



Republic of the Philippines
Province of Bohol
MUNICIPALITY OF LOON

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 110th REGULAR SESSION OF THE 9TH SANGGUNIANG BAYAN OF LOON, PROVINCE OF BOHOL HELD ON THE 7th DAY OF AUGUST 2006 AT THE SANGGUNIANG BAYAN SESSION HALL-

PRESENT:

Hon. Edwin R. Ladeza,	Vice Mayor
Hon. Josephat B. Palma,	SB Member, Acting Presiding Officer
Hon. Priscila C. Branzuela,	SB Member
Hon. Titus Clark U. Miranda,	SB Member
Hon. Thomas Raul L. Cartagenas,	SB Member
Hon. Zenon R. Perez,	SB Member
Hon. Timoteo L. Legitimas,	SB Member
Hon. Julius M. Simbajon,	SB Member
Hon. Ignacio M. Castil, Jr.	SB Member
Hon. Artemio M. Sangarios,	LnB President, Ex-Officio Member
Hon. Allan Rey M. Palban,	SKMF President, Ex-Officio Member

ABSENT:

None

MUNICIPAL ORDINANCE NO. 06-002
Series of 2006

THE CHILD WELFARE CODE OF LOON, BOHOL

PREAMBLE

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

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

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

WHEREAS, there is a need to codify the laws relating to children's rights to apply particularly to the Municipality of Loon;

WHEREAS, there is a need to coordinate the various existing government agencies and non-government organizations (NGOs) in providing services for the children in Loon;

WHEREAS, there are existing local practices that violate children's rights and thus laws are needed to protect them from these practices;

NOW THEREFORE, be it ordained by the 9th Sangguniang Bayan of Loon duly assembled, that:

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."

Section 2. Declaration of Policy and Principles. – (a)The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

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

(c)The municipality of Loon recognizes the importance of effectively promoting, fully enhancing, and institutionalizing 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.

It believes in a holistic protection and development of all children through a strong partnership between and among government agencies, NGOS and the private sector, serving with 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 both in government, business, and civil society;
- 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. All Proceedings to be conducted in the Best Interest of the Child. - Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation 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 the concerned government agency or 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. "Child" refers to a person under the age of 18 years.
- b. "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 3. Unreasonable deprivation of his or her 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.

Article 2

RIGHTS AND OBLIGATIONS OF THE CHILD

Section 8. 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 whole-some 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 such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation.
 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.

Section 9. 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 10. The Family. – The family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

Section 11. 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 12. Rights Under the Family Code. - Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family Code over the person and property of their children.

Section 13. 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 14. 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; and,
- 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.

Section 15. Separation of Children from Their Families. - Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to force major or in their own best interest, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children's upbringing in their own cultural milieu.

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

Section 16. 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 17. Role of Fathers. - Fathers play a vital role in their children's lives, in the nurturing and rearing of children at home. Policies and legislation shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models. Equal opportunity shall be provided the children for them to benefit from the health, nutrition, education and other basic services for their full growth.

Section 18. 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).

Section 19. Role of the Mass Media. - The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency preventions.

Section 20. 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 21. 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 22. 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 23. Role of the Sangguniang Kabataan. -- The Sangguniang Kabataan (SK) as established under the local Government Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the welfare of children for this purpose. It is encouraged that the SK shall devote at least 50% of its annual budget to prevention programs for the youth.

Article 4

PROGRAMS AND SERVICES FOR CHILDREN

A. Comprehensive Programs for Children

Section 24. 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.

Section 25. 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 26. Process in Formulating Comprehensive Children's Programs. - The process in coming up with Comprehensive Children's Programs shall be participatory and consultative. The LGU in coordination with the local council for the 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.

The 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 27. Periodic Review and Assessment of the Comprehensive Children's Programs. - The Comprehensive Children's Programs shall be reviewed and assessed yearly by the LGUs in coordination with the local councils for the welfare of children. The programs shall be reviewed by the Provincial 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 28. Prevention Programs. - Prevention programs which shall be an important component of the Comprehensive Children's Programs to be implemented by the LGUs 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 29. 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 30. 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 31. 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, inter alia, application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of 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 32. 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 Municipal Council for the Welfare of Children.

