

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 10, 2017 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHIONG
HON. ALEXANDER R. LARA
HON. AURELIO B. ALINSONORIN
HON. DELFIN R. SEÑOR
HON. AFSHIN MARK K. SEÑOR
HON. RODRIGO A. NAVARRO
HON. PABLO A. ABANGAN
HON. LUZMINDA R. LAPITAN
HON. PORFERIO V. RESABA, JR.
HON. JUSTINO L. DAKAY

- 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
- ABC President

On Official Business:

HON. CARMELINO N. CRUZ, JR.

- Sangguniang Panlungsod Member

On Leave:

HON. VIRGILIO M. CHIONG

- Sangguniang Panlungsod Member



ORDINANCE NO. 2017-006

Hon. Afshin Mark K. Señor – Sponsor

**AN ORDINANCE ENACTING THE YOUTH CODE OF THE CITY OF NAGA,
CEBU**

EXPLANATORY NOTE

Section 13 of Article II of the 1987 Constitution mandates that the State shall recognize the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being and shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Republic Act 8044, otherwise known as the Youth in Nation-Building Act of 1995 also gives recognition to the youth's responsibility to fulfill their vital role in nation-building.

The development of the youth sector in the City of Naga, Cebu is one of the priorities of the City Government in terms of the protection of their rights, promotion of their general welfare, as well as youth participation and development.

To realize the city's vision of providing a youth-friendly environment and improve the quality of life of its youth sector, there is a need for the Sangguniang Panlungsod to enact an ordinance that will uphold the rights and ensure the promotion of general welfare of the youth and their protection from acts, conditions, or influences that are prejudicial to their development, and which shall set the guidelines for ordinances pertaining to the city's youth sector.

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

SECTION 1. TITTLE - This ordinance shall be known as the Youth Code of the City of Naga, Cebu.

SECTION 2. POLICY - 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.

SECTION 3. DEFINITION OF TERMS

- a. **YOUTH** - by virtue of Republic Act 8044 otherwise known as The Youth in Nation Building Act of 1995, and for the purpose of this ordinance, shall refer to those persons whose ages range from fifteen (15) to thirty (30) years old.
- b. **YOUTH OF SCHOOL AGE** - shall refer to all youth whose ages range from 15-25 years old.
- c. **MINOR YOUTH** - shall include all youth whose ages range from 15-17 years old.
- d. **WORKING YOUTH** - shall refer to all youth whose ages range from 18-30 years old who are employed either on a regular or temporary basis.
- e. **OUT-OF-SCHOOL YOUTH** - refers to all youth of school age, whether organized or not, who are unable to avail of the formal school system or who have dropped out from formal elementary and secondary education.
- f. **IN-SCHOOL YOUTH** - refers to all youth of school age, whether organized or not, presently enrolled with any educational or vocational schools.
- g. **SPECIAL YOUTH** - refers to youth with disabilities or those who suffer physical defects, as well as youth with special needs which include but not limited to those who are drug dependents, in conflict with the law, and those caught in armed conflicts.
- h. **COMMUNITY YOUTH ORGANIZATIONS** - are organizations whose majority of membership are youth and might be based in educational institutions but whose programs are not solely for education advancement or may be community based whose members are not all out-of-school youth.
- i. **CIVIL RIGHTS** - are those rights of the youth to be protected against all forms of abuse, exploitation and discrimination in situations where the youth is considered in extremely difficult circumstances;
- j. **ECONOMIC, SOCIAL AND CULTURAL RIGHTS** - pertain to the access of the youth to educational opportunities, relevant information, leisure, cultural activities and the right to freedom of thought, conscience and religion;
- k. **POLITICAL RIGHTS** - are those rights which provide the youth the freedom to express themselves on matters affecting his/her life;
- l. **ANTI-SOCIAL RELATED ACTIVITIES** - are those acts done on property, chastity and person such as snatching, shoplifting, misrepresentation as well as non-petty crimes such as:
 - 1. using and pushing prohibited drugs
 - 2. selling or distribution of lewd/obscene reading materials
 - 3. pimping for young and adult prostitutes, sexual perversions and doing or participating in obscene shows
 - 4. gambling of any form
 - 5. rape and incest
 - 6. all other circumstances as defined in the existing laws

- m. HAZING - an initiation rite being conducted as a prerequisite for admission as member in a fraternity, sorority, or organization by placing the recruit, neophyte, or applicant in an embarrassing or humiliating situations such as forcing him/her to physical suffering or injury.

