



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 70TH REGULAR SESSION OF THE 14TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 3RD DAY OF DECEMBER 2020 AT JUAN M. RELAMPAGOS SESSION HALL, LOON, BOHOL-

PRESENT:

Hon. Lloyd Peter M. Lopez, M.D.	Vice Mayor, Presiding Officer
Hon. Pedro M. Literatus, Jr.	SB Member
Hon. Ana Lisa O. Go	SB Member
Hon. Lydia L. Almasa	SB Member
Hon. Kristel P. Tecson	SB Member
Hon. Zaide Y. Coritico	SB Member
Hon. Timoteo L. Legitimas	SB Member
Hon. Priscila C. Branzuela	SB Member
Hon. Lucena C. Lanaja	LnB President, Ex-Officio Member

SICK LEAVE:

Hon. Judy Marie H. Veloso	SB Member
Hon. April Joseph L. Corciega	SKMF President, Ex-Officio Member

MUNICIPAL ORDINANCE NO. 20-010

Series of 2020

“THE CHILD WELFARE CODE OF LOON”, AMENDING FOR THIS PURPOSE MUNICIPAL ORDINANCE NO.06-002, SERIES OF 2006

RATIONALE

The Philippine Government is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), World Declaration on the Survival, Development and Protection of Children. Hence it has several laws with the Philippine Plan of Action for Children (PPAC) to implement the rights of children pursuant to these international instruments.

Considering that there are existing local practices that violate children's rights and thus laws are needed to protect them from these practices, there is a need to codify the laws relating to children's rights to apply particularly to the Municipality of Loon.

Integrating all the developmental aspects affecting the general welfare of the children is the need to amend the existing Municipal Ordinance No. 06-002, Series of 2006, otherwise known as “The Child Welfare Code of Loon, Bohol”. Hence, the enactment of this Code is rationalized.

HON. LYDIA L. ALMASA

Chairperson

HON. KRISTEL P. TECSON

Vice-Chairperson

HON. JUDY MARIE H. VELOSO

Member

“THE CHILD WELFARE CODE OF LOON”, AMENDING FOR THIS PURPOSE MUNICIPAL ORDINANCE NO.06-002, SERIES OF 2006

Be it enacted by the 14th Sangguniang Bayan of Loon, Bohol in session duly assembled:

Article 1

TITLE, SCOPE, POLICIES, DEFINITION, STATE OBLIGATIONS

Section 1.Title. This ordinance shall be known and cited as the "Child Welfare Code of Loon", which amends Municipal Ordinance No. 06-002, Series of 2006.

Section 2. Declaration of Principles and Policies. The principles shall be understood as the guiding rules of action, while the policies shall refer to the legislative rule that lays down the rationale in the enactment of an ordinance.

For the total development of the Loonanon children, the following are the principles and policies to be adopted:

- 1) Principle of Integral Development – that the total and overall physiological development of the Loonanon children includes its spiritual, moral, political, economic, social, intellectual, psychological, and physical growth and advancement.

Policy of Children Empowerment (PCE) – that the LGU shall empower the Loonanon children by recognizing their vital role in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate their sense of patriotism and nationalism, and encourage their involvement in public and civic affairs.

- 2) Principle of Due Recognition – that the children's rights as provided for in the United Nations Convention on the Rights of the Child and other laws, their achievements and good performances are the assets for Loon's progress.

Policy of Children's Competitive Performance (PCCP) – that the LGU through the Sanggunian Committee on Human Rights, Recognitions and Achievements in coordination with the respective offices shall cause and assess competitive performances for due recognition and awards.

- 3) Principle of General Welfare – that the general welfare of the Loonanon children and its constituents are in furtherance of integrated, sustainable and equitable development of the entire municipality.

Policy of Effective Promotion (PEP) – that the LGU shall effectively promote, fully enhance, and institutionalize the survival, development, participation and protection rights of the children within the framework of advancing their general welfare in furtherance of integrated, sustainable and equitable development.

- 4) Principle of Preparedness – that the overall preparedness for the safety of the children before, during and after the disasters shall be its first priority.

Policy of Prompt Protection (PPP) – that the LGU shall promptly protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development.

- 5) Principle of Immediate Assistance – that the immediate assistance to the children, the pregnant and lactating mothers, the sickly and incapacitated ones during emergency situations shall be preferred over all other priorities.

Policy of Preferred Humanitarian Action (PPHA) – Guided by the principles on survival and development on child participation, and consistent with the United Nations Convention on the Rights of the Child, as well as the Children's Charter for Disaster Risk and Reduction, and the minimum standards for children in humanitarian action, the LGU shall establish and implement a comprehensive and strategic program of action to provide the children and pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.

- 6) Principle of Tender Care – that the assistance, special protection, moral support, and due recognition of the children's achievements and failures are acts of tender that inspire them to move forward for a productive life in the future.

Policy of Concern and Support (PCS) – The LGU shall be concerned on the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

- 7) Principle of Holistic Development – that the holistic protection and development of all children is one of the greatest achievements of every family, barangay and municipality.

Policy of Strong Partnership (PSP) – that a strong partnership between and among government agencies, NGOs and the private sector serves the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork .

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

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

Section 4. Proceedings for Child's Best Interest. Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation and interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved taking into consideration the best interest of the child.

Section 5. Participation of the Child. All proceedings before any authority shall be conducted in a manner which allows children to participate and to express themselves freely. Participation

of children in program and policy formulation and implementation related with children's concerns shall be ensured by this Local Government Unit (LGU).

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

In accordance with the United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a State Party, this LGU shall:

- a. Undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights, the State shall undertake such measures to the maximum extent of its available resources and, where needed, within the framework of international cooperation;
- b. Ensure to the maximum extent possible the survival, development, protection and participation rights of the child;
- c. Take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person/s who has the care of the child;
- d. Assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity;
- e. Render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

Section 7. Definition of Terms. The following terms used in this Ordinance shall be defined as follows:

- a. Android Cellular Phone – cell phone running the Android Operating System (OS). A typical Android cell phone is a smart phone with a touch screen interface, multiple connectivity options, Internet browsing capabilities, support for video playback and a camera.
- b. Child – refers to a person below 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 a physical or mental disability or condition as defined in Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;
- 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 or her 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 or her growth and development or in his or her permanent incapacity or death.
- d. Child at Risk – refers to a child who is vulnerable to and at risk of committing criminal offenses due to family, personal or social circumstances such as but not limited to being abused by any person, exploited sexually or economically, abandoned or neglected, coming from a dysfunctional or broken family, out-of-school, street-child, member of a gang, living in a community with high level of criminality or drug abuse and living in situations of armed conflict;
- e. Child with Special Needs – refers to a child with a developmental or physical disability as defined in Republic Act No. 10165 or the Foster Care Act of 2012;
- f. Child-Friendly Spaces – refer to spaces where communities create nurturing environments for children to engage in free and structured play, recreation, leisure and learning activities. The child-friendly space may provide health, nutrition, and psychosocial support, and other services or activities which will restore their normal functioning;
- g. Civil Registry Documents – refer to all certificates, application forms, and certified true copies of legal instruments and court decrees concerning the acts and events affecting the civil status of persons which are presented before the Civil Registrar and are recorded in the Civil Registry;
- h. Civil Society Organizations (CSOs) – as defined in Republic Act No. 10121 or the Philippine Disaster Risk Reduction and Management Act of 2010, refer to non-state actors whose aims are neither to generate profits nor to seek governing power such as non-government organizations (NGOs), professional associations, foundations, independent research institutes, community-based organizations (CBOs), faith-based organizations, people's organizations, social movements, and labor unions which are organized based on ethical, cultural, scientific, religious or philanthropic considerations;
- i. Community Reintegration Programs – refers to programs established for rehabilitation and preparing the child for reintegration into the community;
- j. Child Development Center – is a facility where day care services are being undertaken by an accredited child development worker for children in 3-5 years age bracket;
- k. Child Care – refers to the substitute parental care and stimulating activities for the total development of the child from 3-5 years old;
- l. Disasters – as defined in Republic Act No. 10121, refer to a serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of

life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation.

