

Republic of the Philippines
PROVINCE OF NEGROS ORIENTAL
City of Bayawan
Office of the Sangguniang Panlungsod

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION HELD BY THE CITY COUNCIL OF BAYAWAN, NEGROS ORIENTAL ON DECEMBER 12, 2017 AT 2:00 PM AT THE SP SESSION HALL.

RECORD OF ATTENDANCE

HON. ISMAEL P. MARTINEZ	(Presiding Officer)	Present
HON. PETER PAUL F. RENACIA		On Leave
HON. HENRY E. CARREON, JR.		Present
HON. ERNESTO T. TIJING		Present
HON. MARK FIDENCIO L. AURELIA		Present
HON. JONAS M. TRIAS		Present
HON. SHARLOU F. JAMIN		Present
HON. NARCISO N. CASIPONG		Present
HON. NICO ANGELO L. LIM		Present
HON. MERLITA R. GAUDIEL		Present
HON. DANILO G. LAMIS		Present
HON. WARLITO C. MAGDASAL	LNMB President	Present

RESOLUTION NO. 782

“WHEREAS, the Philippine Government is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), World Declaration on the Survival, Development, Participation and Protection of Children;

“WHEREAS, the Philippines already has several laws and the Philippine Plan of Development for Children or Child 21 implement the rights of children pursuant to these international instruments;

“WHEREAS, the City of Bayawan recognizes that children are important assets of society and it is only when the children are able to exercise their rights that they develop their full potentials;

“WHEREAS, there is a need to codify the laws relating to children’s rights to apply particularly to the City of Bayawan;

“WHEREAS, there is a need to draft the Children’s Code of Bayawan City pertaining to the Rights of a Child;

“WHEREFORE, on motion of Honorable Councilor Gaudiel and duly seconded by Honorable Councilor Aurelia, the Council

“RESOLVED, To enact, as it hereby enacts the following Ordinance:

ORDINANCE NO. 67
(Series of 2017)

THE CHILDREN’S CODE OF BAYAWAN CITY

ARTICLE I

Title, Scope, Policies, Purpose, Definition, City Obligations, Proceedings

Section 1. *Title.* This Ordinance shall be titled as the ‘Children’s Code of Bayawan City.’

Section 2. *Scope.* This Code shall cover all children of Bayawan City.

Section 3. *Declaration of Policy and Principles.* The city recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs.

It also recognizes that children have rights as provided in the United Nations Convention on the Rights of the child and other laws.

The City Government of Bayawan recognizes the importance of effectively promoting, fully enhancing and institutionalizing the survival, development, participation and protection of the rights of children within the framework of advancing their general welfare and furtherance of an integrated, sustainable and equitable development.

It believes in the holistic protection and development of all children through a strong partnership between and among government agencies, Civil Society Organization (CSOs) and the private sector, serving with the highest degree of professional and competence in an atmosphere of unity, solidarity and teamwork.

Section 4. *Purposes.* This code is enacted with the following purpose:

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

Section 5. *Definition of Terms.* The following terms used in this Ordinance shall be defined as follows:

- a.) **Child** refers to a person under the age of 18 years or above but incapable of taking care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination of physical or mental disability or condition (RA 7610). Child includes pupils or students who may be eighteen (18) years of age or older but are in school. (DepEd Order No. 40, S. 2012 – "Policy and Guidelines on Protecting Children in School from Abuse, Violence, Exploitation, Discrimination, Bullying and other forms of abuse).
- b.) **Child abuse** refers to the maltreatment whether habitual or not, of the child which includes any of the following:
 1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 3. Unreasonable deprivation of his or her needs for survival, such as food and shelter;
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or his or her permanent incapacity or death.
 5. Abandonment of the child.
 6. Bullying
- c.) **Special concerns** are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
 1. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
 2. Working under conditions hazardous to life safety and morals which unduly interfere with their normal development;
 3. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 4. Being children of indigenous peoples and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or has inadequate access to basic services needed for a good quality of life;
 5. Being a victim of a man-made or natural disaster or calamity; or
 6. Analogous circumstances which endanger the life, safety or normal development of children.

