status of their grantees;
- g. Coordinate with the Municipal Social Welfare and Development Office as well as the Department of Social Welfare and Development and, with the guidance of the Local School Board, undertake necessary acts to ensure compliance with the prioritization provision hereof;
- h. Assist, coordinate with and monitor the different barangays in the implementation of their respective tertiary scholarship program pursuant to the mandate herein provided; and
- i. Perform such other powers and functions that may be assigned to it.

SECTION 202. Information Dissemination. The Implementing Office shall conduct a regular information dissemination campaign about this Program particularly in the months of February and March of any given year prior to the conduct of the qualifying examination herein contemplated.

SECTION 203. Appropriation. For purposes of this program, the initial sum of FIVE HUNDRED THOUSAND (Php 500,000.00) shall be provided for in the 2019 Budget of the LGU. The yearly budget or such higher amount as may be deemed necessary shall be appropriated in every succeeding budget year thereafter.

SECTION 204. Barangay Scholarship Assistance Program. All barangays of this municipality are hereby mandated to have their own **Educational Assistance Program** which may be availed of by poor and deserving students in their respective barangays subject to the same or such other policy, system, standards, requirements, rules and procedures, herein provided.

To ensure uniformity as well as maintain integrity, no other office or entity shall give and administer the entrance and/or examination requirement to the Program but the Implementing Office referred to herein.

To realize this mandate, each barangay shall allocate and spend the sum equivalent to not less than Five Thousand Pesos (P5,000.00) for the Educational Assistance Program which shall be taken from the Youth Development Fund of the Barangay. It shall be incorporated in the annual budget of the barangay starting the calendar year 2019.

In this connection, no annual budget of the barangay shall be approved by the Sangguniang Bayan which does not comply with the herein requirement.

CHAPTER XXV EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD)

SECTION 205. Declaration of Policy. – It is hereby declared the policy of the State to promote the rights of children to survival, development and special protection with full recognition of the nature of childhood and as well as the need to provide developmentally appropriate experiences to address their needs; and to support parents in their roles as primary caregivers and as their children's first teachers. Further, the State hereby recognizes the age from zero (0) to eight (8) years as the first crucial stage of educational development of which the age from zero (0) to four (4) years shall be the responsibility of the Early Childhood Care and Development (ECCD) Council. Therefore, the responsibility to help develop children in the formative years between age five (5) to eight (8) years shall be with the Department of Education (DepED).

SECTION 206. Objectives. - The ECCD System shall pursue the following objectives:

- a. To achieve improved infant and child survival rates by ensuring that adequate health and nutrition programs are accessible to young children and their parents, from the prenatal period throughout the early childhood years;
- b. To enhance the physical-motor, socio-emotional, cognitive, language, psychological and spiritual development of young children;
- c. To facilitate a smooth transition from care and education provided at home to community or school-based setting and to kindergarten;
- d. To ensure that young children are adequately prepared for the formal learning system that begins at kindergarten;
- e. To establish an efficient system for early identification, prevention, referral and intervention for the wide range of children with special needs from age zero (0) to four (4) years;
- f. To upgrade and update the capabilities of service providers and their supervisors to comply with quality standards for various ECCD programs;
- g. To reinforce the role of parents and other caregivers as the primary caregivers and educators of their children especially from age zero (0) to four (4) years;
- h. To enhance and sustain the efforts of communities to promote ECCD programs and ensure that special support is provided for poor, disadvantaged and linguistic minority communities;
- i. To improve the quality standards of public and private ECCD programs through, but not limited to, a registration and credential system for ECCD service providers and facilities;
- j. To ensure that the education of persons, and in particular children, who are blind, deaf or deaf blind, are conducted in the most appropriate languages, modes and means of communication for the individual, and in environments which maximize academic and social development; and
- k. To employ teachers, including teachers with disabilities, who are qualified in sign language and/or braille, and to train professionals and staff who work at all levels of education.

SECTION 207. Expanding the ECCD System. – The ECCD System shall henceforth apply to all provinces, cities, municipalities and barangays as may be determined by the ECCD Council to achieve universal ECCD coverage for all children from age zero (0) to four (4) years.

- a. Responsibilities of Local Government Units. – Local government units (LGUs) shall include allocations from their Special Education Fund (SEF) and Gender and Development (GAD) Fund in addition to other local funds to be utilized for the following purposes:
 1. Support the implementation of their ECCD Program;
 2. Organize and support parent cooperatives to establish community-based ECCD programs;
 3. Provide counterpart funds for the continuing professional development of their ECCD public service providers; and
 4. Provide the facilities for the conduct of their ECCD Program.
- b. Responsibilities of Families and Communities. Families and communities shall support the local ECCD programs by participating in various community-based projects such as, but not limited to, health, nutrition, social development and early childhood education projects for the overall development of their children from age zero (0) to four (4) years.

CHAPTER XXVI CHILDREN'S SAFETY ON MOTORCYCLES

SECTION 208. Prohibition. – It shall be unlawful for any person to drive a two (2)-wheeled motorcycle with a child on board on public roads where there is heavy volume of vehicles, there is a high density of fast moving vehicles or where a speed limit of more than 60/kph is imposed, unless:

- a. The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle;
- b. The child's arms can reach around and grasp the waist of the motorcycle rider; and
- c. The child is wearing a standard protective helmet referred to under Republic Act No. 10054, otherwise known as the "Motorcycle Helmet Act of 2009."

SECTION 209. Exception. – Notwithstanding the prohibition provided in the preceding section, this Act shall not apply to cases where the child to be transported requires immediate medical attention.

SECTION 210. Review of Penalties. – The Land Transportation Office (LTO) is hereby empowered to increase or adjust the amounts of fines herein imposed: *Provided, That:*

- a. The increase or adjustment is made after public consultation once every three (3) years from the effectivity of this Act and in the amount not exceeding twenty percent (20%) of the amounts sought to be increased or adjusted;
- b. A thorough study has been conducted indicating that the existing amounts are no longer an effective deterrent;
- c. Current relevant economic indices, such as the Consumer Price Index (CPI), have been considered in the determination of the increase or adjustment; and
- d. The increases or adjustment shall only become effective fifteen (15) days after its publication in two (2) newspapers of general circulation.

SECTION 211. Qualifying Circumstances. – If, in violation of the provisions of this Act, death shall have resulted or serious or less serious injuries shall have been inflicted upon the child or any other person, a penalty of one (1) year imprisonment shall be imposed upon the motorcycle rider or operator of the motorcycle involved without prejudice to the penalties provided under Act No. 3815, otherwise known as "The Revised Penal Code of the Philippines", as amended.

SECTION 212. Authority to Deputize Traffic Enforcers and Local Government Units (LGUs). - To effectively implement the provisions of this Act, the LTO is hereby given the authority to deputize members of the Philippine National Police (PNP), the Metropolitan Manila Development Authority (MMDA) and the LGUs to carry out enforcement functions and duties.

CHAPTER XXVII CHILDREN'S EMERGENCY RELIEF AND PROTECTION

SECTION 213. Comprehensive Emergency Program for Children. – The Department of Social Welfare and Development (DSWD) shall formulate a Comprehensive Emergency Program for Children, hereinafter referred to as the Program, taking into consideration humanitarian standards for their protection. The Program shall be used as the basis for handling disasters and other emergency situations to protect children, pregnant and lactating mothers, and support their immediate recovery.

This shall be implemented immediately after the declaration of a national or local state of calamity or occurrence of any other emergency situation.

The DSWD shall engage all relevant government agencies and stakeholders for the implementation of the Program. Local government units (LGUs) shall integrate the same in their development and Local Disaster Risk Reduction and Management (LDRRM) plans and budget.

The Program shall be gender-sensitive and have the following components:

- a. Establishment of Evacuation Centers. – LGUs shall establish and identify safe locations as evacuation centers for children and families subject to the limitations found in Section 5 of this Act.
- b. Establishment of Transitional Shelters for Orphaned, Separated, and Unaccompanied Children. – The National Housing Authority (NHA) shall, in coordination with the DSWD, the Department of Environment and Natural Resources (DENR), Department of Public Works and Highways (DPWH), Department of the Interior and Local Government (DILG), and LGUs of the areas declared under a state of calamity, immediately establish an option for transitional shelters, prioritizing vulnerable and marginalized groups including orphaned, separated, and unaccompanied children, and pregnant and lactating mothers. New transitional shelters, established pursuant to this Act, shall be designed with the following considerations: gender-specific emergency latrines, bathing cubicles, and hand washing facilities specifically designed for children. It shall provide mother and child-friendly spaces where children can take part in child activities. It shall also have provisions for maternal and newborn and infant care and rooms to protect, feed, provide personal care, and ensure the right to privacy. Existing transitional shelters shall be modified to the extent possible to comply with the abovementioned considerations.
- c. Assurance for Immediate Delivery of Basic Necessities and Services. – The Program shall facilitate and ensure the immediate delivery of basic necessities and services specifically required by the affected children in different stages of development such as access to basic health services, food, water, nutrition, medicines, clothing, sanitary and hygiene kits, and other emergency needs such as blankets, mosquito nets, cooking ware and fuel, and flashlights. The Program shall give priority to the specific health and nutrition needs of pregnant women, lactating mothers, newborn babies, children under five (5) years old and children with special needs.
- d. Stronger Measures to Ensure the Safety and Security of Affected Children. – Under the Program, the Philippine National Police (PNP) shall, in coordination with the Armed Forces of the Philippines (AFP) and the DSWD, DILG, LGUs, Department of Education (DepED), Commission on Higher Education (CHED) and CSOs in the community, monitor and ensure the safety and the security of the affected children in the areas declared under a state of calamity and shall protect them against all forms of abuse and exploitation.

Upon the declaration of a national and local state of calamity, the PNP and the DSWD, with the assistance of the AFP operating units in the area and local councils against trafficking and violence against women and their children, in accordance with existing laws, shall immediately heighten comprehensive measures and monitoring to prevent child trafficking, labor, and prostitution, including domestic and sexual violence, in the areas declared under a state of calamity.

The DSWD shall require all government agencies, LGUs, and CSOs which are tasked to provide any assistance or services to the affected children to adopt a child protection policy. The child protection policy shall include measures to deter and effectively respond to cases of violence, abuse, and exploitation of children.

All LGUs shall prioritize the establishment and functionality of the barangay violence against women and children (VAWC) desks. The VAWC desk shall serve as one of the key reporting and referral mechanisms for cases of violence, abuse, and exploitation of children in the barangay dimming all phases of emergency response and recovery.