SECTION 4. Within six (6) months from the effectivity hereof, the City of Naga Youth Commission (CNYC), after consultation with the various youth groups, other government agencies, private sector, and non-government organizations, shall develop a comprehensive program for the youth in the city.

ARTICLE II RIGHTS AND DUTIES

SECTION 5. RIGHTS – Every youth shall have following rights, specified herein, to wit:

- a. to be informed of his Constitutional rights;
- b. to bodily integrity and the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest and finally the necessary social services;
- c. *not to be discriminated, intimidated, abused or humiliated;*
- d. to quality and responsive education;
- e. to freely and fully participate in the political processes of his community and country;
- f. to the economic development based on the precepts of justice and equity;
- g. The right to exercise freedom and religion; and.
- h. Every youth right is coupled with a moral and legal obligation that he should fulfil.

ARTICLE III

RESPONSIBILITIES OF THE YOUTH

SECTION 6. RESPONSIBILITIES – Every youth, regardless of the circumstances birth, sex, religion, social status, political antecedents and other factors, shall:

- a. strive to lead an upright and virtuous life regardless of religious and political affiliations, teachings of elders and mentors, and biddings of a clean conscience;
- b. love, respect and obey his parents, and cooperate with them in the strengthening of the family;
- c. extend to his brothers and sisters his/her love, thoughtfulness, and helpfulness and endeavor with them to keep the family harmonious and united;
- d. not all has the privilege/opportunity to go into formal education; exert utmost effort to develop his potentials for services, in order that he may become an asset to himself and to society;
- e. *respect not only his/her elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the law of our country, and the principles and institutions of democracy;*
- f. participate actively in civic affairs and in promotion of the general welfare, always bearing in mind that it is the youth who will eventually be called upon to discharge the responsibilities of leadership in shaping the nation's future ; and
- g. help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and posterity, and the furtherance of world peace.

ARTICLE IV

YOUTH PARTICIPATION

SECTION 7. PARTICIPATION IN DECISION-MAKING PROCESS – It is important to consult and provide a venue for the expression of the youth's view in the city policies. Consistent to this, it is necessary that the youth sector is convened once a year, specifically during the youth month, which shall be held every April of the year.

SECTION 8. YOUTH PARTICIPATION RIGHTS – The active participation of the youth in all spheres of community life should be encouraged without discrimination. They have the following rights:

- a. Every youth has the right to congregate and form associations: as such they have the right to autonomously determine the type of organization, exercise their desired goals, provided however, that such associations are not contrary to law or public welfare;
- b. Every youth has the inherent right to take an active part in public life, and to contribute to the common good of the community and fellow citizens.
- c. Every youth has the right to initiate programs, projects, and activities that are not contrary to law or public welfare.
- d. Every youth has the right to be accorded any form of counsel, advise, guidance, and reprimand in any undertaking fundamental to the needs and well being of his sector.
- e. Every youth has the right to commit, engage, and be involved in any form of endeavor, necessary in the full development of their sector's interest and society as a whole.
- f. Every youth and youth association or organizations has the right to seek and avail of encouragement through technical, educational, and financial support from the appropriate agencies concerned.
- g. Every youth has the right to demand for an environment that is not in conflict with the nature of employment and/ or endeavor they have chosen to partake in.
- h. No youth shall be deprived of his right to participate in activities vital to the society's development on the basis of race, gender, creed, ideology, economic status, cultural and organizational affinity, abilities, and/or educational attainment.

