



OFFICE OF THE SANGGUNIANG PANLUNGSOD
City of Naga, Cebu

EXPLANATORY NOTE

In accordance with the provision of Section 3 Paragraph 3 pursuant to the Philippines Constitution Article XV, it is the duty of the state to defend the rights of children including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

The National Government as well as the Provincial Government of Cebu are advocating the rights of children for survival, development, protection and participation.

At present, there are many existing laws covering such rights of children and their particular obligations but such laws have not been clearly defined at the local level.

Moreover, there are existing local practices that are volatile of the rights of children such as the right to obtain education, right to proper care, guidance and discipline.

It is a common knowledge and a fact that children are important assets in our society and should be given the opportunity to exercise their full potentials and personal development through appropriate guidance of the elders such as the parents and guardians.

Thus, the City Government of Naga, under the present administration, acknowledges the importance of enacting a code relating to children's welfare in coordination and collaboration with various government agencies, non-government organizations and other sectors in providing services to the children in the city.

For these reasons, the undersigned hereby proposes this ordinance for appropriate and immediate legislative action of the 3rd Sangguniang Panlungsod of the City of Naga, Cebu.

LUZMINDA R. LAPITAN
Sangguniang Panlungsod (SP) Member
Committee Chairperson on Women, Gender and Family Relations
3rd SP, City of Naga, Cebu

Republic of the Philippines
Province of Cebu
CITY OF NAGA



Excerpt from the minutes of the Regular Session of the Sangguniang Panlungsod of the City of Naga, Cebu held on May 03, 2017 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHONG
HON. ALEXANDER R. LARA
HON. VIRGILIO M. CHONG
HON. DELFIN R. SEÑOR
HON. AFSHIN MARK K. SEÑOR
HON. RODRIGO A. NAVARRO
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERO V. RESARA, JR.
HON. JUSTINO L. DAELAT

- Vice Mayor/Presiding Officer
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member
- ABC President

On Leave:

HON. LAURELIO B. ALINSONORIN
HON. CARMELINO N. CRUZ, JR.

- Sangguniang Panlungsod Member
- Sangguniang Panlungsod Member



ORDINANCE NO. 2017- 004

Hon. Luzminda R. Lapitan – Sponsor

AN ORDINANCE ENACTING THE CHILDREN'S CODE OF THE CITY OF NAGA, CEBU

BE IT ORDAINED, as it is hereby ORDAINED by the Sangguniang Panlungsod of the City of Naga, Cebu, in session assembled, that:

ARTICLE 1

POLICIES, PRINCIPLES AND DEFINATION OF TERMS AND DUTIES AND RESPONSIBILITIES

SECTION 1. TITLE - This Code shall be known as the Children's Code of the City of Naga, Cebu.

SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES, - 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 youth patriotism and nationalism and encourage their involvement and participation in public affairs. It also recognizes that children have rights which are recognized by the government and the church.

The City Government of Naga, Cebu 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 approach in the protection and development of all children through a strong partnership between and among government agencies, NGOs and other sectors who serve with the highest degree of professionalism in the atmosphere of unity, solidarity and teamwork.

SECTION 3. PURPOSES - This Code is enacted for the following purposes:

- a. to ensure the protection of children against all forms of abuses and exploitation;
- b. to advocate for children's rights and promote their welfare and development;

- c. to ensure that children's rights are given priority attention by the business and civil society; and
- d. to help improve the quality of life of children particularly in this city by enabling them to fully develop their potentials and participate in community life and nation building.

SECTION 4. PARTICIPATION OF THE CHILD - All proceedings before any authority shall be conducted in a manner which allows the child to participate and to express themselves freely. Participation of children in program and policy formulation and implementation related to children's concern shall be ensured by the government unit.

SECTION 5. 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/or interpretation of the Provisions of this Code including its implementing rules and regulations shall be resolved taking into consideration the best interest and welfare of the child.

SECTION 6. DUTIES AND RESPONSIBILITIES OF THE STATE - In accordance with the provision of Section 3 Paragraph 3 pursuant to the Philippines Constitution Article XV, it is the duty of the state to defend the rights of children including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Further, in accordance with the United Nations Convention (UN) on the Rights of the Child of which the Philippine Government is a state party, the state shall:

- a. Undertake all appropriate legislative, administrative and other measures for the implementation of the rights in the United Nation Convention in the right of children (UNCRC). With regards to economic social, and cultural rights, the state shall undertake such measure to the maximum extent, its available resources and where needed within the framework of international cooperation. e.g. UNICEF;
- b. Take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical and mental violence, injury of abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse in the care of parents / legal guardians or any other person who has the care of the child;
- c. 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 are defined as follows:

- a. Child - refers to a person at the age of 15 years and below.
- b. Child abuse - refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - 1. Physical and psychological abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