- d.) **Day care** is the provision of substitute parental care and stimulating activities for the total development of children zero to four (0-4) years old when their parents are unable to take care of them during part of the day because of work and some other situation. Five years old children will be considered in pre-school for Dep. Ed's K-12 Program.
- e.) **Day care center** is a facility where day care services are provided by an accredited day care worker, particularly for children under 5 years old.
- f.) **Diversión** shall refer to an alternative child-appropriate process of determining a juvenile's responsibility for an alleged offense as well as in determining the measures, if any, to be undertaken by the juvenile and other persons without resorting to formal court adjudication.
- g.) **Diversión programs** shall refer to programs that juveniles are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.
- h.) **Community reintegration program** shall refer to the programs established for the purpose of rehabilitating and preparing the child for reintegration into the community.
- i.) **Katarungang Pambarangay** shall refer to Sec. 408-422 of the Local Government Code of 1991 which is commonly known as the Katarungan Pambarangay Law.
- j.) **Differently abled children, children with disabilities** or **children with special needs** are children with physical or mental infirmities whether congenital or acquired after birth.
- k.) **Barangay Council for the Protection of Children** - is a local institution created to attend to the needs and rights of children in the community; it serves as the umbrella organization for all children's concerns in the locality

Section 6. ***Duties and Responsibilities of the City.*** In accordance with Section 3, paragraph 2, Article XV of the Philippine Constitution, it is the duty of the City to defend the right of children to assistance including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other acts prejudicial to their development.

Also, in accordance with the United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a State Party, the City shall:

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

Section 7. ***All proceedings to be conducted in the Best Interest of the Child.*** Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation of the provisions of this Code, including its implementing rules and regulations, shall be resolved taking into consideration the best interest of the child.

Section 8. *Participation of the Child.* All proceedings before any authority shall be conducted in a manner which allows children to participate and to express themselves freely. Participation of children in program and policy formulation and implementation related with children's concerns shall be ensured by the government agency or local government unit (LGU).

ARTICLE II Rights and Obligations of the Child

Section 9. *Rights of the Child.*

- a.) Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, religious, political antecedents, and other factors.
- b.) Every child shall possess the following rights which are classified into survival, development, protection and participation rights.
 1. Survival rights ensure the child's inherent right to life and to the needs that are most basic to existence, the right to a nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:
 - a.) Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception;
 - b.) Every child has the right to a wholesome family life that will provide him or her with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home;
 - c.) Every child has the right to a balance diet, adequate clothing, sufficient shelter, proper medical attention, and all basic physical requirements of a healthy and vigorous life.
 2. Development rights refer to the rights of a child to education to develop her or his personality, talents and mental physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights:
 - a.) Every child has the right to a well-rounded development of her or his personality to the end that she or he may become a happy, useful, and active member of society specifically;
 - (1) The gifted child shall be given the opportunity and encouragement to develop her or his special talents;
 - (2) The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 - (3) The physically or mentally disabled shall be given treatment, education and care required by her or his particular conditions;
 - b.) Every child has the right to be brought in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
 - c.) Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world;

- d.) Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:
- (1) The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 - (2) The preparation of the child for responsible adult life in a free society;
 - (3) The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of others;
 - (4) The development of respect for the natural environment.
- e.) Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of her or his leisure hours.
- f.) Every child has the right to live in community and society which can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.
3. Protection rights cover those rights protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug and sexual abuses, and exploitation.
4. Participation rights refer to the child's rights to participate in matters affecting him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights:
- a.) Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules or national law;
 - b.) Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
 - c.) Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;
 - d.) Every child has the right to express his or her opinions taken into account in any matter or procedure affecting him or her;
 - e.) Every child has a right to privacy and shall be protected against unlawful interferences with such privacy, family, home or correspondence, and to unlawful attacks against her honor and reputation.

Section 10. *Responsibilities of the Child.* Every child, regardless of their 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 his or her religion, the teaching of his or her elders and mentors, and the bidding of a clean conscience;
- b.) Love, respect and obey his or her parents, and cooperate with them in the strengthening of a family;
- c.) Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
- d.) Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society;

- e.) Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, 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 it is the youth who 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 the furtherance of world peace.

ARTICLE III

Roles and Functions of Various Sectors

Section 11. *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.

Section 12. *Primary Right of Parents*. The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin 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.

Section 13. *Rights to Family Code*. Parents shall continue to exercise the rights mentioned in Articles 209 to 237 as amended by 6809 of the Family Code over the person and property of their children.

Section 14. *Rights 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 prohibited acts mentioned in this Code. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

Section 15. *General Duties of Parents*. Parents shall have the following general duties toward their children:

- a.) To give them affection, companionship and understanding;
- b.) To extend to them the benefits of moral guidance, self-discipline and religious instructions;
- c.) To supervise their activities, including their recreation;
- d.) To inculcate in them the value of industry, thrift and self-reliance;
- e.) To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- f.) To advise them properly on any matter affecting their development and well-being;
- g.) To always set a good example;
- h.) To provide them with adequate support, as defined in Article 194 of the Family Code; and
- i.) To administer their best interest, subject to the provisions of Article 225 to 227 of the Family Code.