ARTICLE V

PROTECTION OF THE YOUTH

SECTION 9. INTEGRATED QUICK RESPONSE SYSTEM – The City Government of Naga shall quickly and adequately respond to cases involving the youth such as sexual exploitation, trafficking and slavery.

SECTION 10. BUSINESS PERMITS – Business permits and licenses issued by the City Government to establishments which fail to provide or stop the abuse or exploitation of the youth in their premises shall be suspended or revoked as may be warranted;

SECTION 11. INTERNET CAFES – All internet cafes and similar establishments shall be strictly monitored for the youth who are supposed to be in school for their studies;

SECTION 12. VIDEO GAMES - Playing in video game centers and other similar establishments in the city shall not be allowed in week days during school hours;

SECTION 13. CURFEW – There shall be a curfew for students from 10:00 in the evening to 4:00 in the morning except when accompanied by their parents or guardians. [Note: Implementation of the Curfew provision is deferred until the Supreme Court has issued further orders, resolution and/or decision resolving the issue of whether or not curfew ordinances are constitutional, and; whether or not curfew ordinances deprive the minors of their right to liberty and right to travel.

SECTION 14. YOUTH REHABILITATION CENTER – The Youth Rehabilitation Center shall provide 24-hour care, treatment and rehabilitation services under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals

ARTICLE VI

YOUTH VOLUNTEER PROGRAM

SECTION 15. VOLUNTEERISM – The City Government of Naga shall promote the spirit of volunteerism, bayanihan and patriotism among the youth and to tap their potentials in community-related projects;

ARTICLE VII

THE CITY OF NAGA YOUTH COMMISSION

SECTION 16. CITY OF NAGA YOUTH COMMISSION – The City of Naga Youth Commission (CNYC) is hereby created which shall be responsible for policy formulation on, and review of youth promotion and development programs, establishment of a consultative mechanism for dialogue with the youth, linkaging with government and non-government organizations both at the national and international levels for the youth's active participation as partners in nation building, and formulate plans that will promote the development and uphold the rights of the youth of the city;

SECTION 17. COMPOSITION – The CCNYC shall be composed of the following:

- a. 5 Representative, Student Council President from the private schools
- b. 5 Representative, students Council from the public schools
- c. 5 Representative, Out- of – School Youth
- d. 2 Representatives, Fraternities
- e. 1 Representative, Special Youth
- f. 1 Representative, Community Youth

All of herein members shall be appointed by the City Mayor based on nominations duly called for the purpose;

SECTION 18. QUALIFICATIONS OF MEMBERS – The representative to be appointed to the CNYC shall have the following qualifications:

- a. A bona fide resident of the City of Naga for not less than six months prior to the submission of applications;
- b. At least a High School graduate; except for the out of school youth;
- c. Must be 15 years old but not more than 24 years old;
- d. Of good moral character, as duly certified by the School Head or Punong Barangay, as the case may be;

- e. Can fully attend to official functions when needed; and
- f. He/She must accomplish the Application form and submit the same together with other documentary requirements as prescribed by the Committee.

SECTION 19. FUNCTIONS, DUTIES AND RESPONSIBILITIES – Aside from the functions, duties, and responsibilities already mandated by the Local Government Code of 1991, the following duties, responsibilities, and functions shall be observed:

- a. Formulate in consultation with all accredited youth organizations, a City of Naga Youth Development Plan and monitor its implementation;
- b. In consultation with all accredited youth organizations, develop the youth legislative agenda and advocate and/or lobby for its passage;
- c. Facilitate city-wide training and seminars that will:
 - 1. Enhance their management and leadership capacities;
 - 2. Implement/enforce/popularize the city youth development plan and youth legislative agenda;
 - 3. Familiarize the youth of all the laws and policies that concern them;
 - 4. Sustain their respective organizational programs and projects;
- d. Facilitate and monitor all activities pertaining to youth development;
- e. Initiate advocacy workshops and programs on:
 - 1. Moral recovery
 - 2. Anti-drug abuse
 - 3. New policies
 - 4. Sustainable development; and
 - 5. Climate Change Adoption and Disaster Risk Reduction Management
- g. Create such other committees and bodies as it may deem necessary to attain its objectives;
- h. Coordinate and link up with other agencies whether government or private for youth welfare and development;
- i. Assist the City Government in all the developmental projects concerning them;
- j. Undertake fund-raising and resource mobilization activities;
- k. Other programs that are designed to enhance the social, political, economic, cultural, intellectual, moral, spiritual, and physical development of the youth.