2. Any act by deeds or words that adversely affects the dignity of the child;
 3. Unreasonable deprivation of his/her basic needs such as food and shelter; or
 4. Failure to immediately give medical treatment to an injured child resulting to serious impairment of his/her growth and development, or in his/her permanent incapacity or death.
- a. Special Concerns – are circumstances which gravely threatens or endangers the survival and normal development of children including but not limited to the following:
1. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
 2. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 3. Living in or finding for themselves in the street of urban or rural area without the care of parents or a guardian or any adults supervision needed for their welfares;
 4. Being children of indigenous people and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;
 5. Being a victim of a man-made or natural disaster or calamity; or
 6. Analogous circumstances which endanger the life, safety or normal development of children.
- b. Day Care – is the provision of substitute parental care and stimulating activities for the total development of children three to five (3-5) years old when their parents are unable to take care of them during day time because of work and some other situations.
- c. Day Care Center – is a facility where day care services are provided by an accredited day care worker particularly for children in the three to five (3-5) year age brackets.
- d. Diversion – refers to an alternative child-appropriate process of determining a juvenile’s responsibility in an alleged offense and other persons without resorting to formal court adjudication.
- e. Diversion Programs – refer to programs that juveniles are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.
- f. Reintegration Programs – refer to the programs established for the purpose of rehabilitating and preparing the child for reintegration into the community.
- g. Katarungang Pambarangay – refers to Section 399 - 422 of the Local Government Code of 1991 which is commonly known as the Katarungang Pambarangay Law.
- h. Specially- able Children, Children with Disabilities or Children with Special Needs are children with either physical or mental infirmities whether congenital or acquired after birth.

ARTICLE 2

RIGHTS AND OBLIGATIONS OF THE CHILD

SECTION 8. RIGHTS AND OBLIGATIONS 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 participating 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 a right to a wholesome family life that will provide him/her with love, care, understanding, guidance and counselling, 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 balanced, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
 2. Developmental rights - refer to the rights of a child to education to develop his/her 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 a right to well-rounded development of his/her personality so that he/she may become a happy, useful, and active member of society, specifically:
 1. The gifted child shall be given the opportunity and encouragement to develop his/her 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 his/her 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 his/her 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 his/her share in building a better world;
 - d. Every child has the right to education. Primary education must be *compulsory* while *higher education must be available and accessible to all*. The education of the child shall be directed to:
 - 1. the development of the child's personality, talent 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, his/her 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, and desirable traits and attributes.
 - f. Every child has the right to live in a community and a society that can offer him or her and 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 the 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 participation in matters that affect him/her most by providing all appropriate venues where he/she can express his/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/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 express his/her opinions freely and to have these opinions taken into account in any matter or procedure affecting him/her;
 - d. 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/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/her religion, the teaching of his/her elders and mentors, and the bidding of a clean conscience;
- b. Love, respect and obey his or parents, cooperate with them in the strengthening of the family;
- c. *Extend to his/her brothers and sisters love, thoughtfulness, and helpfulness, and endeavour with them to keep the family harmonious and united;*
- d. Accept the development of his/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 him or herself and to society;
- e. Respect not only his/her elders but also the customs and traditions of his/her people, the memory of his/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;*
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for unity and prosperity, and the furtherance of world peace; and
- h. He/She shall not deviate from his/her school hours in accordance to school curriculum by going somewhere else without the knowledge or permission from his/her teacher or school authorities; and
- i. *He/She should not indulge in drinking, smoking, gambling, drug addiction and other forms of vices that destroy the morale of the child himself.*

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 who are 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 RIGHTS 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. RIGHTS TO DISCIPLINE CHILDREN - Parents have the right to discipline their children as may be necessary for the formation of their good character provided it does not fall under 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 and must not allow their children to indulge in vices e.g. smoking and drinking;*
- d. *To inculcate in them the value of industry, thrift and self-reliance;*
- e. *To stimulate their investment in civic affairs, teach them the duties of citizenship, moral/spiritual values and develop their commitment to their country;*
- f. *To advise them properly on any matter affecting their development and well-being and encourage them to join wholesome recreations;*
- 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 Article 225 to 227 of the Family Code.*
- j. *To guide the children in the use of time for watching TV and strictly observe the parental guidance clause; and*
- k. *To abide by the government's program on Effective Parenting as may be required by the Department of Social Welfare and Development Office.*

SECTION 15. SEPARATION OF CHILDREN FROM THEIR PARENTS -Children should not be wantonly separated from their families. Whenever children are made to separate from their families owing to force majeure, or in their own best interest, arrangements shall be made for appropriate 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 MOTHERS - Mothers play a critical role in the well-being of children. Efforts for the enhancement of the status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation's *social and economic development.*

To achieve that and to prepare women for their various roles, equal opportunity shall be provided for the female 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 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 to male 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.

SECTION 19. ROLE OF 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 the children by relaying consistent message through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquencies prevention.

Mentioning of children's name in broadcast or public address who are involved in crimes either the suspect or a victim must be withheld.