Children shall be given priority during evacuation as a result of a disaster or other emergency situation. Existing CSOs in the community shall be tapped to look after the safety and well-being of children during evacuation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

- e. **Delivery of Health, Medical, and Nutrition Services.** – Under the Program, the DOH, in coordination with the DSWD, LGUs, and CSOs in the community, shall provide the health, medical, and nutritional needs of children in the areas declared under a state of calamity, including psychosocial interventions for children in different stages of development.
 - f. **Plan of Action for Prompt Resumption of Educational Services for Children.** – The DepED, in coordination with the DSWD, DILG, and the concerned LGUs shall ensure the prompt resumption of educational services for all children, including early childhood care and development for children aged below five (5).
 - g. **Establishment of Child-friendly Spaces.** – The concerned LGU shall set up child-friendly spaces in every city or municipality declared under a state of calamity, as needed, based on the guidelines to be promulgated by the DSWD. In addition, LGUs shall coordinate with lead agencies and CSOs to effectively respond to the needs of the children in the area. Child-friendly spaces shall be made available throughout a crisis, from emergencies to recovery.
- In case the concerned LGU cannot immediately respond due to the huge impact of the disaster, the DSWD, together with the concerned national government agencies and in coordination with the CSOs and other stakeholders, as well as nearby LGUs, shall provide the necessary child care services and social protection of affected children.
- h. **Promotion of Children's Rights.** – The Program shall include activities and processes that will promote and uphold the rights of children by:
 1. Providing child-centered training for all responders;
 2. Ensuring that children are provided with adequate access to age-appropriate information on their roles and responsibilities and those of government agencies before, during, and after disasters and other emergency situations;
 3. Providing an effective mechanism for training and meaningful participation of children in community disaster risk reduction program; and
 4. Consulting with the affected children on their needs and priorities for post-disaster relief and recovery.

SECTION 214. Evacuation Centers. – Only in cases where there is no other available place or structure which can be used as a general evacuation center may a school or child development center be used as an evacuation center.

When a school or child development center is used as an evacuation center, gymnasiums, learning and activity centers, auditoriums and other open spaces shall be utilized first. Classrooms shall only be used as a last resort. The use of the school premises shall be as brief as possible. If the use is predicted to exceed fifteen (15) days, the affected LGU shall provide written documentation to the DepED and the DILG on the following:

- a. The name and location of the school;
- b. All alternative sites and proposal for final site selection;
- c. Measures being implemented to prevent interference or disruption to the school and educational activities of children; and
- d. Other particulars to be provided in the implementing rules and regulations of this Act.

The DepED, in coordination with the DPWH, shall continuously monitor and assess the condition of temporary learning spaces or other transitional and semi-permanent structures used as classrooms after a disaster, and if the use exceeds six (6) months after the declaration of a state of calamity, the regional DepED office shall conduct regular site inspections and shall certify to the Secretary of Education that such spaces are in good physical condition and sufficient to ensure the safety of the children and their environment.

SECTION 215. Orphaned, Unaccompanied, or Separated Children. – The DSWD, upon consultation with relevant agencies, shall develop a minimum set of standards and guidelines for the Family Tracing Reunification System of orphaned, unaccompanied and separated children.

Orphaned children, and unaccompanied or separated children whose families or relatives cannot be found or assessed to be incapable of providing proper care and protection shall be placed in a licensed or accredited residential care facility or with a foster family in accordance with Article 140 of the Child and Youth Welfare Code, or a community-based center. A registered social worker shall provide the needed case management and intervention.

SECTION 216. System of Restoring Civil Registry Documents. – To ensure that vital information pertaining to the personal circumstances of a child are adequately protected and available at all times, the Philippine Statistics Authority (PSA) shall develop a system for the restoration and reconstruction of civil registry documents that have been destroyed or declared lost or missing during a disaster or calamity.

The PSA shall submit a report on the number of restored or reconstructed documents to appropriate government agencies for effective monitoring and reporting and to ensure the continued access of the affected children to social services and facilitate the reunification of separated children with their families. The PSA shall likewise develop a system for the registration of children born during a national or local state of calamity.

SECTION 217. Training of Emergency Responders on Child Protection. – The Municipal Disaster Risk Reduction and Management Council (MDRRMC) shall promote and conduct a child-responsive training program for all responders in the calamity area such as community and barangay leaders, community members, school personnel and other rescuers. The training program shall include the following:

- a. Proper procedures and measures to assess the situation, safeguard and protect the affected children during and after emergencies and disasters; and
- b. Appropriate training on psychosocial interventions for children in different stages of development who are victims of calamities.

Each member agency shall include or mainstream child protection in their emergency response training to service providers.

SECTION 218. Data Gathering, Monitoring, and Reporting. – The LGU & MDRRMC shall monitor and report on the implementation of services under the Program to be submitted jointly to Congress annually. The report shall include a specific section on pregnant women and children under five (5) years of age as a strategy to address the post-disaster nutrition needs of children under age five (5) and pregnant women.

In the aftermath of a national or local state of calamity, the collection and reporting of data for the Disaster Risk Reduction and Management Information System at all levels, as provided for in Republic Act No. 10121, shall be disaggregated by age, gender, ethnicity, and special needs. Such collected data shall be utilized to understand and respond better to the needs of children affected by disasters and calamities.

Within five (5) days from the declaration of a national state of calamity or as soon as practicable, the DSWD and the DILG shall jointly submit written documentation and report on their surveillance and monitoring under Section 4(d) to the appropriate committees of the Senate and the House of Representatives.

CHAPTER XXVIII NATIONAL MENTAL HEALTH POLICY

SECTION 219. Objectives. – The objectives of this Act are as follows:

- a. Strengthen effective leadership and governance for mental health by, among others, formulating, developing, and implementing national policies, strategies, programs, and regulations relating to mental health;
- b. Develop and establish a comprehensive, integrated effective and efficient national mental health care system responsive to the psychiatric, neurologic, and psychosocial needs of the Filipino people;
- c. Protect the rights and freedoms of persons with psychiatric, neurologic, and psychosocial needs; Filipino people;
- d. Strengthen information systems, evidence and research for mental health;
- e. Integrated mental health care in the basic health services; and
- f. Integrate strategies promoting mental health in educational institutions, the workplace, and in communities.

SECTION 220. Rights of Service Users. – Service users shall enjoy, on an equal and nondiscriminatory basis, all rights guaranteed by the Constitution as well as those recognized under the United Nations Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities and all other relevant international and regional human rights conventions and declarations, including the right to:

- a. Freedom from social economic, and political discrimination and stigmatization, whether committed by public or private actors;
- b. Exercise all their inherent civil, political, economic, social, religious, educational, and cultural rights respecting individual qualities, abilities, and diversity of background, without discrimination on the basis of physical disability, age, gender, sexual orientation, race, color, language, religion or nationality, ethnic, or social origin;
- c. Access to evidence-based treatment of the same standard and quality, regardless of age, sex, socioeconomic status, race, ethnicity or sexual orientation;
- d. Access to affordable essential health and social services for the purpose of achieving the highest attainable standard of mental health;
- e. Access to mental health service at all levels of the national health care system;
- f. Access to comprehensive and coordinated treatment integrating holistic prevention, promotion, rehabilitation, care and support, aimed at addressing mental health care needs through a multidisciplinary, user-driven treatment and recovery plan;
- g. Access to psychosocial care and clinical treatment in the least restrictive environment and manner;

- h. Humane treatment free from solitary confinement, torture, and other forms of cruel inhumane, harmful or degrading treatment and invasive procedures not backed by scientific evidence;
- i. Access to aftercare and rehabilitation when possible in the community for the purpose of social reintegration and inclusion;
- j. Access to adequate information regarding available multidisciplinary mental health services;
- k. Participate in mental health advocacy, policy planning, legislation, service provision, monitoring, research and evaluation;
- l. Confidentiality of all information, communications, and records, in whatever form or medium stored, regarding the service user, any aspect of the service user's mental health, or any treatment or care received by the service user, which information, communications, and records shall not be disclosed to third parties without the written consent of the service user concerned or the service user's legal representative, except in the following circumstances:
 - 1. Disclosure is required by law or pursuant to an order issued by a court of competent jurisdiction;
 - 2. The service user has expressed consent to the disclosure;
 - 3. A life-threatening emergency exists and such disclosure is necessary to prevent harm or injury to the service user or other persons;
 - 4. The service user is a minor and the attending mental health professional reasonably believes that the service user is a victim of child abuse; or
 - 5. Disclosure is required in connection with an administrative, civil, or criminal case against a mental health professional, to the extent necessary to completely adjudicate, settle, or resolve any issue or controversy involved therein;
- m. Give informed consent before receiving treatment or care, including the right to withdraw such consent. Such consent shall be recorded in the service user's clinical record;
- n. Participate in the development and formulation of the psychosocial care or clinical treatment plan to be implemented;
- o. Designate or appoint a person of legal age to act as his or her legal representative in accordance with this Act, except in cases of impairment or temporary loss of decision-making capacity;
- p. Send or receive uncensored private communication which may include communication by letter, telephone or electronic means, and receive visitors at reasonable times, including the service user's legal representative and representatives from the commission on Human Rights (CHR);
- q. Legal services, through competent counsel of the service user's choice. In case the service user cannot afford the service user cannot afford the services of a counsel, the Public Attorney's Office, or a legal aid institution of the service user or representative's choice, shall assist the service user;
- r. Access to their clinical records unless, in the opinion of the attending mental health professional, revealing such information would cause harm to the service user's health or put the safety of others at risk. When any such clinical records are withheld, the service user or his or her legal representative may contest such decision with the internal review board created pursuant to this Act authorized to investigate and resolve disputes, or with the CHR;
- s. Information, within the twenty-four (24) hours of admission to a mental health facility, of the rights enumerated in this section in a form and language understood by the service user; and
- t. By oneself or through a legal representative, to file with the appropriate agency, complaints of improprieties, abuses in mental health care, violations of rights of persons with mental health needs, and seek to initiate appropriate investigation and action against those who authorized illegal or unlawful involuntary treatment or confinement, and other violations.

SECTION 221. Rights of Family Members, Caregivers and Legal Representatives. - Family members, caregivers and duly designated or appointed legal representative of the service user shall have the right to:

- a. Receive appropriate psychosocial support from the relevant government agencies;
- b. With the consent of the concerned service user, participate in the formulation, development and implementation of the service user's individual treatment plan;
- c. Apply for release and transfer of the service user to an appropriate mental health facility;
- d. Participate in mental health advocacy, policy planning, legislation, service provision, monitoring, research and evaluation.

SECTION 222. Rights of Mental Health Professionals. Mental health professional shall have the right to:

- a. A safe and supportive work environment;
- b. Participate in a continuous professional development program;
- c. Participate in the planning, development, and management of mental health services;
- d. Contribute to the development and regular review of standards for evaluating mental health services provided to service users;
- e. Participate in the development of mental and health policy and service delivery guidelines;
- f. Except in emergency situations, manage and control all aspects of his or her practice, including whether or not to accept or decline a service user for treatment; and
- g. Advocate for the rights of a service user, in cases where the service user's wishes are at odds with those of his or her family or legal representatives.

SECTION 223. Informed Consent to Treatment. - Service users must provide informed consent in writing prior to the implementation by mental health professionals, workers, and other service providers of any plan or program of therapy or treatment, including physical or chemical restraint. All persons, including physical or chemical restraint. All persons, including service users, person with disabilities, and minors, shall be presumed to possess legal capacity for the purpose of this Act or any other applicable law, irrespective of the nature or effects of their mental health conditions or disability. Children shall have the right to express their views on all matters affecting themselves and have such views given due consideration in accordance with their age and maturity.