- m. Diversion Programs – refers to programs requiring juveniles to undergo after they are found responsible for an offense without subjecting the child to undergo formal court adjudication;
- n. Diversion – refers to an alternative child-appropriate process of determining a juvenile's responsibility for an alleged offense without subjecting the child to undergo formal court adjudication;
- o. Emergency – refers to unforeseen or sudden occurrence, especially danger, demanding immediate action as defined in Republic Act No. 10121;
- p. Family Tracing and Reunification – refers to the process where disaster response teams reunite families separated by natural and human catastrophes by bringing together the child and family or previous care-provider for the purpose of establishing or reestablishing long-term care;
- q. Foot peg – refers to a flat form attached to the motorcycles on which to stand or brace the feet;
- r. Hazard – refers to a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage as defined in Republic Act No. 10121;
- s. Indigenous People – are aboriginal people, native people or ethnic group who are the first inhabitants of a given region with set of specific rights, distinct history and culture;
- t. Juvenile – refers to a young person who is not yet old enough to be considered as an adult;
- u. LGU – shall refer to the Local Government Unit of Loon;
- v. Local Government Units (LGUs) – shall refer to the Local Government Unit of Loon and the local government units of 67 barangays of Loon;
- w. Motorcycle – refers to any two (2)-wheeled motor vehicle having one (1) or two (2) riding saddles;
- x. Orphans or Orphaned Children – refer to children who do not have a family and relatives who can assume responsibility for their care;
- y. Public roads – refer to roads designed by the national government or local government units as roads for public use such as, but not limited to, national highways, provincial roads, city, municipal and barangay streets;
- z. Rider – refers to the driver of a motorcycle.

- aa. Separated Children – refer to children separated from both parents, or from their previous legal or usual primary caregiver, but not necessarily from other relatives. As a result, this may include children accompanied by other family members;
- bb. Special/Disabled Children – refers to children with disabilities or children with special needs either physical or mental infirmities whether congenial or acquired after birth.
- cc. State of Calamity – refers to a condition involving mass casualty and/or major damages to property, disruption of means of livelihoods, roads, and normal way of life of people in the affected areas as a result of occurrence of natural or human-induced hazard as defined in Republic Act No. 10121;
- dd. Transitional Shelter – refers to structures temporarily constructed by the government intended for families affected by a disaster while awaiting transfer to permanent shelters;
- ee. Unaccompanied Children – refer to children who have been separated from both parents and other relatives, and who are not being cared for by an adult who, by law or custom, is responsible for doing so; and
- ff. Youth – shall refer to those persons whose ages range from fifteen (15) to thirty (30) years old; (Sec 4a, RA 8044)

Article 2

RIGHTS AND OBLIGATIONS OF THE CHILD

Section 1. Rights of the Child.

- a. Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, religion, political antecedents, and other factors.
- b. Every child shall possess the following rights which are classified into survival, development, protection and participation rights:
 - 1. **"Survival rights"** ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:
 - a. Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception;
 - b. Every child has the right to a wholesome family life that will provide him or her with love, care, and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home;

- c. Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
2. **"Development rights"** refer to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights:
- a. Every child has the right to a well-rounded development of her or his personality to the end that she or he may become a happy, useful, and active member of society specifically:
 - (1) The gifted child shall be given the opportunity and encouragement to develop her or his special talents;
 - (2) The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 - (3) The physically or mentally disabled child shall be given treatment, education and care required by her or his particular condition;
 - b. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
 - c. Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world;
 - d. Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:
 - (1) The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 - (2) The preparation of the child for responsible adult life in a free society;
 - (3) The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of others;
 - (4) The development of respect for the natural environment;
 - e. Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of her or his leisure hours.
 - f. Every child has the right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.
3. **"Protection rights"** cover those rights protecting the child from all forms of abuses and discrimination. The following are the Protection Rights:

- a) Right against cruelty, torture, arbitrary separation from family
- b) Right against abuses in the justice and penal system, with due respect to truthfulness, righteousness and repentance
- c) Right against involvement in armed conflict
- d) Right against child labor, a kind of work performed by a child under 15 years of age that is likely to interfere with his or her right to education, or to be harmful to their health or physical, mental, spiritual, moral or social development, or a dangerous or harmful work done by children under the age of 18.
- e) Right against drug abuse
- f) Right against sexual abuse
- g) Right against exploitation and exposure to communicable and other deadly diseases
- h) Right against parental neglect, with due respect to filiations
- i) Right to safe employment and special protection
- j) Right to rehabilitation for children who have suffered exploitation or abuse of any kind

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

- a. Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
- b. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
- c. Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;
- d. Every child has the right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her;
- e. Every child has a right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.
- f. Every child has the right to express opinions, to say on matters affecting their own lives for better future in accordance with moral values, good customs, traditions, with due observance to the laws, ordinances, rules and regulations, public policies to achieve a society clothed with genuine peace and harmony.
- g. Every child has the right to join associations and to assemble peacefully geared towards the promotion and development of their moral values and good standing in the society.
- h. Every child has the right to be given an opportunity to participate in the morally-based activities of society, in preparation for adulthood,

and becoming as future leaders or prompt, obedient and humble followers of the society.

5. **“Spiritual-moral Rights”** refer to the rights of the children for their inner-self growth in the spiritual and moral nature of life. The following are the Spiritual-Moral Rights:

- a) Right to be God-oriented.
- b) Right to experience and explore the glory of the theological virtues of faith, hope and love; the cardinal virtues of prudence, fortitude, temperance and justice; the vertical virtues of Godliness, prayerfulness, humility, determination, sincerity, commitment, courage, bravery, fidelity, loyalty and dedication; the horizontal virtues of respect, politeness, understanding, cooperation, coordination, responsibility, action-agad, availability; the economic virtues of generosity, kindness, charity, mercy, resourcefulness, budget, industry, creativity, gratitude; the social virtues of discipline. Goodliness, flexibility, patience, peace, harmony, preparedness, solidarity, unity, teamwork, friendship, punctuality; the general virtues of thoughtfulness, production, durability, security, liveliness; the embracing virtues of humility, patience, cleanliness, trust, hospitality, repentance, forgiveness, obedience, and all other virtues that makes the child a future leader and fruitful member of the society.

Section 2. Responsibilities of the Child. Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

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

Article 3

ROLES AND FUNCTIONS OF VARIOUS SECTORS

Section 1. The Family. The family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. The Church, the Renewal Movements such as the Family Life Apostolate, the Couples for Christ (CFC) and all other spiritually and morally-based religious organizations shall coordinate with this LGU for holistic and socio-cultural efforts to preserve the integrity of the family, including the extended family, being the basic unit of society.

Section 2. Primary Right of Parents. The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

Section 3. Rights Under the Family Code. Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family Code of the Philippines over the person and property of their children.

Section 4. Right to Discipline Children. Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this Code. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

Section 5. Right with the Family.

1. Every child has a fundamental right to be with his/her own family.
2. Efforts shall be made to prevent the child's separation from his/her parents or family.
3. Except on force majeure, court order, or causes beyond human control, the right of the child to be with his/her parents should not be abridged.
4. Every child shall have his/her identified home.

Section 6. General Duties of Parents. Parents shall have the following general duties toward their children:

- a. To give them affection, companionship and understanding;
- b. To extend to them the benefits of moral guidance, self-discipline and religious instruction;
- c. To supervise their activities, including their recreation;
- d. To inculcate in them the value of industry, thrift and self-reliance;
- e. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- f. To advise them properly on any matter affecting their development and well-being;
- g. To always set a good example;
- h. To provide them with adequate support, as defined in Article 194 of the Family Code;
- i. To administer their property, if any, according to their best interest, subject to the provisions of Articles 225 to 227 of the Family Code.
- j. To inculcate into the mind and heart of the child the virtues of faith, hope, love, prudence, fortitude, temperance, justice, respect, patience, humility, understanding, patience, resourcefulness, cleanliness, trust, politeness, cooperation, industry, courage, sincerity, determination, commitment, loyalty, hospitality, kindness, generosity, forgiveness, repentance, obedience, responsibility and all other virtues that makes the child a future leader and fruitful member of the society.

