



EXCERPT FROM THE MINUTES OF THE 81st REGULAR SESSION OF THE 5th SANGGUNIANG PANLUNGSOD (SP) HELD AT THE SP SESSION HALL, LEGISLATIVE BUILDING, EAST POBLACION, CITY OF NAGA, CEBU ON FEBRUARY 25, 2024.

PRESENT:

HON. VIRGILIO M. CHIONG	- Vice Mayor (Presiding Officer)
HON. CUNT ISIDRO A. CHIONG	- Presiding Officer Pro Tempore
HON. CARMELINDO N. CRUZ, JR.	- Majority Floor Leader
HON. SCOTT JUVENAL A. CHIONG	- Assistant Majority Floor Leader/Liga ng mga Barangay President
HON. ALEXANDER R. LARA	- Sangguniang Panlungsod Member
HON. AURELIO B. ALINSONORIN	- Sangguniang Panlungsod Member
HON. CHARMAINE R. NAVARRO	- Sangguniang Panlungsod Member
HON. RAY A. MANABAT	- Sangguniang Panlungsod Member
HON. JUSTINO L. DAKAY	- Sangguniang Panlungsod Member
HON. DOMINADOR A. LIBOR	- Sangguniang Panlungsod Member
HON. LETECIA F. ABANGAN	- Sangguniang Panlungsod Member
HON. ELMER JOHN R. LAPITAN	- Sangguniang Panlungsod Member
HON. FAITH JAMES B. SERVANO	- SK Federation President



ORDINANCE NO. 2024-33

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THE REVISED CHILDREN'S WELFARE CODE OF THE CITY OF NAGA, CEBU

EXPLANATORY NOTE

Article XV Section 3 (2) of the 1987 Philippine constitution provides that, "The state shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development."

The Sangguniang Panlungsod of the City of Naga, Cebu enacted its Local Children's Welfare Code in 2017, and for the past five years or so, the Congress has already enacted a number of laws that provide ample protection to children such as the Early Year's Act (RA 10410), Children's Emergency Relief and Protection Act (RA No. 10821), Masustansyang Pagkain Para sa Batang Pilipino (RA 11037), and National Mental Health Policy (RA No. 11036).

This August Body deems it imperative that the existing children's welfare code of this local government unit (LGU) be reviewed, revised and updated for it to be attuned to the pressing needs of the youth and whose end result will truly redound to their benefits and welfare.

NOW THEREFORE, be it ENACTED, as it is hereby ENACTED, by the 5th Sangguniang Panlungsod of the City Of Naga, Cebu, in session assembled, by virtue of the powers vested in it by law, that:

TITLE I. GENERAL PRINCIPLES

ARTICLE 1.

Title, Policy, and Principles

SECTION 1. - This Ordinance, which shall be known as "THE REVISED CHILDREN'S WELFARE CODE OF CITY OF NAGA, CEBU."

(a) Faithful adherence to the general principles provided for in the 1987 Constitution that clearly set forth the State's responsibility to the rights and welfare of children in favor of their development, and as such, the LGU of the City of Naga, Cebu (LGU-Naga) shall give primordial priority for its local execution in terms of programs and projects for that purpose in consonance with the constitutional mandates:



ARTICLE XV, SECTION 3(2): The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their developments.

ARTICLE II, SECTION 13: The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

(b) Faithful adherence to the general framework of the 1989 UN Convention on the Rights of the Child (UNCRC) which provides, among others, four general principles as follows:

- 1 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration";
- 2 State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given weight in accordance with the age of maturity of the child";
- 3 The third principle is that of the survival and development of the child. "Survival" is an amplification of the right to life. The term "development" relates to the individual child and should be interpreted in broad sense. It adds a qualitative aspect to the right to life and implies that law, policy, and administrative action must look beyond the physical survival of the child to issues of cognitive, emotional, social, and cultural development; and
- 4 The fourth is the right of children to non-discrimination.

(c) Adopts the provisions of

- 1 Republic Act (R.A.) No. 9231, otherwise known as the "Special Protection of Children Against Abuse, Exploitation, and Discrimination Act";
- 2 R.A. No. 10410, otherwise known as the "Early Years Act (EYA) of 2013";
- 3 R.A. No. 10621, otherwise known as the "Children's Emergency Relief and Protection Act";
- 4 R.A. No. 11036, otherwise known as the "Mental Health Act";
- 5 R.A. No. 11037, otherwise known as the "Masustansyang Pagkain para sa Batang Pilipino Act";
- 6 R.A. No. 10666, otherwise known as the "Children's Safety on Motorcycle Act";
- 7 R.A. No. 11036, otherwise known as the "National Mental Health Policy," and
- 8 R.A. No. 11930, otherwise known as the "Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act."

SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES. - It is hereby declared the policy of LGU-Naga to develop and nurture a community that is safe, peaceful and progressive environment for children anchored on child-centered legislations and programs in pursuit of a more sustainable children's rights, development and protection from all forms abuses. 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 LGU-Naga 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 that serve with the highest degree of professionalism in atmosphere of unity, solidarity and teamwork.

ARTICLE 2
Definition of Terms and Purposes

SECTION 3. DEFINITION OF TERMS. - The following terms used in this Ordinance are defined as follows:

(a) *Children* - pertain to persons below eighteen (18) years of age or persons over eighteen (18) years of age but are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, and discrimination because of physical or mental disability or infirmity. More so, a person regardless of age who is presented, depicted or portrayed as a child as well as computer-generated, digitally or manually crafted images, or graphics of a person who is represented or who is made to appear to be child as defined in RA 11930.

1. *Abandoned Child* - refers to a child has no proper parental care or guardianship for at least three (3) continuous months, and has been declared as such by the NACC or a founding, or a deserted or abandoned child or infant with unknown facts of birth and parentage found in the Philippines and/or Philippine embassies consulates and territories abroad.
2. *Deed of Voluntary Commitment (DVC)* - refers to the notarized instrument relinquishing parental authority and committing the child to the care and custody of the National Authority for Child Care (NACC) or child-placing or child-caring agency, executed by the child's biological parents or by the child's legal guardian in the absence, mental incapacity or death of the biological parents to be signed in the presence of an authorized representative of the NACC, or a licensed and accredited child-placing or child-caring agency, after counselling and other services have been made available to encourage the child's biological parents or legal guardian to keep the child.
3. *Involuntarily Committed Child* - refers to one who has been permanently deprived of parental authority and declared as such due to: abandonment; substantial, continuous, or repeated neglect; abuse or incompetence to discharge parental responsibilities of known parents.
4. *Voluntarily Committed Child* - refers to one whose parent or legal guardian knowingly and willingly relinquished parental authority to the NACC, or any duly accredited child-placing or child-caring agency or institution. Support services for biological parents such as livelihood assistance, parenting education, skills training, and others to enable them to cope with their responsibilities and counseling to arrive at an assessment of the family situation leading to the voluntary commitment of the child for his/her best interest.

(b) *Survival Rights* - pertain to the rights of the children to demand from the state, their parents or legal guardians for adequate living standard, access to basic health services and social security.

(c) *Developmental Rights* - pertain to the access of the child to educational opportunities, relevant information, play, leisure, cultural activities and the right to freedom of thought, conscience, and religion.

(d) *Protection Rights* - are those rights of children to be protected against all forms of child abuse, exploitation, and discrimination in situations where the children are considered in extremely difficult circumstance.

(e) *Participation Rights* - are those rights the children asserts as described in the 1989 UNCRC which says that the children have the freedom to express themselves on matters affecting his or her life.

(f) *Child Abuse* - refers to the abuse or maltreatment of the child, whether habitual or not, which includes:

1. Psychological, physical, and sexual abuse, neglect, cruelty, and emotional maltreatment,
2. Any act, in words or in deed, which debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being,
3. Unreasonable deprivation of his or her basic needs of survival such as food, clothing, and shelter; or
4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development, permanent incapability, or death), or

