



Republic of the Philippines
 Region IV-A (Calabarzon)
 PROVINCE OF CAVITE
 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

MUNICIPAL ORDINANCE NO. 11-04

Author: SB Member Kerby J. Salazar


CHRISTOPHER N. CUSTODIO
 SB Member

AN ORDINANCE ESTABLISHING A COMPREHENSIVE CHILDREN'S PROTECTION AND FAMILY SUPPORT PROGRAM AND FOR OTHER PURPOSES IN THE MUNICIPALITY OF GENERAL TRIAS, OTHERWISE KNOWN AS "GENERAL TRIAS CHILD & YOUTH WELFARE CODE".

WHEREAS, the Philippine Government is a signatory to the United Nation's Convention on the Rights of Child (UN-CRC) on the World Declaration of the Survival, Development and Protection of Children;

WHEREAS, the Philippines already has some significant laws and Philippine Plan Action for Children (PPAC) to implement the rights of the children pursuant to the international instruments;

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

WHEREAS, there is a need to codify laws relating to the children's rights, protections and family support programs which endeavours to help the child on all matters pertaining to the attainment of a totally productive and happy life particularly in the Municipality of General Trias;

WHEREAS, for the best interest of the children, a strong partnership between the local government unit and various government organizations (GOs), nongovernment organizations (NGOs), institutions and religious groups must be sustained in providing services for the children of General Trias;

WHEREFORE, on motion of SB Member Kerby J. Salazar duly seconded by SB Member Richard R. Parin, SB Member Christopher N. Custodio, SB Member Walter C. Martinez and SB Member Jim Dominic M. Culanding,


BE IT ENACTED, by the Sangguniang Bayan on session assembled that:

**Title I
 GOVERNING PRINCIPLES**


**Chapter I
 TITLE, POLICIES, AND DEFINITION OF TERMS**

Section 1. Title - This Ordinance shall be known as an Ordinance Establishing a Comprehensive Children's Protection and Family Support Program and for Other Purposes in the Municipality of General Trias, otherwise known as "General Trias Child & Youth Welfare Code".

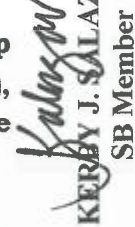
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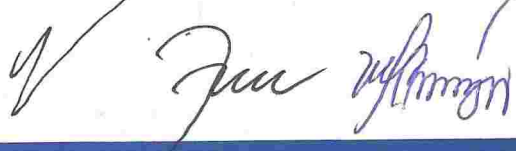

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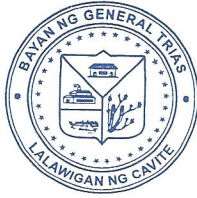

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Continuation...page 2 of Mun. Ord. No. 11-04:

Section 2. Declaration of Policies and Principles – The local government of General Trias in full adherence and support to existing laws and national programs hereby adopts, recognizes and declares the following policies and principles:

- a) **The child is the most important asset of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful, productive and blissful life;**
- b) **Home is not the exclusive place for shaping the character and physical well-being of the child. The natural rights of the parents in rearing the child for civic efficiency need the aid and support from the government. Institutions like school, church, guild and community in general shall assist the government in preparing the child for the responsibilities of adulthood;**
- c) **Children and young people are the hope and future leaders of our nation. To play their future roles in nation-building, the municipality shall undertake necessary steps and measures to protect their physical, moral, spiritual, intellectual and social well-being;**
- d) **The Municipal Government of General Trias recognizes the significance of effectively promoting, fully enhancing and institutionalizing the survival, development, participation and protection of rights of children and youth within the framework of advancing general welfare in pursuit of integrated, sustainable and equitable development; and,**
- e) **The Municipal Government of General Trias believes in a holistic approach to safeguard and protect children and youth through a strong partnership between and among government agencies, NGOs and private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork.**

Section 3. Purpose and Objectives of the Municipality of General Trias
Article 15, Section 3, Paragraph 2 of 1987 Philippine Constitution states that the government shall defend the right of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development, and in accordance with the United Nations Conventions on the Right of the Child (UN-CRC) to which the Philippines is a signatory, the Municipality shall:

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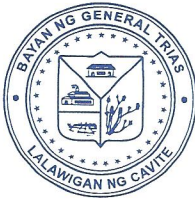
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Continuation...page 3 of Mun. Ord. No. 11-04:

- a) Endeavour to protect the rights of children to assistance, their rights for survival, development, proper care and nutrition, all forms of neglect, abuse, cruelty and exploitations and other conditions prejudicial to their well-being and development;
- b) Work hand-in-hand with all concerned government agencies, institutions, NGOs, POs, barangays, parents, religious groups and individuals for the promotion and implementation of children's protection and youth development programs and the establishment of a comprehensive children and family support system, attending and defining the needs of children at varying growth levels;
- c) Allocate funds and resources for the realization of all proposed projects relative to the above objectives and must exert all efforts to ensure that important programs are carried in spite of budget deficiency and economic austerity;
- d) Assure the child who is capable of forming his 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 age and maturity; and
- e) Render appropriate assistance, financial or otherwise 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 4. Definition of Terms - The following terms as used in this Ordinance shall be defined as follows:

- a) **Armed Conflict** - refers to government confrontation with leftist group like the CPP-NPA, Muslim Extremists and bandits where children and families are caught in the middle of this conflict and because of fear of being caught in crossfire abandon their homes to find safer places. Some children near the area where these rebels are camping forcefully and enticingly recruited to join them in their deceitful struggle against the government.
- b) **Best Interest of the Child** - refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It may also mean the least detrimental available alternative for safeguarding the growth and development of the child.

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Continuation...page 4 of Mun. Ord. No. 11-04:

- c) **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 basic needs for survival, such as food and shelter; or
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.
- d) **Children** – refers to persons under eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination, because of mental or physical impairment.
- e) **Comprehensive Juvenile Justice and Welfare Program** – this refers to Republic Act 9344, otherwise known as “Juvenile Justice and Welfare Act of 2006” which aims to implement programs for children who are at risk or are in conflict with the law from prevention to rehabilitation and reintegration.
- f) **Day Care Program** – refers to Republic Act 6972, which is known as “Barangay Level Total Development and Protection of Children Act”. A program specifically intended for children up to six (6) years of age providing health and nutritional services, mental and intellectual and social stimulation, caring for children with working mothers, providing sanctuary for abused children and all other support programs that include pregnant mothers.
- g) **Development Rights** – refers to access to educational opportunities, relevant information, play, leisure, cultural activities, and rights to freedom of thought, conscience and religion.
- h) **Disabled Children** – includes mentally retarded, physically handicapped, emotionally disturbed, and severe mentally ill children.

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Continuation...page 5 of Mun. Ord. No. 11-04:

- i) **Diversion Program** - refers to the 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.
- j) **ECCD Program** - Early Childhood Care and Development Program established under Republic Act No. 8980, which initiates full range of health, nutrition, early education and social services programs that provide for the holistic needs of young children to promote their optimum growth and development.
- k) **Food Fortification for Children** - is the addition of "Sangkap Pinoy" or micronutrients such as Vitamin A, Iron and/or Iodine to food, whether or not they are normally contained in the food, for the purpose of preventing or correcting a demonstrated deficiency with one or more nutrients.
- l) **General Trias Special Care for Children's Concern** - refers to the office which shall be established by the local government of General Trias responsible for the implementation of this Ordinance.
- m) **Newborn Screening** - in accordance with RA 9288, otherwise known as "Newborn Screening Act", the state through collaboration with government and nongovernment agencies, institutions, families, communities and nongovernment organizations will ensure that every baby born in the Philippines is offered the opportunity to undergo newborn screening and thus be spared from heritable conditions that can lead to mental retardation, serious health complications and death if undetected and untreated.
- n) **Participation Rights** - pertains to the rights of freedom to expression and to have one's views taken into account, involvement in decision-making and consultative process, freedom of association and assembly.
- o) **Pornography** - refers to any representation, through publication, exhibition, cinematography, indecent shows, and information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes.
- p) **Prostitution** - refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.

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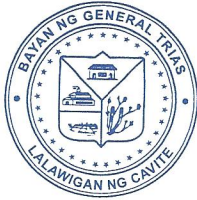
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Continuation...page 6 of Mun. Ord. No. 11-04:

- q) **Protection Rights** - covers those rights, which guard children against all forms of neglect, abuse, exploitation and discrimination, and in areas where a child is considered to be in extremely difficult circumstances.
- r) **Rooming-in** - the practice of placing the newborn in the same room as the mother right after delivery up to discharge to facilitate mother-infant bonding and to initiate breastfeeding. The infant may either share the mother's bed or be placed in a crib beside the mother.
- s) **Sexual Exploitation** - refers to participation by a person in prostitutions or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, and fraud or through abuse of a victim's vulnerability.
- t) **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.
- u) **Survival Rights** - includes the inherent right to life, the right to a name and nationality, the right to identity, and those dealing with parental and government duties and obligations, adequate and decent standards of living, access to basic health care and services, social security and rehabilitation.
- v) **Trafficking in Person** - as defined by Republic Act 9208, otherwise known as "Anti-Trafficking in Persons Act of 2003" refers to the recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

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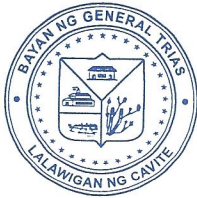
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Chapter II
UNDERLYING PRINCIPLES AND ESSENTIAL GROUNDWORK IN THE
DETERMINATION OF EFFECTIVE PROGRAM FOR CHILDREN

Section 5. Rights of the Child - All children shall be entitled to the right herein without distinction as to legitimacy, sex, social status, religion, political antecedents, and other factors.

1. Survival Rights - include the inherent right to life, the right to a name and nationality, the right to identity, and those dealing with parental and government duties and obligations, adequate and decent standards of living, access to basic health care and services, social security and rehabilitation.

a) Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.

b) Every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counselling, and moral and material security.

The dependent or abandoned child shall be provided with the nearest substitute for a home.

2. Development Rights - refers to access to educational opportunities, relevant information, play, leisure, cultural activities, and rights to freedom of thought, conscience and religion.

a) Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.

1. The gifted child shall be given opportunity and encouraged to develop 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 handicapped child shall be given the treatment, education, and care required by his particular condition.

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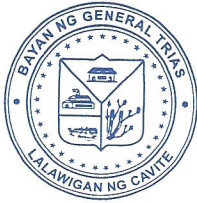
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- b) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life. Every child has the right be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.
 - c) Every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.
 - d) 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 his leisure hours.
 - e) Every child has the 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 or society.
 - f) Every child has the right to an efficient and honest government that will deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives.
3. Protection Rights - cover those rights, which guard children against all forms of neglect, abuse, exploitation, and discrimination, and in areas where a child is considered to be in extremely difficult circumstances.
- a) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social, and moral development.
 - b) Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.
 - c) Every child has the right to 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.
 - d) Every child has a right to privacy and shall be protected against unlawful interference with such privacy, family, home or



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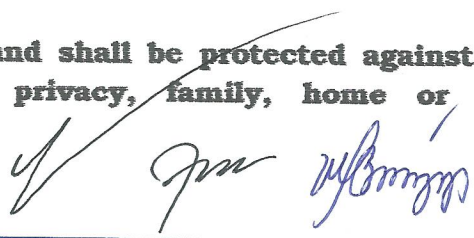

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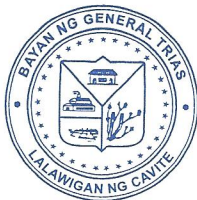

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correspondence, and to unlawful attacks against his honor and reputation.