SECTION 224. Exceptions to Inform Consent. - During psychiatric or neurologic emergencies, or when there is impairment or temporary loss of decision-making capacity on the part of a service user, treatment, restraint or confinement, whether physical or chemical, may be administered or implemented pursuant to the following safeguards and conditions:

- a. In compliance with the service user's advance directives, if available, unless doing so would pose an immediate risk of serious harm to the patient or another person;
- b. Only to the extent that such treatment or restraint is necessary, and only while a psychiatric or neurologic emergency, or impairment or temporary loss of capacity, exists or persists;
- c. Upon the order of the service user's attending mental health professional, which order must be reviewed by the internal review board of the mental health facility where the patient is being treated within fifteen (15) days from the date such order was issued, and every fifteen (15) days thereafter while the treatment or restraint continues; and
- d. That such involuntary treatment or restraint shall be in strict accordance with guidelines approved by the appropriate authorities, which must contain clear criteria regulating the application and termination of such medical intervention, and fully documented and subjected to regular external independent monitoring, review, and audit by the internal review boards established by this Act.

SECTION 225. Advance Directive. - A service user may set out his her preference in relation to treatment through a signed, dated, and notarized advance directive executed for the purpose. An advance directive may be revoked by a new advance directive or by a notarized revocation.

SECTION 226. Legal Representative. - A service user may designate a person of legal age to act as his or her legal representative through a notarized document executed for that purpose.

- a. *Functions.* A service user's legal representative shall:
 1. Provide the service user with support and help: represent his or her interests; and receive medical information about the service user in accordance with this Act;
 2. Act as substitute decision maker when the service user has been assessed by a mental health professional to have temporary impairment of decision-making capacity;
 3. Assist the service user *vis-a-vis* the exercise of any right provided under this Act; and
 4. Be consulted with respect to any treatment or therapy received by the service user. The appointment of a legal representative may be revoked by the appointment of a new legal representative or by a notarized revocation.
- b. *Declining an Appointment.* A person thus appointed may decline to act as a service user's legal representative. However, a person who declines to continue being a service user's legal representative must take reasonable steps to inform the service user, as well as the service user's attending mental health professional or worker, of such a decision.
- c. *Failure to Appoint.* - If the service user fails to appoint a legal representative, the following persons shall act as the service user's representative, in the order provided below:
 1. The spouse, if any, unless permanently separated from the service user by a decree issued by a court of competent jurisdiction, or unless such spouse has abandoned or been abandoned by the service user for any period which has not yet come to an end;
 2. Non-minor children;
 3. Either parent by mutual consent, if the service user is a minor;
 4. Chief, administrator, or medical director of a mental health care facility; or
 5. A person appointed by a Court.

SECTION 227. Supported Decision Making. - A service user may designate up to three (3) persons or "supporters", including the service user's legal representative, for the purposes of supported decision making. These supporters shall have the authority to: access the service user's medical information; consult with the service user *vis-a-vis* any proposed treatment or therapy; and be present during service user's appointments and consultations with mental health professionals, workers and other service providers during the course of treatment or therapy.

SECTION 228. Exceptions to Informed Consent. - During psychiatric or neurologic emergencies, or when there is impairment or temporary loss of decision-making capacity in whether physical or chemical, may be administered or implemented pursuant to the following safeguards and conditions:

- a. In compliance with the service user's advance directives, if available, unless doing so would pose an immediate risk of serious harm to the patient or another person;

- b. Only to the extent that such treatment or restraint is necessary, and only while a psychiatric or neurologic emergency, or impairment or temporary loss of capacity, exists or persists;
- c. Upon the order of the service user's attending mental health professional, which order must be reviewed by the internal review board of the mental health facility where the patient is being treated within fifteen (15) days from the date such order was issued, and every fifteen (15) days thereafter while the treatment or restraint continues; and
- d. That such involuntary treatment or restraint shall be in strict accordance with guidelines approved by the appropriate authorities, which must contain clear criteria regulating the application and termination of such medical intervention, and fully documented and subject to regular external independent monitoring, review, and audit by the internal review boards established by this Act.

SECTION 229. Quality of Mental Health Services. - Mental health services provided pursuant to this Act shall be:

- a. Based on medical and scientific research findings;
- b. Responsive to the clinical, gender, cultural and ethnic and other special needs of the individuals being served;
- c. Most appropriate and least restrictive setting;
- d. Age appropriate; and
- e. Provided by mental health professionals and workers in a manner that ensures accountability.

SECTION 230. Mental Health Services at the Community Level. - Responsive primary mental health services shall be developed and integrated as part of the basic health services at the appropriate level of care, particularly at the city, municipal, and barangay level. The standards of mental health services shall be determined by the DOH in consultation with stakeholders based on current evidence.

Mental health services at the community level that encompass wellness promotion, prevention, treatment, rehabilitation shall be inclusive and responsive to the needs of the vulnerable population. These services must also actively link peer support, education, livelihood and employment, social services, and other community support services.

Every local government unit (LGU) and academic institution shall create their own program in accordance with the general guidelines set by the Philippine Council for Mental Health, created under this Act, in coordination with other stakeholders. LGUs and academic institutions shall coordinate with all concerned government agencies and the private sector for the implementation of the program.

SECTION 231. Community-based Mental Health Care Facilities. - The national government through the DOH shall fund the establishment and assist in the operation of community-based mental health care facilities in the provinces, cities and cluster of municipalities in the entire country based on the needs of the population, to provide appropriate mental health care services, and enhance the rights-based approach to mental health care.

Each community-based mental health care facility shall in addition to adequate room, office or clinic, have a complement of mental health professionals, allied professionals, support staff, trained barangay health workers (BHWs) volunteer, family members of patients or service users, basic equipment and supplies and adequate stock of medicines appropriate at that level.

SECTION 232. Reportorial Requirements. - LGUs through their health offices shall make a quarterly report to the Philippine Council for Mental Health through the DOH. The report shall include, among others, the following data: number of patients/service users attended to and or served, the respective kinds of mental illness or disability, duration and result of the treatment, and patients/users' age, gender, educational attainment and employment without disclosing the identities of such patients/service user for confidentiality.

SECTION 233. Psychiatric, Psychosocial, and Neurologic Services in Regional, Provincial, and Tertiary Hospitals. - All regional, provincial, and tertiary hospitals, including private hospitals rendering service to paying patients, shall provide the following psychiatric, psychosocial, and neurologic services;

- a. Short-term, in-patient, hospital care in a small psychiatric or neurologic ward for service users exhibiting acute psychiatric or neurologic symptoms;
- b. Partial hospital care for those exhibiting psychiatric symptoms or experiencing difficulties *vis-à-vis* their personal and family circumstances;
- c. Out-patient in close collaboration with existing mental health programs at primary health care centers in the same area;
- d. Home care services for services users with special needs as a result of, among others, long-term hospitalization, non compliances with or inadequacy of treatment, and absence of immediate family;
- e. Coordination with drug rehabilitation center *vis-a-vis* the care, treatment, and rehabilitation of persons suffering from addiction and other substance-induced mental health conditions; and
- f. A referral system involving other public and private health and social welfare service providers, for the purpose of expanding access to programs aimed at preventing mental illness and managing the condition of persons at risk of developing mental, neurologic, and psychosocial problems.

SECTION 234. Duties and Responsibilities of Mental Health Facilities. - Mental health facilities shall:

- a. Establish policies, guidelines, and protocols for minimizing the use of restrictive care and involuntary treatment;
- b. Inform service user of their rights under this Act and all other pertinent laws and regulations;
- c. Provide every service user, whether admitted for voluntary treatment, with complete information regarding the plan of treatment to be implemented;
- d. Ensure that informed consent is obtained from service users prior to the implementation of any medical procedure or plan of treatment or care, except during psychiatric or neurologic emergencies or when the service user has impairment or temporary loss of decision-making capacity;
- e. Maintain a register containing information on all medical treatments and procedures administered to service users; and
- f. Ensure that legal representatives are designated or appointed only after the requirements of this Act and the procedures established for the purpose have been observed, which procedures should respect the autonomy and preferences of the patient as far as possible.

SECTION 235. Drug Screening Services. - Pursuant to its duty to provide mental health service and consistent with the policy of treating drug dependency as a mental health issue, each local health care facility must be capable of conducting drug screening.

SECTION 236. Suicide Prevention. - Mental health services shall also include mechanisms for suicide intervention, prevention, and response strategies, with particular attention to the concerns of the youth. Twenty-four seven (24/7) hotlines, to provide assistance to individuals with mental health conditions, especially individuals at risk of committing suicide, shall be set up, and existing hotlines shall be strengthened.

SECTION 237. Public Awareness. - The DOH and the LGUs shall initiate and sustain a heightened nationwide multimedia campaign to raise the level of public awareness on the protection and promotion of mental health and rights including, but not limited to, mental health and nutrition, stress handling, guidance and counseling, and other elements of mental health.

SECTION 238. Integration of Mental Health into the Educational System. - The State shall ensure the integration of mental health into the educational system, as follows:

- a. Age-appropriate content pertaining to mental health shall be integrated into the curriculum at all educational levels; and
- b. Psychiatry and neurology shall be required subjects in all medical and allied health courses, including post-graduate courses in health.

SECTION 239. Mental Health Promotion in Educational Institutions. - Educational Institutions, such as schools, colleges, universities, and technical schools, shall develop policies and programs for students, educators, and other employees designed to: raise awareness on mental health issues, identified and provide support and services for individuals at risk, and facility access, including referral mechanisms of individual with mental health conditions to treatment and psychosocial support.

All public and private educational institutions shall be required to have a complement of mental health professionals.

SECTION 240. Mental Health Promotion and Policies in the Workplace. - Employers shall develop appropriate policies and programs on mental health issues, correct the stigma and discrimination associated with mental conditions, identify and provide support for individuals with mental health conditions to treatment and psychosocial support.

SECTION 241. Capacity Building, Reorientation, and Training. - In close coordination with mental health facilities, academic institutions, and other stakeholders, mental health professionals, workers, and other service providers shall undergo capacity building, reorientation, and training to develop their ability to deliver evidence-based, gender-sensitive, culturally appropriate and human rights-oriented mental health services, with emphasis on the community and public health aspects of mental health.

SECTION 242. Capacity Building of Barangay Health Workers (BHWs). - The DOH shall be responsible for disseminating information and providing training programs to LGUs. The LGUs, with technical assistance from the DOH, shall be responsible for the training of BHWs and other barangay volunteers on the promotion of mental health. The DOH shall provide assistance to LGUs with medical supplies and equipment needed by BHWs to carry out their functions effectively.

The LGUs shall ensure the capacity building and supervision of the BHWs for the promotion of mental health, advocacy of patient's rights, case finding, identification and referral.

SECTION 243. Research and Development. - Research and development shall be undertaken, in collaboration with academic institutions, psychiatric, neurologic, and related associations, and nongovernment organizations, to produce the information, data, and evidence necessary to formulate and

develop a culturally relevant national mental health program incorporating indigenous concepts and practices related to mental health.

High ethical standards in mental health research shall be promoted to ensure that: research is conducted only with the free and informed consent of the persons involved; researchers do not receive any privileges, compensation or remuneration in exchange for encouraging or recruiting participants; potentially harmful or dangerous research is not undertaken; all research is approved by an independent ethics committee, in accordance with applicable law.