1. Neither parent shall prohibit the right of the child for paternal or maternal love and care, and neither should the child’s right to parental affection be disrespected, nor shall the child be alienated.
2. The child’s right to good faith and good relations with his/her parents, family members and relatives shall never be denied and dishonored.
3. Whenever children are separated from their families owing to *force majeure* or in their own interest, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children’s upbringing in their own cultural environment.
4. Extended families, relatives and community institutions shall be given support to help meet the special needs of orphaned, displaced and abandoned children.
5. Efforts must be made to ensure that no child is treated as outcast of society.
6. Every child shall have his/her home for paternal or maternal care.

Section 8. Role of Women. Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with their children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation's social and economic development.

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

Section 9. Role of Fathers. Fathers shall play a vital role as provider for the socio-economic needs of their children and provide all other means for their proper nurturing and rearing at home. Policies and legislative measures shall be enacted, and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models. Equal opportunity shall be provided the children for them to benefit from the health, nutrition, education and other basic services for their full growth.

Section 10. Role of Educational Institutions. Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED). Educating the child shall be substantiated on his/her spiritual, moral, emotional, psychological, intellectual and physiological growth and maturity which shall be incorporated in the local curriculum.

Subject to the DepEd curricular supervision, the educational thrust within the territorial jurisdiction of this municipality covers the following educational impact of civilization:

Stages of Education Development	Education Focus
a) Infancy – first 12 months	God Education
b) Toddlerhood – 1 to 2 years	Family Education with Spiritual Values
c) Early Childhood – 3 to 5 years	Environment Education with Moral Values
d) Middle Childhood – 6 to 8 years	Life Mission Education with Integral Salvation
e) Late Childhood – 9 to 11 years	History Education with Plans & Performance
f) Puberty – 12 years	Universal Education with Universal Civilization

For this purpose, while the basic curricula are embodied in the educational system, the aforementioned Educational Focus shall be integrated into the Childhood Education in this Municipality.

Section 12. Role of the Mass and Social Media. The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency preventions. The mission of mass and social media is to build up or strengthen the moral character of the society by making it a channel for the rapid spread and enculturation of the virtues rather than vices in the spirit of providing right, accurate messages and communications and any form of lesson-oriented information.

Section 13. Role of Judicial Institution. In the administration of justice, courts, prosecutors and other actors shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

Section 14. Role of Local Government Units. The local government units (LGUs) shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation.

Section 15. Role of Local Councils for the Welfare of Children. These councils shall, in addition to their existing duties and functions, coordinate with and assist their corresponding LGUs in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

Section 16. 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 may allocate at least 50% of its annual budget to prevention programs for the youth.

Section 17. Role of Civil Society Organizations (CSOs). The CSOs shall address identified concerns in strong support and partnership with the Local Government Unit, other government agencies and the private sector.

Section 18. Role of Business Establishments, Hotels, Restaurants and Resorts. All business establishments, hotels, restaurants and resorts shall ensure the compliance of safety measures for the children.

Article 4

PROGRAMS AND SERVICES FOR CHILDREN

A. Comprehensive Programs for Children

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

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

All such programs shall sustain the following Five Major Rights of Children:

1. Survival rights
2. Development rights
3. Protection rights
4. Participation rights
5. Spiritual-moral Rights

Section 2. The Community Approach. The community approach shall be given special attention in the comprehensive program for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community-based services and programs which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counseling and guidance to children and their families should be developed, or strengthened where they exist.

Section 3. Process in Formulating Comprehensive Children's Programs. The process in coming up with Comprehensive Children's Programs shall be participatory and consultative. This LGU in coordination with the Municipal Council for the Welfare of Children, shall call on all sectors concerned, particularly child-focused institutions, NGOs, people's organizations, youth organizations, children's councils, educational institutions and government agencies involved with children's concerns like the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and the Department of Education (DepEd) to participate in the planning process.

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

Section 4. Periodic Review and Assessment of the Comprehensive Children's Programs. The Comprehensive Children's Programs of this LGU and of every barangay shall be reviewed and assessed yearly in coordination with the Municipal Council for the Welfare of Children as to their effectivity in preventing children's rights violations based on the indicators identified in the program. The programs may be modified accordingly.

B. Programs to Prevent Children's Rights Violations

Section 5. Prevention Programs. Prevention programs which shall be an important component of the Comprehensive Children's Programs to be implemented by this LGU through the local councils for the welfare of children, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

- a. Primary prevention – general measures to promote social justice and equal opportunity which tackle perceived root causes of children's rights violations such as poverty and other forms of marginalization;
- b. Secondary prevention – measures to assist children who are identified as being more particularly at risk such as those whose parents are themselves in special difficulty or are not caring appropriately for them;

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

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

C. Other Proactive Programs

1. Parenting Orientation Courses

Section 6. Parenting Courses.

- a. Parenting Orientation Courses shall be integrated into the curriculum of all high schools in Loon subject to DepEd rules and regulations.
- b. Marriage license applicants shall be required to participate in a Parenting Orientation Course I with Gender and Child Sensitivity, among other requirements, prior to the issuance of a marriage license by the Office of the Local Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health courses. The Municipal Council for the Welfare of Children in close coordination with the Municipal Health Office and the Office of the Local Civil Registrar shall update the design of the family planning seminar in consonance with this Ordinance.
- c. As a follow-up to the Parenting Orientation Course I, parents/guardians shall also be encouraged to participate in a Parenting Orientation Course II, during the school year a child is enrolled in either a public or private day care center in Loon.
- d. Such course may also be incorporated in Parent-Teacher and Community Association (PTCA) activities for the school year in the elementary and high school levels.

Implementing guidelines for this provision shall be formulated by the Municipal Council for the Welfare of Children in coordination with the Office of the Civil Registrar within one year from the effectivity of this Code.

The Municipal Council for the Welfare of Children and the Office of the Municipal Social Welfare and Development shall initiate the designing of modules for these courses in close coordination with NGOs with child-focused programs.

2. Health Care

Section 7. Primary Health Care. The Local Government Unit of Loon shall implement primary health care and nutrition programs for children in coordination with the Municipal Health Office and the Office of the Municipal Social Welfare and Development.

Section 8. Promotion of Primary Health Care Programs. The barangay health centers shall implement the primary health care program. Each barangay health center shall designate a barangay child health officer to monitor children's health in the barangay level, with a salary commensurate to the task assigned.

To further ensure the implementation of this Section, the municipal government of Loon, Bohol shall take appropriate measures:

- a. To combat disease and malnutrition within the framework of primary health care through, among other things, application of readily available technology and

- through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
- b. To establish a comprehensive Parents Orientation Development Program which includes gender-responsive courses on reproductive health, child health and child-rearing practices in the context of the Filipino psychology;
 - c. To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms which violate such code;
 - d. To conduct massive information and education on breast-feeding, utilizing existing reference materials for effective breast-feeding education program.

Integrating information on breast-feeding shall be an integral part of all school curriculums.

Section 9. Child and Gender Sensitivity Training for Health Workers. All municipal and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the government authorities.

Section 10. Child-and Family-Friendly Hospitals in Loon. All hospital/s and clinics in the town shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets. They shall also not deny husbands/partners access inside the delivery room during delivery of their wives/partners.

Section 11. Program for Children with Special Needs. The Municipal Government of Loon shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the town as basis for a more systematic coordination of services (health, nutrition and education) for children with special needs.

Section 12. Educators' and Health Professionals 'Training for the Special Program on Children with Special Needs. A training program for educators and health professionals handling children with disabilities and special needs shall form part of the priority of the Municipal Government of Loon, Bohol.

Section 13. Establishment of Educational/Financial Assistance Program for Disabled Children. The LGU shall allocate a special fund for assistance for deaf and mute and other disabled children to provide them the needs for primary schooling. The assistance program for disabled children shall form part of the budget and trust of the municipal government of Loon.