(g) *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 or urban or rural area without the care of parents or a guardian or any adults supervision needed for their welfare;
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.
- (h) *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.
- (i) *Child Development Center* - refers to a facility where day care is provided by an accredited day care worker particularly for children in the three to five (3-5) year age brackets.
- (j) *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.
- (k) *Diversion* - refers to an alternative, child-appropriate process of determining the responsibility and identifying ways of managing a child in conflict with the law (CICL) without resorting to formal court proceedings. Diversion is resorted to when the CICL is above fifteen (15) but below eighteen (18) years old, is assessed to have acted with discernment, and has allegedly committed a crime with imposable penalty of not more than six (6) years.
- (l) *Diversion Program* - refers the community-based program that the CICL is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.
- (m) *Community-Based Services* - refer to programs and services rendered when the helping process takes place in the community as the primary client system or when social welfare and development activities are provided to the beneficiaries while they remain in their homes.
- (n) *Center-Based Services* - are rendered in physical facilities referred to as "centers" on a daily basis addressing immediate crisis or developmental concern of an individual and/or group.
- (o) *Aftercare Services* - is the provision of interventions, approaches and strategies with the end goal of ensuring effective reintegration and relapse prevention of the children.
- (p) *Specialty-able Children, Children with Disabilities or Children with Special Needs* - are children with either physical or mental infirmities whether congenital or acquired after birth.
- (q) *Image-based sexual abuse (ISA)* - refers to a form of technology-facilitated sexual violence. The term describes a pattern of behavior involving the nonconsensual creation, distribution, or threats to distribute nude or sexual images. It includes a diversity of behaviors including, but not limited to, "sextortion scams," the use of artificial intelligence to construct "deepfake" pornographic videos, threats to distribute photographs and videos, and the taking or sharing of sexual assault imagery (Define under R.A. No. 11930);
- (r) *Child Sexual Abuse or Exploitation Material (CSAEM)* - refers to photos, images, videos, recordings, streams, or any other representation or form of media, depicting acts of sexual abuse and exploitation of a child or representation of a child as sexual object, whether or not generated digitally or by, through, and with the use of information and communication technology (ICT). It shall also include materials that focus on real or simulated genitalia or other private body parts of a child. (Define under RA. No. 11862);
- (s) *Online Sexual Abuse or Exploitation of Children (OSAEC)* - refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component. This can also include, but is not limited to, the production, dissemination and possession of CSAEM; online grooming of children for sexual purposes; sexual extortion of children; sharing image-based sexual abuse; commercial sexual exploitation of children; exploitation of children through online prostitution; and live-streaming of sexual abuse, with or without the consent of the victim. *Provided, That OSAEC may be used interchangeably with online child sexual exploitation or abuse (OCSEA)* (Define under R.A. No. 11930);
- (t) *Sexualization of a child* - refers to the act of using a child as an object for the sexual desire or satisfaction of another, even if there is no actual sexual intercourse or no private part of the body of the child has been shown;
- (u) *Streaming* refers to the broadcasting or viewing through the use of ICT, whether the viewer is passively watching or actively directing the content. It is considered live-streaming when the broadcasting or viewing occurs in real-time (Define under R.A. No. 11930);
- (v) *Trafficking in Persons (TIP)* - refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons, with or without the victim's consent or knowledge, within or across national borders, by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others, the engagement of others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services,

slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph 1.

- (w) *Trafficked Person* - refers to a victim of TIP under RA No. 11862. This shall also include persons rescued or intercepted from potential TIP situations.
- (x) *Child Laundering* - refers to an act of stealing and selling a child to adopting parents under false pretense and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling.

SECTION 4. PURPOSES. - This Code is enacted for the following purposes:

The crafting of this Ordinance is in consonance with the constitutional principles enunciated in Section 3 Paragraph 3, Article XV of the 1987 Philippines Constitution which states that it is the duty of the State to "defend the rights of the children including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development."

It also advocate for the children's rights for development and welfare, nurture their skills and abilities so as to inflame their spirit of active participation in nation's building. Further, the City of Naga, Cebu puts much emphasis on internationally-accepted principles embodied in the UNCRC 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 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 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 that development of institutions, facilities and services for the care of children.

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 (IRR) shall be resolved taking into consideration the best interest and welfare of the child.

**TITLE 2
CHILD RIGHT TO DEVELOPMENT AND RESPONSIBILITIES**

ARTICLE 3

SECTION 6. PRIORITY MEASURE. - The City Government of Naga, Cebu shall belabor to come up with the legislation which is designed to ensure the survival and development of the child by providing facilities, programs, and projects for the said purpose and at the same time facilitate and mobilize the civil society and the community to reinforce and strengthen the initiatives for the general welfare of the children.

SECTION 7. 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 identify 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; and
- 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 the 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 developmental rights:

- a. Every child has a right to a 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; and
 - 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 strengthening of his/her character;
- c. Every child has the right to grown 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, and the cultural background and values of others; and
 - 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/her environment free from precious influences and conducive to the promotion on her or his health and 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 the protection from cruelty, torture arbitrary separation from the family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug use, sexual abuse, and exploitation.