Research and development shall also be undertaken *vis-à-vis* none medical, traditional or alternative practices.

SECTION 244. Duties and Responsibilities of the Local Government Units (LGUs). - The LGUs shall:

- a. Review, formulate, and develop the regulations and guidelines necessary to implement an effective mental health care and wellness policy within the territorial jurisdiction of each LGU, including the passage of a local ordinance on the subject of mental health, consistent with existing relevant national policies and guidelines;
- b. Integrate mental health care services in the basic health care services, and ensure that mental health services are provided in primary health care facilities and hospitals, within their respective territorial jurisdictions;
- c. Establish training programs necessary to enhance the capacity of mental health care service providers at the LGU level, in coordination with appropriate national government agencies and other stakeholders;
- d. Promote deinstitutionalization and other recovery-based approaches to the delivery of mental health care services;
- e. Establish, reorient, and modernize mental health care facilities necessary to adequately provide mental health services, within their respective territorial jurisdictions;
- f. Where independent living arrangements are not available, provide or facilitate access to public housing facilities, vocational training and skills development programs, and disability or pension benefits;
- g. Refer service users to mental health facilities, professionals, workers, and other service providers for appropriate care; and
- h. Establish a multi-sectoral stakeholder network for the identification, management, and prevention of mental health conditions.
- i. Establish and maintain drug screening services for the common prevalent drugs of abuse, using acceptable standard and up to date basic screening equipment and procedures.
- j. Ensure appropriation to support and sustain the effective provision of mental health services in their respective territorial jurisdiction.
- k. In coordination with the LGUs and the DOH, formulate, develop, and implement community resilience and psychosocial well-being training, including psychosocial support services during and after natural disaster and other calamities.

SECTION 245. Upgrading of Local Hospitals and Health Care Facilities. - Each LGU. Upon its determination of necessity based on well-supported data provided by its local health office, shall establish or upgrade hospitals and facilities with adequate and qualified personnel, equipment and supplies to be able to provide mental health services and to address psychiatric emergencies: *Provided*, That people in geographically isolated and/or high populated and depressed areas shall have the same level of access and shall not be neglected by providing other means such as home visits or mobile health care clinic, as needed; *Provided further*, That the national government shall provide additional funding and other necessary assistance for the effective implementation of this provision.

CHAPTER XXIX

MASUSTANSYANG PAGKAIN PARA SA BATANG PILIPINO

SECTION 246. The Program shall have the following components and coverage:

- a. Supplemental Feeding Program for Day Care Children. - The DSWD, in coordination with the LGUs concerned, shall implement a supplemental feeding program for under-nourished children with ages three (3) to five years. The program shall be administered in a day care centers or in any other facility which can be used for such purpose: *Provided*, That the Program shall include the provision of at least one (1) fortified meal for a period of not less than one hundred twenty (120) days in a year: *Provided, further*, That in the preparation of fortified meals, the DSWD shall work in collaboration with recognized parents' organizations;
- b. School-Based Feeding Program. - The DepED shall implement a school-based feeding program for undernourished public school children from kindergarten to grade six (6): *Provided*, That the Program shall include the provision of at least one (1) fortified meal to all undernourished public elementary school children for a period of not less than one hundred twenty (120) days in a year;
- c. Milk Feeding Program. - The NGAs shall coordinate with the Department of Agriculture (DA), the National Dairy Authority, the Philippine Carabao Center and the Cooperative Development Authority for the incorporation of fresh milk and fresh milk-based food products in the fortified meals

and cycle menu in accordance with Republic Act No. 8172, otherwise known as the "Philippine Food Fortification Act of 2000", utilizing, as far as practicable, locally produced milk in order to enhance its nutritional content and, at the same time, help boost livelihood opportunities for local dairy farmers and local dairy industry;

- d. **Micronutrient Supplements.** - The NGAs, in coordination with the DOH, shall provide micronutrient supplements to the Program beneficiaries including the use of iodized salt in accordance with Republic Act No. 8172, otherwise known as the "Salt Iodization or ASIN" law;
- e. **Health Examination, Vaccination and Deworming.** - The NGAs, in coordination with the DOH and LGUs concerned, shall conduct simultaneous health examinations including, but not limited to deworming and vaccination, as the case may be, to Program beneficiaries;
- f. **Gulalayan sa Paaralan.** - The NGAs shall encourage their respective component units to devote a portion of their land or space for the cultivation of vegetables and other nutrient-rich plants as identified by the NNC: *Provided*, That component units lacking in, land shall adopt modern gardening technologies with the assistance of the DA, the Department of Science and Technology (DOST) and the city or municipal agricultural officers. Parents shall also be encouraged to maintain a similar program in their own backyards;
- g. **Water, Sanitation, and Hygiene (WASH).** - The NGAs, in coordination with the DOH and LGUs, shall establish and maintain water and sanitation facilities, promote good hygiene and safe food preparation in all of its component units especially in areas devoted for the preparation of fortified meals under the Program; and
- h. **Integrated Nutrition Education, Behavioral Transformation, and Social Mobilization.** - The Program shall be complemented by a public health, nutrition, and values transformation campaign to promote a holistic and integrated approach to health and nutrition education. Orientation-training on the objectives and mechanics of the Program shall be held among the personnel of NGAs and LGUs concerned, parent volunteers and the parent-teachers associations (PTAs) to generate support for the Program. The NGAs concerned shall also endeavor to mobilize community organizations to continue nutrition education outside of the school.

SECTION 247. Prioritization in the Program Implementation. - The NGAs shall create a five (5)-year plan to fully implement the Program: *Provided*, that the NGAs concerned shall prioritize the implementation of the Program in the LGUs and public day care or elementary schools that meet any of the following criteria:

- a. With the highest prevalence of under nutrition and nutrient-deficiency among children aged three (3) years up to grade six (6) level;
- b. With available facilities or capability to implement the Program; or
- c. Which prioritize such counterpart resources for its implementation.

SECTION 248. Local Government Assistance. - LGUs shall assist the NGAs in the efficient and effective implementation of the Program in accordance with Section 4 of this Act and shall be authorized to use a portion of the Special Education Fund (SEF) and/or their twenty percent (20%) development fund as provided for in Republic Act No. 7160, otherwise known as the "Local Government Code of 1991", as amended to augment the appropriations available under the General Appropriations Act (GAA).

SECTION 249. Private Sector Participation. - The NGAs shall encourage the participation of the private sector in the Program which shall include, among others, PTAs, private corporations, peoples and nongovernment organizations and such other groups or organizations, both foreign and local, that may want to be partner in whole or in part with the implementation of the Program.

SECTION 250. Tax Exemption. - Any donation or bequest made to the NGAs or any of the aforementioned government agencies including LGUs for the Program shall be exempt from the donor's tax: *Provided*, That donations in kind shall be approved by the NGAs concerned upon the recommendation of the NNC, in the case of food products, and the DOH, in the case of vaccine and supplements, as the case may be, respectively.

SECTION 251. Procurement of Goods and Services. - The Department of Budget and Management, Government Procurement Policy Board, and the Commission on Audit, in consultation with the NGAs, are hereby mandated to specifically establish and promulgate a community-based mode of procurement, liquidation and audit that will ensure the efficient and effective implementation of the Program: *Provided*, That this provision shall apply solely to the implementation of the Program by the NGAs and LGUs concerned.

CHAPTER XXX KALUSUGAN AT NUTRISYON NG MAG-NANAY

SECTION 252. Objectives. - This Act specifically aims to:

- a. Provide comprehensive, sustainable, multisectoral strategies and approaches to address health and nutrition problems of newborns, infants and young children, pregnant and lactating women and adolescent females, as well as multi-factorial issues that negatively affect the development of newborns, infants and young children, integrating the short, medium and long-term plans of the government to end hunger, improve health and nutrition, and reduce malnutrition;

- b. Provide a policy environment conducive to nutrition improvement;
- c. Provide evidence-based nutrition interventions and actions which integrate responsive caregiving and early stimulation in a safe and protective environment over the first one thousand (1,000) days as recommended by the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), as well as nutrition-specific and nutrition-sensitive mechanisms, strategies, programs and approaches in implementing programs and projects to improve nutritional status, and to eradicate malnutrition and hunger;
- d. Strengthen and define the roles of the Department of Health (DOH), the National Nutrition Council (NNC), and other government agencies tasked to implement nutrition programs in the first one thousand (1,000) days;
- e. Institutionalize and scale up nutrition in the first one thousand (1,000) days in the national plan on nutrition, the early childhood care and development intervention packages developed by the NNC, the Philippine Development Plan, the National Plan of Action for Children, the regional development plans, and local government units' (LGUs) investment plans for health and nutrition;
- f. Ensure the meaningful, active and sustained participation, partnership and cooperation of NNC-member agencies, other National Government Agencies (NGAs), LGUs, civil society organizations (CSOs), and the private sector, in an integrated and holistic manner, for the promotion of the health and nutritional well-being of the population, prioritizing interventions in areas with high incidence and magnitude of poverty, Geographically Isolated and Disadvantaged Areas (GIDA), and in hazard and conflict zones;
- g. Strengthen enforcement of Executive Order No. 51, otherwise known as the "National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplements and Other Related Products" or the "Milk Code", and Republic Act No. 10028, otherwise known as the "Expanded Breastfeeding Promotion Act of 2009", to protect, promote, and support optimal infant and young child feeding and maternity protection, and in consultation with the stakeholders in the public and private sectors, consider the new recommendations from the World Health Assembly (WHA) Resolution 69.9 to end the inappropriate promotion of food for infants and young children;
- h. Strengthen the implementation of other nutrition related laws, programs, policies and guidelines including multisectoral integration, gender equality and promotion of the United Nations Convention on the Rights of the Child (UNCRC); and
- i. Strengthen the family community support systems with the active engagement of parents and caregivers, with support from LGUs, the NGAs, CSOs, and other stakeholders.

SECTION 253. Scaling Up Health and Nutrition for the First One Thousand (1,000) Days of Life. - The DOH, the NNC, the Department of Agriculture (DA), in coordination with other NGAs, the LGUs, the CSOs, and other stakeholders, shall develop a comprehensive and sustainable strategy for the first one thousand (1,000) days of life to address the health, nutrition, and developmental problems affecting infants, young children, adolescent females, and pregnant and lactating women. It shall operationalize the latest national plan on nutrition, integrating the short, medium and long-term plans of the government in response to the global call to eradicate hunger, improve nutrition, and prevent and manage malnutrition, as one (1) of the seventeen (17) Sustainable Development Goals (SDGs).

The NNC shall prioritize LGUs, which meet any of the following criteria:

- a. With the highest prevalence of under nutrition and nutrient-deficiency among pregnant and lactating women and children aged zero (0) to two (2) years;
- b. Availability of facilities or capability to implement the program; and
- c. Prioritizes such programs in their locality and willingness to provide counterpart resources for its implementation.

SECTION 254. Program Components. - The program shall include health and nutrition services and interventions provided at the different life stages. The LGUs, NGAs, concerned CSOs, and other stakeholders shall work together to ensure the delivery of these services and interventions.