SECTION 20. ROLE OF JUDICIAL INSTITUTIONS - In the administration of justice, courts, prosecutors and other actors shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

SECTION 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 COUNCIL FOR THE WELFARE OF CHILDREN - These councils shall, in addition to their existing duties and functions, coordinate with and assist the City Government of Naga 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 SANGGUNIAN 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 encourage that the SK shall provide at least 50% of its annual budget to prevention programs for the youth.

ARTICLE 4

PROGRAMS AND SERVICES FOR CHILDREN

Comprehensive Programs for Children

SECTION 24. COMPREHENSIVE PROGRAM FOR CHILDREN - The City Government of Naga shall, within one (1) year from the effectivity of this Code and every three-year period implement comprehensive programs for children. Such programs shall include prevention of 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 neighbourhood in order to prevent violations of children's rights through mobilizations 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, interest and concerns of young persons and which offer appropriate counselling and guidance to children and their families should be developed, or strengthened where they exist.

SECTION 26. PROCESS IN FORMULATING COMPREHENSIVE CHILDREN'S PROGRAM - The process in coming up with Comprehensive Children's Programs shall be participatory and consultative. The City Government, in coordination with the local council for the welfare of children shall organize the youth organizations, children's council, educational institutions, NGOs, people's agencies involved with children's concerns such as the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and the Department of Education (DepEd) to participate in the planning and the development process.

The City Government 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. PREVENTION PROGRAMS - The Comprehensive Children's Program shall be reviewed and assessed yearly by the City Government in coordination with the local council for the welfare of children. The programs shall be reviewed by the Provincial or National Council for the Welfare of Children as to their effectiveness in preventing children's rights violations based on the indicators identified in the program. The programs may be modified accordingly.

A. Programs to Prevent Children's Right Violations

B. Other Proactive Programs

1. Parenting Orientation

SECTION 28. PARENTING ORIENTATION COURSES

A. Every marriage license applicant will be required to participate in Parenting Orientation Course I with Gender and Child Sensitivity, among other requirements, prior to the issuance of the marriage license by the Office of the Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health courses. *The 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 the Ordinance;*

B. As a follow-up to Parenting Orientation Course I, parents/guardians shall also be encouraged to participate in Parenting Orientation Course II, during the school year where the child is enrolled in any of the day care centers in the City of Naga; and

- C. Such course may also be incorporated in Parental-Teacher Community Association (PTCA) activities for the school year in the elementary and high school levels

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

2. Health care

SECTION 29. PRIMARY HEALTH CARE - The City Government of Naga shall implement primary health care and nutrition care and nutrition programs for the children in coordination with the City Health Office and the Office of Social Welfare and Development.

SECTION 30. PROMOTION OF PRIMARY HEALTH CARE PROGRAMS - The Barangay Health Center shall designate a barangay child health officer to monitor children's health in the barangay level or should there be any Barangay Health Worker (BHW) who can assume said task, the Punong Barangay Captain shall designate such BHW to give special attention to the health of children as an additional task or function of a BHW. Such worker shall receive additional incentive which shall be integrated in the budgetary consideration of the City Government subject to the availability of funds. To further ensure the implementation of this Section, the City Government of Naga shall take appropriate action/measure towards the achievement of the following:

- a. To combat disease and malnutrition within the framework of primary health care through the application of readily available technology, 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 breastfeeding education program. Integrating information on breastfeeding shall be an integral part one's parental values.

SECTION 31. CHILD GENDER SENSITIVITY TRAINING FOR HEALTH WORKERS - All city and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the City Council for the Welfare of Children.

SECTION 32. CHILD-FAMILY-FRIENDLY HEALTH FACILITIES - All health facilities in the city shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets. They may also not deny spouse access inside the delivery room during the delivery of their spouses.

SECTION 33. PROGRAM FOR CHILDREN WITH SPECIAL NEEDS - The City Government of Naga shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the city as basis for

a more systematic coordination of services (health, nutrition and education) for children with special needs.

SECTION 34. EDUCATORS' AND HEALTH PROFESSIONALS' TRAINING FOR THE SPECIAL PROGRAM ON CHILDREN WITH SPECIAL NEEDS - A training program of educators and health professionals handling children with disabilities and special needs shall form part of the priority of the City Government of Naga.

3. Under Five Program and Establishments of Day Care Centers

SECTION 35. UNDER FIVE PROGRAM FRAMEWORK - The City Government of Naga shall ensure to the maximum extent possible for 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, tetanus, measles, poliomyelitis, hepatitis B and such other diseases for which vaccines have been developed for administration to children up to five (5) 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. An appropriate Health Care Station for pregnant mothers for prenatal and neonatal care and, in the proper care, for delivery of the infant under conditions which 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 with the needed basic training 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 protection of children;
- E. Unstructured combined with structured learning exercises for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child; and
- F. A pool-trained day care or child development workers with an upgraded salary scheme commensurate to the tasks assigned to them.