4. **Participation Rights** - pertain to the rights of freedom to expression and to have one's views taken into account, involvement in decision-making and consultative process, freedom of association and assembly.

a) **Every child should have participation rights and be given the freedom to express himself in matters affecting his life and conscious of his responsibility as a citizen. He has to be encouraged in development activities for civic efficiency, leadership preparation inculcating in his mind the values of patriotism, nationalism and infused deeply in his heart a strong faith and reliance in God.**

The following are the participation rights:

1. **Every child has the right to be provided the opportunity to be heard in any judicial and administrative or an appropriate body, in a manner consistent with the procedural rules of national law.**
2. **Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance.**
3. **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.**
4. **Every child has the right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her.**

Section 6. Responsibilities of the Child - Every child, regardless of the circumstances of his 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 religion, the teachings of his elders and mentors, and the biddings of a clean conscience;**
- b) **Love, respect and obey his parents, and cooperate with them in the strengthening of the family;**
- c) **Exten to his brothers and sisters his love, thoughtfulness, and**

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helpfulness, and endeavour with them to keep the family harmonious and united;

- d) Exert his utmost to develop his potentialities for service, particularly by undergoing a formal education suited to his abilities, that he may become an asset to himself and to society;
- e) 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;
- f) Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind 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 aspirations for programs and prosperity, and the furtherance of world peace.

Section 7. Circumstances which Gravely Threaten nor Endanger the Survival and Normal Development of Children - include, but are not limited to the following:

- a) Being in a community where there is armed conflict or being affected by armed conflict-related activities;
- b) Working under conditions hazardous to life, safety and normal which unduly interfere with their normal development;
- c) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life;
- d) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has an inadequate access to basic services needed for a good quality of life;
- e) Being a victim of a man-made or natural disaster or calamity; or,

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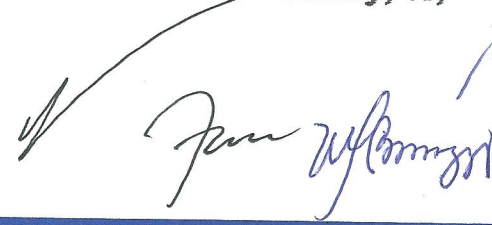

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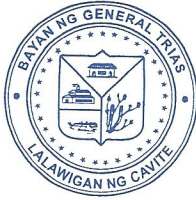

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- f) Circumstances analogous to those above-stated which endanger the life, safety or normal development of children.

Section 8. Comprehensive Program Against Child Abuse, Exploitation and Discrimination - Consists of coordinated program of services and facilities to protected children against:

- a) Child prostitution and other sexual abuse;
- b) Child trafficking;
- c) Child labor;
- d) Obscene publications and indecent shows;
- e) Cruelty, discrimination and other acts of abuses; and
- f) Circumstances which threaten or endanger the survival and normal development of children.

Section 9. A Healthy Filipino Child is: (Based on DOH Child Health and Development Strategic Plan)

- a) Wanted, planned and conceived by healthy parents;
- b) Carried to term by healthy mother;
- c) Born into a loving, caring, stable family capable of providing for his or her basic need;
- d) Delivered safely by a trained attendant;
- e) Screened for congenital defects shortly after birth; if defects are found, interventions to correct these defects are implemented at the appropriate time;
- f) Exclusively breastfed for at least six (6) months of age, and breastfeeding up to two (2) years;
- g) Introduced to complementary foods at about six (6) months of age, and gradually to a balance, nutritious diet;
- h) Protected from the consequences of protein-calorie and micronutrient deficiencies through good nutrition and access to

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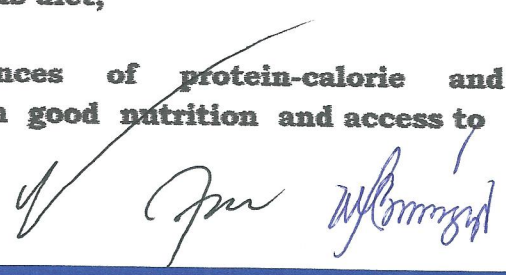

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 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 12 of Mun. Ord. No. 11-04:

fortified foods and iodized salt;

- i) Provided with safe, clean and hygienic surrounding and protected from accidents;
- j) Properly cared at home when sick and brought timely to a health facility for appropriate management when needed;
- k) Offered equal access to good quality curative, preventive and primitive health care services and health education as members of the Filipino society;
- l) Regularly monitored for proper growth and development, and provided with adequate psychosocial and mental stimulation; and
- m) Screened for disabilities and developmental delays in early childhood; if disabilities are found, interventions are implemented to enable the child to enjoy life of dignity at the highest level of function attainable.

Title II

**ROLES AND FUNCTIONS OF THE FAMILY, INSTITUTIONS,
 AND THE COMMUNITY**

Section 10. The Family - The family is the central unit responsible for most of children's early education and development including the molding of character, physical, emotional and spiritual progress and the realization of the child's existence as dignified human being with the recognition of his inherent rights. Introduction of children to the culture, values and norms of their society shall begin in the family;

The family has the primary responsibility of nurturing and protecting children from infancy to adolescence, Article 15, Section 1 of the Philippine Constitution states that "the State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development".

Government and the social efforts to preserve the integrity of the family, including extended family should be pursued. The family is a basic social institution which public policy cherishes and protects (Title VII, Chapter 1, Article 216 of the Civil Code of the Philippines).

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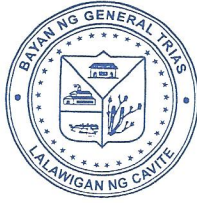
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Continuation...page 13 of Mun. Ord. No. 11-04:

Section 11. Primary Rights of Parents - The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with the child's development, the primary right and obligation to provide for their upbringing.

- a) **Right Under the Civil Code** - the parents shall continue to exercise the rights mentioned in Articles 316 to 326 of the Civil Code over the person and property of the child.
- b) **Right to Discipline Child** - parents have the right to discipline the child as may be necessary for the formation of his good character, and may therefore require from him obedience to just and reasonable rules, suggestions and admonitions.

Section 12. General Duties - Parents shall have the following general duties toward their children:

- a) To give him affection, companionship and understanding;
- b) To extend to him the benefits of moral guidance, self-discipline and religious instruction;
- c) To supervise his activities, including his recreation;
- d) To inculcate in him the value of industry, thrift and self-reliance;
- e) To stimulate his interest in civic affairs, teach him the duties of citizenship, and develop his commitment to his country;
- f) To advise him properly on any matter affecting his development and well being;
- g) To always set a good example;
- h) To provide him with adequate support, as defined in Article 290 of the Civil Code; and
- i) To administer his property, if any, according to his best interests, subject to the provision of Article 320 of the Civil Code.

Section 13. Family Affairs - Whenever proper, parents shall allow the child to participate in the discussion of family affairs, especially on matters that particularly concern him. In cases involving his discipline, the child shall be given chance to present his side.

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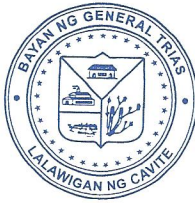
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Continuation...page 14 of Mun. Ord. No. 11-04:

- a) **Winning Child's Confidence** - parents shall endeavour to win the child's confidence and to encourage him to conduct with them on his activities and problems.
- b) **Child Living Away from Home** - if by reason of his studies or for other causes, a child does not live with his parents, the latter shall communicate with him regularly and visit him as often as possible. The parents shall see to it that the child lives in safe and wholesome place and under responsible adult care and supervision.
- c) **Special Talents** - parents shall endeavour to discover the child's talents or aptitudes, if any, and to encourage and develop them.
- d) **If the child is especially gifted** - his parents shall report this fact to the National Center for Gifted Children or to other agencies concerned so that official assistance or recognition may be extended to him.
- e) **Reading Habit** - the reading habit should be cultivated in the home. Parents shall, whenever possible, provide the child with good and wholesome reading material.
- f) **Association with Other Children** - parents shall encourage the child to associate with other children of his own age with whom he can develop common interests of useful and salutary nature. It shall be their duty to know the child's friends and their activities and to prevent him from falling into bad company. The child should not be allowed to stay out late at night to the detriment of his health, studies or morals.
- g) **Community Activities** - parents shall give the child every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities.
- h) **Social Gatherings** - when a party or gathering is held, the parents or a responsible person should be present to supervise the same.
- i) **Vices** - parents shall take special care to prevent the child from unbecoming, and other vices or harmful practices.
- j) **Choice of Career** - the child shall have the right to choose his own career. Parents may advise him on this matter but should not impose on him their own choice.


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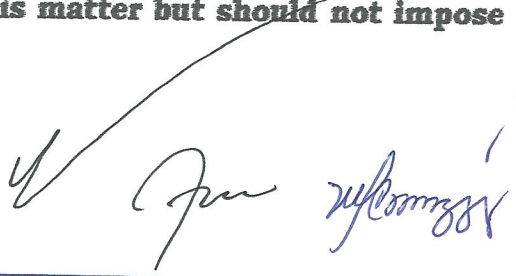

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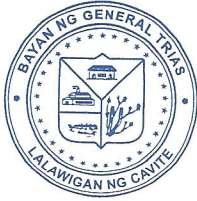

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- k) Marriage - subject to the provisions of the Civil Code, the child shall have the prerogative of choosing his future spouse. Parents should not force or unduly influence him to marry a person he has not freely chosen.

Section 14. Liabilities of Parents - Parents and guardians are responsible for the damage caused by the child under their parental authority in accordance with the Civil Code. There is criminal liability for any parent who does the following acts:

- a) Conceals or abandons the child with intent to make such child lose his civil status;
- b) Abandons the child under such circumstances as to deprive him of the love, care and protection he needs;
- c) Sells or abandons the child to another person for valuable consideration;
- d) Neglects the child by not giving him the education which the family's station in life and financial conditions permit;
- e) Causes, abates, or permits the truancy of the child from the school where he is enrolled. "Truancy" as here used means absence without cause for more than twenty school days, not necessarily consecutive. It shall be the duty of the teacher in charge to report to the parents the absences of the child the moment these exceed five school days;
- f) Improperly exploits the child by using him, directly or indirectly, such as for purposes of begging and other acts which are inimical to his interest and welfare;
- g) Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignations and other excessive chastisement that embarrass or humiliate him;
- h) Causes or encourages the child to lead an immoral or dissolute life;
- i) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership; and
- j) Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor

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vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive.

“Parents” as here used shall include the guardian and the head of the institution or foster home which has custody of the child.

Section 15. Duties of the Community – To insure the full enjoyment of the right of every child to live in a society that offers or guarantees him safety, health, good moral environment and facilities for his 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 institution of learning, whether public or private, achieve the fundamental objectives of education;
- c) Organize or encourage movements and activities, for furtherance of the interest of children and youth;
- d) Promote the establishment and maintenance of adequately equipped playgrounds, parks and other recreational facilities;
- e) Support parent education programs, by encouraging its members to attend and actively participate therein;
- f) Assist the State in combating and curtailing juvenile delinquency and in rehabilitating wayward children;
- g) Aid in carrying out special projects for the betterment of the children in the remote areas or belonging to cultural minorities or those who are out of school; and
- h) Cooperate with private and public child welfare agencies in providing care, training and protection to destitute, abandoned, neglected, abused, handicapped and disturbed children.

Section 16. Role of Schools – Educational institutions shall work together with parent, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities to the children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED).

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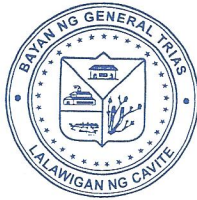

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Parent-Teacher Association all over the country shall aid the municipal and other local authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.

Section 17. Churches - All churches and religious orders, congregations or groups may, conformably to law, establish programs for the purpose of educating children in accordance with the tenets of their religion for the children a strong spiritual foundation, fear of the Lord, consciousness on moral standards these have to follow, love and service for others.

Parents shall admonish their children to heed the teachings of their Church and to perform their religious duties. Whenever possible, parents shall accompany their children to the regular devotions of their Church and other religious ceremonies. This will foster strong family ties and harmony.

Section 18. People's Organization & Nongovernment Organization - They can be a real force for good in the community, people who bond themselves for the common weal of working for the good of the people around them and their own lives as well. Their work could be most fruitful and spiritually rewarding, if it means helping children and protecting them in enjoyment of rights.