3. Children Under Six Program and Establishment of Child Development Centers

Section 14. Children Under Six Program Framework. The LGU shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall include the following:

- a. Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;
- b. The barangay officials and their barangay-level support systems, may call upon law enforcement agencies when there is an abused, neglected and exploited child who needs to be rescued from an unbearable home situation;
- c. A Reproductive Health Care Center for pregnant mothers for pre-natal and neonatal care and, in the proper case, for delivery of the infant under conditions which will eliminate or minimize risks to the mother and child. Provided, that high-risk mothers

- shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care;
- d. A barangay level network of assistance from among the adults of the community for the total development and protection of children;
 - e. Unstructured combined with structured learning exercise for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child;
 - f. A pool of trained day care or child development workers with an upgraded salary scheme commensurate to the tasks assigned to them;
 - g. The Barangay Nutrition Scholars shall assist the Municipal Health Office in the massive campaign related to nutrition particularly the national campaign for immunization and iodization program;
 - h. The LGU in partnership with NGO's, private sectors, civic organizations and other agencies in the area is also encouraged to put-up and maintain other child-friendly facilities such as libraries, parks, museum, and playgrounds.

Section 15. Population-Based Child Development Center Setting Up. Pursuant to Republic Act 6972 or the Barangay-level Total Development and Protection of Children Act, day care centers shall be set up in every barangay in the municipality of Loon. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the respective barangay councils for the welfare of children in coordination with the social welfare office.

Section 16. Importance of Child Development Service. Day Care Service addresses the needs in the crucial stages of a child's growth. By the age of five (5), a child's brain has already grown to 90 percent of its adult weight and much of way he/she envisions and interacts with the world has been shaped. Thus, the child's formative years and the care that he/she gets during this period would significantly affect his/her learning capacity, personal and social interaction well into adulthood.

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

- a. Become physically fit through proper care and nutrition;
- b. Develop self-confidence, self-expression and self-discipline;
- c. Relate well with others;
- d. Develop mental, intellectual, verbal and psychomotor skills;
- e. Develop strong spiritual, socio-cultural and nationalistic values as well as positive attitudes towards the family, community and society in general;
- f. Be protected from all forms of neglect, abuse, cruelty and, exploitation;
- g. Be protected from all kinds of communicable diseases such as dengue fever, tuberculosis, viruses, measles and others.

Section 17. Child Development Centers (CDC). Community-based organizations shall help mobilize resources to complement the efforts of LGU in the establishment of CDC in the barangay level. Each CDC/CDW shall be required to get accreditation from the DSWD. The Child Development Worker (CDW) shall prepare and submit the documents required for accreditation to the DSWD ninety (90) days prior to expiration of its accreditation. It shall be the responsibility of the MSWD to assist the barangay CDW in assessment for the accreditation of the barangay CDC's/CDW's.

Section 18. Child Care Worker and Support Group.

- a. The local government unit of Loon/ barangay shall pay for the daycare worker's (DCW) allowance and salary. The DSWD shall provide continuing technical assistance to the center.
- b. A Community Volunteer Parents Group shall be organized to be an effective support group to the center. The volunteer group shall help mobilize resources for the improvement of the center, acquisition of more learning materials and play equipment, and other support activities.

4. Recreational and Cultural Programs

Section 19. Barangay-Level Recreational and Cultural Facilities and Program. A barangay-level program for the revival of indigenous games and recreation shall be installed. Research and documentation of indigenous games and pastimes shall be undertaken by the Center for Heritage, Culture and Arts (CHARTS) of the Municipality. Every barangay in the Municipality shall allocate space for recreational facilities appropriate for different age groups. A year-round cultural program appropriate for different age groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the barangays in coordination with this LGU.

Section 20. Local Children's Literature. In support of the thrust for the socio-cultural development of children in the Municipality, the barangay shall invest in the promotion and production of local literature for children and other relevant educational materials.

Section 21. Other Child-Friendly Facilities. The Local Government Unit of Loon in partnership with NGOs and civic organizations encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playgrounds.

5. Children's Month and Children's Day Celebration

Section 22. November as Children's Month. Pursuant to Republic Act No. 10661 which declares November as national children's month, the local councils for the welfare of children shall conduct child- focused activities for the month promoting the rights and responsibilities of Filipino children as well as the obligations of the people and institutions responsible in ensuring the well-being Filipino children.

Section 23. Programs and Activities. During the children's month, any or all of the following programs and activities shall be conducted:

- a) Search for Young Journalists/ Writers
- b) Search for Young Orators/ Mamumulong
- c) Search for Young Poets/ Magbabalak
- d) Search for Young Debaters/ Maglalandtugi
- e) Search for Young Artists
- f) Search for Young Actors/ Actresses
- g) Search for Young Inventors
- h) Search for Young Gifted Talents
- i) Search for Young Sports Achievers
- j) Search for Young Entrepreneurs
- k) Search for Young Linguists
- l) Search for Young Singers
- m) Search for Young Leaders

Section 24. Awards and Incentives. There shall be created Children's Awards and Incentives Committee headed by the Municipal Social Welfare and Development Officer with the Municipal Budget Officer, Municipal Treasurer, Municipal Accountant and SKMF President as members.

D. Crisis Intervention Program

Section 25. Establishment and Rationale of the Crisis Intervention Center. In recognition of the special need for protection, assistance and development of children in consonance with the spirit and letter of the Constitutional provisions and Republic Act No. 7610 mandating the protection against child abuse, exploitation and discrimination and likewise Republic Act 8505 mandating the establishment of a crisis center in every province and city authorizing the appropriation of funds therefore, a Crisis Intervention Center shall be established in this Municipality. Services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sectors of society particularly women.

Section 26. Objectives of the Crisis Intervention Center. The Crisis Intervention Center shall have the following objectives:

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

Section 27. Organizational Structure, Management and Operations of the Center.

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

Section 28. Budget Allocation for the Crisis Intervention Center Operations and Maintenance. The Municipal government of Loon shall provide support for the construction, maintenance and continued operations of the crisis intervention center by appropriating specific funds which shall form part of the office of the Municipal Social Welfare and Development's annual appropriation.

Section 29. Comprehensive Emergency Program for Children. The Municipal Social Welfare and Development Office (MSWD) shall formulate a Comprehensive Emergency Program for Children, hereinafter referred to as the Program, taking into consideration humanitarian standards for their protection. The Program shall be used as the basis for handling disasters and other emergency situations to protect children, pregnant and lactating mothers, and support their immediate recovery. This shall be implemented immediately after the declaration of a national or local state of calamity or occurrence of any other emergency situation. The MSWD shall engage all relevant government agencies and stakeholders for the implementation of the Program. It shall be integrated into the Municipal Disaster Risk Reduction and Management (MDRRM) plan and budget.

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

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

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

The Municipal Social Welfare and Development Office (MSWDO) shall require the barangays, the Civil Society Organizations (CSOs) which are tasked to provide any assistance or services to the affected children to adopt a child protection policy. The child protection policy shall include measures to deter and effectively respond to cases of violence, abuse, and exploitation of children.

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

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

- (e) **Delivery of Health, Medical, and Nutrition Services.** Under the Program, the DOH, in coordination with the MSWD, the barangays and CSOs in the community, shall provide the health, medical, and nutritional needs of children in the areas declared under a state of calamity, including psychosocial interventions for children in different stages of development.
- (f) **Plan of Action for Prompt Resumption of Educational Services for Children.** The DepED, in coordination with the MSWD, DILG, and the concerned LGUs shall ensure the prompt resumption of educational services for all children, including early childhood care and development for children aged below five (5).
- (g) **Establishment of Child-friendly Spaces.** This LGU and every barangay shall set up child-friendly spaces in every declared state of calamity, as needed, based on the guidelines to be promulgated by the MSWD. In addition, LGUs shall coordinate with lead agencies and CSOs to effectively respond to the needs of the children in the area. Child-friendly spaces shall be made available throughout a crisis, from emergencies to recovery.

In case the concerned barangay cannot immediately respond due to the huge impact of disaster, the MSWD, together with the concerned national government agencies and in coordination with the CSOs and other stakeholders, as well as nearby LGUs, shall provide the necessary child care services and social protection of affected children.

