

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 February 14, 2019 at the Session Hall, Legislative Building, City of Naga, Cebu.

Present:

HON. OTHELLO M. CHIONG	-Vice Mayor/Presiding Officer
HON. ALEXANDER R. LARA	- Sangguniang Panlungsod Member
HON. VIRGILIO M. CHIONG	- Sangguniang Panlungsod Member
HON. DELFIN R. SEÑOR	- Sangguniang Panlungsod Member
HON. AFSHIN MARK K. SEÑOR	-Sangguniang Panlungsod Member
HON. CARMELINO N. CRUZ, JR.	- Sangguniang Panlungsod Member
HON. RODRIGO A. NAVARRO	- Sangguniang Panlungsod Member
HON. PABLO A. ABANGAN	-Sangguniang Panlungsod Member
HON. LUZMINDA R. LAPITAN	- Sangguniang Panlungsod Member
HON. PORFERIO V. RESABA, JR.	- Sangguniang Panlungsod Member
HON. SCOTT JUVENAL A. CHIONG	-ABC President
HON. JHUN MARK T. SISMAR	-SK President

On Leave:

HON. AURELIO B. ALINSONORIN	- Sangguniang Panlungsod Member
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**ORDINANCE NO. 2019-003**

**Hon. Luzminda R. Lapitan - Sponsor**  
*Chairman Committee on Women, Gender and Family Relations*

**THE CHILD RESCUE ORDINANCE OF THE CITY OF NAGA, CEBU,  
PROVIDING GUIDELINES FOR ITS IMPLEMENTATION, AND FOR OTHER  
PURPOSES**

**EXPLANATORY NOTE**

Section 13 Article II of the 1987 Philippine Constitution provides that "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."

The implementation of laws pertaining to the protection of minors or children's rights accounts for one of the government's most important mandate, considering the persistent occurrence of juvenile delinquency in the Filipino society, and considering as well that children are more vulnerable to certain forms of neglect and abuse.

Notwithstanding the existence of laws on children's rights, including the national government's ratification of United Nations Convention on the Rights of the Child, reports and instances persist where the minors' welfare is ignored, violated, and if not, treated too lightly to be strictly considered and monitored by concerned authorities.

This Sanggunian has seen the necessity to enact this measure to promote the well-being of children and protect them from exploitation, abuse and circumstances detrimental to their health, growth and total development with the end in view of raising them to become law-abiding and productive citizens in the future.

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

**ARTICLE I**

**TITLE, DECLARATION OF POLICY, COVERAGE, DEFINITION OF TERMS**

**SECTION 1. SHORT TITLE.** - This ordinance shall be known as "CHILD RESCUE."

**SECTION 2. DECLARATION OF POLICY.** - It is the policy of the state to promote the well-being and total development of children and to protect them from exploitation, abuse, improper influence, hazards and other circumstances prejudicial to their physical, mental, emotional, social and moral development. It is the policy of the City Government of Naga, Cebu to protect the interest of children from reckless, careless and negligent parents, guardians, relatives and all other persons exercising parental authority over children.

**SECTION 3. COVERAGE.** - The child rescue ordinance shall cover all children and all exercising parental authority and responsibility over the children, whether or not they are constituents of the City of Naga, Cebu. This will also cover the barangays and to the extent here provided, department offices and agencies under the supervision and jurisdiction of the City Government of Naga, Cebu.

**SECTION 4. DEFINITION OF TERMS.** - The following words and phrases, whenever used in this ordinance shall be constructed as defined in this section.

- (a) Child - refers to a person below 18 years of age or over, but is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical/mental disability/condition.
- (b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
  - Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - Unreasonable deprivation of his/her basic needs for survival, such as food and shelter; or
  - Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in his or her permanent incapacity or death.

## ARTICLE II

### PROTOCOL FOR CHILD RESCUE

**SECTION 1. INTRODUCTION.** - A protocol is a set of standards to ensure the protection of the rights of child victims of abuse, neglect, and exploitation. The protocol is a product of Committee for the Special Protection of Children (CSPC) consultations and workshops with various stakeholders on the implementation of Republic Act 7610, otherwise known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes."

The protocol highlights the roles and responsibilities of government agencies and their partners, from reporting or referral of a child abuse case until its termination, ensuring that child victims are dealt with a most child-sensitive and appropriate manner.

Child victims are those who are:

- Abused - physical, sexual, emotional and psychological abuse;
- Neglected - abandoned and those deliberately unattended by their parent/s or guardian;

- Exploited - commercial sexual exploitation (prostitution and pornography), economic exploitation (child labor), trafficked children and other exploitative situations.

**SECTION 2. CASE MANAGEMENT.** - The management of child abuse cases is multi-sectoral (national and local government agencies, non-government and faith-based organizations, civic and private sectors) and multi-disciplinary (police, prosecutor, judge, lawyer, social worker, medical doctor, psychiatrist, psychologist, barangay officials, among other) working together as a team to provide appropriate protection, legal and social services to children who are victims of abuse, neglect and exploitation.

Due to devolution of social services and accessibility to the community, the local government unit's (LGU) social worker (referred to as City Social Welfare and Development Office or CSWD social worker) is often the case manager. As case manager, the social worker coordinates the provision of needed services in cooperation with partner agencies.

**SECTION 3. PERSONS WHO MAY REPORT AND TO WHOM MAY ONE REPORT A CASE OF CHILD ABUSE.** - Any person may report, either orally or in writing, a case of child abuse, neglect, or exploitation. The report may be made to any of the following:

- Department of Social Welfare and Development (DSWD);
- Philippine National Police (PNP);
- Punong Barangay;
- Barangay Kagawad;
- Any member of the Barangay Council for the Protection of Children (BCPC); and
- Barangay help desk person or violence against women (VAW) help desk officer.