Section 19. Role of Women - Women in their various roles play a critical role on the well-being of children. Efforts for the enhancement of women's status and their roles in the development must begin with female children. The enhancement of the status of the women and their equal access to education, training, credit reproductive health, and other extension services constitute a valuable contribution to nation's social and economic development.

To achieve 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 20. Role of Judicial Institutions - In the administration of justice, courts, prosecutors and other actors shall ensure the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

Section 21. Role of Mass Media - The mass media shall be aware of its extensive role and responsibility as well as its influence in communication relating to children. They should use their power to protect the rights of children by relaying constant messages through the Tri-Media (Print, Broadcast

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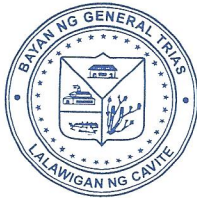
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and Video) and through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency prevention.

Section 22. Role of Business Sectors - The business sector shall provide summer job trainings for new high school graduates with intentions to pursue college. This program shall allow the students an insight on the value of earning money and learn the value of work necessary for their future.

Section 23. Role of the Sangguniang Kabataan - The Sangguniang Kabataan (SK) as established under the Local Government Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the welfare of children for this purpose. It is encouraged that the SK shall allocate at least 50% of its budget to prevention programs for the youth. Livelihood programs and technical education for out-of-school, impoverished, and children who were displaced because of armed-conflict should also be initiated.

Title III

PROGRAMS AND RELATED SERVICES FOR CHILDREN AND FAMILY

Chapter I

PROACTIVE PROGRAMS

Section 24. Pre-Marital Preparations and Parenting Courses

a) **Recognition on the Sanctity of Marriage** - family is the basic unit of society and the church and its needs and preservation take precedence over all other things. The family in its fullest recognition by the Church and the State always consist of a husband and wife who have entered the special covenant of marriage.

Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of conjugal and family life. It is the foundation of the family and an inviolable social institution whose nature, consequences, and incidents are governed by law.

The weakening of society and failure of individuals including suffering of children always have its roots from dysfunctional families who did not recognize the sanctity of legal union. The State, the Church, parents and all other institutions must work together in ensuring that no union will take place among couples without getting legally married. Article 15, Section 2 of the Philippine Constitution

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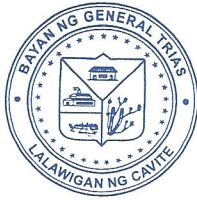
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states that "Marriage, as an inviolable social institution, is the foundation of the family and shall be protected by the State".

- b) **Orientation Courses on Parenting** - marriage license applicants shall be required to participate to a Parenting Orientation Course I, among other requirements, prior to issuance by the Civil Registrar.

This course becomes an integral part of existing family planning seminar or reproductive health course. The General Trias Special Office for Children's Concerns in coordination with population office shall update the family planning seminar in recognizance of this Ordinance.

Parent-applicants for birth certificate of their child shall also be required to a Parenting Orientation Course II, as a follow-up to the course before issuance of Certificate of Live Birth by the civil registrar without prejudice to the early registration birth requirement under existing law.

The General Trias Special Office for Children's Concerns shall formulate implementing guidelines for this Ordinance in close coordination with the Office of the Civil Registrar.

The General Trias Special Office for Children's Concerns shall design modules for these courses in coordination with Municipal Social Welfare and Development Office and NGOs concerned on child focused programs.

Parents should obtain various formal and alternative information, skills, and support system to assist them in their roles as their children's primary caregivers and educators. These include private and public parent education programs linked to center, home and media-based child care and education programs.

Section 25. Primary Health Care Services and Programs - The Municipal Government of General Trias shall implement primary health care and nutrition programs for children in coordination with Municipal Health Office (MHO) and the Municipal Social Welfare & Development Office (MSWDO) and shall undertake annual medical and dental examinations of all day care enrollees.

They shall likewise initiate supplemental feeding programs for malnourished children in coordination with MSWDO through the day care centers.

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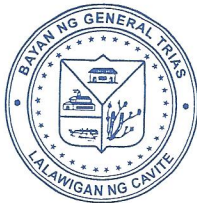
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The Barangay Health Center shall implement the primary health care program. Each barangay health center shall designate a barangay health worker to monitor children's health in the barangay level, with the salary commensurate the tasks assigned.

To further ensure the implementation of this Section, the Municipal Government of General Trias shall take appropriate measures as follows:

- a) To combat disease and malnutrition within the framework of primary health care through application of readily available technology and through provision of adequate nutritious food and clean drinking water, taking into consideration the risk of environmental pollution;
- b) To establish a comprehensive Parent's Orientation Development Program which includes gender-responsive courses on reproductive health, child health, child rearing practices in the context of Filipino psychology;
- c) To conduct massive information drive on basic nutrition and monitor the full implementation of the Milk Code of the Philippines, the ASIN (An Act for Salt Iodization Nationwide) Law and the Fortified Food Products Law and advocate for the prosecution of companies who violate these laws; and
- d) The Municipal Health Office shall endeavour to work on the local implementation of national health programs so the rural health activities may contribute and coincide with the country's strategic health protection.

Section 26. Education of Health Support Service Providers - Providers include the various professionals, paraprofessionals, and the volunteer caregivers who are directly responsible for the care and education of young children through the various centers and home-based programs. They include, but are not limited to, day care workers, teachers, teacher-aides, rural health midwives, social workers, Barangay Health Workers, Barangay Nutrition Scholars, parent effectiveness service volunteers, children development workers, and the family day care providers.

All service providers dealing with child care and education shall be required to complete Comprehensive Child Education and Child Health Training Courses. This will include dealing with special children with peculiar disabilities. No one shall practice his profession without the Certificate of Completion which shall be designed by a duly organized task force created for such purpose.

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Violation of this provision constitutes a penalty of cancellation of license to practice profession.

**Chapter II
EARLY CHILDHOOD DEVELOPMENT AND
PRIMARY HEALTH CARE PROGRAMS**

Section 27. The Day Care Program (0-6 Years) – A program implemented in cognizance to RA 6972 or the “Barangay-Level Total Development and Protection of Children Act”. Filipino children up to six (6) years of age deserve the best care and attention of the family and community levels.

Towards this end, there is hereby established a day care center in every barangay with a total development and protection of children programs as provided in this Act instituted in every barangay day care center.

The total development and protection of children for day care centers shall be provided for children up to six (6) years of age with consent of parents.

The Sangguniang Barangay may call upon private volunteers, who are responsible members of the community and utilize them to assist in the care of children and provide consultative services for medical, educational, and other needs of children.

The Municipal Social Welfare & Development Office shall:

- a) Formulate the criteria for the selection, qualification, training and accreditation of barangay day care workers and the standards for the implementation of the total development and protection of children program;**
- b) Coordinate activities of nongovernment organizations with the day care workers and other social workers of the Department in order that their services may be fully utilized for the attainment of the program goals; and**
- c) Protect and assist abused, neglected or exploited children and secure proper government assistance for said children.**

Section 28. Comprehensive Newborn Screening – Pursuant to RA 9288 the Municipality of General Trias shall implement programs to support the objective of institutionalizing a national newborn screening system that is comprehensive, integrative and sustainable, and will facilitate collaboration among government and nongovernment agencies at the national and local levels, the private sector,

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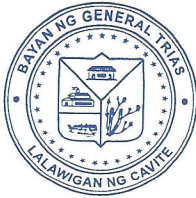
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OFFICE OF THE SANGGUNIANG BAYAN

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[Signature]
 CHRISTOPHER N. CUSTODIO
 SB Member

families and communities, professional health organizations, academic institutions, and nongovernmental organizations. The program shall ensure that every baby born in this particular municipality is offered the opportunity to undergo newborn screening and thus be spared from heritable conditions that can lead to mental retardation, serious health complications and death if undetected and untreated.

[Signature]
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Comprehensive Newborn Screening - means a newborn screening system that includes, but is not limited to, education of relevant stakeholders; collection and biochemical screening of blood samples taken from newborns; tracking and confirmatory testing to ensure the accuracy of screening results; clinical evaluation and biochemical/medical confirmation of test results; drugs and medical/surgical management and dietary supplementation to address the heritable conditions; and evaluation activities to access long term outcome, patient compliance and quality assurance. There should be a means of following up or monitoring of a newborn patient to ensure that he/she complies fully with the medicine of dietary prescriptions.

[Signature]
 RONALD A. LUMUNSA
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Section 29. Rooming-in and Breast-feeding - The Municipality of General Trias will encourage, protect and support the practice of breastfeeding in compliance to RA 7600 or the "Rooming-in and Breastfeeding Act of 1992". It shall create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

[Signature]
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Breastfeeding has distinct advantages which benefit the infant and the mother, including the hospital and the country that adopts its practice. It is the first preventive health measure that can be given to the child at birth. It also enhances mother-infant relationship.

[Signature]
 MAURITO C. SISON
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Furthermore, the practice of breastfeeding could save some considerable amount for the family in buying costly instant milk formula.

Breast milk is the best food since it contains essential nutrients completely suitable for the infant's need. It is also nature's first immunization enabling the infant to fight potential serious infection. It contains growth factors that enhance the maturation of an infant's organ system. It shall be the mother's right to breastfeed her child who equally has the right to her breast milk.

Bottle-feeding shall be allowed only after the mother has been informed by the attending health personnel of the advantages of breastfeeding and the proper

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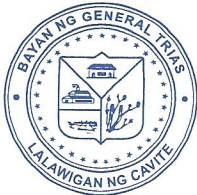
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techniques of infant formula feeding and the mother has opted in writing to adopt infant formula feeding for her infant.

Section 30. "Garantisadong Pambata Program (GP)" – GP is a program of the Department of Health in partnership with the Local Government Units (LGUs) and other government and nongovernment organizations. One of its effective projects is: "Food Fortification Program" and it is the government's response to the growing micronutrient malnutrition, which is prevalent in the Philippines for the past several years. Nutrition surveys since 1993 have been showing increasing prevalence of malnutrition, particularly that of Vitamin A Deficiency Disorder (VADD) and Iron Deficiency Anemia (IDA) among children and women of reproductive age, who the most at-risk groups to micronutrient malnutrition are.

Food Fortification is the addition of "Sangkap Pinoy" or micronutrients such as Vitamin A, Iron and/or Iodine to food, whether or not they are normally contained in the food, for the purpose of preventing or correcting a demonstrated deficiency with one or more nutrients in the population or specific population groups.

Sangkap Pinoy or micronutrients are vitamins and minerals required by the body in every small quantity. These are essential in maintaining a strong, healthy and active body, sharp mind, and for women to bear healthy children.

Section 31. Children's Health 2025 Program – The Municipal Health Office of General Trias will do its best to comply with the national objective of achieving good health for all Filipino children by the year 2025. Its local objectives and strategies shall:

- a) Enhance capacity and capability of health facilities in the early recognition, management and prevention of common childhood illness;
- b) Strengthen community-based support system and interventions for children's health;
- c) Foster linkages with advocacy groups and professional organizations and promote children's health;
- d) Initiate and support legislations and researches on children's health and welfare; and
- e) Develop comprehensive monitoring and evaluation system for child health programs and projects.

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Health Status Objectives:

1. Reduce infant mortality rates.
2. Reduce mortality rate among children 1-4 years.
3. Reduce the mortality rate among adolescents and youths.

Risk Reduction Objectives:

1. Increase the percentage of fully immunized children.
2. Increase the percentage of infants exclusively breastfed up to six (6) months.
3. Increase the percentage of infants given timely and proper complementary feeding at six (6) months.
4. Increase the percentage of mothers and caregivers who know and practice home management of childhood illness.
5. Reduce the prevalence of protein-energy malnutrition among school age children.
6. Increase the health care-seeking behaviour of adolescents.