4. *Participation Rights* - refer to the child's participation in matters that affect him/her most by providing 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 the 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 8. 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 endeavor 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 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;
- 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 morale of the child himself.

**TITLE 3
PROGRAMS AND PROJECTS**

**ARTICLE 4
General Framework**

SECTION 9. COMPREHENSIVE PROGRAM FOR CHILDREN. - The City Government of Naga, Cebu shall, within one (1) year from the effectivity of this Code and every three (3)-year period, implement comprehensive programs for children. Such programs shall include prevention of child abuse, juvenile delinquency, drug addiction, and other children's problems.

SECTION 10. PROCESS IN FORMULATING COMPREHENSIVE CHILDREN'S PROGRAM. - The process in coming up with Comprehensive Children's Program shall be participatory and consultative. The City Government, in coordination with the Local Council for the Protection of Children (LCPC), shall organize the youth organizations, children's council, educational institutions, NGO's, 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 11. PREVENTION PROGRAMS. - The Comprehensive Children's Program shall be reviewed and assessed yearly by the City Government in coordination with the LCPC as to their effectiveness in preventing children's rights violations based on the indicators identified in the program. The programs may be modified accordingly.

**ARTICLE 5
Development and Survival of Child**

SECTION 12. UNDER FIVE PROGRAM FRAMEWORK. - The City Government of Naga, Cebu 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, dysentery, tetanus, measles, poliomyelitis, hepatitis B and

- such other diseases for which vaccines have been developed for administration to child 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 abuse 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 of facility and children who are at risk from any condition or illness will be brought thereto for care. Provided further, barangay health workers (BHWs) 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 task assigned to them.

SECTION 13. PRIMARY HEALTH CARE. - The City Government of Naga, Cebu shall implement primary health care and nutrition care and nutrition programs for the children in coordination with the City Health Office (CHO) and the City Social Welfare and Development Office (CSWDO).

SECTION 14. PROMOTION OF PRIMARY HEALTH CARE PROGRAMS. - The Barangay Health Center shall implement the primary health program. Each barangay shall designate a barangay child health officer to monitor children health in barangay level or there should be any 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 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 and culture;
- c. To monitor the full implementation of the Executive Order (EO) 51 Series of 1985 or the Milk Code of the Philippines and advocate for the prosecution of milk firms which violate such code; and
- 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 15. ESTABLISHMENT OF A RESIDENTIAL CHILD CARE CENTER. - Establish a center that will serve as the sanctuary for the abused, neglected, or exploited children which will provide shelter to children in urgent need of protection from imminent danger, cruelty, and abuse. The center, which shall be established through the barangay local governments, shall also conduct rescue operation of children in clear danger with law enforcement agencies when the situation merits.

SECTION 16. ESTABLISHMENT OF A REPRODUCTIVE HEALTH CARE CENTER. - Establish a Reproductive Health Care Center for pregnant mothers for prenatal check-up, neonatal services, delivery of infant under conditions that shall prevent or minimize risk of mother and child. Provided that high-risk mothers shall be referred to the proper tertiary or secondary care service personnel and children who are at risk from condition or illness will be brought for care.

Special Provisions for Children with Special Needs

SECTION 17. PROGRAM FOR CHILDREN WITH SPECIAL NEEDS. - The City Government of Naga, Cebu 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, malnutrition and education) for children with special needs.

SECTION 18. 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, Cebu.

ARTICLE 7

Maternal New-Born Child Health and Nutrition

SECTION 19. INTEGRATED STRATEGY FOR MATERNAL, NEONATAL, CHILD HEALTH AND NUTRITION IN THE FIRST ONE THOUSAND (1000) DAYS OF LIFE. - In accordance with RA No. 11148 or the "Kalusugan at Nutrisyon ng Mag-Nanay Act", the City Government of Naga, Cebu shall integrate maternal, neonatal, child health and nutrition programs in the local nutrition action plans and investment plans for health. It shall be implemented at the barangay level through the rural health units and/or barangay health centers. The Barangay Nutrition Scholars (BNS) and the BHWs shall be mobilized and provided with resources and benefits to carry out their tasks.

The program shall include health and nutrition services and interventions provided at the different life stages. The CHO, NGAs, concerned Civil Society Organizations (CSOs), and other stakeholders shall work together to ensure the delivery of these services and interventions.