Section 16. *Separation of Children from their Families*. Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to force majeure or their own best interest, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children's upbringing in their own cultural milieu.

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

Section 17. *Role of Women.* Women in their various duties and responsibilities play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension 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 the health, nutrition, education and other basic services for their full growth.

Section 18. *Role of Fathers.* Fathers play a vital role in their children's lives, in nurturing and rearing of children at home. Policies and legislation shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

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

Section 19. *Role of Educational Institutions.* Educational institutions shall work together with parents, community, organizations and agencies, NGOs and POs concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children and child protection subject to guidelines set by the Department of Education (DEP-ED) and the Commission on Higher Education (CHED).

Section 20. *Role of the Mass Media.* The mass media shall be made aware of their extensive social role and responsibility as well as their influences to protect the rights of children through positive and balance approach. Special attention should be given to effective and anti-drug awareness and delinquency prevention.

Section 21. *Role of Judicial Institutions.* In the administration of justice, courts, prosecutors and other actors 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 22. *Role of Local Government Units.* The City of Bayawan shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation including sports scholarships and education scholarships for indigent and deserving students. To enhance the right of children, the city must formulate plans for children.

Section 23. *Role of Local Councils for the Welfare of Children/Barangay Council for the Protection of Children.* These councils shall, in addition to their existing duties and functions, coordinate with and assist the City in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such program.

Section 24. *Role of the Sanggunian Kabataan.* The Sanggunian Kabataan (SK) as established under the Local Government Code shall, in addition to its powers and functions, actively involves itself in the formulation and implementation of prevention and protection programs for children in the community. It shall coordinate with the local councils for the welfare of children for this purpose.

ARTICLE IV

Programs and Services for Children

A. Comprehensive Programs for Children

Section 25. *Comprehensive Program for Children.* The City of Bayawan shall, within one (1) year from the effectivity of this Code and every three (3) years thereafter, formulate a comprehensive program for children covering at least a three-year period. Such program shall include prevention, protection as well as rehabilitation programs for children, and shall emphasize prevention of children's

rights violations to include prevention of child abuse, juvenile delinquency, drug addiction and other children's problems.

Section 26. *The Community Approach.* The community approach shall be given special attention in the comprehensive program for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among member shall be encouraged. Community-based services and programs which respond to the special needs, problems, interest and concerns of young persons and which offer appropriate counseling and guidance to children and their families should be developed or strengthened where they exist.

Section 27. *Process in Formulating Comprehensive Children's Program.* The process in coming up with Comprehensive Children's Programs shall be participatory and consultative. The City in coordination with the local council for the welfare of children, shall call on all sectors concerned, particularly child-focused institutions, NGOs, people's organizations, children's councils, educational institutions and government agencies involved with children's concerns like the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and the Department of Education (DEP-ED) to participation in the planning process.

The City should see to it the children and youth themselves participate in the formulation, development and implementation of these programs, particularly in the identification of needs.

Section 28. *Periodic Review and Assessment of the Comprehensive Children's Programs.* The Comprehensive Children's Program shall be reviewed and assessed yearly by the City in coordination with the local councils for the welfare of children. The programs shall be reviewed by the City Council for the Welfare of Children as to their effectivity in preventing children's rights violations based on the indicators identified in the program.

B. Programs to Prevent Children's Rights Violations

Section 29. *Prevention Programs.* Preventive programs shall be an important component of the Comprehensive Children's Program which shall be implemented by the City through the local councils for the welfare of children, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

- a.) Primary prevention – general measures to promote special social justice and equal opportunity which tackle perceived root causes of children's rights violations such as poverty and other forms of marginalization;
- b.) Secondary 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 not caring appropriately for them;
- c.) Tertiary prevention – schemes to avoid and prevent children's rights violation from happening again.

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

C. Other Proactive Programs

1. Parenting Orientation Courses

Section 30. *Parenting Orientation Courses.*

- a. Parenting Orientation Courses shall be integrated into the curriculum in all levels in Bayawan City Division subject to Dep. Ed. rules and regulations.
- b. Marriage license applicants shall be required to participants in Pre-marriage Counseling with Gender and Child Sensitivity, among other topics conducted by the PMC team, prior to the issuance of a marriage license by the Office of the Local Civil Registrar.

- c. Such course may also be incorporated in Parent-Teacher Association (PTA) activities for the school year in the elementary and high school levels.

The City Council for the Welfare of Children and the Office of the City Social Welfare and Development shall follow the designed family development sessions and parent effectiveness service.

2. Health Care

Section 31. *Primary Health Care.* The Local Government of Bayawan City shall implement primary health and nutrition programs for children in coordination with the City Health Office and the Office of the City Social Welfare and Development.