Services and Protection Objectives:

1. Ensure 90% of infants and children are provided with essential health care package.
2. Increase the percentage of the health facilities with available stocks of vaccines and essential drugs and micronutrients to 80%.
3. Increase the percentage of schools implementing school-based health and nutrition programs.
4. Increase the percentage of health facilities providing basic health services and counselling services.

Chapter III

PROGRAMS FOR CHILDREN WITH PHYSICAL AND MENTAL DISABILITIES

Section 32. Survey and Active Program for Specially-abled Children - The

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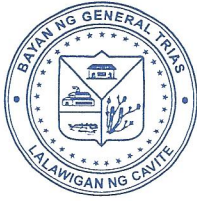
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local government of General Trias shall make a periodic comprehensive survey on the specially-abled children in the municipality, which is child-focused and specific. It aims to achieve a more systematic coordination of health services, nutrition, and education for children with special needs.

Section 33. Investment in Educators and Health Professional Training Program for Children with Special Needs - Training program for educators and health professionals handling specially-abled children with special needs form part of the priority programs of the local government.

Section 34. Tuloy Aral Walang Sagabal (TAWAG) Project - Initiative done by National Commission Concerning Disabled Persons Welfare and the Department of Social Welfare and Development should likewise be implemented in the Municipality. Developed in 1999, under this project a roving day care worker is hired, trained and will work in the management of 3-6 years old children with disabilities. She must acquire knowledge and skills in identifying and teaching children at risk and those with special disabilities. Workers such as this should be sent at a dependable training center for children for at least two (2) months. She will work with parents of children at risk and those with special disabilities and provide appropriate interventions. Aside from intervention such as immunization and nutrition education, community-based efforts in the early detection of impairments should be done and standardized. These are significant steps towards the equalization of children with special disabilities in their eventual participation into regular school setting.

Section 35. Children with Exceptionalities - Children with exceptionalities are (1) socially incompetent, that is, socially inadequate and occupationally incompetent and unable to manage their own affairs; (2) mentally subnormal; (3) retarded intellectually from birth or early age; (4) retarded at maturity; (5) mentally deficient as a result of constitutional origin, through hereditary or disease, and (6) essentially incurable. Mental Retardation is divided into four (4) classifications:

- a) **Custodial Group - the members of this classification are severely or profoundly retarded, hence, the least capable group. This includes those with IQs to 25.**
- b) **Trainable Group - the members of this group consist of those with IQs from about 25 to about 50; one who belongs to this group shows a mental level and rate of development which is ¼ to ½ that of the average child. He is unable to acquire higher academic skills, but can usually acquire the basic skills for living to a reasonable degree. He can likewise attain a primary grade level of education if he receives effective instruction.**

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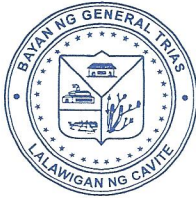
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- c) **Educable Group** – this group’s IQ ranges from about 50 to about 75, and the intellectual development is approximately ½ to ¾ of that expected of a normal child of the same chronological age. The degree of success or accomplishment that they will reach in life depends very much on the quality and type of education they receive, as well as on the treatment at home and in the community. Many of the educable retardates may reach 5th or 6th grade educational level and can develop occupational skills which may result in partial or complete economic independence in adulthood.
- d) **Borderline or Low Normal Group** – this is the highest group of mentally retarded, with IQs from about 75 to about 89. The members of this classification are only slightly retarded and they can usually get by in regular classes if they receive some extra help, guidance and consideration. They have to spend much more time with their studies than do most children in order to pass. Those who cannot make it are usually handicapped by one or more other conditions aside from that of intelligence.

Section 36. Physically Handicapped Children – Physically handicapped children are those who are crippled, deaf-mute, blind or otherwise defective which restricts their means of action on communication with others.

Section 37. Emotionally Disturbed Children – Emotionally disturbed children are those who, although not afflicted with insanity or mental defect, are unable to maintain normal social relations with others and the community in general due to emotional problems or complexes.

Section 38. Mentally Ill Children – Mentally ill children are those with any behaviour disorder, whether functional or organic, which is of such a degree of severity as to require professional help or hospitalization.

Section 39. Disabled Children – as used in this Chapter shall include mentally ill children.

Section 40. Admission of Disabled Children – The Department of Social Welfare and Development, upon application of the parents or guardians and the recommendation of any reputable diagnostic center or clinic, shall refer and admit disabled children to any public or private institution providing the proper care, training and rehabilitation.

Section 41. Training and Opportunities for Disabled Children – Specialized educational services shall be expanded and improved to provide appropriate

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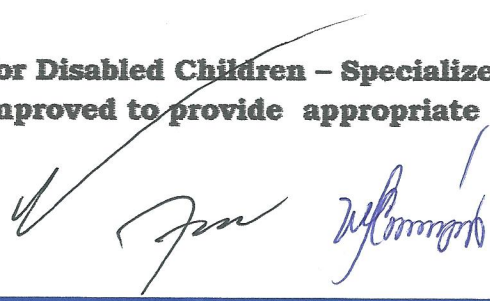

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opportunities for disabled children. Vocational rehabilitation and manpower conservation agencies shall train disabled children for specialized types and shall help provide opportunities for their future occupational placement: That the agencies and organization engaged in programs and services for the disabled need not be limited to minors. Persons of legal age may be admitted whenever facilities are available for them.

Section 42. Planning of Programs and Services - Selected pilot demonstration projects needed by the disabled children shall be developed and shall be the basis for planning expanded programs and services throughout the nation. There shall be established area of all ages of the disabled within a specified geographical area.

Section 43. Petition for Commitment - Where a child appears to be mentally retarded, physically handicapped, emotionally disturbed, or mentally ill, and needs institutional care but his parents or guardians are opposed thereto, the Department of Social Welfare and Development, or any duly licensed child placement agency or individual shall have the authority to file a petition for commitment of the said child to any reputable institution providing care, training and rehabilitation for disabled children.

**Title IV
 SPECIAL CONCERNS**

**Chapter I
 THE FUNDAMENTAL SCHEME OF WORK**

Section 44. Program on Child Abuse, Exploitation and Discrimination - There shall be a comprehensive program to be formulated by the Municipal Social Welfare Development Office (MSWDO) and Municipal Sub-committee for the Welfare of Children (MSCWC) in coordination with General Trias Special Office for the Children's Concern (MSOCC), other government agencies, and the private sector concerned with one (1) year from the effectivity of this Ordinance, to protect children against child prostitution and other sexual abuses, child trafficking, child labor, physical and emotional abuses, deprivation of basic rights and other acts of abuse which endanger survival and normal development.

Section 45. Child Protection Goals - The Municipality of General Trias shall adapt the goals included in the Philippine Plan of Action for Children (PPAC) for the year 2000 and beyond. These goals were integrated in the GOP-UNICEF (Government of Pakistan-United Nations Children's Fund) Master Plan of Operations for the Fifth Country Programme for Children (CPC V). These goals are as follows:

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- a) Immediate protection and rescue of children from prostitution, pornography, and sexual abuse as well as substance abuse;
- b) Full enforcement of laws banning children from exploitative and hazardous labor and immediate removal from the most intolerable and unacceptable forms of child labor;
- c) Prevention of children from becoming street and working children and protection of those at risk;
- d) Improved system of early detection of impairments and interventions for children with disabilities;
- e) Provision of education and livelihood services as well as psychosocial recovery and reintegration assistance for Children in Need of Special Protection (CNSP);
- f) Establishment of a comprehensive system of justice for children through law reform, law enforcement, and training of the five pillars of justice;
- g) Development of education policies and programs that address the needs and circumstances of children in need of special protection; and
- h) Development of institutional mechanism for child protection at various levels particularly the barangay.

Section 46. Prevention Programs - Prevention programs which shall be an important component of the Comprehensive Children's Programs to be implemented by the municipality through the Municipal Council for the Welfare of Children, schools' youth organizations and other concerned agencies. These programs shall consist of three (3) levels:

- a) **Primary Prevention - general measures to promote social justice and equal opportunity which tackle perceived root causes of children's rights violation such as poverty and other forms of marginalization.**
- b) **Secondary Prevention - measures to assist children who are identified as being more particularly at risk as those whose parents are themselves special difficulty or are not caring appropriately for them.**
- c) **Tertiary Prevention - schemes to avoid and prevent children's rights violations from happening again.**

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All these three (3) levels of prevention, official intervention should be pursued primarily in the overall interest of the young person and guided by principle of fairness and equity.

**Chapter II
 OFFENSES AND PROHIBITED ACTS**

Section 47. Prohibited Acts – The Children’s Welfare Code of General Trias undertakes to support the implementation and enforcement of Presidential Decree No. 603 or “The Child and Youth Welfare Code”, Republic Act No. 7610, “Special Protection of Children Against Abuse, Exploitation and Discrimination Acts” as amended by RA 7658, RA 9231, Republic Act 9208 otherwise known as “Anti-Trafficking in Persons Act”, Republic Act 9262 or “The Anti-Violence Against Women and Children’s Law” defining the violations and offenses and prescribing penalties thereof. For this purpose the prohibitions of the above laws with respect to offenses are hereby incorporated and adapted by reference.

The following violations are again described herein for purposes of vivid presentation and speedy reference:

A. Child Labor – employment of children shall be in accordance with the requirements set forth under the Department of Labor Order No. 65-04 providing rules and regulations implementing RA 9231 and RA 7610. Except as otherwise provided in these Rules, no child below 15 years of age shall be employed, permitted or suffered to work, in any public or private establishment.

The following are worst forms of labor that a child is not allowed to engage into:

- 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 children for use in armed conflict;
- b) The use, procuring or offering of a child for prostitution, for the production of pornographic performances;
- c) The use, procuring or offering of a child for illegal or illicit activities, including the production or trafficking of dangerous drugs or volatile substances prohibited under existing laws; or
- d) Work which, by its nature or the circumstances in which it is

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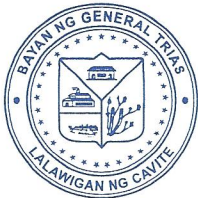
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carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:

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 load; or
6. Is performed in an unhealthy environment exposing the child to hazardous working condition, elements, substances, co-agents or processes involving ionizing, 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, protozoa, nematodes and the other parasites; or
9. Involves the manufacture or handling of explosives and the other pyrotechnic products.

Prohibition on the Employment of Children in Certain Advertisements (RA 9231) - No child below 18 years of age shall be employed as a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its by products, gambling or any form of violence or pornography.

Penalties: In case of violation, the Secretary of Labor and Employment or the Regional Director or his authorized representative, shall undertake the following actions:

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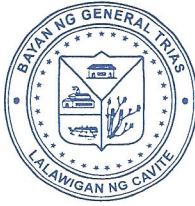

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1. Order the Immediate and Permanent Closure of the Establishment:

- 1.a. If the violation of any provision of Republic Act No. 9231 as resulted in the death, insanity or serious physical injury of a child employed in such establishment or such firm or establishment is employing a child for prostitution or obscene or lewd shows;
- 1.b. The employer shall pay all employees affected by the closure their separation pay and other monetary benefits provided for by the law.

2. Order the Immediate and Temporary Closure of the Establishment - if there is imminent danger to the life and limb of the child in accordance with the occupational safety and health standards. An imminent danger is a condition or practice that could reasonably be expected to cause death or serious physical harm.

In no case shall the closure be lifted unless the imminent danger has been abated. For the duration of the closure, the employer shall pay the wages of all employees affected.

If, after due hearing, the closure is made permanent, the employer shall pay all employees affected their separation benefits, as provided in the immediate subsection.

3. In both cases, require the employer to:

- 3.a. Shoulder the transportation cost of the child from the place of work to the DSWD-accredited halfway house and to the child's residence; and
- 3.b. Shoulder the total actual cost of medical management, recovery, and reintegration of the child, or in case of death, the child's funeral expenses.