- (h) **Promotion of Children's Rights.** The Program shall include activities and processes that will promote and uphold the rights of children by:
 - (1) Providing child-centered training for all responders;

- (2) Ensuring that children are provided with adequate access to age-appropriate information on their roles and responsibilities and those of government agencies before, during, and after disasters and other emergency situations;
- (3) Providing an effective mechanism for training and meaningful participation of children in community disaster risk reduction program; and
- (4) Consulting with the affected children on their needs and priorities for post-disaster relief and recovery.

Section 30. Evacuation Centers. Only in cases where there is no other available place or structure which can be used as a general evacuation center may a school or child development center be used as an evacuation center.

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

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

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

Section 31. Orphaned, Unaccompanied, or Separated Children. The MSWD, upon consultation with relevant agencies, shall develop a minimum set of standards and guidelines for the Family Tracing Reunification System of orphaned, unaccompanied and separated children.

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

E. Children's Playground

Section 32. School Playground Area. Pre-school, primary or elementary public or private schools are mandated to provide its own school playgrounds for the pupils as part of their socio-physical and psychological growth which cannot be separated from their entire physiological development.

Section 33. Barangay Playground Area. Every barangay is mandated to provide a Barangay Playground Area for the minors in the exercise of their socio-physical rights towards the fulfillment of their physiological development.

Section 34. Municipal Playground Center. It is mandatory for this LGU to provide a Municipal Playground Center to cater the needs of the children for their competitive physiological development.

F. Child Development Center

Section 35. Location. The Child Development Center shall be located either at the barangay or municipal owned-lot through a usufruct.

Section 36. Management. The operations of the Child Development Center shall be under the supervision of the Municipal Social Welfare Development Office (MSWDO) in coordination with the Punong Barangay.

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Article 5

SPECIAL CONCERNS

A. Prohibited Acts

Section 1. Prohibited Acts. In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor, RA 10627 for Anti-Bullying Act of 2013, RA 9995 for Anti-Photo and Video Voyeurism Act of 2009, RA 9208 for Anti-Trafficking in Persons, RA 9231 for Anti-Child Labor Law, RA 8353 for Anti-Rape Law, RA 7877 for Anti-Sexual Harassment, RA 10821 for Children's Emergency Relief and Protection Act and other pertinent laws, the following acts shall likewise be punishable:

- a) **Children Betting in Illegal Numbers** – Children shall be strictly prohibited to bet in illegal numbers such as masiao, jueteng, swertres, and others. Parents ordering their children to bet in illegal numbers/bet in their behalf shall be penalized in accordance with the penalty imposed in this Code.
- b) **Children in Gambling Place** – Children are strictly prohibited to be at gambling places where there is an existing gambling activity such as cockfighting, card playing (Tong-its, Chikicha, Piat-piat, etc.), billiard game, coin betting (hantak), mahjong, bingo and other related gambling activities. Likewise, children shall not be allowed to be with their parents, guardians, relative and friends playing mahjong and other gambling activities. Parents bringing their children to gambling places including the owner of the gambling place shall be penalized in accordance with the penalty clause stipulated in this Code.
- c) **Discrimination of Girl Children** – Discrimination of girl children by prohibiting and depriving them of formal education.
- d) **Discrimination of Illegitimate Children** – For schools to discriminate illegitimate children as follows but not limited to the following:
 1. Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;

2. Requiring the marriage contract of parents as a requirement for enrolment of the child;
- e) **Entry, Selling, Distribution and Showing of Pornographic Materials** – The local councils for the welfare of children, local law enforcers shall monitor and prevent the entry of pornographic materials. It shall be unlawful for any person to sell, distribute and show such materials;
- f) **Expulsion by Reason of Pregnancy** – For schools to impose a penalty of expulsion against a child who has complied with all academic requirements by reason of her pregnancy. Schools may impose any other appropriate penalty which shall be made applicable to both the pregnant girl and her partner if he also enrolled in the same school;
- g) **Refusal to Graduate by Reason of Pregnancy** – For schools to refuse to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;
- h) **Refusal to Issue Clearances by Reason of Pregnancy** – For schools to refuse to issue clearances to a child by reason of pregnancy;
- i) **Girl/Boy Working as G.R.O or Escort in Commercial Establishment** – Girl/Boy children below eighteen (18) years old shall be prohibited to work as Guest Relation Officer/s (G.R.O) in commercial establishments such as video-k stores or entertainment bars offering liquors and beverages. Owners hiring girl/boy children or minor shall be penalized in accordance with the penalty clause stipulated in this Code.
- j) **Illegal Recruitment** – Any person who recruits other persons for work shall be required to register with and secure a permit from the Office of the Punong Barangay in the place of recruitment with an undertaking not to recruit children.

There is a presumption of illegal trafficking when a person is found together with three or more minors not his/her relatives at the pier or port of exit for the purpose of transporting the minors to another place without any permit from the Punong Barangay
- k) **Peonage of Children** – Offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
 - 1) Working in agricultural industries like rice and corn plantations or farms;
 - 2) Working as house helpers
- l) **Physical and Degrading Forms of Punishment** – Subjecting the child to physical and degrading forms of punishment such as, but not limited to the following:
 1. Ordering or directing a child to kneel on salt;
 2. Placing a child inside a sack and/or hanging him/her;
 3. Shaving the head of a child;
 4. Harsh whipping of the child with the tail of a stingray (pagi), stick, belt and other similar objects;
 5. Stripping the child of his/her clothes;
 6. Locking up the child in a cabinet or aparador or any closed structure;
 7. Tying up the child or otherwise detaining him/her;

8. Throwing objects such as but not limited to erasers, chalk, and notebooks at the child;
 9. Pulling the hair of the child,
 10. Making the child stand under the heat of the sun;
 11. Exposing the child to be bitten by ants
 12. Burning the skin or any parts of the body of the child.
- m) **Pre-arrangement for Marriage** – Pre-arrangement (buya) made by parents or guardians to marry off their children or wards. One manifestation of prearrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other;
- n) **Pushing/Enticing Minors to Live-In Arrangements** – It shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration;
- o) **Selling Liquor, Cigarettes, Rugby and other Addicting Substances to a Child** –It shall be unlawful for any person to sell liquor, cigarette, rugby or any addicting substance to a child.
- p) **Sexual Exploitation of Minors** – Sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation;
- q) **Smoking in Enclosed Places and Public Conveyances** – Smoking in any enclosed place or public conveyances shall be prohibited.
- r) **Using Children as Commodities in Benefit Dances** – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers regardless of any sharing arrangements between the organizers and minor.
- s) **Using Girls as Commodities in benefit Dances** – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers;
- t) Driving a two (2)-wheeled motorcycle with a child on board on public roads, unless:
- (a) The child passenger can comfortably reach his/her feet on the standard footrest of the motorcycle;
 - (b) The child's arms can reach around and grasp the waist of the motorcycle rider;
 - (c) The child is wearing a standard protective helmet referred to under Republic Act No. 10054, otherwise known as the "Motorcycle Helmet Act of 2009";
 - (d) Or the child to be transported requires immediate medical, attention; and
 - (e) Prohibit parents allowing their child driving a two wheeled motorcycle

The above acts which are likewise punishable in RA 7610 or the Child Abuse Act, RA 7658 on Child Labor, the Revised Penal Code, or other pertinent national laws shall be

penalized thereunder. Acts or omissions not falling under said laws shall be penalized by imprisonment of one (1) year and a fine of not more than One Thousand Pesos (P1, 000.00).

B. Control on Exposure to New Technology

Section 2. Control on Children's Exposure to Commercial Video Games. Commercial establishments renting out electronic video games to children during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon, and beyond 7:00 o'clock in the evening, shall be subjected to suspension of business permit for fifteen (15) days during the first offense and, one (1) month suspension of the same for the second offense. Confiscation of video game equipment and cancellation of the business permit of said establishments shall constitute the penalty for the third offense.

Section 3. Control on Children's Exposure to Internet Cafes. Internet cafes catering to children except college students during school days from 7:00 o'clock in the morning to 5:00 in the afternoon and beyond 7:00 in the evening, shall be subjected to suspension of business permit of 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 establishments shall constitute the penalty for the third offense.