SECTION 20. OFFICERS – The representative to the CNYC will elect from among themselves the following officers:

- a. Chairman
- b. Vice Chairman (external - links to the different organizations; internal - links to the members)
- c. Secretary
- d. Treasurer

SECTION 21. TERM OF OFFICE

1. All representatives shall hold office during their incumbency for only one (1) year Upon election;
2. All officers shall continue to serve until successors are required and elected.

SECTION 22. COMMITTEES – The CNYC may create many committees as may be warranted by priority programs and services such as Leadership Training/Youth Camp Program, Employability Skills Training, Value Formation, Citizenship/Nation-Building Seminar, Health Services and Adolescent Reproductive Health Program, Out of School Youth Programs, Socio-Cultural and Sports Development and Disaster Preparedness and Climate Change.

SECTION 23. NON-PARTISAN NATURE OF COMMISSION – The CNYC shall be non-partisan.

SECTION 24 – BARANGAY TASK FORCE ON YOUTH DEVELOPMENT – In line with the law, a Barangay Task Force on Youth Development is hereby created in all barangays, which shall coordinate with the CNYC; the task force shall serve as the barangay arm of the CNYC and shall be responsible for the formulation of the Barangay Youth Development Plan;

ARTICLE VIII

ADVISORY COUNCIL

SECTION 25. ADVISORY COUNCIL - There shall be an Advisory Council to the CNYC which shall be composed of the following members:

- | | |
|----------------|--|
| 1. Chairman: | Chairperson, Committee on Youth and Sports,
Sangguniang Panlungsod; |
| 2. Members: | Chairperson, Committee on Family, Women and Social
Services, Sangguniang Panlungsod
City Administrator
Representative, City Social Welfare and Development
Office
Representative, Department of Education
Representative, City Human Resource Management Office
Chief, Philippine National Police
Representative, Philippine Employment and Management
Office
Representative, Public Information Office
Secretary, the Sangguniang Panlungsod |
| 3. Secretariat | To be appointed among the members of the Advisory Council |

All of the members of the Adisory Council shall be appointed by the City Mayor based on nominations called for that purpose by the CNYC.

SECTION 26. FUNCTIONS – the Advisory Council shall advise the CNYC on matters affecting the interest and welfare of the youth in the city and act as a recommendatory body of the CNYC. The CNYC shall consult the Advisory Council on highly important matters that affect the welfare of the youth in the city. The Secretariat shall handle the administrative duties, maintain records and oversee or perform the secretariat duties of the Council.

SECTION 27. – TERMS OF OFFICE. The Council members shall serve a term of one (1) Year , provided, however, that whenever a vacancy occurs during the term of a member, a new member shall be appointed by the Chairperson of the Committee on Youth and Sports of the Sangguniang Panlungsod.

SECTION 28. – REMOVAL OF A MEMBER OF THE ADVISORY COUNCIL. A member of the City of Naga Advisory Council may be removed for cause under the following circumstances:

- a. More than three (3) unexcused absences during regularly scheduled meetings;
- b. Commission of acts prejudicial to the interest of the CNYC;
- c. Graft and corruption; and
- d. Conviction of Criminal offense.

SECTION 29. MEETING. The Advisory Council shall meet at least once a month or as often as necessary as the Chairman desires upon serving notice to the members at least one week before the scheduled meeting.

SECTION 31. COORDINATION MEETING. The coordination meeting between the CNYC and the Advisory Council shall be at least once every two (2) months.