4. Grounds for Suspension and Cancellation of Work Permit - the Regional Director shall suspend or cancel the work permit issued to a working child under the following instances:

- 4.a. If there is fraud or misrepresentation in the application for work permit or any of its following documents;
- 4.b. If the terms and conditions set forth in the child's employment

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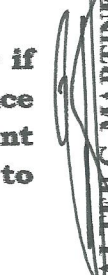

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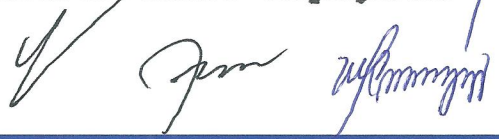

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contract and/or employer's undertaking have been violated;

- 4.c. If the employer fails to institute measures to ensure the protection, health, safety, morals, and normal development of the child as required in Section 7 (b) (ii) of the Department Order 65-04 of the Department of Labor and Employment (DOLE);
- 4.d. If the employer fails to formulate and implement a program for the education, training and skills acquisition of the child; or
- 4.e. If a child has been deprived access to formal, non-formal or alternative learning systems of education.

5. Duty of the Employer - every employer shall comply with the duties provided for in Articles 108 and 109 of Presidential Decree No. 603 (Section 15, RA 7610).

6. Penalties - any person who shall violate any provision of these Articles shall suffer the penalty of a fine of not less than one thousand pesos (P1,000.00) but not more than ten thousand pesos (P10,000.00) or imprisonment of not less than three (3) months but not more than three (3) years, or both at the discretion of the court: provided, that, in case of repeated violations of the provisions of these Articles, the offender's license to operate shall be revoked.


B. Child Trafficking - with reference to RA 9208 otherwise known as the "Anti-Trafficking in Persons Act of 2003", "trafficking in persons" refers to the recruitment, transportation, transfer or harbouring, or receipt of person with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even if it does not involve any of the means set forth in the preceding paragraph.

a) Acts of Trafficking in Persons - it shall be unlawful for any person,

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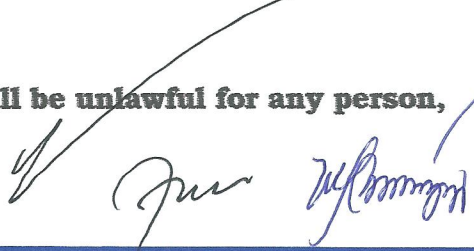

 JIM DOMINIC M. CULANDING
 SKF President


 WALTER C. MARTINEZ
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 KERBY J. SALAZAR
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 MARIO C. AMANTE
 SB Member


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Republic of the Philippines
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 PROVINCE OF CAVITE
 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 33 of Mun. Ord. No. 11-04:


natural or juridical, to commit any of the following acts:

1. To recruit, transport, transfer, harbour, provide or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage;
2. To introduce or match for money, profit or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
3. To offer or contract marriage, real or simulated, for purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
4. To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography, or sexual exploitation;
5. To maintain or hire a person to engage in prostitution or pornography;
6. To adopt or facilitate the adoption of person for the purpose of prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
7. To recruit, hire, adopt, transport, or abduct a person by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
8. To recruit, transport or abduct a child to engage in armed activities in the Philippines or abroad.

b) Qualified Trafficking in Persons - the following are considered as qualified trafficking:

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 CHRISTOPHER N. CUSTODIO
 SB Member


 LAMBERTO M. CARAMPOT
 SB Member

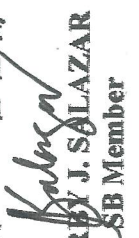

 RONALD A. LUMUNSAD
 SB Member


 ARTURO P. TACOS
 SB Member


 MAURITO C. SISON
 SB Member

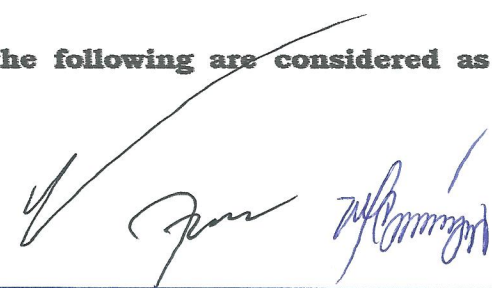

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1. When the trafficked person is a child;
2. When the adoption is effected through Republic Act No. 8043 otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
3. When the crime is committed by a syndicate or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed against three (3) or more persons, individually or as a group;
4. When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficking person or when the offense is committed by a public officer or employee;
5. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
6. When the offender is a member of the military or law enforcement agencies; and
7. When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

C. Child Trafficking - any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is less than twelve (12) years of age.

There is an attempt to commit child trafficking when:

1. When a child travels alone to a foreign country without valid reason therefore and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child's parents or legal guardian;
2. When a person, agency, establishment or child-caring institution

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Christopher N. Custodio
 CHRISTOPHER N. CUSTODIO
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 LAMBERTO M. CARAMPOT
 SB Member

Ronald A. Lumunsad
 RONALD A. LUMUNSAD
 SB Member

Arturo P. Tacos
 ARTURO P. TACOS
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Maurito C. Sison
 MAURITO C. SISON
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Jim Dominic M. Culanding
 JIM DOMINIC M. CULANDING
 SKF President

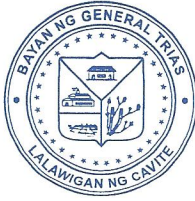
Walter C. Martinez
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Mario C. Amante
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Jim *Walter* *Richard*



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recruits women or couples to bear children for the purpose of child trafficking;

3. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking;
4. When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day care centers or other child-during institution that can be offered for the purpose of child trafficking.

A penalty lower to two (2) degrees than that prescribed for the consummated felony under Section 7 of RA 7610 shall be imposed upon the principals of the attempt to commit child trafficking under this Act.

D. Child Trafficking Prostitution and Other Sexual Abuse - Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the following:


a) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:

1. Acting as a procurer of a child prostitute;
2. Inducing a person to be a client of a child prostitute by means of written or oral advertisement or other similar means;
3. Taking advantage of influence or relationship to procure a child as prostitute; or
4. Giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child prostitution.

b) Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other

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 SB Member



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 SB Member


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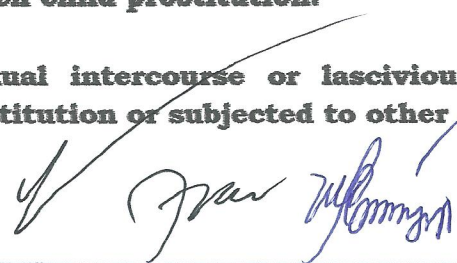

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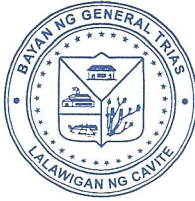

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sexual abuse; Provided, that when the victim is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be. Provided, that the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; and

c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitutions in addition to the activity for which the license has been issued to said establishment.

E. Obscene Publication and Indecent Shows - any person, who shall hire, employ, use, persuade, induce, or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of prison mayor in its medium period.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of prison mayor in its medium period.

F. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development

a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prison mayor in its minimum period.

b) Any person who shall keep or have in his company a minor, twelve (12) years or under who in ten (10) years or more his junior in any

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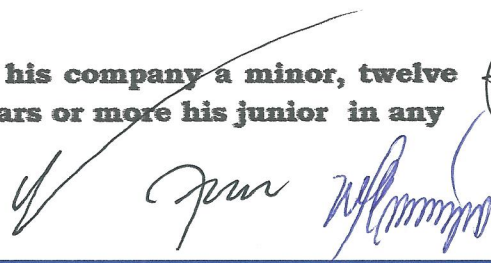

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Republic of the Philippines
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 MUNICIPALITY OF GENERAL TRIAS

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public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of prison mayor in its maximum period and a fine of not less than fifty thousand pesos (P50,000.00): Provided, that this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition or acts in the performance of a social, moral or legal duty.

c) Any person who shall induce, deliver or offer a minor to any one prohibited by Republic Act 7610 to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of the prison mayor in its medium period and a fine of not less than forty thousand pesos (P40,000.00): Provided, however, that should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be prison mayor in its maximum period, a fine of not less than fifty thousand pesos (P50,000.00), and the loss of parental authority over the minor.

d) Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places, any minor herein described shall be imposed a penalty of prison mayor in its medium period and a fine of not less than fifty thousand pesos (P50,000.00), and the loss of license to operate such a place or establishment.

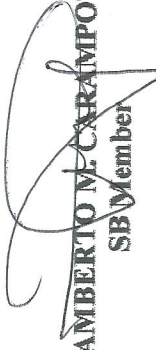
e) Any person who shall use, coerce, force or intimidate a street child or any other child to:

1. Beg or use begging as a means of living;
2. Act as conduit or middlemen in drug trafficking or pushing; or
3. Conduct any illegal activities, shall suffer the penalty of prison correctional in its medium period to reclusion perpetua.

For purpose of Republic Act 7610, the penalty for the commission of acts punishable under Article 248, 249, 262, paragraph 2, and 263, paragraph 1 of Act No. 3815, as amended, the Revised Penal Code, for the crimes of murder, homicide, other intentional mutilation, and serious physical injuries,

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 SKT-President

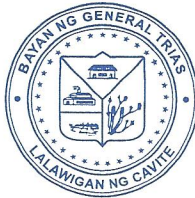

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Republic of the Philippines
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 PROVINCE OF CAVITE
 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 38 of Mun. Ord. No. 11-04:

respectively, shall be reclusion perpetua when the victim is under twelve (12) years of age.

The victim of the acts committed under this section shall be entrusted to the care of the Department of Social Welfare and Development.

G. Peonage of Children - offering a child or the services of a child as payment for a debt or in exchange for a favour, such as but not limited to:

- a) Working in agricultural industries like rice and corn plantations or farms;
- b) Working as household helpers.

H. Using Girl 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 of fee to the organizers.

I. Discrimination of Girl Children - discrimination of girl children by prohibiting and depriving them of formal education.

J. Discrimination of Illegitimate Children - for schools to discriminate illegitimate children as follows but not limited to the following:

- a) Refusal to accept enrolment of illegitimate children by reason of one's illegitimacy;
- b) Requiring the marriage contract of parents as a requirement for the enrolment of the child.

K. Discrimination by Reason of Pregnancy:

Expulsion from School 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. Schools may impose any other penalty which shall be made applicable to both the pregnant girl and her partner if he is also enrolled in the same school.

- a) 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;

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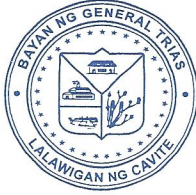

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Republic of the Philippines
Region IV-A (Calabarzon)
PROVINCE OF CAVITE
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OFFICE OF THE SANGGUNIANG BAYAN

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- b) Refusal to Issue Clearances by Reason of Pregnancy – for schools to refuse to issue clearances to a child by reason of her pregnancy.
- L. Physical and Degrading Forms of Punishment – subjecting the child to physical, humiliating and degrading forms of punishment such as, but not limited to the following:
- a) Ordering or directing a child to kneel on salt or any other material which may further add to the difficulty of doing said posture;
- b) Placing a child inside a sack and/or hanging him/her;
- c) Shaving the head of a child;
- d) Harsh whipping of the child with the tail of stingray (pagi), stick, belt and other similar objects;
- e) Stripping the child of his clothes;
- f) Locking up the child in a cabinet, aparador or any closed structure;
- g) Tying up a child or otherwise detaining him/her;
- h) Throwing object such as but not limited to erasers, chalk, and notebooks at the child;
- i) Pulling the hair of a child;
- j) Making the child stand under the scourging heat of the sun or outside of the classroom;
- k) Exposing the child to be bitten by ants.
- M. Pushing or Enticing Minors to Live-in Arrangements – it should be unlawful for parents or guardians 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 considerations.
- N. Entry, Selling and Distribution of Pornographic Materials – the Municipal Council for the Welfare of Children shall monitor the entry of pornographic materials. It shall be unlawful for any person to sell and distribute said materials.