Section 32. *Promotion of Primary Health Care Programs.* The barangay health centers shall implement the primary health care and nutrition program. Each barangay shall designate a barangay child health officer to monitor children's health in the barangay level, with a salary commensurate to the task assigned.

To further ensure the implementation of this Section, the City Government of Bayawan shall take appropriate measures:

- a.) To combat disease and malnutrition within the framework of primary health care through, inter alia, application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking, into consideration the dangers and risks of environment pollution;
- b.) To establish a comprehensive Parents Orientation Development Program which includes gender-responsive courses on reproductive health, child health and child-rearing practices in the context of the Filipino psychology;
- c.) To monitor the full implementation of the Milk Code of the Philippines;
- d.) To conduct massive information and education campaign on breastfeeding, utilizing existing reference materials for effective breastfeeding education program and ASIN Code.

Section 33. *Child and Gender Sensitivity Training for Health Workers.* All city and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the Local Council for the Welfare of Children.

Section 34. *Child and Family-Friendly Hospitals and Clinics in Bayawan City.* All hospitals and clinics in the City of Bayawan shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets. They shall also not deny husbands/partners access inside the delivery room during delivery of their wives/partners.

Section 35. *Program for Children with Special Needs.* The City Government of Bayawan shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the City as basis for a more systematic coordination of services (health, nutrition and education) for children with special needs.

- Appropriate funds for SPED
- To include/integrate ALS in planning and budgeting
- Appropriate funds/Program or center for children with special needs (special child)

Section 36. *Educators' and Health Professionals' Training for the Special Program on Children with Special Needs.* A training program for educators and health professionals handling children with disabilities and special needs shall form part of the priority of the City Government of Bayawan City.

3. Under Six Program and Establishment of Day Care Centers

Section 37. *Under Six Program Framework.* The City Government of Bayawan shall ensure the maximum survival and development of the child. The program on survival and development shall include the following:

- a.) Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other disease for which vaccines have been developed for administration to children up six (6) years of age;
- b.) 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;
- c.) A Reproductive Health Care Center for pregnant mother for prenatal and neo-natal care and, in the proper case, for delivery of the infant under conditions which will eliminate or minimize risks to mother and child; Provided, that high-risk mother shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care; Provided further, that hilots (traditional birth attendants) and barangay health workers are provided the needed basic training for normal delivery to recognizes high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care;
- d.) A barangay level network of assistance from among the adults of the community for the total development and protection of children;
- e.) Unstructured combined with structured learning exercises for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child;
- f.) A pool of trained day-care or child development workers with an upgraded salary scheme commensurate to the tasks assigned to them.

Section 38. *Setting Up of Community-Based Day-Care Center.* 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 City of Bayawan. The number of such Centers shall depend on the population level of the children and how depressed the barangay is as determined by the City Council for the Welfare of Children in coordination with the social welfare office.

Section 39. *Importance of Day-Care Service.* Day-care service addresses the physical, mental, social and emotional needs in the crucial stages of a child's growth and development. By the age of seven (7), a child's brain has already grown to 75 percent 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 that he/she gets during this period would significantly affect his/her learning capacity, personal and social interaction well into adulthood, **in consonance with RA 8980 (ECCD Act) Early Childhood Care and Development Act.**

While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental and social needs, day-care service aims to supplemental 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:

- a.) Become physically fit through proper care and nutrition;
- b.) Develop self-confidence, self-expression and self-discipline;
- c.) Relate well with others;
- 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.

Section 40. *Setting Up of Day-Care Centers by Community-Based Organization.* Community-based organizations can help mobilize resources to complement the efforts of barangays establishing day-care centers in their communities. In this way, more children needing attention can be reached.

Section 41. *Day-Care Worker and Support Group.*

- a.) The City of Bayawan and barangays shall pay for the day-care worker's (DCW) allowance and salary. The DSWD shall provide continuing technical assistance to the center.
- b.) A Community Volunteer Parents Group shall be organized to serve as an effective support group to the center. The volunteer group shall help mobilize resources for the improvement of the center, acquisition of more learning materials and play equipment, and other support activities.

4. Recreational and Cultural Programs

Section 42. *Barangay-Level Recreational and Cultural Facilities and Program.* A barangay-level program for the revival of indigenous games, song, dances shall be undertaken by Culture and Arts Council of the City of Bayawan. Every barangay in the city 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.

Section 43. *Local Children's Literature.* In support of the thrust for the social-cultural development of children in the City of Bayawan shall invest in the promotion and production of local literature for children and other relevant educational materials.

Section 44. *Other Child-Friendly Facilities.* The City of Bayawan in partnership with NGOs and civic organizations are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playgrounds.