(a) Prenatal Period [first two hundred seventy (270) days].

First one thousand (1,000) days from conception to two (2) years of age - Health & Nutrition

1. Prenatal Period [first two hundred seventy (270) days].
2. Women About to Give Birth and Immediate Postpartum Period.
3. Postpartum and Lactating Women.
4. Birth and Newborn Period twenty-eight (28) days.
5. First six (6) months of infancy [one hundred eighty (180) days].
6. Infants six (6) months up to two (2) years of age.
7. Provision of oral health services including oral health assessment;
8. Provision of age-appropriate immunizations based on the latest DOH guidelines;
9. Provision of anti-helminthic drugs for deworming;
10. Counselling on proper hand-washing, environmental sanitation, and personal hygiene;
11. Provision of micronutrient supplements according to guidelines of the DOH, in partnership with the DepEd;
12. Promotion of the consumption of iodized salt and foods fortified with micronutrients that may be deemed necessary;
13. Referral to appropriate health facilities to manage menstruation irregularities or abnormalities that contribute to anemia and blood loss, and to manage complicated illnesses including moderate, severe acute malnutrition; and
14. Counselling on proper nutrition, mental health, avoidance of risk-taking behaviors, smoking cessation, adoption of healthy lifestyle practices, and family health.

(b) Early Childhood Care and Development (ECCD) - CSWDO

1. Provision of oral health services including oral health assessment;
2. Provision of anti-helminthic drugs for deworming;
3. Counselling on proper hand-washing, environmental sanitation, and personal hygiene;
4. Provision of micronutrient supplements according to guidelines of the DOH in partnership with the DepEd;
5. Promotion of the consumption of iodized salt and foods fortified with micronutrients that may be deemed necessary;
6. Referral to appropriate health facilities to manage menstruation irregularities or abnormalities that contribute to anemia and blood loss, and to manage

- complicated illnesses including moderate, severe acute malnutrition;
7. Counselling on proper nutrition, mental health, avoidance of risk-taking behaviors, smoking cessation, adoption of healthy lifestyle practices, and family health; and
 8. Other related services xxx

(c) School-Age Children – DepEd school-based programs including but not limited to:

1. Feeding Program;
2. De-worming;
3. Provision of oral health services including oral health assessment;
4. Gulayan sa Paaralan;
5. Provision of anti-helminthic drugs for deworming;
6. Counselling on proper hand-washing, environmental sanitation, and personal hygiene;
7. Provision of micronutrient supplements according to guidelines of the DOH;
8. Promotion of the consumption of iodized salt and foods fortified with micronutrients that may be deemed necessary;
9. Referral to appropriate health facilities to manage menstruation irregularities or abnormalities that contribute to anemia and blood loss, and to manage complicated illnesses including moderate, severe acute malnutrition;
10. Counselling on proper nutrition, mental health, avoidance of risk-taking behaviors, smoking cessation, adoption of healthy lifestyle practices, and family health; and
11. National Drug Education Program
12. Others as may be determined based on international guidelines and evidence generated locally.

(d) Adolescents – City Population and Development Office

1. Nutrition;
2. Sexual and Reproductive Health;
3. Teenage Pregnancy;
4. Provision of oral health services including oral health assessment;
5. Counselling on proper hand-washing, environmental sanitation, and personal hygiene;
6. Provision of micronutrient supplements according to guidelines of the DOH in partnership with the DepEd;
7. Promotion of the consumption of iodized salt and foods fortified with micronutrients that may be deemed necessary;
8. Referral to appropriate health facilities to manage menstruation irregularities or abnormalities that contribute to anemia and blood loss, and to manage complicated illnesses including moderate, severe acute malnutrition;
9. Counselling on proper nutrition, mental health, avoidance of risk-taking behaviors, smoking cessation, adoption of healthy lifestyle practices, and family health; and
10. Other related services xxx

SECTION 19-A. FEEDING PROGRAM FOR UNDERNOURISHED CHILDREN IN PUBLIC DAY CARE, KINDERGARTEN AND ELEMENTARY SCHOOLS. - In accordance with RA 11037, the City Government of Naga, Cebu shall establish a comprehensive feeding program that will address the problem of under nutrition.