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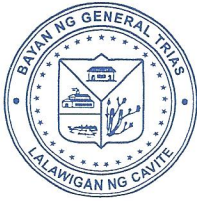

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O. Selling Liquors, Cigarettes, Rugby, Solvents and Other Addictive Substances to a Child - it shall be unlawful for any establishment or person to sell these items to a child.

P. Smoking in Enclosed Places and Public Conveyances - especially when there are children shall be prohibited.

Any act specified in this Ordinance not included on the above mentioned national laws shall be penalized by imprisonment of not more than six (6) months and a fine not more than five hundred pesos (P500.00).

Q. Discrimination of Indigenous Children - children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

Any person who discriminates against children of indigenous cultural communities shall suffer a penalty of arresto mayor in its maximum period and a fine of not less than five thousand pesos (P5,000.00) but not more than ten thousand pesos (P10,000.00).

Section 48. Who May File a Complaint - Complaints on cases of unlawful acts committed against the 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; or,
- g) At least three (3) concerned responsible citizens where the violation occurred.

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CHRISTOPHER N. CUSTODIO
 SB Member

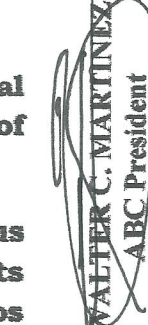

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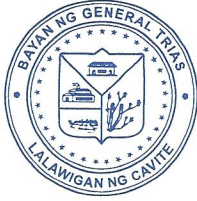

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Section 49. Control on Exposure to New Technology, Amusements and Others

- A. Control on Children's Exposure to Commercial Video Games - commercial establishments renting out electronic video games to children during school days from seven o'clock in the morning to five o'clock in the afternoon, and beyond seven 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 said establishment shall constitute the penalty of the third offense.**
- B. Control on Children's Exposure to Internet Cafes - internet cafes catering to children except college students during school days from seven o'clock in the morning to five o'clock in the afternoon, and beyond seven 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 computer units and cancellation of the business permit of said establishment shall constitute the penalty of the third offense.**
- C. Control on Children Playing Billiards and Similar Games - billiard and pool halls allowing children to play during school days from seven o'clock in the morning to five o'clock in the afternoon, and beyond seven 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 billiard or pool tables and accessories, and cancellation of the business permit of said establishment shall constitute the penalty of the third offense.**
- D. Limited Use of Cellular Phones - children should not be allowed to carry or use cell phone inside their classrooms. The common habit of "texting" may disturb their focus and concentration on lesson they have to learn.**

However, since this communication equipment is necessary to monitor children's whereabouts and situations and means to contact relatives and authorities during cases of emergency, children can carry their mobile phones at school provided these shall be deposited to proper school authorities for safekeeping.

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Republic of the Philippines
 Region IV-A (Calabarzon)
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E. Children's Curfew - the ordinance enacted by the municipality regarding curfew hours from ten o'clock in the evening to five o'clock in the morning of the following day shall continue to be enforced on all barangays of the municipality. Children shall be prohibited to loiter around or sleep in public places. Fines and penalties thereof stated in that ordinance shall likewise be adopted.

Section 50. Offenses Not Applicable to Children - Persons below eighteen (18) years of age shall be exempt from prosecution for the crime of vagrancy, and prostitution under Article 202 of the Revised Penal Code, of mendicancy and sniffing of rugby such prosecution being inconsistent with the UN-CRC (United Nations-Convention on the Rights of the Child): Provided that said child shall undergo appropriate counselling and treatment program.

**Chapter III
 CHILDREN IN SITUATION OF ARMED CONFLICT**

Section 51. Children as Zones in Peace - Children are hereby declared as Zones of Peace. It shall be the responsibility of the State and all others sectors concerned to resolve armed conflicts in order to promote the goal of the children as zones of peace. To attain this objective, the following policies shall be observed:

- a) Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane or degrading treatment;
- b) Children shall not be recruited to become members of the Armed Forces of the Philippines (AFP) of its civilian units or other armed groups, not be allowed to take part in the fighting, or used as guides, couriers or spies;
- c) Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;
- d) The safety and protection of those who provide services including those involved in fact-finding missions from both government and nongovernment institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work;
- e) Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots; and,

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OFFICE OF THE SANGGUNIANG BAYAN

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- f) All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.

Section 52. Evacuation of Children During Armed Conflict - Children shall be given priority during evacuation as a result of armed conflict. Existing community organizations shall be tapped to look after the safety and well-being of children evacuation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

Section 53. Family Life and Temporary Shelter - Whenever possible, members of the same family shall be housed in the same premises and given separate accommodation from other evacuees and provided with facilities to lead a normal life. In places of temporary shelter, expectant and nursing mothers and children shall be given additional food in promotion to their physiological needs. Whenever feasible, children shall be given opportunities for physical exercise, sports and outdoor games.

Section 54. Rights of Children Arrested for Reasons Related to Armed Conflict - Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights:

- a) Separate detention from adults except where families are accommodated as family units;
- b) Immediate free legal assistance;
- c) Immediate notice of such arrest to the parents or guardians of the child; and,
- d) Release the child on recognizance within twenty four (24) hours to the custody of the Department of Social Welfare and Development or any responsible member of the community as determined by the court.

If after hearing the evidence in the proper proceedings the court should find that the aforesaid child committed the acts charged against him, the court shall determine the imposable penalty, including any civil liability chargeable against him. However, instead of pronouncing judgment of conviction, the court shall suspend all further proceedings and shall commit such child to the custody or care of the Department of Social Welfare and Development or to any training institution operated by the Government, or duly-licensed agencies or any other responsible person, until he has reached

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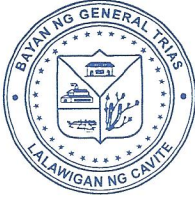
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eighteen (18) years of age or, for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare and Development or the agency or responsible individual under whose care he has been committed.

The aforesaid child shall be subject to visitation and supervision by a representative of the Department of Social Welfare and Development or any duly-licensed agency or such other officer as the court may designate subject to such conditions as it may prescribe.

The aforesaid child whose sentence is suspended can appeal from the order of the court in the same manner as appeals in criminal cases.

Section 55. Monitoring and Reporting of Children in Situations of Armed Conflict - The chairman of the barangay affected by the armed conflict should submit the names of the children residing in said barangay to the Municipal Social Welfare and Development Officer within twenty four (24) hours from the occurrence of the armed conflict.

**Chapter IV
 CHILDREN IN CONFLICT WITH THE LAW**

Section 56. Rights of the Children in Conflict with the Law - Pursuant to Republic Act 9344 otherwise known as "Juvenile Justice and Welfare Act of 2006" 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 or inhumane treatment of punishment;
- b) The right not to be deprived unlawfully or arbitrarily of his/her liberty, detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- c) The right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- d) The right to be treated humanely and with respect for the inherent dignity of the person, and in a manner in which takes into account the needs of a person his/her age. In particular, a child deprived of liberty shall be separated from adult offenders. He/she shall be conveyed separately or from court. He or she shall await hearing of his or her own case in a separate holding area. A child in conflict with the law

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shall have the right to maintain contact with his/her family through correspondence and visit, 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 witness in his/her own behalf under the rule on examination of 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 interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle or restorative justice;
- k) The right to have restrictions on his/her personal liberty limited to the minimum, and where the discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred to as the more appropriate penalty;
- l) In general, the right to automatic suspension of sentence;
- m) The right to probation as an alternative to imprisonment if qualified under the Probation Law;
- n) The right to be free from liability for perjury, concealment or misrepresentation; and,
- o) Other rights as provided for under existing laws, rules and regulations.

Section 57. Minimum Age of Criminal Responsibility – A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempted from criminal liability. However, he/she shall be subjected to an appropriate intervention program for self reformation.

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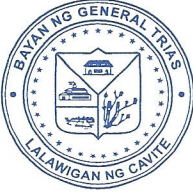
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A child above fifteen (15) years of age but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with the provisions of RA 9344.

The exemption from criminal liability herein established does not include exemption from civil liability which shall be enforced in accordance with existing laws.

Section 58. Determination of Age - The child in conflict with the law shall enjoy the presumption of minority. He shall enjoy all the rights of a child in conflict with the law until he/she is proven to be eighteen (18) years old or older. The age may be determined through the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of the documents, age may be based on the information from the child himself, the testimonies of other persons, and the appearance of the child, and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his favour.

Section 59. Treatment of Children Below the Age of Criminal Responsibility - If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of her/his parents or guardian, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child.

If the parents, guardian or nearest relative cannot be located, or if they refuse to take custody, child may be released to any of the following: a duly registered nongovernment or religious organization, a barangay official or a member of the Barangay Council for the Protection of Children (BCPC), a Local Social Welfare and Development Officer; or when and where appropriate, the DSWD Office.

If the child has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event, that the parents will not comply with the prevention programs, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No. 603 otherwise known as "The Child and Youth Welfare Code".

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Section 60. Procedure for Taking the Child Into Custody - From the moment the child is taken into custody, the enforcement officer shall:

- a) Explain to the child in simple language and in a dialect 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 and present proper identification to the child;
- d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in 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 that is necessary for his/her apprehension;
- g) Avoid violence or unnecessary force;
- h) Determine the age of child;
- i) Immediately but not later than eight (8) hours after apprehension, turn over the custody of the child to the Social Welfare and Development Office or other accredited NGOs and notify the child's parents or guardians the consequences of the child's act with a view towards counselling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results 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 be necessary, the child be

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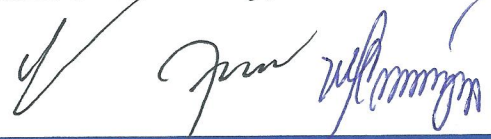

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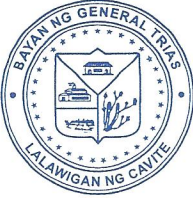

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secured in quarters separate from that of the opposite sex and adult offenders;

1) 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 Public Attorney's Office (PAO) have already 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 or the failure to submit a child to such examination.

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

Section 61. Confidentiality of Records and Proceedings - The component authorities shall undertake all measures to protect the confidentiality of proceedings, 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 the child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender and upon his/her written consent. Likewise, it is prohibited to use the case of the child even mentioning his/her identity as precedent in solving similar cases in the future.

Where a youthful offender has been charged and the court acquits him, or dismisses the case or commits him to an institution and subsequently releases him, pursuant to PD 603, all the records of his case shall be destroyed immediately after such acquittal, dismissal or release, unless civil liability has also been imposed in the criminal action, in which case such records shall be destroyed after satisfaction of such civil liability.

The youthful offender concerned shall not be held under any provider of law, to be guilty of perjury or of concealment or misrepresentation by reason of his failure to acknowledge the case or any fact related thereto in response to any injury made of him for any purpose.

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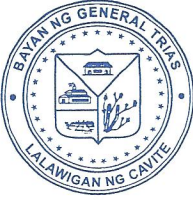

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Records within the meaning of this article shall include those which may be in the files of the National Bureau of Investigation and with any police department, or any other government agency which may have been involved in the case.

Section 62. Prohibition Against Labelling and Shaming - In the conduct of the proceedings beginning from the initial contact with the child, the competent authorities must refrain from branding or attaching them in any manner any other derogatory names. Likewise, no discriminatory remarks shall be allowed particularly with respect to the child's class or ethnic origin.

Section 63. Other Prohibited Act Against Young Offenders - The following and any other similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the child in conflict with the law and therefore prohibited:

- a) Employment of threats or whatever kind of nature;
- b) Employment of abusive, coercive, and punitive measures such as stripping, cursing, beating, and solitary confinement;
- c) Employment of degrading, inhuman and cruel forms of punishment such as shaving the heads, pouring irritating, corrosive or harmful substances over the body of the child, of forcing him/her to walk around the community wearing signs which embarrass, humiliate, and degrade his/her personality and dignity; and,
- d) Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

Section 64. Diversion Program - Children in conflict with the law may undergo child-appropriate process or measures of serving responsibility for an alleged offense without undergoing formal court litigation. If they are found responsible for an offense they shall be referred to special programs of reformation under the following conditions:

- a) Where the imposable penalty for the crime committed is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the Social Welfare and Development Officer or other responsible person shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous mode of conflict resolution in accordance with the best interest of the child with a view of accomplishing the objective of restorative justice

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and the formulation of a diversion program. The child and his/her family shall be present in these activities;

- b) In victimless crimes, where the imposable penalty is not more than six (6) years imprisonment, the local Social Welfare and Development Officer shall meet the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with Barangay Council for the Protection of Children (BCPC); and
- c) Where the imposable penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be restored to only by the court.