SECTION 36. POPULATION - BASED DAY CARE CENTER SETING UP- Pursuant to the Republic Act 6972 or the Barangay - Level Total Development and Protection of Children Act, day care centers shall be set - up in every barangay in the city. 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 City Council for the Welfare of Children in coordination with the City Social Welfare and Development Office.

SECTION 37. 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 the way he/she envisions and interacts with the world has been shaped. Thus, the child's formative years and the care that he/she gets during this period

would significantly affect his/her learning capacity, personal and social interaction 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; and
- F. be protected from all forms of neglect, abuse, cruelty and exploitation.

SECTION 38. SETTING UP OF DAY CARE CENTERS BY COMMUNITY - BASED ORGANIZATIONS - Community-based organizations can help mobilize resources to complement the efforts of the City Government of Naga in established day care centers in their communities. In this way, more children needing attention can be reached.

SECTION 39. DAY CARE WORKER AND SUPPORT GROUP

- A. The City Government/barangay shall pay for the Day Care Workers' (DCWs) allowance and honorarium. The DSWD shall provide continuing technical assistance to the center and ensure that the centers are aligned with the City Government's goal for children's welfare and development and quality education.
- B. A *Community Volunteer Parents Group* shall be organized to be an effective support to the center. The volunteer group shall help mobilize resources for the improvement of the equipment and other support activities and requirements.
- C. Recreational and Cultural Programs

SECTION 40. BARANGAY - LEVEL RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM - A barangay-level program for the revival of indigenous games and recreation shall be installed. Researches and documentation of indigenous games and pastimes shall be undertaken by the Center for the Culture and the Arts Development (CCAD) that shall be established by the City Government of Naga, as part of its development agenda. Every barangay in the city shall allocate space for recreational facilities appropriate for different age groups. A year-round cultural program appropriate for different age groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the local government.

SECTION 41. LOCAL CHILDREN'S LITERATURE - In support of the trust for the socio-cultural development of children in the City of Naga shall invest in the promotion and educational materials.

SECTION 42. OTHER CHILD- FRIENDLY FACILITIES - The City Government of Naga in partnership with non-government organizations (NGOs)

and civic organizations are also encouraged to puff up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playground.

5. Children's Month & Children' Day Celebration

SECTION 43. OCTOBER AS CHILDREN'S MONTH - In keeping with the mandate of President Proclamation no. 267 signed on September 30, 1993 declaring the month of October as National Children's Month, the local council for the welfare of the children shall conduct child-focused activities for the month promoting the rights and responsibilities in ensuring the well-being of Filipino children.

SECTION 44. OCTOBER 17 OF EVERY YEAR AS NATIONAL CHILDREN'S DAY - Pursuant to 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 society. The City Council for the Welfare of Children are mandated to observe Children's Day with activities highlighting the rights, roles and responsibilities of children.

SECTION 45. ESTABLISHMENT AND RATIONALE OF THE CRISIS INTERVENTION CENTER - In recognition of the special needs for the protection assistance and development of children in consonance with the spirit and letter of the constitutional provision and Republic Act 7610 mandating the protection against child abuse, exploitation and likewise RA Act 8505 mandating *the establishment of a Crisis Intervention Center in every province, city/municipality if and when deemed urgent.* The 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 46. 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- governance 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 as a form of therapy and enable them to be productive;*
- E. To provide livelihood assistance to and placement of abused children and women who are ready to be investigated with their families and communities;
- F. To conduct a city-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women;
- G. To link with the local government unit in the enforcement of the law or recommend for legislations certain matters aimed at the protection of children and women for policy reforms.

SECTION 47. ORGANIZATIONAL STRUCTURE, MANAGEMENT AND OPERATIONS OF THE CENTER

- A. The City Welfare of Children Council will formulate the organizational structure of the center depending on the need of its services;
- B. The member agencies of the said Council as well as those who shall pledge support for the center shall 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 CSWDO;
- D. The Office of the CSWDO and the City Children's Welfare Council, in coordination with the City Government of Naga shall issue the necessary rules, policies regulations and guidelines for the effective implementation of the programs of the center.

SECTION 48. BUDGET ALLOCATION FOR THE CRISIS INTERVENTION CENTER -The City Government of Naga shall provide support for the construction, maintenance and continued operations of the Crisis Intervention Center by appropriating specific funds which shall form part of the Office of the City Social Welfare and Development annual appropriation, subject to the availability of funds.