Section 33. 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 34. 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 35. 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.

3. Under Six Program and Establishment of Day Care Centers

Section 36. Under Six Program Framework. – The municipality of Loon, Bohol 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 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: Provided further, that hilots(traditional birth attendants) and barangay health workers are provided the needed basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care;
- d. A barangay level network of assistance from among the adults of the community for the total development and protection of children;
- e. Unstructured combined with structured learning 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.

Section 37. Population-Based Day Care Center Setting Up- Pursuant to Republic Act 6972 or the Barangay-level Total Development and Protection of Children Act, day care centers shall be set up in 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 38. Importance of Day Care 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.

Section 39. Setting Up of Day Care Centers by Community-Based Organizations. – Community-based organizations can help mobilize resources to complement the efforts of LGUs in establishment daycare centers in their communities. In this way, more children needing attention can be reached.

Section 40. Day Care Worker and Support Group.

- a. The local government unit/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 41. 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 Culture and Arts Development (CCAD) of the Municipality of Loon. 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 local government units.

Section 42. Local Children's Literature – In support of the thrust for the socio-cultural development of children in the Municipality of Loon, barangay shall invest in the promotion and production of local literature for children and other relevant educational materials.

Section 43. Other Child-Friendly Facilities. - Local government units in partnership with NGOs and civic organizations are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playgrounds.

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

Section 44. October as Children's Month - In keeping with the mandate of Presidential Proclamation No. 267 signed on Sept. 30, 1993 declaring the month of October as national children's month, the Sangguniang Bayan of this Municipality through the committee on Women and Family 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 45. October 17 of Every Year, as National Children's Day. - Pursuant to Presidential Proclamation No. 74 dated October 16, 1992 declaring the 17th day of October every year as National Children's Day to honor Filipino Children and to

emphasize the importance of their role within the family and within society, this LGU shall observe Children's Day with activities highlighting the rights, roles and responsibilities of children.

D. Crisis Intervention Program

Section 46. 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 47. 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 province-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women;
- g. To link up with provincial, city and local government entities mandated to formulate and enforce legislation aimed at the protection of children and women for policy reforms and enforcement of laws.

Section 48. Organizational Structure, Management and Operations of the Center –

- a. The Municipal Council for the Welfare of Children will 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 will 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 49. 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.

Article 5

SPECIAL CONCERNS

A. Prohibited Acts

Section 50. Prohibited Acts. - In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

a. 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 Barangay Captain 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 Barangay Captain.

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

- 1) Working in agricultural industries like rice and corn plantations or farms;
- 2) Working as house helpers.

c. 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;

d. Using Girls as Commodities in benefit Dances - Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers;

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

f. 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;

g. 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;

h. 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;

i. Refusal to Issue Clearances by Reason of Pregnancy - For schools to refuse to issue clearances to a child by reason of pregnancy;

j. 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.

k. 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;

l. 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;

m. Entry, Selling and Distribution 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 and distribute such materials;

n. 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.

o. Smoking in Enclosed Places and Public Conveyances -- Smoking in any enclosed place or public conveyance shall be prohibited.

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 51. 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 52. 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.

C. Children in Situations of Armed Conflict

Section 53. 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 54. 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 55. Rights of a Juvenile. - Pursuant to the UNCRC, every child alleged or accused of having infringed the penal law has at least the following guarantees:

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

Section 56. 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 57. 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 58. 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 59. 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 60. 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 61. 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 62. 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 63. 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.

- h. 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;
- i. 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;
- j. 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 one (1) year imprisonment and a fine of not more than One Thousand Pesos (P1,000.00). However, if these violations are likewise penalized in any national law, the penalty imposed in such national shall be followed.

Section 64. 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 65. 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 66. Criteria for Formulating Diversion Programs. – In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child:

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

Section 67. Diversion Programs. - The diversion program shall include adequate socio-cultural and psychological responses and services for the child. Diversion programs can 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 68. 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 69. 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 70. 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 71. 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 72. 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 73. 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 74. Referral to Diversion Programs. - In the process of conciliation, the Lupon of 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 75. 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 76. 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 77. 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 78. 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 79. 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 80. 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 81. 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 82. 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 83. 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 84. Reintegration Programs. - The local government unit are encouraged 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.