Section 4. Prohibition of Children Below 14 Years in the Use of Android Cellular Phones.

1. **Prohibition.** No child 14 years old and below is allowed to use any android cellular phones, tablets, laptops and desktop computers except for educational purpose authorized by the government or for emergency situation. Parents or guardians are obliged to monitor their children and ensure the strict implementation of this policy.

2. **Rationale.**

The following are the reasons for such prohibitions:

- a) **Spiritual reason** – to avoid any temptation from viewing scenes not suitable for the children which destroys their spiritual values.
- b) **Moral reason** – to avoid the moral degradation of their values with the effect of addiction on video games and other tempting scenes which ultimately destroy parental and family relations, and which affect their moral attitudes. It makes them vulnerable to cyber bullying and cyber sex.
- c) **Political reason** – it causes the children to disobey parental and filial directions and advices, as they focus on the android machinations, thereby cutting off parental and family loyalty, instead.
- d) **Economic reason** – children who are addicted to android phones are no longer cooperative for the socio-economic trainings for life-realities, and even on minor family and household daily practices.
- e) **Social reason** – children who are addicted to the android phones become individualistic and dissociates with the other children and the society, thereby depriving them the opportunity for social growth and normal gatherings, which are essential part for the socio-psychological growth of the child, and making them more vulnerable to depredation from strangers.
- f) **Physical reason** – it hinders the children for them to physically gather together for physical exercises which are so essential for their physiological growth and mental health. Instead, its unregulated use causes to harm the child's brain with the effects of becoming dizzy, with blood-brain barrier, or ears problems caused by the radiations emitted from the phone, as proven by

many scientists. It also results to all night texting or playing multi-games which adversely affect their sleeping habit.

- g) **Civil reason** – android addiction destroys family unity and harmony.
- h) **Educational reason** – phones can be distracting to the academic disadvantage for being tempted to use while in school.

3. Regulations.

- a) Parents are prohibited to lend their android phones or similar gadgets to children aging 14 years old and below unless otherwise allowed under exceptional circumstances.
 - b) The parents or family members of age, however, may allow in exceptional cases under their guidance and direct control and supervision the opportunity for the children to use such phone for moral, spiritual and educational and communication purposes.
 - c) The spiritual, moral and physiological growth of the child for his/her integral development should not be destroyed by the parents or family members by allowing or tolerating the children to use such prohibited android phones.
4. **Penalty.** Parents, or any responsible person of age who allows any child to use android phone which does not fall to any of the exceptional circumstances shall be penalized with the following:
- a) First offense- P 500.00
 - b) Second offense- P 1, 000.00
 - c) Third and succeeding offenses - P 2, 500.00
5. **Enforcers.** The enforcement of this ordinance shall be in accordance with Sections 1-6, Article XXVI on Implementation of Ordinances, of The Legislative and Quasi-Judicial Management Code of Loon, Bohol.
6. **Manner of Enforcement.**
- a) If the violator is a barangay resident – the apprehending barangay official/ enforcer shall stand as a witness in the filing of the case at the Barangay Lupon to which the violator occurs.
 - b) If the violator is the barangay official/enforcer – any barangay resident, municipal official, employee, enforcer, PNP shall serve as a witness in the filing of the case within the Barangay Lupon.
 - c) If the violator is a municipal official, employee or enforcer/ PNP – any person shall serve as the witness in the filing of the case at the Barangay Lupon. For this purpose, all municipal officials, employees, enforcers shall be subject to the jurisdiction of the Barangay Lupon.

C. Children in Situations of Armed Conflict

Section 5. Protection for Children. Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of R.A. 7610 or the Anti-Child Abuse Act.

D. Children of indigenous Peoples

Section 6. Rights of Children of Indigenous Peoples.

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

E. Juveniles

Section 7. Rights of a Juvenile. Pursuant to the United Nations Convention on the Rights of the Child (UNCRC), every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a. To be presumed innocent until proven guilty according to law;
- b. To be informed promptly and directly of the charges against him or her, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
- c. To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- d. Not to be compelled to give testimony or to confess guilt; to examine adverse witness and to obtain the participation of and examination of the witness on his or her behalf under conditions of equality;
- e. If considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- f. To have the free assistance of an interpreter if the child cannot understand or speak the language used; and
- g. To have his or her privacy fully respected in all stages of the proceedings.

Section 8. System of Diversion. A system of diversion is hereby established wherein juveniles shall as much as possible be referred to alternative measures without undergoing court proceedings. Diversion shall apply to a child or youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

Section 9. Level of Diversion. Diversion shall be conducted at the barangay and police levels. The Lupong Tagapamayapa and the Child and Youth Relations Unit (CYRU) are the competent authorities to conduct diversion proceedings.

Section 10. Duty to Inform Child of His/ Her Offense. The competent authorities are duty-bound to explain to the minor in a language known and understood by her/him the consequences of her/his acts and/or omission. The minor's responsibility for the commission of any felony shall be explained to her/him with a view towards counseling and rehabilitating

her/him, and avoiding her/his contact with the criminal justice system and indemnifying the victim/s if there be any.

Section 11. Indigenous Modes of Diversion. Indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards shall be resorted to and encouraged. The minor's and her/his family's active participation in efforts towards conflict resolution shall be optimized. The family shall be held answerable as well as exercise parental care and supervision over the person of the minor;

Section 12. Termination of Case. If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explained to both parties.

Section 13. Confession or Admission of Offense. If the child voluntarily admits or confesses to the commission of the offense charged, the competent authorities shall decide on the diversion programs to be undertaken by the child. Any admission or confession of the child shall be signed by the child and countersigned by the parents or legal guardian, and any of the following in the following order: local social welfare and development officer, the nearest relative, member of the child-focused group, religious group, or a member of the Barangay Council for the Protection of Children concerned. They shall see to it that the confession of the child is voluntarily executed.

If the child does not admit or confess to the commission of the offense and the weight of the evidence presented shows that the child conclusively committed the offense, the competent authorities shall endeavor to make the child realize his/her responsibility and obligation arising from the commission of the offense as well as the penalties imposed therefore.

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

Section 14. Prohibition Against Labeling. In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor's class or ethnic origins. The officer violating this provision shall be administratively liable.

Section 15. Prohibited Acts Against Youth Offenders. Any and all acts and practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited.

- a. Authorities shall refrain from employing threats of whatever kind and nature and/or abusive, coercive and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by person in authority, their representative, or any other persons acting under them or in their behalf -such as cursing, beating, stripping, and detaining minors in cells - shall be dealt with administratively and criminally;
- b. Likewise, degrading, inhuman and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substances over their bodies, or forcing minors to walk around the community wearing signs which embarrass, humiliate, and degrade their personhood and dignity and which harm them

psychologically, emotionally, spiritually, morally, and physically shall be prohibited; and

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

Any violation shall be penalized with a fine of not more than Two Thousand Five Hundred Pesos (P 2, 500.00) or imprisonment of not more than six (6) months and/or by the discretion of the court. However, if these violations are likewise penalized in any national law, the penalty imposed in such national law shall be followed.

Section 16. Diversion Programs, When Proper. Where the parties and/or the competent authorities decide that the child must undergo a diversion program, such a continuing program for the rehabilitation and reintegration of the child shall be formulated with the cooperation of the complainant and the child.

Section 17. Factors in Determining Diversion Programs. In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

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

Section 18. Criteria for Formulating Diversion Programs. In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child:

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

Section 19. Diversion Programs. The diversion program shall include adequate socio-cultural and psychological responses and services for the child. Diversion programs shall include, but are not limited to the following:

- a. Written or oral reprimand or citation;
- b. Restitution of property;
- c. Reparation of the damage caused;
- d. Indemnification of consequential damages;
- e. Confiscation and forfeiture of the proceeds or instruments of the crime;
- f. Fine;
- g. Payment of cost of the proceedings;
- h. Written or oral apology;
- i. Guidance and supervision orders;

- j. Counseling for the child and the family;
- k. Trainings, seminars, lectures on: (a) anger management skills; (b)
- l. Solving and/or conflict resolution skills; (c) values formation; and (d) skills which will aid the child to deal with situations which can lead to re-offending;
- m. Community-based programs available in the community;
- n. Institutional care and custody.