ARTICLE 5

SPECIAL CONCERNS

A. Prohibited Acts

SECTION 49. PROHIBITED ACTS - In addition to all acts penalized under RA 7610 on Child Abuse Exploitation, RA 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

1. **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 the understanding that children should not be recruited. 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.*
2. **Peonage of Children** - Offering a child or the services of a child as a payment for a debt or in exchange for a favour, such as but not limited to:
 - A. *working in agricultural industries like rice and corn plantations or farms; and*
 - B. *working as house helpers;*
3. **Pre-arrangement for Marriage** - Pre-arrangement (*butya*) made by parents or guardians to marry off their children or wards. One manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other:
4. **Using Girls as Commodities in Benefits 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;

5. Discrimination of Illegitimate Children - For schools to discriminate illegitimate children as follows, but not limited to the following ;
 - A. refusal to accept enrolment of illegitimate children in the school;
 - B. requiring the marriage contract of parents as a requirement for enrolment of the child;
 - C. 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 pregnancy. Schools may impose any other appropriate penalty (in pursuant to this code or any laws) which shall be made applicable to the pregnant girl and her partner if such partner is also enrolled in the same school;
 - D. 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;
 - E. refusal to Issue Clearance by Reason of Pregnancy - For schools to refuse to issue clearances to a child by reason of pregnancy.

- A. Physical and Degrading Forms of Punishment - Subjecting the child to physical and degrading forms of punishment such as but not limited to the following:
 - A. humiliating a child before his/her fellow students or classmates;
 - B. placing a child inside a sack and/or hanging him/her;
 - C. shaving the head of a child as means of punishment;
 - D. whipping the child harshly with a use of a belt, stick or any object of its like;
 - E. stripping the child of his/her clothes;
 - F. locking up the child in a cabinet or *aparador* or any closed structure;
 - G. tying up the child or otherwise detaining him/her;
 - H. throwing objects at the child such as but not limited to eraser, chalk, notebook or the like;
 - I. pulling the hair of the child;
 - J. making the child stand under the heat of the sun;
 - K. exposing the child to be bitten by ants;
 - L. ordering or directing a child to kneel as means of punishment;
 - M. sitting on the air;
 - N. sexual harassment or any acts of lasciviousness;
 - O. verbal abuse, that emotionally affects the child's development and health;
 - P. forcing the child to gather firewood; and
 - Q. forcing the child to go fishing.

7. 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 or wife in exchange for money or any other consideration;

8. 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;

9. Entry, Selling and Distribution of Pornographic Materials - The City Council for the Welfare of Children/local law enforces shall monitor and prevent the entry of pornographic materials. It shall be unlawful for any person to sell and distribute such materials;
10. Selling Liquor, Cigarettes, Rugby and Other Addicting Substances to a Child - It shall be unlawful for any person or entity to sell liquor, cigarette, rugby or any addicting substance to a child;
11. Enticing Minors to Drink or Offering to Drink any Liquor or Alcoholic Drinks and Substances Except Upon Medical Advice - It shall be unlawful for any person or entity to entice minors to drink or offer to any liquor or substance that shall cause drunkenness, except for reasons of medication upon advice of a medical professional;
12. Smoking in Enclosed Places and Public Conveyances - Smoking in any enclosed place or public conveyance within the jurisdiction of the City of Naga, Cebu shall be prohibited.

The above prohibitions, which are likewise punishable in RA 7610 of the Child Abuse Act, RA 7658 on Child Labor, the Revised Penal Code, or other pertinent national laws shall be penalized hereunder. Acts or commission not falling under said laws shall be penalized by imprisonment of one (1) year and a fine not more than One Thousand Pesos (PhP1,000.00).

SECTION 50. CONTROL ON CHILDREN'S EXPOSURE TO COMMERCIAL VIDEO GAMES - Commercial establishments renting out electronic video games to children during school days from 6:30 in the morning to 5:30 in the afternoon and beyond 10:00 o'clock in the evening shall be subjected to suspension of business permit for fifteen days (15) during the first offense and one (1) month suspension of the same for the second offense. *Confiscation of video games equipment and cancellation of the business permit of said establishments shall constitute the penalty for the third offense.*

SECTION 51. CONTROL ON CHILDREN'S EXPOSURE TO INTERNET CAFE - Internet cafes catering to children except college students during schools days from 6:30 in the morning and 5:30 in the afternoon and beyond 10:00 o'clock in the evening, shall be subjected to suspension of its business permit for 15 days during the first offense and, one (1) month suspension of the same for the second offense. Confiscation of computer units and cancellation of the business permit of said establishment shall constitute the penalty for the third offense.

B. Juvenile.

SECTION 52. RIGHTS OF A JUVENILE - Pursuant to the UNCRC, every child allegedly 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/ her, if appropriate, through his/her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his/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/her age situation, *his/her parents or legal guardians*;
- D. Not to be compelled to give testimony or to confess guilty; to examine adverse witness and to obtain the participation and examination of the witness on his/her behalf under conditions of equality;
- E. If considered to have infringed the penal law, to have the decision and any measures imposed in consequence thereof reviewed by a higher competent, independent, and impartial authority or judicial body according to law;
- F. To have free assistance of an interpreter if the child cannot understand or speak the language used;
- G. To have his/her privacy fully respected in all stages of the proceedings.