Section 65. Contract of Diversion - If during the conferencing, mediation or conciliation, the child voluntary admits the commission of the act; a diversion program shall be developed when appropriate and desirable. Such admission shall not be used against the child in any subsequent judicial, quasi-judicial or administrative proceedings. The diversion program shall be effective and binding if accepted by the parties concerned. The acceptance shall be in writing and signed by the parties and appropriate authorities. The MSWDO shall supervise the implementation of the diversion program. The diversion proceedings shall be completed in forty five (45) days. The period of prescription of the offense shall be suspended until the completion of the diversion proceedings but not to exceed forty five (45) days.

The child shall present himself/herself to the competent authorities that imposed the diversion program at least once a month for reporting and evaluation of the effectiveness of the program and the conduct of the child.

Failure to comply with the terms and conditions of the contract of diversion, as certified by the MSWDO, shall give the offended party the option to institute the appropriate legal action.

The period of prescription of the offense shall be suspended during the effectivity of the diversion program, but not to exceed a period of two (2) years.

Section 66. Factors in Determining Diversion Programs - In determining whether the diversion is appropriate and desirable, the following factors shall be taken into consideration:

- a) The nature and circumstances of the offense charged;

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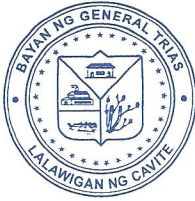
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- b) The frequency and severity of the act;
- c) The circumstances of the child (e.g. age, maturity, intelligence, etc.)
- d) The influence of the family and environment on the growth of the child;
- e) The reparation of injury to the victim;
- f)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

Section 67. Formulation of the Diversion Program - 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:

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

Section 68. Kinds of Diversion Programs - The diversion programs shall include adequate socio-cultural and psychological responses and services for the child. At different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

- a) At the Level of the Punong Barangay:
 1. Restitution of property;
 2. Reparation of the damaged caused;
 3. Indemnification for consequent damages;
 4. Written or oral apology;

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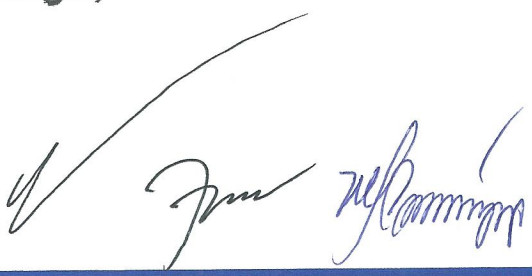

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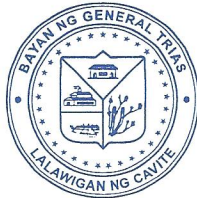

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5. Care, guidance and supervision orders;
 6. Counselling for the child and his/her family;
 7. Attendance in training and seminars such as:
 - i. anger management skills;
 - ii. problem solving and conflict resolution skills;
 - iii. values formation; and,
 - iv. other skills which aid the child in dealing with situations that can lead to the repetition of the same offense.
 8. Participation in community-based programs including community service; or
 9. Participation in education, vocation and life skills programs.
- b) At the Level of the Law Enforcement Officer and the Prosecutor:
1. Diversion programs specified under paragraph a, (1-9); or
 2. Confiscation and forfeiture of the proceeds or instruments of the crime.
- c) At the Level of the Appropriate Court:
1. Diversion programs specified under paragraphs a and b above;
 2. Written or oral reprimand or citation;
 3. Fine;
 4. Payment of the cost of the proceedings; or
 5. Institutional care and custody.

Section 69. Rehabilitation and Reintegration - The objective of rehabilitation and reintegration of children in conflict with the law is to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families and as productive member of the communities.

- a) No child shall be received in any rehabilitation or training facility without a valid order issued by the court. The details of this order shall be recorded in a register exclusive for children in conflict with the

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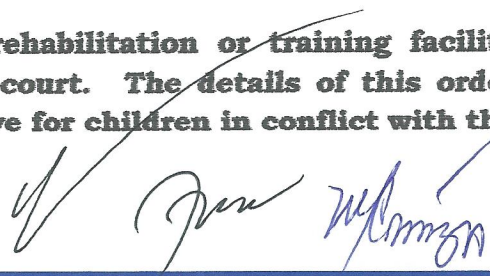

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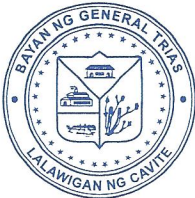

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law. No child shall be admitted in any facility where there is no such register;

- b) It is mandatory that children should be separated from adults in any training or rehabilitation facility unless they are members of the same family. Under no circumstances shall a child in conflict with the law be placed in the same confinement as adults;
- c) The rehabilitation, training and confinement area of children in conflict with the law shall provide a home environment where they can be provided with quality counselling and treatment;
- d) Female children in conflict with the law placed in an institution shall be given special attention as to their personal needs and problems. They shall be handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law;
- e) No personnel of rehabilitation and training facilities shall handle children in conflict with the law without having undergone gender sensitivity training;
- f) Children in conflict with the law whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rule on Juveniles in Conflict with the law.

If the community-based rehabilitation is availed by a child in conflict with the law, he/she shall be released to parents, guardians, relative or any other responsible person in the community. Under the supervision and guidance of the MSWDO and in coordination with his/her parents or guardians, the child in conflict with the law shall participate in any community-based programs which shall include, but not limited to:

- Competency and life skills development
- Socio-culture and recreational activities
- Community volunteer projects
- Leadership Training
- Social Service
- Homelife Service
- Health Services

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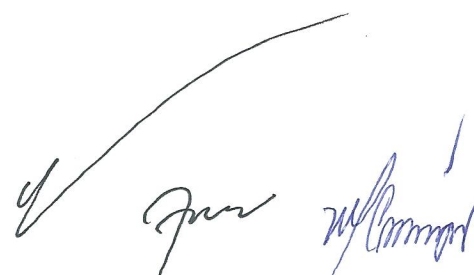

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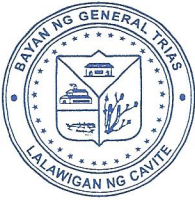

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 KERRY J. SALAZAR
 SB Member


 MARIO C. AMANTE
 SB Member


 RICHARD R. PARIN
 SB Member





Republic of the Philippines
 Region IV-A (Calabarzon)
 PROVINCE OF CAVITE
 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 54 of Mun. Ord. No. 11-04:

- Spiritual Enrichment
- Community and family welfare services

g) The youth rehabilitation center shall provide a 24-hour group care, treatment and rehabilitation services under the guidance of a competent and trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals.

Section 70. Liability of Parents or Guardians or Any Person in the Commission of Delinquent Acts by Their Children or Wards - A person whether the parents or guardian of the child or not, who knowingly or wilfully:

- a) Aids, causes abets or connives with the commission by a child of a delinquency, or
- b) Does any act producing, promoting, or contributing to a child's being or becoming a juvenile delinquent, shall be punished by a fine not exceeding five hundred pesos (P500.00) or to imprisonment for a period not exceeding two (2) years, or both, such fine and imprisonment, at the discretion of the court.

Section 71. Civil Liability of Youthful Offenders - The civil liability for acts committed by a youthful offender shall devolve upon the offender's father and in case of his death or incapacity, upon the mother, or in case of her death or incapacity, upon the guardian. Civil liability may also be voluntarily assumed by a relative or family friend of the youthful offender.

The final release of a child because of good conduct shall not obliterate his civil liability for damages. Such release shall be without prejudice to the right for a writ of execution for the recovery of civil damages.

Section 72. Report on Conduct of Child - The Municipal Social Welfare Development Office or its representative or duly licensed agency or individual under whose care the youthful offender has been committed shall submit to the court every four (4) months or oftener as may be required in special cases, a written report on the conduct of said youthful offender as well as the intellectual, physical, moral, social, and emotional progress made by him.

Section 73. Dismissal of the Case - If it is shown to the satisfaction of the court that the youthful offender whose sentence has been suspended, has behaved properly and has shown his capability to be a useful member of the community, even before reaching the age of majority, upon recommendation of

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 SB Member

JIM DOMINIC M. CULANDING
 SKFP President

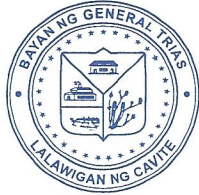
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Republic of the Philippines
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 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 55 of Mun. Ord. No. 11-04:

the Department of Social Welfare and Development, it shall dismiss the case and order his final discharge.

**Title V
 IMPLEMENTING MECHANICS**

**Chapter I
 LOCAL COUNCILS FOR THE WELFARE OF CHILDREN**

Section 74. Creation of the Municipal Council for the Protection of Children - The Sangguniang Bayan shall create a council for the protection of children known as the Municipal Council for the Protection of Children (MCPC) and coordinate with the Sangguniang Barangay in the creation of the Barangay Council for the Protection of Children (BCPC) at the barangay level. This is in keeping with the mandate of the Council for the Welfare of Children (CWC) to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to survival, development and protection of children in the Municipality.

The MCPC shall ensure the effective implementation of the Philippine government's commitment to the convention of the rights of the child, world declaration on the survival, development 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 local government unit's power and authority to plan and implement local socio-economic development plans, policies and programs.

Section 75. Composition and Functions of the Municipal Council for the Protection of Children (MCPC).

A. The MCPC shall be composed of the following but is not limited to:

- 1. The Municipal Mayor**
- 2. The Sangguniang Bayan Member**
- 3. The Municipal Planning and Development Coordinator**
- 4. The Municipal Social Welfare and Development Officer**
- 5. The Municipal Health Officer**

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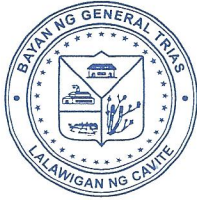
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Republic of the Philippines
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OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 56 of Mun. Ord. No. 11-04:

6. The Social Division Superintendent
7. The Municipal Labor and Employment Officer
8. The Municipal Legal Officer
9. Federation President of the Sangguniang Kabataan (SK)
10. Three (3) NGO Representatives
11. One (1) Child Representative
12. The President of Association of Barangay Council (ABC)
13. A Member of the Municipal Finance Committee
14. A Representative of DILG
15. A Representative of the Philippine National Police
16. A Representative of the Public Information Office

B. Duties and Functions of the MCPC:

1. To formulate the municipal plan of action for children, incorporating projects and programs needing assistance submitted by their constituent barangays; and ensure the integration of these plans into the Municipal Development Plan;
2. To monitor and review the implementation of the municipal and barangay plans;
3. To submit quarterly status reports on the plan implementation to the Philippine Council for Protection of Children (PCPC) through the Municipal Planning Development Office;
4. To promptly address issues and concerns affecting children and youth in their areas;
5. To advocate for the passage of relevant child and youth protective ordinances;
6. To advocate for increased support and resource allocation for children's programs and projects from the local government unit of

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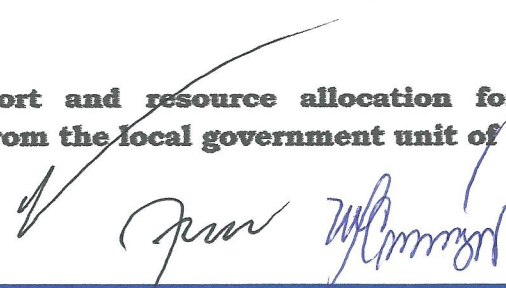

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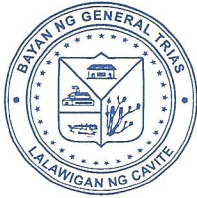

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 MUNICIPALITY OF GENERAL TRIAS

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Continuation...page 57 of Mun. Ord. No. 11-04:

General Trias and secure resources for the same from the other sources;

7. To provide technical assistance to community-based frontline workers through the conduct of capacity building and human resources activities; and
8. To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities.