Section 20. Criteria of Community-Based Programs. This Municipality shall establish programs, that will focus on the rehabilitation and reintegration of the child. All programs shall meet the following criteria:

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

Section 21. Community Reintegration Programs. Community Reintegration Programs shall consist of, but shall not be limited to the following:

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

Section 22. Conditions for Diversion Program. In all cases where a child is required to undergo a diversion program, the following conditions shall be mandatory:

- a. A contract of diversion containing the diversion programs to be undergone the child shall be signed by the authority concerned and the child;
- b. The child shall present himself or herself to the competent authorities imposed the diversion program at least once a month for reporting and of the effectiveness of the program;
- c. The child shall cooperate and faithfully comply with the conditions in the contract;
- d. The child shall permit the competent authorities and/or the local social welfare and development officer to visit the child's home;
- e. The child and other parties concerned shall satisfy other conditions related to the diversion program as long as such conditions are not contrary to law, morals and good customs. Such other conditions shall be considered void and shall not affect the conditions that are validly agreed upon and written in the contract of diversion.

Section 23. Applicability of the Katarungang Pambarangay. The Katarungang Pambarangay law shall be applied as part of the diversion process for offenses punishable by imprisonment not exceeding one (1) month or a fine not exceeding One Thousand Pesos (P1,000.00).

Section 24. Training of the Lupong Tagapamayapa. In addition to the requirement provided in Section 399 of the Local Government Code, the members constituting the Lupon shall be provided with regular training by the local government unit concerned, in cooperation with the local social welfare and development officer and NGOs specializing in children, which trainings shall include, among others, conflict management and mediation skills, paralegal seminars on laws on children, and child psychology.

Section 25. Assistance of Child by Parents. Any agreement resulting in barangay conciliation shall be also be signed by the child with the assistance of any of the following in the following

order: the parent\’s, legal guardian, local social welfare and development officer, a relative, a member of a child-focused group, or a member of the Barangay Council for the Protection of Children concerned. Otherwise, such documents shall be null and void.

Section 26. Referral to Diversion Programs. In the process of conciliation, the Lupon or the Pangkat as the case may be shall encourage the inclusion of community service program or other forms of diversion to be included in the settlement.

Section 27. Designation of Officer or Unit to Handle Cases Involving Youth Offenders. The Philippine National Police shall designate a Child and Youth Relations Officer or Unit (CYRO or CYRU) to handle cases involving youth offenders. This may be integrated with the present Women and Children’s Desk or may be a separate unit, depending on the conditions of the area.

Section 28. Procedure Before the CYRU. Cases involving juveniles shall be referred to the CYRO or CYRU which shall conduct an initial inquiry in accordance with the procedure for judicial proceedings and custody as outlined in Section 25 of R.A. 7610 or the Child Abuse Act.

Section 29. Duty of the CYRU. After the initial inquiry, if the offense does not fall under the Katarungang Pambarangay as provided under Section 55, the CYRO or the CYRU shall conduct further investigation of the child pursuant to Section 25 of R.A. 7610 or the Child Abuse Act, otherwise it shall refer the case to the barangay.

Section 30. Manner of Investigation of a Juvenile. A child shall only be investigated or his/her statement secured in the presence of any of the following in the following order: his/her parents/guardian, the nearest relative, member of a child focused group, religious group, member of the Barangay Council for the Protection of Children concerned, or the local social welfare and development officer, and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child, the parents or guardian.

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

Section 31. Diversion, When Proper. Where there is no private offended party, or where the offended party and the child give consent to a diversion, the CYRU or CYRO in consultation with the child’s parents/guardian, the nearest relative, member of a child-focused group, member of a religious group, member of the Barangay Council for the Protection of Children concerned, or the local social welfare and development officer shall formulate a diversion program and refer the child to the appropriate agencies for compliance of the program.

Section 32. Right of the Juvenile to Counsel. From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by counsel. The arresting officer, prosecutor or judge shall ensure that the juvenile is represented by counsel before proceedings with the investigation or trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

Section 33. Custody and Supervision. No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her or his case make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or legal guardian who shall be responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Protection of Children, or the local social welfare and development officer. If necessary, the local social welfare and development officer in coordination with the DSWD may refer the child to the appropriate child-caring institution.

Section 34. Confidentiality of Proceedings and Records. All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings. The competent authorities shall undertake all measures, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children and adopting a system of coding to conceal material information which will lead to the child's identity. Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offenders.

Section 35. Care and Maintenance of Juveniles. The parents or other person liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case is institutionalization. The disposition shall include the proportion of support if such person is not capable of paying the whole amount and the rest shall be paid by the local government unit maintaining such a facility.

Section 36. Reintegration Programs. The Municipal Social Welfare & Development Office is mandated to implement reintegration programs for a juvenile who is released by the court. This is for the purpose of preparing the juvenile for reintegration to the community.

Section 37. Manner of Investigation of a Juvenile. A child shall only be investigated or his/her statement secured in the presence of the following order:

- a. His or her parents/guardian;
- b. The nearest relative;
- c. Member of a child-focused group;
- d. Member of the barangay council for the protection of the child/children concerned;
- e. The local social worker; and
- f. His or her counsel.

In their presence, the child shall be informed of his/her constitutional rights to remain silent and to have a competent and independent counsel of his/her choice in a language that is clearly understood by the child, the parents or guardian.

If the child cannot be represented by counsel of his/her own choice, the LGU through the Loon Council for the Welfare of the Children shall contact a member of the Public Attorney's Office to assist the child.

In no case shall the child be taught how to lie, nor shall his/her negative actuations against Righteousness and Self-discipline, Respect and Truthfulness be sustained through legal technicalities.

Article 6

IMPLEMENTING MECHANISMS

A. Local Councils for the Welfare of Children

Section 1. Creation of the Municipal Council for the Welfare of Children. There is hereby created a council for children known as the Municipal Council for the Welfare of Children (MCWC) and coordinate with Civil Society Organizations and the Barangay Councils 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 the survival, development and protection of children of the local councils.

The MCWC shall ensure the effective implementation of the Philippine Government's commitment to the Convention on 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 LGU's power and authority to plan and implement local socioeconomic development plans, policies, and programs.

Section 2. Composition and Functions of the Municipal Council for the Welfare of Children (MCWC).

- a. **Members of the MCWC** – shall include the following agencies/units or offices, and other agencies it deems important depending on the current specific situation/problems of the locality:
- a. Mayor;
 - b. The Chairperson of the Sangguniang Bayan Committee on Women and Family Affairs;
 - c. The Municipal Planning and Development Coordinator;
 - d. The Municipal Social Welfare and Development Officer;
 - e. The Municipal Health Officer;
 - f. The District Supervisors;
 - g. The Municipal Labor and Employment Officer;
 - h. The Municipal Prosecutor;
 - i. The President of the Municipal Federation of the Sangguniang (SK);
 - j. Three (3) NGO representatives;
 - k. One (1) child representative;
 - l. The President of the Liga ng mga Barangay (LnB);
 - m. A member of the Municipal Local Finance Committee;
 - n. A representative of the Municipal Local Government Operations Officer of the Department of Interior and Local Government (DILG) (MLGOO);
 - o. A representative of the Philippine National Police-Loon; and
 - p. A representative of the business sector.

b. The MCWC shall have the following functions:

- a. To review and integrate the municipal programs and projects needing assistance into the Municipal Program for Children;