5. Children's Month and Children Day Celebration

Section 45. *November as Children's Month.* Pursuant to Republic Act 10661 otherwise known as "National Children's Month Act". The declaration commemorates the adoption of the Convention on the Rights of the Child by the United Nations General Assembly on Nov.20, 1989 and seeks to instill its significance in the Filipino consciousness.

The local councils for the welfare of children shall conduct focused activities for the month promoting the rights & responsibilities of Filipino children, as well as the obligations of the people and institutions responsible in ensuring the well-being of Filipino children.

Section 46. *November of Every Year, as National Children's Day.* By virtue of the Republic Act No.10661 signed on May 29,2015 by then President Benigno C. Aquino III. This is to honor Filipino children and to emphasize the importance of their role within the family and within the society, the City Council for the Welfare of Children are mandated to observe Children's Day with activities highlighting the rights, roles and responsibilities of children.

6. Crisis Intervention Program

Section 47. *Establishing and Rationale of the Crisis Intervention Center.* In recognition of the special need for protection, assistance and development of children in consonance with the spirit and letter of the Constitutional provisions and Republic Act No. 7610 mandating the protection against child abuse, exploitation and discrimination and likewise Republic Act 8505 mandating the establishment of a Crisis Center in every province and city authorizing the appropriation of funds therefore, a crisis intervention center shall be established in the City of Bayawan. Services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sectors particularly women.

Section 48. *Objectives of the Crisis Intervention Center.* The Crisis Intervention Center shall have the following objectives:

- a. To provide temporary shelter and basic services to abused children and women;

- b. 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;
- c. 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;
- d. To provide life skills and livelihood training to abused children and women while in the center to enable them to be productive and as a form of therapy;
- e. To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities;
- f. To conduct a city-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;
- g. To link up with provincial, city and local government entities mandated to formulate and enforce legislation aimed at the protection of children and women for policy reforms and enforcement of laws.

Section 49. *Organizational Structure, Management and Operations of the Center.*

- a. The City Council for the Welfare and Children will formulate the organizational structure of the center depending on the need for its services;
- b. The member agencies of the City Council for the Protection of Children and other national agencies and NGOs which have pledged support for the center will sign a Memorandum of Agreement for their commitment of service or resources to ensure the sustainability of the center's services;
- c. The center will be under the supervision of the Office of the City Social Welfare and Development;
- d. The Office of the City Social Welfare and Development and the City Council for the Protection and Welfare of Children, in coordination with barangays through the BCPCs concerned, shall issue the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

Section 50. *Budget Allocation for the Crisis Intervention Center Operations and Maintenance.* The City Government of Bayawan 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 Office of the City Social Welfare and Development's annual appropriation.

ARTICLE V
Special Concerns

A. Prohibited Acts

Section 51. *Prohibited Acts.* In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse, **Exploitation and Discrimination, Republic Act 7658 on the prohibition of employment below 15 years of age, and Republic Act 9231 on Worst Forms of Child Labor** and other pertinent laws, the following shall likewise be punishable:

- a.) **Illegal Recruitment-** any person who recruits other persons for work shall be required to register with and secure permit from the Office of the **local Department of Labor and Employment (DOLE)** and present his/her pertinent documents to the **Public Employment Service Office (PESOO of the City where the recruitment activity shall require the recruiter to present and submit the pertinent documents duly validated by the local DOLE and indorsed by the PESO and shall issue an undertaking not to recruit children. There is a presumption of large scale illegal recruitment or trafficking when a person is found together with three or more minors not his/her relatives at the pier or port or exit or entry for the purpose of**

transporting them to another place without valid documents form DOLE, PESO and Barangay Captains.

- b.) Peonage of Children – offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
 - 1.) Working in agricultural industries like rice and corn plantation or sugar farms.
 - 2.) Working as househelpers.
- c.) 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.
- d.) 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 or fee to the organizers;
- e.) Discrimination of Illegitimate Children – For schools to discriminate illegitimate children includes the following but not limited to the following:
 - 1.) Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;
 - 2.) Requiring the marriage contract of parents as a requirement for enrollment of the child;
- f.) Expulsion by Reason of Pregnancy – For schools to impose a lighter penalty other than expulsion against a child by reason of pregnancy, but who has complied with all the academic requirements. Schools may further impose any other appropriate lighter penalty which shall be made applicable to both the pregnant girl and her partner if he also enrolled in the same school.
- g.) 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;
- h.) Refusal to Issue Clearances by Reason of Pregnancy – For schools to refuse to issue clearances to a child by reason of pregnancy;
- i.) Physical and Degrading Forms 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 and/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 closed structure;
 - 7.) Tying up the child or otherwise detaining him/her;
 - 8.) Throwing objects such as but not limited to erasers, chalk, and notebooks at the child;
 - 9.) Pulling the hair of the child;
 - 10.) Making the child stand under the heat of the sun;
 - 11.) Exposing the child to be bitten by ants