- a. Prenatal Period (First Two Hundred Seventy (270) Days). - Prenatal care services at the facility and community level shall include, but not be limited to, the following:
 - 1. Pregnancy tracking and enrollment to antenatal care services (ANC);
 - 2. Regular follow up to complete the recommended minimum number of quality ANC care visits with proper referral for high-risk pregnancies;
 - 3. Provision of maternal immunizations including tetanus and diphtheria toxoid vaccine, and other vaccines as appropriate;
 - 4. Empowering women on the preparation of birth and emergency plans, and appropriate plans for breastfeeding and rooming-in, including counseling;
 - 5. Counseling on maternal nutrition, appropriate infant and young child feeding practices;
 - 6. Early identification and management of nutritionally at-risk pregnant women and pregnant adolescent females and provision of ready-to-use supplementary food (RUSF) in addition to dietary supplementation;
 - 7. Provision of micronutrient supplements such as iron, folic acid, calcium, iodine and other micronutrients deemed necessary;
 - 8. Promotion of the consumption of iodized salt and foods fortified with micronutrients deemed necessary;

9. Assessment of risk for parasitism and provision of anti-helminthic medicines;
10. Provision of oral health services including oral health assessment;
11. Counseling on proper hand-washing, environmental sanitation, and personal hygiene;
12. Counseling on, and utilization of, responsible parenthood and family health services;
13. Counseling on nutrition, smoking cessation, and adoption of healthy lifestyle practices;
14. Philippine Health Insurance Corporation (PhilHealth) enrollment and linkages to facility and community-based health and nutrition workers and volunteers;
15. Social welfare support to improve access to health and nutrition services, such as, but not limited to, dietary supplementation, healthy food products and commodities for nutritionally-at-risk pregnant women belonging to poorest of the poor families, including those with disabilities;
16. Maternity protection during pregnancy;
17. Counseling and support to parents and caregivers on parent/caregiver-infant/child interaction for responsive care and early stimulation for early childhood development;
18. Provision of counseling and psychosocial support to parents and caregivers with priority to high-risk pregnant women and adolescent females belonging to poorest of the poor families; and
- 19 Others may be determined based on international and national guidelines and evidence generated locally.

b. Women About to Give Birth and Immediate Postpartum Period. - Health and nutrition services at the facility and community level shall include, but not be limited to, the following:

1. Adherence to the couple's birth, breastfeeding, and rooming-in plans;
2. Provision of mother-friendly practices during labor and delivery in line with, and in compliance with, Mother and Baby-Friendly Health Facility Initiative (MBFHF), Republic Act No. 10028, otherwise known as the "Expanded Breastfeeding Promotion Act of 2009", Executive Order No. 51 or the "Milk Code", and other related administrative issuances of the DOH on maternal and newborn care;
3. Monitoring of the progress of labor and the well-being of both the mother and the fetus, and provision of interventions to any health issue that may arise;
4. Identification of high-risk newborns that will be delivered; the premature, small for gestational age (SGA), and/or low birth weight infants; and the provision of preventive interventions to reduce complications of prematurity or low birth weight;
5. Coverage and utilization of PhilHealth benefit packages for maternal care;
6. Nutrition counseling and provision of nutritious food and meals at the facility, most especially for women who gave birth to babies who are preterm, SGA, or low birth weight, until discharged;
7. Provision of lactation management services to support breastfeeding initiation and exclusive breastfeeding for six (6) months, most especially for caesarean deliveries, and thereafter until discharged;
8. Counseling on proper hand-washing, environmental sanitation, and personal hygiene;
9. Counseling on, and utilization of, modern methods of family planning and access to reproductive health care services, as defined in Republic Act No. 10354, otherwise known as "The Responsible Parenthood and Reproductive Health Act of 2012";
- 10 Maintenance of non-separation of the mother and her newborn and rooming-in for early breastfeeding initiation;
11. Assurance of women and child-friendly spaces during calamities, disasters, or other emergencies;
12. Provision of support to fathers and caregivers to ensure their commitment to support the mother and the child on proper health and nutrition care and provide necessary counseling and positive parenting support interventions;
13. Counseling and support to parents and caregivers on parent/caregiver-infant/child interaction for responsive care and early stimulation for early childhood development; and
14. Others may be determined based on international and national guidelines and evidence generated locally.

c. Postpartum and Lactating Women. - Health and nutrition services at the facility and community level shall include, but not be limited to, the following:

1. Follow-up visits to health facilities where they gave birth;
2. Home visits for women in difficult-to-reach communities especially if located in a GIDA;
3. Lactation support and counseling from birth up to two (2) years and beyond, including those women who will return to work and for women in the informal economies, and those with breastfeeding difficulties;
4. Nutrition assessment and counseling to meet the demands of lactation in health facilities and workplaces;
5. Identification and management of malnutrition of chronically energy deficient (CED) and nutritionally-at-risk postpartum and lactating women, including adolescent mothers, and provision of RUSF in addition to dietary supplementation, as appropriate;
6. Organization of community-based mother support groups and peer counselors for breastfeeding in cooperation with other health and nutrition workers;
7. Lactation breaks for women in the workplaces including micro, small and medium enterprises;

8. Availability of lactation stations in the workplaces, both in government and in the private sector, informal economy workplaces, and in public places and public means of transportation as stipulated in Republic Act No. 10028, otherwise known as the "Expanded Breastfeeding Promotion Act of 2009" and its implementing rules and regulations;
 9. Organization of breastfeeding support groups in workplaces, in cooperation with occupational health workers and human resource managers trained in lactation management for the workplace;
 10. Provision of micronutrient supplements including iron, folic acid, Vitamin A and other micronutrients deemed necessary;
 11. Promotion of the consumption of iodized salt and foods fortified with micronutrients deemed necessary;
 12. Provision of oral health services;
 13. Counseling on, and utilization of, modern methods of family planning, and access to reproductive health care services, as defined in Republic Act No. 10354, otherwise known as "The Responsible Parenthood and Reproductive Health Act of 2012";
 14. Social welfare support to improve access to health and nutrition services, such as, but not limited to, dietary supplementation, healthy food products and commodities for CED and nutritionally-at-risk postpartum and/or lactating women belonging to poorest of the poor families;
 15. Assurance of women-friendly and child-friendly spaces where mothers and their infants will be able to continue breastfeeding during calamities, disasters, or other emergencies;
 16. Provision of support to fathers and caregivers to ensure their commitment to support the mother and the child on proper health and nutrition care and provide necessary counseling and positive parenting support intervention;
 17. Counseling and support to parents and caregivers on parent/caregiver-infant/child interaction for responsive care, and early stimulation for early childhood development; and
 18. Others as may be determined based on international and national guidelines and evidence generated locally.
- d. Birth and Newborn Period (Twenty-eight (28) Days). - Health and nutrition services at the facility and community level shall include, but not be limited to, the following:
1. Provision of baby-friendly practices during delivery in line, and in compliance, with the MBFHF and essential newborn care protocol of the DOH in all facilities providing birthing services;
 2. Provision of early and continuous skin-to-skin contact to all full-term babies and continuous kangaroo mother care for small babies born preterm and low birth weight, in compliance with the newborn protocol of the DOH in all facilities providing birthing services;
 3. Maintenance of non-separation of the mother and her newborn from birth for early breastfeeding initiation and exclusive breastfeeding;
 4. Provision of routine newborn care services such as eye prophylaxis, Vitamin K supplementation, and immunizations;
 5. Administration of newborn screening and newborn hearing screening;
 6. Availment and utilization of appropriate PhilHealth benefit packages for the newborn including the preterm, low birth weight and small babies;
 7. Provision of early referral to higher level facilities to manage illness and/or other complications;
 8. Availability of human milk pasteurizer for strategic level two (2) and level three (3) facilities with neonatal intensive care units to ensure breast milk supply for small babies born preterm and low birth weight within its facility, the service delivery network it serves, and for use of infants and young children during emergencies and disasters;
 9. Assurance of a child-friendly space where exclusively breastfed infants will be able to continue breastfeeding during calamities, disasters or other emergencies;
 10. Social welfare support to improve access to health and nutrition services for newborns belonging to poorest of the poor families;
 11. Facilitate the prompt birth and death registration, including fetal deaths, including restoration and reconstruction of birth and death registration documents destroyed during disasters;
 12. Counseling and support to parents and caregivers on parent/caregiver-infant/child interaction for responsive care and early stimulation for early childhood development;
 13. Provision of support to parents and caregivers on early stimulation and responsive care for infants; and
 14. Others may be determined based on international and national guidelines and evidence generated locally.
- e. First Six (6) Months of Infancy (One Hundred Eighty (180) Days). - Health (and nutrition services at the facility and community level shall include, but not be limited to, the following:
1. Provision of continuous support to mother and her infant for exclusive breastfeeding, including referral to trained health workers on lactation management and treatment of breast conditions;
 2. Provision of appropriate and timely immunization services integrated with assessment of breastfeeding, early child development, growth monitoring and promotion, and Infant and Young Child Feeding (TYCF) counseling;

3. Growth and development monitoring and promotion of all infants less than six (6) months old especially those who had low birth weight, are stunted, or had acute malnutrition;
 4. Counseling household members on hand-washing, environmental sanitation, and personal hygiene;
 5. Provision of early referral to higher level health facilities to manage common childhood illnesses including acute malnutrition;
 6. Identification and management of moderate or severe acute malnutrition among infants less than six (6) months old and provision of lactation management services and management of medical conditions contributing to malnutrition;
 7. Counseling and support to parents and caregivers on parent/caregiver-infant/child interaction for responsive care and early stimulation for early childhood development;
 8. Social welfare support to improve access to health and nutrition services for newborns belonging to poorest of the poor families;
 9. Provision of support to fathers and caregivers to ensure their commitment to support the mother and the child on proper health and nutrition care and provide necessary counselling and positive parenting support interventions;
 10. Assurance of women and child-friendly spaces during calamities, disasters, or other emergencies where health and nutrition services for women and children shall be provided; and
 11. Others may be determined based on international and national guidelines and evidence generated locally.
- f. Infants Six (6) Months up to Two (2) Years of Age. - Health and nutrition services at the community level shall include, but not be limited to, the following:
1. Timely introduction of safe, appropriate, and nutrient-dense quality complementary food with continued and sustained breastfeeding for all infants from six (6) months up to two (2) years of age, with emphasis on the use of suitable, nutrient-rich, home-prepared, and locally available foods that are prepared and fed safely;
 2. Provision of nutrition counseling on complementary food preparation and feeding to mothers and caregivers;
 3. Dietary supplementation of age-appropriate and nutrient-dense quality complementary food;
 4. Growth and development monitoring and promotion in health facilities and at home;
 5. Provision of routine immunizations based on the latest DOH guidelines;
 6. Provision of micronutrient supplements deemed necessary;
 7. Management of common childhood illnesses based on WHO and DOH guidelines;
 8. Management of moderate and severe acute malnutrition using national guidelines and proper referral to higher level health facilities as appropriate, for treatment and management, especially those with serious medical complications;
 9. Provision of oral health services including application of fluoride varnish to prevent dental caries;
 10. Provision of anti-helminthic tablets for children one (1) to two (2) years old as appropriate;
 11. Availability of potable source of water, counseling of household members on hand-washing, environmental sanitation, and personal hygiene, and support for sanitation needs of households to reduce food, water, and vector-borne diseases;
 12. Counseling and support to parents and caregivers on parent/caregiver-infant/child interaction for responsive care, and early stimulation for early childhood development, and referral for development delays and other disabilities for early prevention, treatment and rehabilitation;
 13. Social welfare support to improve access to health and nutrition services such as, but not limited to, dietary supplementation, complementary food, other healthy food products and commodities, assessment and referral for development delays and other disabilities for early prevention, treatment and rehabilitation for infants six (6) months and above who belong to poorest of the poor families;
 14. Support for home kitchen gardens wherever feasible;
 15. Provision of locally available grown crops, vegetables and fruits in addition to other agricultural products to be used in complementary feeding and dietary supplementation;
 16. Protection against child abuse, injuries and accidents including the provision of first aid, counselling and proper referrals; and
 17. Others as may be determined based on international and national guidelines and evidence generated locally.