The Program shall have the following components and coverage:

1. *Supplemental Feeding Program for Day Care Children.* — The DSWD, in coordination with the City Government, shall implement a supplemental feeding program for undernourished children with ages three (3) to five (5) years. The Program shall be administered in child development centers or in any other facility which can be used for such purpose: *Provided*, That the Program shall include the provision of at least one (1) fortified meal for a period of not less than one hundred twenty (120) days in a year. *Provided, further*, that in the preparation of fortified meals, the DSWD shall work in collaboration with recognized parents' organizations.

The City Government shall continue to implement the Focused Nutrition Assistance Program providing fresh local vegetables and food supplies to children enrolled in Child Development Centers and Supervised Neighborhood Play Group. The program shall be

- implemented for 120 days in collaboration with the parents and local farmers as supplier of food supplies.
2. **School-Based Feeding Program.** — The DepEd shall implement a school-based feeding program for undernourished public school children from kindergarten to Grade Six (6). *Provided*, That the Program shall include the provision of at least one (1) fortified meal to all undernourished public elementary school children for a period of not less than 120 days in a year;
 3. **Micronutrient Supplements.** — The City Government, in coordination with the DOH, shall provide micronutrient supplements to the Program beneficiaries including the use of iodized salt in accordance with Republic Act No. 8172, otherwise known as the "Salt Iodization or ASIN" Law;
 4. **Health Examination, Vaccination and Deworming.** — The CHO shall conduct simultaneous health examinations, including, but not limited to, deworming and vaccination, as the case may be, to Program beneficiaries;
 5. **Gulayan sa Paaralan.** - The DepEd shall encourage their respective schools to devote a portion of their land or space for the cultivation of vegetables and other nutrient-rich plants as identified by the NNC. *Provided*, that it shall adopt modern gardening technologies with the assistance of the DA, the Department of Science and Technology (DOST) and the City Agriculture Office. Parents shall also be encouraged to maintain a similar program in their own backyards;
 6. **Water, Sanitation, and Hygiene (WASH).** — The City Government shall establish and maintain water and sanitation facilities, promote good hygiene and safe food preparation in all of its component units especially in areas devoted for the preparation of fortified meals under the Program; and
 7. **Integrated Nutrition Education, Behavioral Transformation, and Social Mobilization.** - The Program shall be complemented by a public health, nutrition, and values transformation campaign to promote a holistic and integrated approach to health and nutrition education. Orientation-training on the objectives and mechanics of the Program shall be held among personnel of the City Government, parent volunteers and the parent-teacher associations (PTAs) to generate support for the program. The NGAs concerned shall also endeavor to mobilize community organizations to continue nutrition education outside of the school.

SECTION 20. HEALTH AND NUTRITION OF ADOLESCENTS. - To address the cyclical nature of malnutrition among the population, delivery of health and nutrition services for adolescent ten (10) to eighteen (18) years old at facility, school, and community levels.

SECTION 21. NUTRITION IN THE AFTERMATH OF NATURAL DISASTERS AND CALAMITIES. - barangays/areas that are affected by disasters and emergency situations, both natural and man-made must be prioritized in the delivery of health and nutrition services, and psychosocial services interventions. The City Government shall immediately provide emergency services, food supplies for proper nourishment of pregnant and lactating mothers, and children, specifically those from zero (0) to two (2) years old. Women, infant and child-friendly spaces shall be prepared and ready to accommodate women and their children, provide their daily necessities such as food, clothing, clean water, and shelter; readily available breastfeeding support and counselling for those with children up to two (2) years or beyond, as well as provision and guidance on the appropriate complementary food for children over six (6) months old.

Donations of milk formula, breastmilk substitutes, and/or products covered by the Milk Code without the approval of the Inter-Agency Committee (IAC) created under Executive Order No. 51, Series of 1986, shall be prohibited in order to protect the health and nutrition of pregnant and lactating women, infants and young children before, during and after a disaster.

In emergency situations, donations or assistance from the private sector, with no conflicts of interest or those not involved with manufacture, marketing, and sales of products covered by the scope of the Milk Code, shall be allowed immediately in the aftermath of natural disasters and calamities. Strict compliance with the Milk Code and its revised IRR shall be observed, and options for mothers with breastfeeding problems will be provided, such as, but not limited to, the mobilization of breastfeeding support groups or strategic establishment of local milk banks.