SECTION 32. – QUORUM. Constituting a quorum is applying simply the majority rule which is 50% plus one (1). The Chairman may call special meetings as he may deem necessary.

ARTICLE IX

MECHANISM

SECTION 33. YOUTH MONTH - The CNYC shall celebrate the month of April as the youth month in the City of Naga, Cebu with activities focused on the youth. A special youth day celebration shall also be conducted on the last Friday of April of every calendar year which will focus on activities and programs enhancing the skills of the youth and reviving the cultural games and activities of the City of Naga.

SECTION 34. YOUTH CONGRESS - There shall be a Youth Summit to be held at least once in two (2) years which shall serve as the Consultative - Assembly of the youth in the city on matters of planning and programming as well as assessment of policies and programs affecting them. In this Congress, the CNYC delivers the annual state of the youth, the programs implemented and to be implemented in line with the Development Plan and consultation with the different organizations and agencies for policy-making and the best youth ideas and practices.

SECTION 35. YOUTH REPORT - An annual report shall be prepared and submitted to the Office of the City Mayor and the Sangguniang Panlungsod relative to the issues, activities, accomplishments as well as the problems encountered by the Commission.

SECTION 36. YOUTH DEVELOPMENT PLAN – A year after this enactment, the CNYC shall prepare a Comprehensive Youth Development Plan for City of Naga, Cebu which shall detail among others, the situation of the youth, the vision of the city for the youth, youth analysis, priorities, programs, anticipated problems and the mechanisms for monitoring and evaluation.

This Plan shall be revised and updated annually or as may be necessary.

For purposes of the barangay, the Barangay Task Force on Youth Development shall create a Barangay Youth Development Plan.

FINAL PROVISIONS

SECTION 37. APPROPRIATIONS – To effectively implement this Ordinance, a sufficient amount shall be allocated as “Youth Development” subject to the submission of and recommendation of the plan by the Advisory Council and approved by the City Mayor.

SECTION 38. SK BARANGAY FUNDS – in view of the provisions of Republic Act 10632 which postponed the elections of November 30, 2013, the barangay funds available, formerly allocated for the SK, shall be exclusively for: (1) Youth Development Programs and Projects such as, but not limited to Capacity-Building (eg. Leadership Training/Youth Camp Program, Employability Skills Training Value Formation, Citizenship/Nation-Building Seminar), Health Services and Adolescent Reproductive Health Program, Out of School Youth Programs, Socio-Cultural and Sports Development, Disaster Preparedness and Climate Change Adaptation and other similar youth-related development programs and projects; and (2) Conduct of SK elections provided that 10% but not less than P10,000 shall be reserved in the event that SK election will be conducted.

Relative hereto, as mandated by said law, the Chairperson of the Youth and Sports Development Committee in the Barangay shall also be the Chairperson of the Committee of the Youth and Sports Development, with eight (8) members, nominated by the youth.

Said members must have the following qualifications: at least 15 years of age but not more than 17 years of age at the date of their designations; should be a good moral character; a resident of the barangay at least six (6) months before the date of the appointment; and should not be related within the 4th degree of consanguinity and affinity to the officials of the Sangguniang Panlungsod.

The Barangay Task Force on Youth Development shall ensure that programs and projects in the Plan are implemented in the barangay and that SK funds are utilized solely for youth development.


SECTION 39. SEPARABILITY CLAUSE – If any provision of this Ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

SECTION 40. REPEALING CLAUSE – All ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.


SECTION 41. EFFECTIVITY CLAUSE – This Ordinance shall immediately effect upon approval.

APPROVED on third and final reading this 10th day of May 2017, on motion of Hon. Afshin Mark K. Señor, seconded by Hon. Justino L. Dakay.


CERTIFIED CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


OTHELLO M. CHIONG
Vice Mayor/Presiding Officer

APPROVED BY:

 K.V.C. 05/16/17
KRISTINE VANESSA T. CHIONG
City Mayor