The following government workers have the duty to report all incidents of possible child abuse:

- Teachers and administrators in public schools;
- Probation officers;
- Government lawyers;
- Law enforcement officers;
- Barangay officials; and
- Other government officials and employees whose work involves dealing with children.

Any person who reports must provide basic information on the child victim (name, age, address or whereabouts of child, the reason that child may be at risk or in an abusive or exploitative situation) and the alleged perpetrator. However, any relevant information to suspect that a child is being abused or exploited shall suffice to initiate any action and investigation.

**SECTION 4. RESCUE OF A CHILD VICTIM.** - If, based on the report received either by DSWD, a rescue operation is necessary, the social worker and the police shall immediately meet to plan the rescue operations shall proceed as follows:

- The agency that received the initial report shall immediately verify the matter and gather more information;
- Such agency shall contact the other team members: DSWD, and the concerned barangay officials to map out the rescue operations, identify tasks and responsibilities, and identify support agencies or services;

- Confidential information may be shared only with those directly involved in the planning and conduct so as not to preempt the rescue operation; and
- The barangay may immediately rescue a child if coordinating the rescue operations with the nearest available social worker compromise the safety of the child. As soon as the child is rescued, the child shall be immediately endorsed to DSWD and the rescue operations entered in the barangay and/or blotter.

**SECTION 5. PROTECTIVE CUSTODY AND INVOLUNTARY COMMITMENT.** - When investigation discloses sexual abuse, serious physical injury, or life-threatening neglect, the DSWD social worker, with the assistance of the barangay, shall immediately remove the child from the home or the establishment where the child is found and must place the child under protective custody to ensure the child's safety.

When taking protective custody of a child victim, the following shall be observed:

- The child shall be placed with a relative who is competent and willing to keep the child safe and protected;
- In the absence of a relative, the child may be placed in a DSWD-managed facility, an accredited child-caring institution, or a foster home;
- When report of sexual abuse, serious injuries or life-threatening neglect is made to a doctor or social worker, the latter shall immediately inform the DSWD of the area where the subject child victim resides or may be found;
- If the child was rescued or transferred to a temporary shelter without any assistance, the DSWD must immediately inform the police that the child is placed under protective custody; and
- The decision to place a child under protective custody must be reviewed every three (3) months in a multidisciplinary case conference to determine whether extending or shortening the period will redound to the best interest of the child. If deemed necessary, the protective custody will be extended or terminated.

### **ARTICLE III**

#### **PENALTIES, FUNDING, SEPARABILITY, REPEALING AND EFFECTIVITY CLAUSE**

**SECTION 1. FAILURE TO REPORT.** - Any individual 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 2. IMMUNITY FOR REPORTING.** - Any person who 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 3. 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 at the discretion of the court subject to the following, viz:

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; and
- d. Participation in appropriate courses.

**SECTION 4. BUDGET/FUNDING.** - The City Government shall allocate funds for the implementation of this Ordinance.

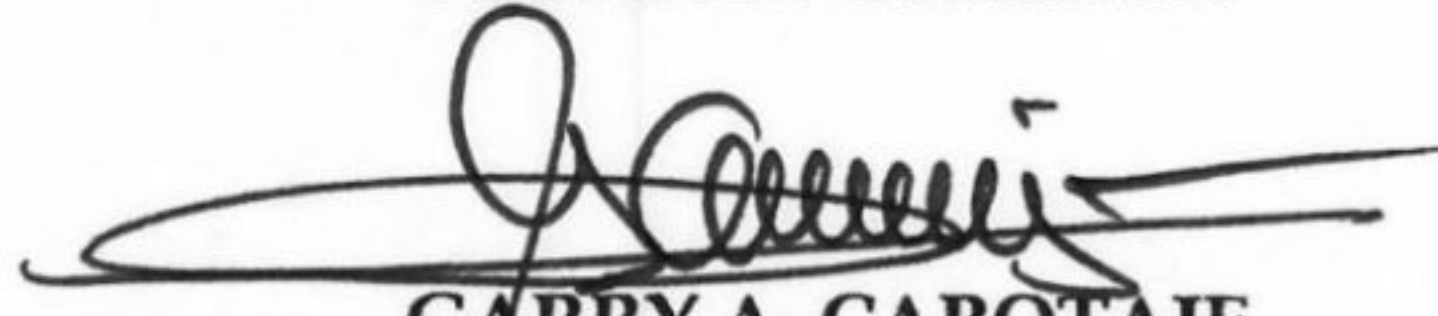
**SECTION 5. REPEALING CLAUSE.** - All Ordinances, Executive Orders or any issuances by the City Mayor inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**SECTION 6. SEPARABILITY CLAUSE.** - If for any reason, any section or provision of this Ordinance or any portion thereof of the application of such section, provision or portion thereof to any person, developer is declared invalid, illegal or unconstitutional, the remainder of this Ordinance shall remain effective and operational.

**SECTION 7. EFFECTIVITY.** - This Ordinance shall take effect immediately upon approval, posting and publication in accordance with law.


**UNANIMOUSLY APPROVED**, this 14<sup>th</sup> day of February 2019 upon the motion of Hon. Luzminda R. Lapitan, seconded by Hon. Pablo A. Abangan.

CERTIFIED CORRECT:



GARRY A. CABOTAJE  
Secretary to the Sanggunian

ATTESTED BY



OTHELLO M. CHIONG  
Vice Mayor/Presiding Officer

APPROVED BY:



KRISTINE VANESSA T. CHIONG  
City Mayor