Secretariat support should be lodged with the Municipal Social Welfare and Development Office which shall be responsible for the documentation of proceedings of meetings and preparation of reports and other necessary documents as needed by the Council.

Section 76. Creation of Barangay Council for the Protection of Children (BCPC) - The barangay shall create a Barangay Council for the Protection of Children (BCPC), the composition of which shall be determined by the former depending on the needs and circumstances in the area:

A. The BCPC shall have the following functions:

1. To foster education of every child and young people in the barangay, assure that every child should have at least finished secondary education;
2. To encourage proper performance of the duties of parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
3. To report all cases of child abuse to the proper authorities;
4. To protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;
5. To prevent child labor in their area and to protect working children from abuse and exploitation;
6. To take step and to prevent juvenile delinquency and to assist children with behavioural problems so they can get expert advice;

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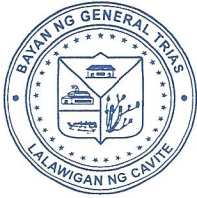
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Republic of the Philippines
Region IV-A (Calabarzon)
PROVINCE OF CAVITE
MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 58 of Mun. Ord. No. 11-04:

7. To adopt measures to promote the health and nutrition of the children;
8. To promote the opening and maintenance of playgrounds, reading and learning center, day care centers and other services necessary for child and youth welfare;
9. To secure the cooperation of organization devoted to the welfare of children and coordinate their activities;
10. To promote the wholesome entertainment in the community;
11. To assist parents whenever necessary in securing expert guidance counselling from the proper governmental or private welfare agencies;
12. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
13. To prepare the barangay plans of action for children which address the needs of children in the community and ensure their integration into the Barangay Development Plan and implementation by the barangay; and
14. To submit quarterly barangay accomplishment reports on the implementation of the plan to the MCPC.

B. The BCPC shall be composed of the following but is not limited to:

1. The Barangay Captain
2. The SK Chairperson
3. The Barangay Council Chairperson on Women and Children
4. The Barangay Health Worker
5. The Day Care Worker
6. Representative from the Barangay Senior Citizens Association
7. Representative of an NGO in the Barangay (preferably Samahan ng mga Kababaihan)

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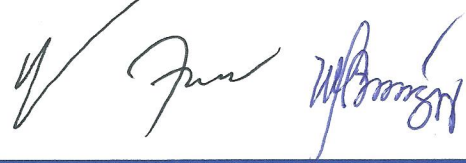

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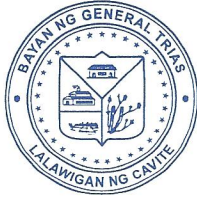

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OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 59 of Mun. Ord. No. 11-04:

Section 77. International Rules for the Councils for the Protection of Children - The local council for the protection of children shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their duties and official functions such as the organization's structure, parliamentary procedure, order of meetings and quorums, discipline and such other rules the council may adopt.

Chapter II SUPPORT SERVICES AND FACILITIES

Section 78. Desk for Women and Children's Concern - There shall be a Desk for Women and Children's Concern created at the Office of the Municipal Social Welfare and Development Office and its functions shall be:

- a) Act as secretariat for the MCPC;
- b) Oversee and coordinate implementation of this Code;
- c) Conduct further studies on possible inclusion or amendments on this Code which are likely expedient in the future;
- d) Be in charge for the day-to-day operation of MCPC; and
- e) Other related functions as deemed necessary.

Section 79. Rehabilitation Center for Children and Provision of Appropriate Facilities - The Local Government Unit (LGU) of General Trias shall endeavour to construct a rehabilitation center equipped with necessary facilities and manned by competent personnel that will provide 24-hour service to both in-house and visiting beneficiary children.

It shall develop home-life services, psycho-social interventions and other services that will bring back the young offenders to normalcy and prepare them well to reintegration in the community.

This shall be managed by the Municipal Social Welfare and Development Office, the Local Government of General Trias and/or NGO monitored by MSWD. The facility shall provide protective services to children who are abandoned, victims of rape and incest and children needing special attention.

Section 80. Youth Detention Home - There shall be another facility to be constructed that will serve as 24-hour caring institution and will provide short-term residential care for children in conflict with the law who are awaiting court

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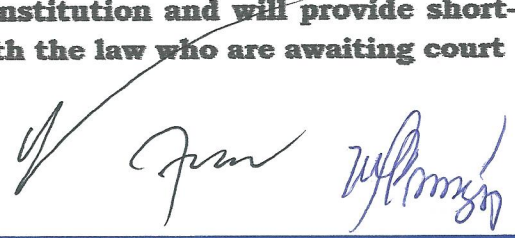

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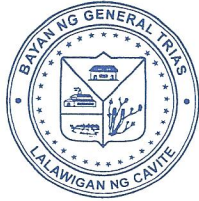

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Republic of the Philippines
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 PROVINCE OF CAVITE
 MUNICIPALITY OF GENERAL TRIAS

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disposition of their cases or transfer to other agencies or jurisdiction. This will be managed by accredited and/or licensed nongovernment organization (NGO) counselling and training on such specialized cases. The home will have separate confinements for boys and girls.

Section 81. Reception and Training Center for Youth and Children - The Municipal Government of General Trias shall establish a reception and training center that will serve as learning and training facility giving holistic lessons that will make children get acquainted of the social threats around them. This will be provided with competent lecturers, reading materials, audio visual equipment and computers for them to realize fully the things they have to develop within themselves and prepare them to become actively participating and productive members of the community. Short term technical or skill enhancing education will also be conducted. This will not cater exclusively to children but also to parents and other individuals.

Section 82. Complaint Center - The local PNP Children and Women's Desk and MSWD which will be serving as Secretariat to the Municipal Council for complaints, reports and information about child abuses and other related incidents.

**Chapter III
 BUDGETARY APPROPRIATIONS**

Section 83. Appropriation for Children's Program - The Sangguniang Barangay and the Municipal Government of General Trias shall allocate one percent (1%) from its IRA for the MCPC programs and other supplemental resources necessary for the implementation of this Code, drafting and publication of the IRR, training and orientation of stakeholders and promotion of this Code to general public.

Section 84. Support for Solo Parents and Their Children - Comprehensive welfare service assistance to solo parents and their children in compliance to Republic Act 8972 should be implemented by the municipality in coordination with concerned government agencies like the MSWDO, DOH, DepEd, TESDA, DOLE, NHA, and DILG. These will be in form of:

- a) Livelihood development services;
- b) Counselling services;
- c) Parental effectiveness services;

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Republic of the Philippines
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 MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 61 of Mun. Ord. No. 11-04:

- d) **Critical incidence stress debriefing designed to help solo parents in coping for crisis situation; and**
- e) **Special projects for individuals in need of protection such as temporary shelter, legal assistance, medical care, self-concept or ego building, crisis management and spiritual enrichment.**

Section 85. Solo Parents – Those which fall under any of these categories:

- a) **A woman who gives birth as a result of rape and other crimes against chastity even without a final conviction of the offender: Provided, that the mother keeps the child;**
- b) **Parent left solo or alone with the responsibility of parenthood due to death of spouse;**
- c) **Parent left solo because the spouse is detained or is serving sentence for at least one (1) year.**
- d) **Parent left solo because of physical or mental incapacity of the spouse as certified by a public medical practitioner;**
- e) **Parent left solo due to legal separation from spouse for at least one (1) year as long as he/she is the one entrusted for the custody of the children;**
- f) **Parent left solo due to annulment of marriage as decreed by court or church as long as he/she is entrusted with the custody of the child;**
- g) **Unmarried father or mother who has preferred to keep his/her child/children;**
- h) **Any other person who solely provides parental care and support to child or children; and**
- i) **Any family member who assumes responsibility as head of the family as a result of death, abandonment, disappearance or prolonged absence of the parents or solo parent.**

Title VI

REMEDIAL MEASURES AND PENAL PROVISIONS

Section 86. Who May File a Complaint – Rightful persons and authorities who may file the appropriate complaint shall be in accordance with Section 48 of

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Republic of the Philippines
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 PROVINCE OF CAVITE
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OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 62 of Mun. Ord. No. 11-04:

this Code.

Section 87. Confidentiality - At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction of the case.

It shall be unlawful for any of the Tri-media (Newspaper, Television, and Radio) to broadcast or publish any case of violation of this Code which results in the moral degradation and suffering of the offended party unless otherwise requested by the aggrieved parties concerned to encourage the speedy capture of the perpetrator of the crime which seriously affected the child victim.

Section 88. 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 PNP, MSWD or to the BCPC concerned.

Section 89. Mandatory Reporting - The head of any public or private hospital, medical clinic and similar institution, as well as attending physicians and nurses shall report either orally or in writing, to the abovementioned departments or agencies the examination and/or treatment of a child who appears to have suffered maltreatment or abuse within forty eight (48) hours from the knowledge of same.

Section 90. Duty of Government Workers to Report - It shall be the duty of all teachers and administrators of public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers, and other government officials and employees whose works involve dealing with children to report possible child abuse cases to authorities mentioned in the preceding sections.

Section 91. Failure to Report - Any individual who has complete knowledge of child abuse incident as per Section 88 of this Code and fails to report the case to proper authorities shall be punishable under RA 7610.

Section 92. Immunity for Reporting - Any person who, acting in good faith, reports a case of 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 93. Penalties - The penalty for any violation of this Code which is not penalized elsewhere in other section of this Code or in any national law shall be imprisonment of not more than six (6) months and penalty of not more than five thousand pesos (P5,000.00).

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JIM DOMINIC MC CULANDING
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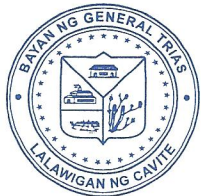
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Republic of the Philippines
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PROVINCE OF CAVITE

MUNICIPALITY OF GENERAL TRIAS

OFFICE OF THE SANGGUNIANG BAYAN

Continuation...page 63 of Mun. Ord. No. 11-04:

For the first time offenders, in cases where the offenders are the parents 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 penalty may be waived subject to the consent of the child, and the following measures be imposed instead:

- a) Attendance in parenting or any appropriate seminar;
- b) Community Service of ten to fifteen (10-15) days;
- c) Family Therapy; and
- d) Participation in appropriate training courses.

For offenses punishable under RA 7658, the Revised Penal Code of any other law as well as this Code, the offended party and/or any party so authorized shall file a complaint under the national law and the penalty in such national law shall be applied.

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

Title VII

SEPARABILITY/APPLICABILITY/REPEALING/EFFECTIVITY CLAUSES

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 provision hereof which are not affected 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 pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the Municipality of General Trias, Cavite particularly all Barangays and all persons who may be subject to the provision 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.

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PROVINCE OF CAVITE
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Continuation...page 64 of Mun. Ord. No. 11-04:

Section 97. Effectivity Clause - This Code shall take effect thirty (30) days after the completion of its publication in a newspaper of general circulation within its jurisdiction and posting in at least three (3) conspicuous places in the Municipality of General Trias.

ENACTED under THIRD/FINAL READING on 19 JULY 2011.

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ABC President

JIM DOMINIC M. CULANDING
SKF President

CERTIFIED TRUE AND CORRECT:

WENCESLAO P. CAMINGAY
Secretary to the Sanggunian

APPROVED:

FERNANDO P. CAMPAÑA
Municipal Vice Mayor/Presiding Officer

NOTED:

LUIS A. FERRER IV
Municipal Mayor