SECTION 255. Health and Nutrition of Adolescent Females. - To address the cyclical nature of malnutrition among the population, delivery of health and nutrition services for adolescent females ten (10) to eighteen (18) years old at facility, school, and community levels shall include, but not be limited to, the following:

- a. Assessment of health and nutrition status and identification of nutritionally-at-risk adolescent girls, as well as provision of ready to use supplementary food or ready to use therapeutic food for nutritionally-at-risk adolescent females, as appropriate;
- b. Provision of age-appropriate immunizations based on the latest DOH guidelines;
- c. Provision of oral health services including oral health assessment;

- d. Provision of anti-helminthic drugs for deworming;
- e. Counseling on proper hand-washing, environmental sanitation, and personal hygiene;
- f. Provision of micronutrient supplements according to guidelines of the DOH, in partnership with the Department of Education (DepEd);
- g. Promotion of the consumption of iodized salt and foods fortified with micronutrients that may be deemed necessary;
- h. Referral to appropriate health facilities to manage menstruation irregularities or abnormalities that contribute to anemia and blood loss, and to manage complicated illnesses including moderate, severe acute malnutrition;
- i. Counseling on proper nutrition, mental health, avoidance of risk-taking behaviors, smoking cessation, adoption of healthy lifestyle practices, and family health; and
- j. Others may be determined based on international guidelines and evidence generated locally.

SECTION 256. Other Program Components. - The LGUs, NGAs, concerned CSOs, and other stakeholders shall likewise include the following cross-cutting components in the implementation of the program:

- a. National and local health and nutrition investment planning and financing;
- b. Policy, standards, and guideline development;
- c. Health and nutrition promotion and education, social mobilization and community organization, including advocacy;
- d. Service delivery;
- e. Health and nutrition human resources capacity development;
- f. Sectoral collaboration and partnerships;
- g. Logistics and supply management;
- h. Knowledge management and information; and
- i. Monitoring and evaluation, and research and development.

SECTION 257. Nutrition in the Aftermath of Natural Disasters and Calamities. - Areas that are affected by disasters and emergency situations, both natural and man-made, must be prioritized in the delivery of health and nutrition services, and psychosocial services interventions. NGAs and LGUs are mandated to immediately provide emergency services, food supplies for proper nourishment of pregnant and lactating mothers, and children, specifically those from zero (0) to two (2) years old. Women, infant and child-friendly spaces shall be prepared and ready to accommodate women and their children, provide their daily necessities such as food, clothing, clean water, and shelter; readily available breastfeeding support and counseling for those with children up to two (2) years or beyond, as well as provision and guidance on the appropriate complementary food for children over six (6) months old.

Donations of milk formula, breast milk substitutes, and/or products covered by the Milk Code without the approval of the Inter-Agency Committee (IAC) created under Executive Order No. 51, Series of 1986, shall be prohibited in order to protect the health and nutrition of pregnant and lactating women, infants and young children before, during and after a disaster.

In emergency situations, donations or assistance from the private sector, with no conflicts of interest or those not involved with manufacture, marketing, and sales of products covered by the scope of the Milk Code, shall be allowed immediately in the aftermath of natural disasters and calamities. Strict compliance with the Milk Code and its revised implementing rules and regulations (IRR) shall be observed, and options for mothers with breastfeeding problems will be provided, such as, but not limited to, the mobilization of breastfeeding support groups or strategic establishment of local milk banks.

SECTION 258. Capacity-Building of Barangay Health and Nutrition Volunteers. - The DOH and the NNC, in coordination with LGUs, shall provide practical and effective training courses to BNSs, BHWs, and other personnel concerned to upgrade their skills and competence in the implementation of the services and interventions for the health and nutrition of women and children.

CHAPTER XXXI SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION

SECTION 259. Hours of Work of a Working Child. - Under the exceptions provided in Section 12 of this Act, as amended:

- a. A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: Provided, That the work shall not be more than four (4) hours at any given day;
- b. A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week;
- c. No child below fifteen (15) years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day."

SECTION 260. Ownership, Usage and Administration of the Working Child's Income. – The wages, salaries, earnings and other income of the working child shall belong to him/her in ownership and shall be set aside primarily for his/her support, education or skills acquisition and secondarily to the collective needs of the family: Provided, That not more than twenty percent (20%) of the child's income may be used for the collective needs of the family.

"The income of the working child and/or the property acquired through the work of the child shall be administered by both parents. In the absence or incapacity of either of the parents, the other parent shall administer the same. In case both parents are absent or incapacitated, the order of preference on parental authority as provided for under the Family Code shall apply.

SECTION 261. Prohibition Against Worst Forms of Child Labor. – No child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following:

- a. All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or
- b. The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or
- c. The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or
- d. Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:
 - "1. Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or
 - "2. Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or
 - "3. Is performed underground, underwater or at dangerous heights; or
 - "4. Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or
 - "5. Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or
 - "6. Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or
 - "7. Is performed under particularly difficult conditions; or
 - "8. Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or
 - "9. Involves the manufacture or handling of explosives and other pyrotechnic products."

SECTION 262. Access to Education and Training for Working Children

- a. No child shall be deprived of formal or non-formal education. In all cases of employment allowed in this Act, the employer shall provide a working child with access to at least primary and secondary education.
- b. To ensure and guarantee the access of the working child to education and training, the Department of Education (DEPED) shall: (1) formulate, promulgate, and implement relevant and effective course designs and educational programs; (2) conduct the necessary training for the implementation of the appropriate curriculum for the purpose; (3) ensure the availability of the needed educational facilities and materials; and (4) conduct continuing research and development program for the necessary and relevant alternative education of the working child.
- c. The DEPED shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances."

SECTION 263. Prohibition on the Employment of Children in Certain Advertisements. – No child shall be employed as a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, gambling or any form of violence or pornography."

SECTION 264. Who May File a Complaint. – Complaints on cases of unlawful acts committed against children as enumerated herein may be filed by the following:

- a. Offended party;
- b. Parents or guardians;
- c. Ascendant or collateral relative within the third degree of consanguinity;
- d. Officer, social worker or representative of a licensed child-caring institution;
- e. Officer or social worker of the Department of Social Welfare and Development;
- f. Barangay Chairman of the place where the violation occurred, where the child is residing or employed; or
- g. At least three (3) concerned, responsible citizens where the violation occurred."

SECTION 265. Access to Immediate Legal, Medical and Psycho-Social Services. - The working child shall have the right to free legal, medical and psycho-social services to be provided by the State.

**CHAPTER XXXII
SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT**

SECTION 266. Children as Zones of Peace. - Children are hereby declared as Zones of Peace. As such, they shall be treated in accordance with the policies stipulated under Article X, Section 22 of Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act". Treatment of children as Zones of Peace shall extend beyond territorial or geographical boundaries and shall focus on the person of the child whose rights shall be promoted and protected at all times, especially in situations of armed conflict or violence. The State and all sectors concerned shall have the responsibility to resolve armed conflict in order to promote the goal of children as Zones of Peace. As such, the community, governmental authority and, if appropriate, religious leadership shall preserve the peaceful integrity of children, exemplify mutual respect and nonviolent behavior in the presence of children, and share their resources to further peace and cooperation.

SECTION 267. Rights of Children in Situations of Armed Conflict. - Children in situations of armed conflict shall have the following rights:

- a. The right to life, survival and development;
- b. The right of special respect and protection against any form of abuse, neglect, exploitation and violation, especially in the context of armed conflict;
- c. The right to be treated as victims. They shall be treated in accordance with this Act and other applicable laws, consistent with the State obligations under international law, within the framework of restorative justice, social rehabilitation and promotion of their protection;
- d. The right to be accorded with special respect and to be protected from any form of direct or indiscriminate attacks and acts of violence, especially protection from the grave child rights violations as enumerated in Section 9 of this Act;
- e. The right to be protected from recruitment into government forces or armed groups and from participation in armed conflict including the right to be protected from torture or any cruel, inhuman or degrading practices that compel compliance or punish noncompliance with recruitment or participation in armed conflict;
- f. The right to be protected from maiming, torture, abduction, rape and killing, especially extrajudicial killing;
- g. The right to be immediately provided and have safe access to essential, adequate and culturally appropriate food and nutrition; basic shelter and housing; culturally appropriate clothing; water, sanitation and hygiene; basic health services including essential drugs, medicines and vaccines, minimum initial service package for reproductive health, and health professional evaluation and appropriate intervention; education, including religious and moral education; early childhood care and development programs, psychosocial support and social services. All services provided for them must be child-specific and gender sensitive and responsive;
- h. The right to enjoy their freedom of thought, conscience, religion or belief, opinion and expression; to associate freely and participate equally in legitimate community affairs; to communicate in a language they understand even in situations of armed conflict and whether or not they have been internally displaced or are living in evacuation centers or settlements;
- i. The right to be treated humanely in all circumstances, without any adverse distinction founded on race, color, religion or faith. Sexual Orientation, Gender Identity and Expression (SOGIE), birth, wealth or any other similar criteria;
- j. The right not to be interred or confined in camp ;
- k. The right of the injured, the wounded and the sick, those with disabilities, those who are separated and unaccompanied, expectant and lactating mothers, to care, protection and assistance required by their condition and treatment which takes into account their special needs such as their health needs, reproductive health care, appropriate counselling, prevention of infectious diseases and Mental Health Psychosocial Support Services;
- l. The right to be with their families, especially with their mothers, during evacuations and in evacuation centers;
- m. The right to be reunited with their families in case of separation due to armed conflict;
- n. The right to privacy and confidentiality in all proceedings;
- o. The right to nondiscrimination;
- p. The right to liberty of movement and freedom to choose their residence; in particular, internally displaced children and their families have the right to move freely in and out of evacuation centers or other settlements, subject to existing rules and regulations in those centers or settlements and to other government regulations and directives;
- q. The right especially of internally displaced children and their families to: leave the country; seek safety in another part of the country; seek other service providers; seek asylum in another country; and be protected against forcible return to resettlement in any place where their life, safety, liberty or health would be at risk;

- r. The right to obtain necessary documents to enjoy their legal rights. The State shall have the duty to expedite services in the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions and without discrimination against female child and male child, who shall have equal rights to obtain and to be issued the same in their own names;
- s. The right of access to justice including free legal aid when filing cases against the perpetrators;
- t. The right to the protection of their family's properties and possessions in all circumstances; and
- u. The right to be consulted and to participate in all matters affecting them. Whenever feasible, views of children, as well as families and the communities to which these children return, should be sought in all stages of assessment, planning, implementation and evaluation activities aimed at preventing the association of children with government forces and armed groups; as well as in the development and design of policies, programs and services for the rescue, rehabilitation, and reintegration of children involved in armed conflict.