SECTION 53. 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 child or youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

SECTION 54. LEVELS OF DIVERSION - Diversion shall be conducted at the barangay and polices levels, The Lupong Tagapamayapa and the Child and Youth Relation Unit (CYRU) are the competent authorities to conduct diversion proceedings.

SECTION 55. DUTY TO INFORM THE CHILD OF HIS/HER OFFENSE - The competent authorities are duty-bound to explain to the minor in a language known and understood by him/her to consequences of his/her acts and/or omission. The minor's responsibility for the commission of any felony shall be explained to him/her with a view towards counselling and rehabilitating him/her, and avoiding his/her contact with the criminal.

SECTION 56. INDIGENOUS MODES OF DIVERSION - Indigenous modes of conflict resolutions in harmony with international and national human rights and child's rights shall be optimized. The family shall be held answerable as well as exercise parental care and supervision over the minor.

SECTION 57. 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 affect shall be written and explained to both parties.

SECTION 58. 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 this order: CSWDO, the nearest relative, member of a child focused group religious group or a member of the Barangay Council for the Protection of Children concerned. They shall see to it 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 endeavour to make the child realize his/her responsibilities and obligations arising from the commission of the offense as well as the penalties imposed thereof.

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 proceedings.

SECTION 59. PROHIBITION AGAINST LABELING - *In the conduct of all proceedings, beginning from the initial contact of the child, the competent authorities must refrain from branding or labelling minors as criminals, juvenile delinquents, prostitutes, snatchers, rugby boys, or attaching to them in any manner any other derogatory names. Likewise, the discriminatory remarks and practices shall not be allowed particularly with respect to the minor's class or ethnic origins. The officer violating this provision shall be administratively and criminally dealt with.*

Likewise, degrading in human and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substance over their bodies, or forcing minors to walk around the community wearing signs which embarrass, humiliate and degrade their personhood and dignity and which harm them psychologically, emotionally, spiritually, morally, and physically shall be prohibited.

No minors shall likewise be made subjected to involuntary servitude in any and all forms under any and all instance by their arresting officers and/or custodians. Designating and/or compelling minors to act and serve as errand boys/girls, cleaners, or helpers is 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 60. DIVERSION PROGRAM, 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 61. FACTORS IN DETERMINING DIVERSION PROGRAMS - In determining when the 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 victim;
- G. the weight of the evidence against the child; and
- H. the safety of the community;

SECTION 62. 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 of a child:

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

SECTION 63. 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, lecture on:*
 - 1. anger management skills;
 - 2. problem solving on/or conflict resolutions skills
 - 3. values formation; and
 - 4. other skills which will aid the child in dealing with situations which can lead to re-offending;
- l. community-based programs available in the community; m. Institutional care and custody.

SECTION 64. CRITERIA OF COMMUNITY-BASED PROGRAMS - The City Government of Naga 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 integration of the child;
- b. referral to such programs shall need the consent of the child and the parents or legal guardians;
- c. the participation of other child-centered agencies, religious, civic, and other organizations will be allowed.

SECTION 65. COMMUNITY REINTEGRATION PROGRAMS - Community Reintegration Programs shall consist of, but shall not be limited to the following:

- a. community service, to be determined by the CSWDO;
- b. membership in civic and/or religious organizations;

SECTION 66. CONDITION OF 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 program to be undergone by the child shall be signed by the authority concerned and the child;
- b. The child shall present him/herself to the competent authorities that imposed the diversion program at least once a month for reporting and review of the effectiveness of the program;
- c. The child shall cooperate and faithfully comply with the conditions in the contract;
- d. The child shall permit the competent authorities and/or the City Social Welfare and Development Officer to visit the child's home;
- e. The child and other parties concerned shall satisfy 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 67. 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 (P 1,000.00).

SECTION 68. TRAINING OF THE LUPONG TAGAPAMAYAPA - In addition to the requirement provided in Section 399 of the Local Government Code, the members constituting the Lupon shall be provided with regular training by the City Government of Naga, in cooperation with the City 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 69. ASSISTANCE OF CHILD BY PARENTS - Any agreement resulting in barangay conciliation shall also be signed by the child with the assistance of any of the following, in this order: the parents, legal guardian, CSWDO, 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 70. REFERRAL TO DIVERSION PROGRAMS - In the process of conciliation, the Lupon or the Pangkat as the case may be, shall be encouraged on the inclusion of community service program or other forms of diversion to be included in the settlement.

SECTION 71. DESIGNATION OF OFFICER OR UNIT TO HANDLE CASES INVOLVING YOUTH OFFICERS - The City Government of Naga shall designate a Child and Youth Relation Officer/Unit (CYRO or CYRU) to handle cases involving youth offenders. This may be coordinated or integrated with the present Women and Children's Desk or may be a separate unit, depending on the conditions of the area.