The CHO and other relevant departments, in coordination with the City Disaster Risk Reduction and Management Council (CDRRMC), shall formulate guidelines and mechanisms in pursuit of this section, taking into consideration humanitarian, inclusive, gender and culture-sensitive standards for the protection of children, pregnant and lactating mothers, in accordance with Republic Act No. 10821, otherwise known as the "Children's Emergency Relief and Protection Act", its IRR, and the Comprehensive Emergency Program for Children.

SECTION 22. MENTAL HEALTH CARE PROGRAM FOR CHILDREN AND ADOLESCENTS. - Due to high risk and vulnerability of developing mental health problems, the CSWDO together with a psychiatrist and/or other medical specialist shall come up with a psycho-social interventions like stress debriefing and games and play therapy that address depression, anxiety and other similar behavioral problem on their mental well-being.

SECTION 23. CAPACITY-BUILDING OF BARANGAY HEALTH AND NUTRITION VOLUNTEERS. - The City Government of Naga, Cebu shall provide practical and effective training courses to BNSs, BHWs, and other personnel concerned to upgrade their skills and competence in the implementation of the services and interventions for the health and nutrition of women and children. This is in coordination with appropriate national agencies who will provide trainings and capacity building.

SECTION 24. EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD). - In accordance with RA 10410 or the "Early Years Act", the City Government of Naga, Cebu recognizes the age from zero (0) to eight (8) years as the first crucial stage of educational development of which the age from zero (0) to four (4) years shall be the responsibility of the ECCD Council. Therefore, the responsibility to help develop children in the formative years between age five (5) to eight (8) years shall be with the DepEd.

ECCD System shall refer to the full range of health, nutrition, early education and social services development programs that provide for the basic holistic needs of young children from age zero (0) to four (4) years, and to promote their optimum growth and development.

These programs shall include:

- (1) *Center-based programs*, such as the day care service established under RA 6972, otherwise known as the "Barangay-Level Total Development and Protection of Children Act", and hereinafter referred to as the child development service, community or church-based early childhood education programs initiated by nongovernment organizations (NGOs) or people's organizations (POs), workplace-related child care and education programs, child-minding centers, health centers and stations; and
- (2) *Home-based programs*, such as the neighborhood-based play groups, family child care programs, parent education and home visiting programs.

- a. ECCD service providers shall include the various public and private professionals, paraprofessionals and volunteer caregivers who are directly responsible for the care and education of young children from age zero (0) to four (4) years through the various centers and home-based programs. They shall include, but shall not be limited to, day care workers hereinafter referred to as child development workers, child development teachers, teacher-aides, city health care workers, social workers, barangay health workers, barangay nutrition scholars, parent effectiveness service volunteers, and family day care providers.
- b. ECCD Curriculum shall refer to the developmentally-appropriate educational objectives and practices, programs of activities, organized learning experiences, recommended learning materials and appropriate assessment for children from age zero (0) to four (4) years that are implemented by service providers through center and home-based programs. It shall consist of national program goals and guidelines, instructional objectives, and content outlines that are age-appropriate, individually appropriate and culturally relevant.
- c. Parent Education shall refer to the various formal and alternative means of providing parents with information, skills, and support systems to assist them in their roles as their children's primary caregivers and educators. These include public and private parent education programs linked to center, home and media-based child care and education programs.

SECTION 25. ECCD. - Pursuant to RA 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 LCPC in coordination with the CSWDO.

SECTION 26. PRE-MARRIAGE ORIENTATION AND COUNSELLING. -

- a. Every marriage license applicant will be required to participate in a pre-marriage orientation and appropriate parenting programs with Gender Child Sensitivity, among other requirements, prior to the issuance of the marriage license by the Office

- of the Local Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health coursed. POPCOM in coordination with the CSWDO shall update the design of the family planning seminar in consonance with the ordinance.
- Parents/guardians shall undergo Parent Effectiveness Seminar during the school year where the child is enrolled in any of the child development centers in the City of Naga, Cebu; and
 - Such course may also be incorporated in PTA activities for the school year in the elementary and high school levels.

ARTICLE 8

Supporting the Full Implementation of the National Immunization Program (NIP) of the DOH in the City of Naga, Cebu

SECTION 27. PURPOSE. - The primary purpose of this Article is to safeguard the health and well-being of children from all forms of vaccine preventable diseases through the full implementation of the NIP in the city to ensure that parents recognize the rights of every children to survival and full and health development as individual through the full implementation of the immunization program.