The rights enumerated in this section shall not hinder the application of other rights recognized and guaranteed in the Constitution and other existing laws in keeping with the best interests of the child.

SECTION 268. Prevention. - The State shall take all feasible measures to prevent the recruitment, re-recruitment, use, displacement of, or grave child rights violations against children involved in armed conflict. It shall take all necessary measures to ensure the effective implementation and enforcement of the provisions of this Act. Towards this end, the State shall:

- a. Prioritize children's issues in the peace program of the government and include children's concerns, specifically the effects of armed, conflicts, in peace negotiations;
- b. Pursue in both formal and non-formal settings the mainstreaming of peace education programs and the promotion of the culture of peace and nonviolence;
- c. Provide educational assistance, whether formal or alternative learning system, that is child and culturally sensitive. Girls should have an equal right to education irrespective of their status as mothers or wives;
- d. Develop and implement training programs and campaign towards promoting a culture of peace and respect for human rights and international humanitarian law in collaboration with civil society organizations;
- e. Provide capacity building on Local Governance and Community Development, and ensure the participation of the Local Councils for the Protection of Children, various organizations, especially of children's and people's organizations at the community level. These organizations shall be involved in consultation and decision-making processes and in the development and implementation of programs, projects and activities established for them;
- f. Establish livelihood programs which shall be made available to communities in all affected areas in order to alleviate the living conditions of the people;
- g. Make available basic health services in health facilities in all affected areas. Culturally-sensitive nutrition programs and activities including supplementary feeding shall also be made available. Efforts to support traditional health practices in indigenous peoples' area shall also be initiated;
- h. Establish basic facilities and infrastructure needed;
- i. Ensure that child protection mechanisms are present and functional; and
- j. Establish a comprehensive, effective and efficient system for monitoring and reporting and response for violations as provided in Section 9 of this Act.

SECTION 269. Prohibited Acts and Penalties

- a. It shall be unlawful for any person to commit the following acts of grave child rights violations:
 1. Killing of children;
 2. Torture committed against children. For purposes of this Act, torture shall include those enumerated in Section 4 of Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009";
 3. Intentional maiming of children; and
 4. Rape of children and other forms of sexual violence.
- b. The following acts of grave child rights violations are also hereby prohibited:
 1. Cruel, inhuman and degrading treatment or punishment committed against children. For purposes of this Act, cruel, inhuman and degrading treatment or punishment shall include those acts enumerated in Section 5 of the "Anti-Torture Act of 2009";
 2. Abduction of children;
 3. Causal maiming of children;
 4. Taking children as hostages or using them as human shield;
 5. Recruitment, conscription or enlistment of children into government forces and other armed groups;
 6. Acts of gender-based violence against children;
 7. Refusal or denial of humanitarian access or assistance to children;

8. Use or involvement of children involved in armed conflict in any capacity as defined in Section 5(i) of this Act; and
9. Attack on schools, hospitals, places of worship, evacuation centers and settlements and other public places such as recreation parks, playgrounds and malls.
- c. Where the crimes committed under paragraph (b) of this section resulted in the killing, torture, maiming or rape of children as enumerated in subparagraphs (1), (2), (3) and (4) of paragraph (a), Section 9, the penalty imposed shall be that of Section 9(a) of this Act.
- d. Likewise, it shall be unlawful for any person to commit the following acts:
 1. Hamleting;
 2. Food blockade;
 3. Intentional delayed reporting of a child in custody;
 4. False reporting of a child in custody;
 5. False branding of children or labeling children as children involved in armed conflict; and
 6. Arrest, arbitrary detention or unlawful prosecution of children allegedly associated with armed groups or government forces.
- e. Parental accountability of children in situations of armed conflict are subject to the existing provisions of Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code"; Republic Act No. 7610; Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003"; Republic Act No. 9231 on the elimination of worst forms of child labor; Republic Act No. 9851, otherwise known as the "Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity"; and Republic Act No. 10364, otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2012": *Provided*, That the involvement of the child was due to parental action or inaction; or the parent directed or ratified the involvement of the child; or the child acted as the parent's agent or servant; or the child was entrusted a dangerous weapon or instrument.

SECTION 270. Non-implementation or Violation of Any Other Provision of this Act or the Rules and Regulations in General. - Any public officer who shall knowingly and maliciously prevent, prohibit, refuse or discontinue the implementation of any provision of this Act or any rule and regulation promulgated in accordance thereof, or in any other way violate them if such officer has the duty to implement, shall be punished by imprisonment of not less than six (6) years but not more than twelve (12) years and perpetual absolute disqualification from public office.

Any such officer who shall prevent, prohibit, refuse or discontinue the implementation of this Act or its rules and regulations, or in any other way violate them by reason of inexcusable negligence or ignorance, shall suffer the penalty of imprisonment of not less than one (1) month but not more than six (6) months and temporary special disqualification from public office.

The public officer liable under this section shall, in addition to imprisonment, be/held administratively liable under existing applicable laws.

Any person who shall deliberately commit any other act not covered in Section 9, which shall result in prejudicing the rights of children in situations of armed conflict shall suffer the penalty of imprisonment of not less than six (6) months but not more than six (6) years.

SECTION 271. Forfeiture of Proceeds, Property and Assets. - The court shall order the forfeiture of proceeds, property and assets derived, directly or indirectly, from the crimes defined and penalized in this Act, without prejudice to the rights of the *bona fide* third party. The court shall impose the corresponding accessory penalties under the Revised Penal Code, as amended, especially where the offender is a public officer.

The liabilities imposed in this Act shall not prejudice the application of other existing criminal, civil and administrative liabilities that may additionally be imposed upon the person.

SECTION 272. Nonprescription. - The crimes defined and penalized under this Act, their prosecution and the execution of sentences imposed on their account shall not be subject to any prescription.

SECTION 273. Irrelevance of Official Capacity. - This Act shall apply equally to all persons without any distinction based on official capacity. In no case shall the official capacity exempt a person from criminal responsibility or constitute a ground for reduction of sentence.

SECTION 274. Responsibility of Superiors. - In addition to the grounds of criminal responsibility for crimes defined and penalized under this Act, a superior shall be criminally responsible for such crimes committed by subordinates where:

- a. The superior either knew or, owing to the circumstances at the time, should have known that the subordinates were committing or were about to commit such crimes; or
- b. The superior failed to take all necessary, legitimate and reasonable measures to prevent or repress their commission or to submit the matter to the competent authorities for investigation and prosecution.

SECTION 275. Orders from a Superior. - The fact that a crime defined and penalized under this Act has been committed by a person pursuant to an order of a superior shall not relieve that person of criminal responsibility unless all of the following elements occur:

- a. The person was under a legal obligation to obey orders of the superior in question;
- b. The person did not know that the order was unlawful; and
- c. The person acted under duress or coercion.

For purposes of this section, orders to commit grave child rights violations enumerated in Section 9 hereof are manifestly unlawful and shall be punished under this Act and other applicable existing laws.

SECTION 276. Unknown Superior. - Where the crimes defined and penalized under this Act have been committed by a person pursuant to an order or command of an unknown superior, any person who in fact directed the others, spoke for them, signed receipts and other documents issued in their name, or who has performed similar acts on behalf of the armed groups, shall be deemed the superior.

SECTION 277. Court, Prosecutors and Investigators. - The Family Courts shall have original and exclusive jurisdiction over the crimes punishable under this Act.

The Commission on Human Rights (CPIR), the Department of Justice (DOJ) and its attached agencies, the PNP or other concerned law enforcement agencies shall designate prosecutors or investigators, as the case may be, for cases involving crimes punishable under this Act.

The State shall ensure that judges, prosecutors and investigators designated for purposes of this Act, receive effective training in human rights particularly on the Convention on the Rights of the Child and its Optional Protocol on the Involvement of Children Involved in Armed Conflict and related international instruments, International Humanitarian Law, International Criminal Law and National Guidelines and Protocols on the Handling and Treatment of CIAC.

SECTION 278. Requirement and Procedures on Age Verification and Presumption of Minority. - The child involved in, affected by or displaced by armed conflict, shall enjoy the presumption of a minority and shall enjoy all the rights of a child recognized in this Act and other applicable laws unless proven to be at least eighteen (18) years of age or older.

The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent document. In the absence of these documents, age may be based on information from the child, testimonies of other persons, the physical appearance of the child and other relevant evidence such as dental records. In case of doubt as to the age of the child, it shall be resolved in favor of the child being deemed a minor.

Any person contesting the age of the child prior to the filing of the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court, which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

If a case has been filed against the child and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.

In all proceedings, law enforcement officers, prosecutors, judges and other government officials concerned shall exert all efforts to determine the age of the child involved in armed conflict.

SECTION 279. Protection of Victims and Witnesses. - In addition to existing provisions in Philippine law for the protection of victims and witnesses, the following measures shall be undertaken:

- a. The court shall take appropriate measures to protect the safety, physical and psychological well-being, dignity and privacy of child victims and witnesses. Pursuant thereto, the court shall give due regard to all relevant factors, including age, gender and health, and the nature of the crime, particularly where the crime involves sexual or gender-based violence or violence against children;
- b. The court shall protect the privacy of child victims and witnesses and observe confidentiality consistent with existing rules on examination of child victims and witnesses;
- c. Where the personal interests of the child victims are affected, the court shall consider the child victim's views and concerns in accordance with established rules of procedure and evidence; and
- d. the disclosure of evidence or information may be prejudicial to the security of the child, witness or the family, the prosecution may withhold such evidence or information and instead submit a summary thereof consistent with the rights of the accused to a fair and impartial trial.

SECTION 280. Reparation to Victims. - In addition to existing provisions in Philippine law and procedural rules for reparations to victims, the following measures shall be undertaken:

- a. The court shall follow the principles relating to the reparations to, or in respect of, child victims, including restitution, compensation and rehabilitation, taking into consideration the scope and extent of any damage, loss or injury suffered by child victims;
- b. The court shall make an order directly against a convicted person specifying appropriate reparations to child victims, including restitution, compensation and rehabilitation; and
- c. Before making an order under this section, the court may invite and shall take account of representations from or on behalf of the convicted person, child victims or other interested persons. Nothing in this section shall be interpreted to prejudice the rights of child victims under national or international law.

SECTION 281. Immunity from Suit for Persons Providing Assistance. - Any person who shall take custody of children involved in armed conflict to ensure their safety or provide them any form of assistance shall be exempt from any civil, criminal and administrative liability: *Provided*, That the person taking custody shall report it to the Local Social Welfare and Development Office (LSWDO), the PNP or to the barangay office within forty-eight (48) hours from custody.

SECTION 282. Rescue, Rehabilitation and Reintegration. - The State shall institute policies, programs and services for the rescue, rehabilitation and reintegration of children in situations of armed conflict. The programs, which shall be provided by civilian local and national government agencies, in partnership with nongovernment organizations shall aim at providing services for children while involving their families, communities and other entities to facilitate the children's reintegration process.