SECTION 72. 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 proceeding and custody as outlined in Section 25 of R.A. 7610 or the Child Abuse Act.

SECTION 73. 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 74. 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 this order: his/her parents/guardian, the nearest relative, member of a child-focused group, religious group, member of Barangay Council for the Protection of Children concerned, or a City Social Welfare and Development Officer, and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and explained by a 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 confession and admissions in violation of these rights are inadmissible as evidence against the child. In no case shall deceit, false premises, intimidations 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 75. DIVERSION, WHEN PROPER - Where there is no private offended party, or where the offended party and the child gives consent to a diversion, the CYRU or CYRO in consultation with the child's parents/guardians, 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 City Social Welfare and Development Officer shall formulate a diversion program and refer the child to the appropriate agencies for the compliance of the program.

SECTION 76. RIGHT OF THE JUVENILE TO COUNSEL - From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by a counsel. The arresting officer, prosecutor or judge shall ensure that the juvenile is represented by a counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of a counsel shall be null and void.

SECTION 77. CUSTODY AND SUPERVISION - No child shall be removed from parental supervision whether partly or entirely unless the circumstances of his/her 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 shall be committed to take care of the nearest relative, a member of the Barangay Council for the Protection of Children, or the CSWDO.

If necessary, the CSWDO may refer the child to an appropriate child-caring institution.

SECTION 78. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS - All records and proceedings which involve 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 police blotter of cases, involving children and adopting a system of coding to conceal material information which will lead to the child's identity. Records of the juvenile offenders shall not be used in adult proceedings in the subsequent cases involving the same offenders.

SECTION 79. CARE AND MAINTENANCE OF JUVINILE - The parents or other persons liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case is institutionalized. The disposition shall include the proportion of support if such person is not capable of paying the said amount and the rest shall be paid by the City Government of Naga.

SECTION 80. REINTEGRATION PROGRAMS - The City Government of Naga is encouraged to implement reintegration programs for a juvenile who is released by the court. This is for the purpose of preparing the juvenile for integration in the community.

ARTICLE 6

IMPLEMENTING MECHANISM

A. Local Council for the Welfare of Children

SECTION 81. CREATING OF CITY COUNCIL FOR THE WELFARE OF CHILDREN - The Sangguniang Panlungsod shall create a council for children known as the City Council for the Welfare of Children (CCWC) and coordinate with the City Government of Naga for the creation and organization of the City 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 information, implementation and enforcement of all policies, programs and projects relative to the survival, development and protection of children of the local councils.

The City Council for the Welfare of Children (CCWC) 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 of the children by virtue of the City Government of Naga's power and authority to plan and implement local socio-economic development plans, policies, and programs.

SECTION 82.COMPOSITION AND FUNCTIONS OF THE CITY COUNCILFOR THE WELFARE OF CHILDREN (CCWC)

A. *Members of the CCWC shall include the following agencies/units or offices, and other agencies if deemed important, depending on the current specific situations/ problems of the locality;*

- a. City Mayor
- b. Chairperson of the Sangguniang Panlungsod Committee on Women, Children and Family Affairs
- c. City Social Welfare and Development Officer (CMSWDO)
- d. Chairperson of the Sangguniang Panlungsod Committee on Health
- e. City Health Officer
- f. Schools Division Superintendent
- g. Chief of Police
- h. Chairman of the SK Federation
- i. ABC President
- j. Representative of the Business Sector
- k. One (1) Child Representative
- l. City Local Government Operations Officer
- m. City Planning and Development Office
- n. Barangay Human Rights Assistance Officer

B. The CCWC shall have the following functions:

1. To review and integrate the city programs and projects needing assistance into the City Program for Children;
2. To monitor and review the implementation of the city programs;
3. To submit quarterly status reports on the implementation of the city programs to the Provincial Council for the Welfare of Children;
4. To recommend policies and programs to the City Development Council and to the Sangguniang Panlungsod;
5. To mobilize resource assistance, specifically, to provide appropriate support to child-related projects/activities as recommended by the City Council for the Welfare of Children;
6. To provide the necessary technical assistance to the city/ barangay councils if called for;
7. To advocate for the passage of an ordinance pertinent to child survival, protection, participation and development with appropriate funding support; and
8. To identify and recommend programs and services to be contracted for implementation of this Code;

Secretariat support shall be provided by the Office of the City Social Welfare and Development (CSWD). 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 83. CREATION OF THE BARANGAY COUNCIL 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 acquire at least an elementary education;

- b. To encourage the proper performance of the duties of the parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationships;
- 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 abuses and exploitation;
- f. To take steps to prevent juvenile delinquency and to assist children with behavioural problems so that they can provide expert advice;
- g. To adopt measures to promote the health and nutrition of children;
- h. To promote measures on 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 occurring expert guidance counselling 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 Plan of Action for children which address the needs of children in the community and ensures 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 City Council for the Welfare of Children (CCWC).