- j.) Pushing/Enticing Minors to Live-In Arrangements – It shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration;
- k.) Sexual Exploitation of Minors – Sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered *prima facie evidence* of sexual exploitation;
- l.) Entry, Selling and Distribution of Pornographic Materials – The local councils for the welfare of children/local law enforces shall monitor and prevent the entry or pornographic materials. It shall be unlawful for any person to sell and distribute such materials;
- m.) Selling Liquor, Cigarettes, Rugby and Other Addicting Substances to a Child – It shall be unlawful for any person to sell liquor, cigarette, rugby or any addicting substance to a child; or for any person to direct a child to buy the same.
- n.) Smoking in Closed Places and Public Conveyances – Smoking in any closed place or public conveyance shall be prohibited.

The Above acts which are likewise punishable in R.A. 7610 or the Child Abuse Act, R.A. 7658 on Child Labor, the Revised Penal Code, or other pertinent national laws shall be penalized thereunder.

B. Children in situations of Armed Conflict

Section 52. *Protection for Children.* Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of R.A. 7610 or the Anti-Child Abuse Act.

C. Children of Indigenous Peoples

Section 53. *Rights of Children of Indigenous People.*

- a.) In addition to the rights guaranteed to children under this Code and existing laws, children of indigenous peoples shall be entitled to protection, survival, development and participation consistent with the customs and traditions of their respective communities.
- b.) The City Council for the Welfare of Children in coordination with the local DECS division office shall develop and institute an alternative system of education for children of indigenous peoples which is culture-specific and relevant to their needs.
- c.) The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous peoples are given equal attention. In the provisions of health and nutrition services to children of indigenous peoples, indigenous health practices shall be respected and recognized.
- d.) Children of indigenous peoples shall not be subjected to any form of discrimination.

D. Juvenile

Section 54. *Rights of a Juvenile.* Pursuant to the UNCRC, every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a.) To be presumed innocent until proven guilty according to law;
- b.) To be informed promptly and directly of the charges against him or her, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;

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- 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 or her age or situation, his or her parents or legal guardians;
- d.) Not to be compelled to give testimony or any confess guilt; to examine adverse witness and to obtain the participation of an examination of the witness on his or 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 or her privacy fully respected in all stages of the proceedings.

Section 55. *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 hereafter provided.

Section 56. *Levels of Diversion.* Diversion shall be conducted at the barangay and police levels. The Lupong Tagapamayapa and the Child and Youth Relations Unit (CYRU) are the competent authorities to conduct diversion proceedings.

Section 57. *Duty to Inform Child of His/Her Offense.* The competent authorities are duty-bound to explain to the minor in a language known and understood by her/him the consequences of her/his acts and/or omission. The minor's responsibility for the commission of any felony shall be explained to her/him with a view towards counseling and rehabilitating her/him, and avoiding her/his contact with the criminal justice system and indemnifying the victim/s if there be any.

Section 58. *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's and her/his family's active participation in efforts towards conflict resolution shall be optimized. The family shall be held answerable as well as exercise parental care and supervision over the person of the minor.

Section 59. *Termination of Case.* If the competent authorities determine 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 60. *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 programs to be undertaken by the child. Any admission or confession of the child shall signed by the child and countersigned by the parents or legal guardian, and any of the following in the following order, local social welfare and development officer, the nearest relative, member of a child-focused group, or a member of the Barangay Council for the Protection of Children concerned. They shall see to it that the confession of the child is voluntarily executed.

If the child does not 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 penalties imposed therefor.

During any 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 the admissible in evidence against the child before any proceeding.

Section 61. *Prohibition against Labeling.* In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys or attaching to them 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 62. *Prohibited Acts Against Youth Offenders.* Any and all acts and practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited.

- a.) Authorities shall refrain from employing threats 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 person in authority, their representatives, or any person acting under them or in their behalf – such as cursing, beating, stripping, and detaining minors in cells – shall be dealt with administratively and criminally;
- b.) Likewise, degrading, inhuman and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substance 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;
- c.) No minors shall likewise be made subject to involuntary servitude in any and all forms under any and all instances by their arresting officers and/or custodians. Designating and/or compelling minors to act and serve as errand boys/girls, cleaners, helpers is also prohibited

Section 63. *Diversion Programs, When Proper.* Where the parties and/or the competent authorities decide that the child must undergo a diversion program, such a continuing program for the rehabilitation and reintegration of the child shall be formulated with the cooperation of the complaint and the child.