These services shall include psychosocial support, health and nutrition, education, livelihood for families and other basic or legal services, as may be necessary.

Any program intervention shall be designed with due respect to the culture of each child, family and community. The child shall, at all times, be provided with legal assistance and physical security upon rescue.

Regardless of the perceived association of the children to one of the sides of the conflict, they shall benefit from all available medical, psychosocial, legal, shelter and educational response mechanism services for the victims of armed conflict.

The State shall take into account the protocol in the rescue, rehabilitation and reintegration of children specified below:

- a. **Rescue.** - The State shall provide for adequate measures and mechanisms to facilitate the recovery, either voluntary or involuntary, of children from armed groups or government forces. It shall provide legal and physical security to children involved in armed conflict including services such as family tracing and system of referral or response on various psychosocial services needed by the victims;
- b. **Rehabilitation.** - The civilian national or local government agencies and civil society organizations shall facilitate the normal development of children victims in their post-involvement phase. It shall provide services including therapeutic counseling, security and protection, educational assistance and livelihood opportunities to their parents, relatives or guardians or to the victims when they become of age;
- c. **Reintegration.** - The civilian national or local government agencies and civil society organizations shall bring children back to their families or communities whenever possible. This shall involve services including the provision of alternative parental care. Trainings aimed to enhance community readiness in the reintegration of these children shall also be undertaken. Processes to facilitate the reintegration, healing and reconciliation of CIAC with their communities shall also be undertaken. Whenever possible, interventions for children shall be done with respect to their opinion. Interventions for indigenous peoples (IPs) children shall be conducted in recognition of the traditional structures and institutions of their communities.

SECTION 283. Release of Children Involved in Armed Conflict (CIAC). - The State shall take all feasible measures to ensure that children recruited or used in armed conflict are demobilized, dissociated or otherwise released from the government force or armed group.

For purposes of this Act, release activities shall be initiated independent of any negotiated peace agreements.

The State, through its concerned agencies, in coordination with other stakeholders shall have the following duties:

- a. Develop a child-specific release program. This release program should not make as a requirement the surrender of arms by CIAC;
- b. Monitor and document the status of CIAC who undergo either a formal or informal release process;
- c. Facilitate data and information sharing between government and nongovernment organizations to be informed and updated of the status of released CIAC and to assess and address their needs, with due regard to the right to privacy of CIAC, their security and safety, and considering the confidentiality of records;
- d. Mobilize and strengthen networks for referrals;

- e. Provide free legal assistance to released CIAC ensuring that the legal needs of the former CIAC will be addressed, such as the prohibition or stoppage of filing charges or dismissal of cases against CIAC as criminal or political offenders irrespective of their association with any-armed group or government force; and
- f. Ensure the formal release of CIAC through various approaches such as advocacy of concerned groups, through the Government Peace Negotiating Panel (GPNP), and others: *Provided*, That in any release action, the best interest of the child shall be observed.

SECTION 284. Rescued, Taken into Custody, or Surrendered Children Involved in Armed Conflict (CIAC). - Where the CIAC have been rescued, taken into custody, or surrendered, they shall at all times be treated in a child-friendly and sensitive manner. The State, at all times, shall consider the safety and security of the CIAC, and ensure that they are not subjected to tactical interrogation or any similar forms of investigation, especially by the police and military. The following procedures shall apply without prejudice to the application of other existing laws that will uphold the best interests of the child:

- a. The identity of rescued CIAC shall be protected. Any identifying information regarding them shall remain confidential;
- b. Rescued CIAC shall not be used for any political propaganda nor be unnecessarily exposed to media in violation of child rights to privacy, security and confidentiality of their cases;
- c. Upon the rescue or surrender of the CIAC, government agencies, in particular, the AFP, the PNP, the Department of National Defense (DND), the local government units (LGUs), other concerned government agencies or nongovernment organizations in possession of the CIAC shall report immediately within twenty-four (24) hours the incident to the LSWDO, Local Council for the Protection of Children (LCPC) and the Council for the Welfare of Children (CWC);
- d. The LSWDO or LCPC shall coordinate with the agency or nongovernment organization in possession of CIAC for the handover of custody of the children to the Department of Social Welfare and Development (DSWD);
- e. The handover to the LSWDO shall take place within twenty-four (24) hours or in cases where handover is not possible within the prescribed twenty-four (24)-hour period due to valid reasons and without the fault of the person having custody of the child, the handover shall be done within the next seventy-two (72) hours;
- f. The LSWDO shall facilitate the family tracing and coordinate with parents, relatives or guardians of the CIAC to inform them of the handover;
- g. The Local Health Office (LHO), in coordination with the LSWDO, shall check and assess the medical and physical condition of the CIAC. In cases where medical needs are apparent, the LHO shall ensure that medical services or treatment are received by the CIAC;
- h. The LSWDO shall assess the needs of the CIAC and refer to concerned agencies to provide immediate assistance or appropriate services.
The LSWDO shall require the parents of the child in situations of armed conflict to undergo counseling or any other intervention that, in the opinion of the court, will advance the welfare and best interest of the child. Relevant government agencies should provide social welfare and social protection interventions for parents and children to ensure family support, reintegration and rehabilitation, when necessary;
- i. The LSWDO, in coordination with other agencies, shall enter the CIAC into the child-specific reintegration programs; and
- j. The CIAC shall be reintegrated into the community and reunited with his or her family, or within a family or community setting where they can be adequately cared for and protected. In cases where reintegration to original community of origin is not feasible for reasons of CIAC's security, a conflict-free foster community or institution shall be identified. For other cases where children associated with government forces or armed groups remain with their family and community or maintain close ties, reintegration shall entail the reorientation of children towards civilian life.

SECTION 285. Children Who Reached the Age of Eighteen (18) Years Pending Court Proceedings or in Suspended Sentences. - In cases when a child with a pending case reaches the age of eighteen (18) years, the Family Court shall dismiss the case against the person and determine, in consultation with concerned agencies, whether or not there is a need for the person to undergo appropriate rehabilitation and reintegration programs provided under this Act.

Those with suspended sentences and undergoing rehabilitation at a youth rehabilitation center shall likewise be released: *Provided*, That the Family Court shall, in consultation with concerned agencies, determine and order the appropriate rehabilitation and reintegration programs the person shall undergo as provided under this Act.

SECTION 286. Children Who Have Been Convicted and are Serving Sentence. - Persons who have been convicted and are serving sentence at the time of the effectivity of this Act and who were below the age of eighteen (18) years at the time of the commission of the offense for which they were convicted, and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act, and their sentences shall be adjusted accordingly. They shall be immediately released if they are so qualified under this Act or other applicable laws.

CHAPTER XXXIII MISCELLANEOUS PROVISIONS

SECTION 287. Separability Clause. In the event that any section, paragraph, sentence, clause, or word of this Code is declared invalid for any reason, other provisions thereof shall not be affected thereby.

SECTION 288. Repealing Clause. All ordinances, as well as pertinent rules and regulations thereof, which are inconsistent with the provisions of this Code are hereby repealed or amended accordingly.

SECTION 289. Penal Clause. Any violation on the provision of this Code shall be meted with a penalty of fine not more than Two Thousand Five Hundred pesos [PhP2,500.00] or imprisonment not more than SIX (6) months or both at the discretion of the Court.

Violations on certain provisions of this Code shall have additional penalty such as:

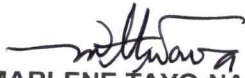
- a. Minors violators such as High School Students shall be reported to their school principal for disciplinary action to be supervised by their teachers,
- b. For store owners and business establishments, violators of this ordinance shall be penalized with a fine of not exceeding P2,500.00 or cancellation of licenses of registered owner and business establishment.
- c. For the violators of anti-smoking, they shall be brought to any of the enforcement officers and the latter shall gather evidence such as cigarettes sold or any form of object or device or which contain tobacco or other similar chemical compound when apprehending violators. The violator shall be brought to the Municipal Treasurer to pay the Administrative fine as provided for in this ordinance.
- d. The penalty for the Parent/Guardian who violates this ordinance shall be:

1. For the first OFFENSE – a minor found violating this ordinance for the first time will be referred to the nearest barangay hall or police station. The Barangay Council for the Protection of Children shall conduct the counselling before the minor will be properly turned over to his/her parent/s or guardian/s; the parent/s or guardian/s of the minor in violation of this ordinance shall be summoned to fetch the minor from the barangay hall; prior to turn over of the minor the parent/s or guardian/s will be informed of the consequences they will be dealing with in case of subsequent violation of the minor pursuant to the applicable provisions under this section. A penalty of community service of twenty-four hours or a fine of One Thousand Pesos (P1,000.00) shall be imposed on the parent/guardian of the minor.
2. For the 2nd OFFENSE – A minor found violating this ordinance for the second time will be required to attend, together with his/her parent/s or guardian/s, two (2) consecutive regular sessions of the Barangay for the Protection of Children, for counselling, which shall include this matter as parts of its session agenda; PROVIDED, that the BCPC Chairperson shall certify compliance or non-compliance by the concerned minor and his/her parent/s or guardian/s with this penalty; PROVIDED, FURTHER, that the violator and/or his/her parent/s or guardian/s shall be required to submit the certification issued by the BCPC Chairperson to the Punong Barangay and apprehending officer within a period not exceed two (2) months from date of violation; the parent/s or guardian/s of the minor who violated this ordinance for the second time shall require to render forty-eight (48) Hours of Community Service of a fine of Two Thousand Pesos (2,000.00);
3. For the 3rd and every subsequent OFFENSE – a minor found violating this ordinance for the third time and every time thereafter, given the intervention prescribed in the preceding paragraphs, shall be turned over to the Social Services Development Department (SSDD) for appropriate counselling and proper disposition on the matter. His/her parent/s or guardian/s shall be penalized with a fine of Two Thousand Five Hundred Pesos (P2,500.00) or imprisonment of Six (6) months;
4. Habitual violator/s of the herein ordinance shall be turned over to the Social Services Development Department SSDD for counselling and be subject to intervention program of the said department;
5. In case where the residence of a minor, who violated this ordinance, is that of another city or municipality, the provisions under the provisions under paragraph (a) of the herein ordinance shall be observed for first violation, in coordination with the Barangay Office/Official thru the Barangay Council for the Protection of Children (BCPC) where the place of residence of the minor is in question; or when the residence of the minor is from for away city or municipality, custody of the child shall immediately by not later than eight (8) hours after apprehension, turn over to the Social Welfare and Development Office or other accredited NGO's and notify the child's apprehension as provided under paragraph (i) Section 21 of Republic Act No. 9344 otherwise known as the Juvenile Justice and Welfare Act of 2006.

SECTION 290. Effectivity Clause. This Ordinance shall take effect immediately after compliance with the posting and publication requirement pursuant to Section 59 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED. March 25, 2026.

CERTIFIED CORRECT:


MARLENE TAYO-NAVA
SB Secretary

ATTESTED:


MARLON R. TERUÑEZ
SB Member & Temporary Presiding Officer

APPROVED:


ATTY. VIRGILIO T. TERUEL
Municipal Mayor
MAR 30 2026
(Date signed)