SECTION 84. REPRESENTATION OF NON-GOVERNMENTAL ORGANIZATIONS IN THE COUNCILS FOR CHILDREN - The Sangguniang Panlungsod shall invite non-government organizations (NGOs) with child-focused programs for membership in the City Council for the Welfare of Children, provided that these NGOs are duly accredited by the Sangguniang Panlungsod based on its criteria for accreditation.

SECTION 85. INTERNAL RULES OF THE COUNCIL FOR THE WELFARE OF CHILDREN - The City Council for the Welfare of Children should adopt its 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 that the Council may adopt.

B. Desk for Children's Concerns.

SECTION 86. CREATION OF A DESK FOR CHILDREN'S CONCERNS - There shall be created a Desk for Children's Concerns under the Office of the City Social Welfare and Development Office.

SECTION 87. FUNCTIONS OF DESK FOR CHILDREN'S CONCERNS - *The Desk for Children's Concerns shall:*

- a. act as secretariat for the City Council for the Welfare of Children (CCWC);

- b. oversee and coordinate the implementation of this Code; and
- c. be in charge of the day-to-day operations of the City Council for the Welfare of Children (CCWC).

SECTION 88. CONSULTATION WITH THE DESK FOR CHILDREN'S CONCERN - *The Desk for Children's Concerns shall be consulted by the City Government of Naga and other bodies whenever they are considering proposals to change or repeal existing legislations or to introduce new legislations likely to affect children's lives;*

SECTION 89. 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 United Nations (UN) Convention Rights of the Child. Concerned government offices in the City Government 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 90. CHILD IMPACT STATEMENTS - *The City Government of Naga 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 91. MANDATORY CONSULTATIONS - *Prior to the implementation of any national project by any and all national government agencies, bureaus, or offices affecting children, the approval by the City Mayor and the Sangguniang Panlungsod shall be obtained after the holding of the public hearings on the matter and after consultations with the Desk for Children's Concerns*

ARTICLE 7

REMEDIAL MEASURES AND PENAL PROVISIONS

SECTION 92. 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 with the third degree of consanguinity;
- d. *City Social Welfare Development Officer (CSWDO);*
- e. Punong Barangay ; or
- f. *At least three (3) responsible citizens residing in the community where the violations occurred & assisted by the Barangay Human Rights Officer of the barangay concerned.*

SECTION 93. PROTECTIVE CUSTODY OF THE CHILD - *The offended party shall be immediately placed under the protective custody of the DSWD through the CSWDO pursuant to Executive Order No. 56 series of 1986. In the regular performance of this function, the officer of the DSWD 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 94. 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, reporter or columnist in case of printed materials and announcer or producer in case of the movie industry, to cause undue and sensationalized publicity of any case of violations of this Act which results in the moral degradation and suffering of the offended party.

SECTION 95. REPORTING - A person who learns the 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 & Development through the CSWDO furnishing a copy to the Barangay Council for the Protection of Children.

SECTION 96. 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 twenty-four (24) hours from the knowledge of the same.

SECTION 97. 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 possible child abuse to the authorities mentioned in the preceding sections.

SECTION 98. FAILURE TO REPORT - Any individual mentioned in Section 107 who passes knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

SECTION 99. 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 100. 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 imprisoned for six (6) months to one (1) year and/ or a fine of P 500.00 to P 1,000.00 or both fine and imprisonment upon the discretion of the court, however subject to the following: to wit,

For first time offenders, and where the offender is the parent, or teacher of the child, or relative within the fourth degree of consanguinity, and if he/she 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 parenting or any appropriate seminar;
- b. community service of ten to fifteen (10-15) days;
- c. family therapy;
- d. participation in appropriate courses.

For offenses punishable under RA 7610, RA 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.

ARTICLE 8

BUDGETARY APPROPRIATIONS

SECTION 101. APPROPRIATION FOR CHILDREN'S PROGRAMS -

The City Government shall appropriate funds as part of their annual budget for the implementation of children's programs.

ARTICLE 9

SEPARABILITY/APPLICABILITY/REPEALING AND EFFECTIVITY CLAUSE

SECTION 102. SEPARABILITY CLAUSE - If, for any reason or reasons, any part of provision of this Code shall be held unconstitutional or invalid, other parts of provisions hereof which are not affected thereby shall be considered to be *in full force and in effect*.


SECTION 103. APPLICABILITY CLAUSE - All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provision of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the City of Naga, Cebu as well as the barangays in the city and to all persons who may be subjected to the provision of this Code.

SECTION 104. 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 105. EFFECTIVITY CLAUSE - This Code shall take effect immediately upon approval.

APPROVED on third and final reading this 3rd day of May 2017, on motion of Hon. Luzminda R. Lapitan, seconded by Hon. Porferio V. Resaba, Jr.


CERTIFIED CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:

 *KVC. 05/16/17*
KRISTINE VANESSA T. CHIONG
City Mayor