Section 64. *Factors in Determining Diversion Programs.* In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- a.) The nature and circumstances of the offense charges;
- b.) The frequency and the severity of its occurrence;
- c.) The character and reputation of the child;
- d.) The circumstances of the accused child (e.g. age, maturity, intelligence, etc.);
- e.) The influence of the family and environment on the growth of the child;
- f.) The emotional relief of the victim;
- g.) The weight of the evidence against the child; and,
- h.) The safety of the community

Section 65. *Criteria for Formulating Diversion Programs.* In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child:

- a.) The child's feelings of remorse for the offense he or 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 of community-based programs for rehabilitation and re-integration of the child;

Section 66. *Diversion Programs.* The diversion program shall include adequate socio-cultural and psychological responses and services for the child. Diversion programs can include, but are limited to the following:

- a.) Written or oral reprimand or citation;
- b.) Restitution of property;
- c.) Reparation of the damage caused;
- d.) Indemnification of consequential damages;
- e.) Confiscation and forfeiture of the proceeds or instruments of the crime;
- f.) Fine;
- g.) Payment of cost of the proceeding;
- h.) Written or oral apology;
- i.) Guidance and supervision orders;
- j.) Counseling for the child and the family;
- k.) Training, seminars, lectures on: (a) anger management skills; (b) problem solving and/or conflict resolutions skills; (c) values formation; and (d) other skills which will aid 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.

Section 67. *Criteria of Community-Based Programs.* The City of Bayawan shall establish programs 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 will be allowed.

Section 68. *Community Reintegration Programs.* Community Reintegration Programs shall consist of, but shall not be limited to the following:

- a.) Community service;
- b.) Membership in civic and/or religious organizations.

Section 69. *Conditions for Diversion Program.* 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 shall be signed by the authority concerned and the child;
- b.) The child shall present himself or herself to the competent authorities that imposed the diversion program at least once a month reporting and reevaluation 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 local 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 70. *Applicability of the Katarungang Pambarangay.* The Katarungang Pambarangay Law shall applied as part of the diversion process for offenses punishable by imprisonment not exceeding one (1) month or a fine not exceeding One Thousand Pesos (P1,000.00).

Section 71. *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 City of Bayawan, in cooperation with the city social welfare and development

officer and NGOs specializing in children, which training shall include, among others, conflict management and mediation skills, paralegal seminars on laws on children, and child psychology.

Section 72. *Assistance of Child by Parents.* Any agreement resulting in barangay conciliation shall also be signed by the child with the assistance of any of the following in the following order: the parent/s, legal guardian, city social welfare and development officer, a relative, a member of a child-focused group, or a member of the Barangay Council for the Protection of Children concerned. Otherwise, such documents shall be null and void.

Section 73. *Referral to Diversion Programs.* In the process of conciliation, the Lupon or the Pangkat as the case may be shall encourage the inclusion of community service program or other forms of diversion to be included in the settlement.

Section 74. *Designation of Officer or Unit to Handle Cases Involving Youth Offenders.* The Philippine National Police shall designate a Child Relations Officer or Unit (CYRO or CYRU) to handle cases involving youth offenders. This may be integrated with the present Women and Children's Desk or may be a separate unit, depending on the conditions of the area.

Section 75. *Procedure Before the CYRU.* Cases involving juveniles shall be referred to the CYRO or CYRU which shall conduct an initial inquiry in accordance with the procedure for judicial proceedings and custody as outlined in Section 25 of R.A. 7610 or the Child Abuse Act.

Section 76. *Duty of the CYRU.* After the initial inquiry, if the offense does not fall under the Katarungang Pambarangay as provided under Section 55, the CYRO or the CYRU shall conduct further investigation of the child pursuant to Section 25 of R.A. 7610 or the Child Abuse Act, otherwise it shall refer the case to the barangay.

Section 77. *Manner of Investigation of a Juvenile.* A child shall only be investigated or his/her statement secured in the presence of any of the following in the following order: his/her parents/guardian, the nearest relative, member of a child-focused group, religious group, member of the Barangay Council for the Protection of Children concerned, or the city social welfare and development officer, and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child, the parent/s or guardian.

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

Section 78. *Diversion, When Proper.* Where there is no private offended party, where the offended party and the child give consent to a diversion, the CYRU or CYRO in consultation with the child's parent/guardian, the nearest, relative, member of a child-focused group, member of a religious group, member of the Barangay Council for the Protection of Children concerned, or city social welfare and development officer shall formulate a diversion program and refer the child to the appropriate agencies for compliance of the program.