Article 6

IMPLEMENTING MECHANISMS

A. Local Councils for the Welfare of Children

Section 85. Creation of the Municipal Council for the Welfare Of Children. – The Sangguniang Bayan shall create a council for children known as the Municipal Council for the Welfare of Children (MCWC) and coordinate with LGU's in the creation and organization of the Municipal Council for the Welfare of Children and the Barangay Council for the Protection of Children (BCPC) at the barangay level. This is in keeping with the mandate of the Council for the Welfare of Children (CWC) to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to 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 86. 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 programs;
- 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.

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.

Section 87. Creation of the Municipal Councils for the Welfare of Children (MCWC). - The Sangguniang Bayan shall create a Municipal Council for the Welfare of Children the composition of which shall be determined by the concerned Sanggunian

depending on the needs and circumstances of the area. The MCWC shall have the following duties and functions:

- a. To formulate the municipal plan of action for children, incorporating and programs needing assistance submitted by their constituent barangays; ensure the integration of these plans into the Municipal Development Plan;
- b. To monitor and evaluate the implementation of the municipal and barangay plans;
- c. To submit quarterly status reports on the plan implementation to the MCWC through the Municipal Planning and Development Office;
- d. To promptly address issues and concerns affecting children and youth in their area;
- e. To advocate for the passage of relevant child and youth protective ordinances;
- f. To advocate for increased support and resource allocation for children's programs and projects from their respective local government units and secure resources for the same from other sources;
- g. To provide technical assistance to the community-based frontline workers through the conduct of capability building and human resource development activities; and,
- h. To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities.

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 88. 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 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 day care 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 89. 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 90. 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 91. 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 92. 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 93. 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 94. 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 95. Child Impact Statements. - local government units are 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 96. 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.

C. Children's Councils

Section 97. Composition of the Municipal Children's Council

- 3 representatives from each district

Section 98. Functions of the Municipal Children's Council

1. To act upon the problems of the children.
2. Monitor and evaluate the programs and activities that involve children either by the government or from the NGOs.
3. To spearhead and facilitate programs or activities that will help the children through seminars, training, skills development and outreach program.
4. Formulate and consolidate plans and projects that are to be implemented.
5. To set forth rules and regulations within the organizations.
6. Initiate allocation of funds for the projects envisioned by the children's council.
7. Discuss issues and concerns and information from the BCC and MCC.
8. Receive and examine reports written or made by the BCC.

D. Implementing Rules and Regulations

Section 99. 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 100. Persons Who May File a Complaint. - Complaints on unlawful acts committed against children as enumerated herein may be filed by the following:

- k. Offended party;
- l. Parents or guardians;
- m. Ascendant or collateral relative within the third degree of consanguinity;
- n. Officer, social worker or representative of a licensed child-caring institutions;
- o. Officer or social worker of the Department of Social Welfare and Development;
- p. Barangay chairperson; or
- q. At least three (3) concerned responsible citizens residing in the community where violation occurred.

Section 101. 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 102. Confidentiality. - At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction over the case.

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

Section 103. 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 104. 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 105. 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 106. 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 107. Immunity for Reporting. - Any person who, acting in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

Section 108. 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 to one (1) year and/or a fine ranging from P500 to P1,000.00.

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. Community service of ten to fifteen (10-15) days;
- 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 shall file a complaint under the national law, and the penalty in such national law shall be imposed.

Failure to comply with pertinent provisions of this Code by the concerned local chief executive, members of legislative bodies and/or head 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 109. 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.

Article 9

SEPARABILITY/APPLICABILITY/REPEALING/ EFFECTIVITY CLAUSES

Section 110. 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 111. 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 112. 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 113. 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 resolution.

JOSEPHAT B. PALMA
SB Member
Acting Presiding Officer

ATTESTED:

FIDELINO P. CORITICO, LIB
Secretary to the Sanggunian

NOTED:

EDWIN R. LADEZA
Vice Mayor

APPROVED:

CESAR TOMAS M. LOPEZ, M.D.
Municipal Mayor

Date: _____