- b. To monitor and review the implementation of the municipal and barangay programs and plans;
- c. To submit quarterly status reports on the implementation of the Municipal Program to the Regional Sub-Committee for the Welfare of Children (RSCWC) through the Municipal Development Council (MDC);
- d. To recommend policies and programs to the RSCWC and the MDC;
- e. To provide the necessary technical assistance to the municipality and barangay councils if called for;
- f. To mobilize resource assistance, specifically, to provide appropriate support to child-related projects/activities as recommended by the local councils for the welfare of children;
- g. To advocate for the passage of ordinances pertinent to child survival, protection, participation and development with appropriate funding support and,
- h. To identify and recommend programs and services to be contracted for implementation by NGOs and other entities in the implementation of this Code.
- i. Formulates plans, programs and politics for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
- j. Prepares AWFP for children and recommend appropriate to the Sanggunian;
- k. Provides coordinative linkages with other agencies and institutions in planning, monitoring and evaluation of plans for children;
- l. Provides technical assistance and recommend financial support to the Barangay Council for the Protection of Children;
- m. Establishes and maintain database on children in the municipality;
- n. Fosters education of every child;
- o. Advocates for the establishment and maintenance of playgrounds, day care centers and others facilities necessary for child and youth development;
- p. Recommends local legislations promoting child survival, protection, participation and development, especially on the quality of televisions shows, media, and coverage, which are detrimental to children, and with appropriate funding support;
- q. Assists children in need of special protection and refer cases filed against child abusers to proper agencies/institutions;
- r. Conducts capability building programs to enhance knowledge and skills in handling children's programs;
- s. Documents barangay best practices on children;
- t. Monitors and evaluate the implementation of the program and submit quarterly status reports to PCPC;
- u. To promptly address issues and concerns affecting children and youth in their area;
- v. To provide technical assistance to the community-based frontline workers through the conduct of capability building and human resource development activities;
- w. To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities;
- x. Performs such other functions as provided for in the ECCD and other child related laws.

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

Secretariat support shall 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 3. Creation of Barangay Councils for the Protection of Children (BCPC). The Barangay Council 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. The BCPC shall have the following functions:

- a. To foster education of every child in the barangay (To ensure that every child in the barangay acquires at least an elementary education);
- b. To encourage the proper performance of the duties of parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
- c. To report all cases of child abuse to the proper authorities;
- d. To protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;
- e. To prevent child labor in their area and to protect working children from abuse and exploitation;
- f. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get expert advice;
- g. To adopt measures to promote the health and nutrition of children;
- h. To promote the opening and maintenance of playgrounds and child development centers and other services that are necessary for child and youth welfare;
- i. To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;
- j. To promote wholesome entertainment in the community especially in movie houses;
- k. To assist parents whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agencies;
- l. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
- m. 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
- n. To submit quarterly barangay accomplishment reports on the implementation of the plan to the MCWC.

Section 4. Representation of Non-Governmental Organizations in the Councils for Children. The local legislative council shall invite NGOs with child-focused programs for membership in the council for the welfare of children, provided that these non-government organizations are duly accredited by the local sanggunian concerned based on its criteria of accreditation.

Section 5. Internal Rules of the Councils for the Welfare of Children. The local councils for the welfare of children shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as the organization's structure, parliamentary procedure, order of meeting and quorums, discipline and such other rules the council may adopt.

B. Desk for Children's Concerns

Section 6. Creation of a Desk for Children's Concerns. There shall be created a Desk for Children's Concerns under the Office of the Municipal Social Welfare and Development.

Section 7. Functions of the Desk for Children's Concerns. The Desk for Children's Concerns shall:

- a. Act as secretariat for the MCWC;
- b. Oversee and coordinate the implementation of this Code; and
- c. Be in charge of the day-to-day operations of MCWC.

Section 8. Consultations with the Desk for Children's Concerns. The Desk for Children's Concerns shall be consulted by local government units and other bodies whenever they are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives.

Section 9. Reporting to the United Nations Committee on the Rights of the Child. The Desk for Children's Concerns shall be consulted over the reporting obligations under the UN Convention on the Rights of the Child. Concerned government agencies in the municipality are required to consult the Desk for Children's Concerns in the process of drafting their reports to the Committee on the Rights of the Child and to give due consideration to their comments.

Section 10. Child Impact Statements. The Local Government Unit of Loon is required to prepare 'child impact statements' indicating the likely repercussions of proposed legislation or policy on children and submit these to the Desk for Children's Concerns.

Section 11. Mandatory Consultations. Prior to the implementation of any national project by any and all national government agencies, bureaus, or offices affecting children, the express approval by the Mayor and the Sangguniang Bayan all be obtained after the holding of the public hearings on the matter and after consultation with the Desk for Children's Concerns.

Section 12. Child Representatives. The Sangguniang Kabataan shall be the representative of the children sector in the municipal and barangay councils.

C. Children's Councils

Section 13. Composition of the Municipal Children's Council.

The Municipal Children's Council shall be composed of three (3) Sangguniang Kabataan Chairpersons from each district who are recommended by the SKMF Board of Directors and appointed by the Municipal Mayor.

Section 14. Functions of the Municipal Children's Council.

- a. To act upon the problems of the children.
- b. Monitor and evaluate the programs and activities that involve children either by the government or from the NGOs.
- c. To spearhead and facilitate programs or activities that will help the children through seminars, training, skills development and outreach program.
- d. Formulate and consolidate plans and projects that are to be implemented.
- e. To set forth rules and regulations within the organizations.
- f. Initiate allocation of funds for the projects envisioned by the children's council.
- g. Discuss issues and concerns and information from the BCC and MCC.
- h. Receive and examine reports written or made by the BCC.

Section 15. Implementing Rules and Regulations. The implementing rules and regulations (IRR) of this Code shall be drafted by the MCWC within one (1) year from the effectivity of this Code.

Article 7

REMEDIAL MEASURES AND PENAL PROVISIONS

Section 1. Persons Who May File a Complaint. Complaints on unlawful acts committed against children as enumerated herein may be filed by the following:

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

Section 2. Protective Custody of the Child. The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the local social welfare and development officer pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

Section 3. Confidentiality. At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction over the case.

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation which results in the moral degradation and suffering of the offended party.

Section 4. Reporting. A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development (national office), the Office of the Municipal Social Welfare and Development, to the law enforcement agency or to the BCPC concerned.

Section 5. Mandatory Reporting. The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

Section 6. Duty of Government Workers to Report. It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers and other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

Section 7. Failure to Report. Any individual mentioned in Section 106 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

Section 8. 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 there from. There shall be a presumption that any such person acted in good faith.

Section 9. Penalties. The penalty for any violation of this Code, which is not penalized elsewhere in other sections of this Code or in a national law, shall be imprisonment of six (6) months and/or a fine of P2,500.00 for every offense.

For first time offenders, in cases where the offender is the parent or teacher of the child or relatives within the fourth degree of consanguinity, if the offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child, and the following measures imposed instead:

- a. Attendance in a parenting or any appropriate seminar;
- b. Manifestation of a written Affidavit of Undertaking stating not to repeat the offense;
- c. Counseling sessions;
- d. Family therapy;
- e. Participation in appropriate training courses.

For offenses punishable under R.A. 7610, R.A. 7658, the Revised Penal Code or any other law as well as this Code, the offended party and/or any party so authorized may file a complaint under the national law, and the penalty in such national law shall be imposed.

Failure to comply with pertinent provisions of this Code by the concerned officials 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.

Article 8

BUDGETARY APPROPRIATIONS

Section 1. Appropriations for Children's Programs. The local government units shall appropriate funds as part of their annual budget for the implementation of children's programs.

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

FINAL PROVISIONS

Section 1. Separability Clause. If, for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 2. Applicability Clause. All other matters relating to the impositions or regulations provided in this code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the Municipality of Loon and barangays as well, and to all persons, who may be subject to the provisions of this Code.

Section 3. Repealing Clause. All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

Section 4. Effectivity Clause. This Code shall take effect thirty (30) days after completion of its publication in a newspaper of general circulation within its jurisdiction and posting in at least three (3) conspicuous places in this Municipality of Loon.

UNANIMOUSLY APPROVED.

I hereby certify to the correctness of the above-quoted ordinance.

FIDELINO P. CORITICO, LLB
SB Secretary

ATTESTED:

LLOYD PETER M. LOPEZ, M.D.
Vice Mayor
Presiding Officer

APPROVED:

ELVI PETER L. RELAMPAGOS
Municipal Mayor

Date Signed: _____

Article 9

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Date Signed: 12/14/2021