Section 79. *Rights of the Juvenile to Counsel.* From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by counsel. The arresting officer, prosecutor, or judge shall ensure that the juvenile is represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

Section 80. *Custody and Supervision.* No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her or his make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or legal guardian who shall be responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Protection of Children, or the city

social welfare and development officer. If necessary, the city social welfare and development officer in coordination with the CSWD may refer the child to the appropriate child-caring institution.

Section 81. ***Confidentiality of Proceeding 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 offender shall not be used in adult proceedings in subsequent cases involving the same offenders.

Section 82. ***Care and Maintenance of Juveniles.*** The parents or other person liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case 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 City of Bayawan maintaining such a facility.

Section 83. ***Reintegration Programs.*** The City of Bayawan shall implement reintegration programs for a juvenile who is released by the court. This is for the purpose of preparing the juvenile for reintegration to the community.

ARTICLE VI

Remedial Measures and Penal Provisions

Section 84. ***Persons Who May File a Complaint.*** Complaints on 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 City Social Welfare and Development office;
- f. Barangay chairperson; or
- g. At least three (3) concerned responsible citizens residing in the community where the violation occurred.

Section 85. ***Protective Custody of the Child.*** The offended party shall be immediately placed under the protective custody of the City of Social Welfare and Development. In the regular performance of this function, the officer of the City Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

Section 86. ***Confidentiality.*** At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Ordinance which results in the moral degradation and suffering of the offended party.

Section 87. ***Reporting.*** A person who learns facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development Office (DSWD), the Office of the City Social Welfare and Development Office (CSWD) and to the law enforcement agency or to the BCPC concerned.

Section 88. ***Mandatory Reporting.*** The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

Section 89. ***Duty of the Government Workers to Report.*** It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers and other government officials and employees whose work

involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

Section 90. *Failure to Report.* Any individual mentioned in Section 83 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

Section 91. *Immunity for Reporting.* Any person who, acting in good faith, reports a case of a child abuse shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

Section 92. *Penalties.* For first time offenders, in cases where the offender is the parent or teacher of the child or relatives within the fourth degree of consanguinity, if the offender admits the offense and is sincere and willing to reform, the following measures will be imposed:

- a.) Attendance in a parenting or any appropriate seminar;
- b.) Community service of ten to fifteen (10-15) days;
- c.) Counseling sessions;
- d.) Family therapy;
- e.) Participation in appropriate training course.

For offenses punishable under R.A. 7610, the Revised Penal Code or any other law as well as this Code, the offended party and/or party so authorized shall file a complaint under the national law, and the penalty in such national law shall be imposed.

Failure to comply with pertinent provisions of this Code by the concerned local chief executive, members of legislative bodies and/or head offices or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local government Code and other pertinent laws.

ARTICLE VII **Budgetary Appropriations**

Section 93. *Appropriation for Children's Programs.* The local government units shall appropriate **one percent of the IRA** funds as part of their annual budget for the implementation of children's programs **pursuant to Section 15 of RA 9344.**

The city shall allocate funds necessary for the implementation of this Code, drafting and publication of the IRR, training and orientation of stakeholders, and promotion of this Code to the general public.

ARTICLE VIII **Separability/Applicability/Repealing**

Section 94. *Separability Clause.* If, for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 95. *Applicability Clause.* All other matters relating to the impositions or regulations provided in this code shall be governed by the pertinent provisions of existing laws and other ordinance. This Code shall apply to all the people within the territorial jurisdiction of the City of Bayawan and barangays as well, and to all persons, who may be subject to the provisions of this Code.

Section 96. *Repealing Clause.* All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

Section 97. *Effectivity Clause.* This Code shall take effect after completion of its publication in a newspaper of general circulation within its jurisdiction and posting in at least three (3) conspicuous places in the City of Bayawan.

“Enacted.”

* * *

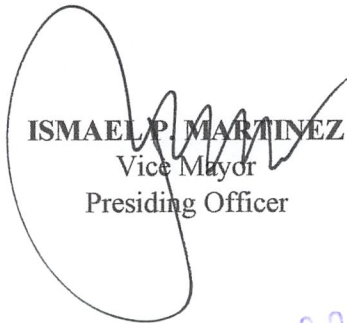
I hereby certify to the correctness of the foregoing resolution.

* * *



JULIUS T. ESPARTERO
Secretary to the Sangguniang Panlungsod

ATTESTED:



ISMAEL P. MARTINEZ
Vice Mayor
Presiding Officer

DATE APPROVED: 29 JAN 2018



PRYDE HENRY A. TEVES
Mayor

Copy for:

- The Honorable Provincial Board, Dumaguete City