SECTION 28. DEFINITION OF TERMS. - For purposes of this Article, the following terms are hereby defined, based on the World Health Organization (WHO) and the DOH, such as:

(a) *National Immunization Program (NIP)* - an organizational component of the centers for disease control and prevention, charged with preventing disease, disability, and death from vaccine-preventable diseases in children and adults;

(b) *Vaccine Preventable Diseases* - vaccination against a range of bacterial and viral diseases is an integral part of communicable disease control world-wide. Vaccination against a specific disease not only reduces the incidence of that disease, it reduces the social and economic burden of the disease on communities. Very high immunization coverage can lead to complete blocking of transmission for many vaccine preventable diseases (VPDS). The worldwide eradication of small pox and the near eradication of polio from many countries provide excellent examples of the role of immunization in disease control;

(c) *Immunization* is the process whereby a person is made immune or resistant to an infectious disease, typically by the administration of a vaccine. Vaccines stimulate the body's own immune system to protect the person against subsequent infection or disease.

(d) *Epidemic Outbreak* is the sudden occurrence of a disease in a community, which has never experienced the disease before or when cases of that disease occur in numbers greater than expected in a defined area.

(e) *Vaccines* is a biological preparation that improves immunity to a particular disease. A vaccine typically contains an agent that resembles a disease-causing microorganism, and is often made from weakened or killed forms of the microbe, its toxins or one of its surface proteins.

(f) *Morbidity* the rate of disease in a population

(g) *Mortality* the proportion of deaths to population

(h) *Tuberculosis* - An infection caused by *Mycobacterium tuberculosis*. It usually attacks the lungs, but other parts of the body can also be affected, including the bones, joints and brain.

(i) *Diphtheria* - A bacterial infection cause by *Corynebacterium diphtheria*. The infection can involve almost any mucous membranes, but the most common sites of infection are the tonsils and pharynx.

(j) *Tetanus* - A common cause of neonatal and maternal mortality whenever maternal protection with tetanus toxoid is low and proper umbilical cord care practices are not followed. Tetanus, also known as lockjaw, is caused by a bacillus (*Clostridium tetani*) that is present in the soil and in the animal and human feces

(k) *Pertussis* - also called whooping cough, is a highly contagious, acute bacterial disease affecting the respiratory tract.

(l) *Polio* - a disease of the central nervous system caused by three closely related polio viruses: type 1, 2 and 3.

(m) *Measles* is characterized by a variety of symptoms, including 3C's cough, coryza (runny nose), conjunctivitis, fever, rash, ear infections, and brain inflammation.

(n) *Mumps* sometimes called infectious parotitis, is an infection caused by a virus affecting primarily the salivary glands. Mumps is mostly a mild childhood disease, often affecting children between 5-9 years old.

(0) Rubella - an infection caused by a virus. Congenital rubella syndrome (CR's) is an important cause of severe birth defects.

(#) Hepatitis B is a viral infection of the liver. Acute infection either resolves or progresses or chronic infection, which may lead to cirrhosis or liver cancer several decades later.

(a) Influenza - is caused by a virus that attacks mainly the upper respiratory tract - the nose, throat and rarely also the lungs. The infection usually lasts for about a week.

SECTION 29. ROLES AND RESPONSIBILITIES.-

(a) LGU-City of Naga, Cebu

- (1) Implement the NIP in accordance with the provisions set forth in the Philippine Constitution, and applicable laws on the various guidelines and directives issued by the DOH.
- (2) Ensure adoption of laws that guarantee the full implementation of the NIP through the creation of local policies and legislations.
- (3) Ensure that the efficient delivery of immunization services are being carried out through their functional CHO.
- (4) Ensure all health care practitioners/workers are capable of providing right information to mothers and guardians on the importance of immunization and how these benefit children from vaccine preventable diseases.
- (5) Ensure that all target populations for the immunization program receive their recommended immunization against vaccine preventable diseases (1.a.)
 - a All infants should have complete routine immunization at twelve (12) months of age.
 - b Children under four (4) years old and eleven (11) months complete their recommended immunization following DOH guidelines on catch-up immunization;
 - c Pregnant women receive their tetanus diphtheria vaccines and other vaccines as recommended by DOH.
 - d School children receive their vaccines at grade one (1), grade four (4) and grade seven (7) following DOH recommendation; and
 - e Senior Citizens, other target population as recommended by DOH guidelines.
- (6) Ensure appropriate budget for the operation and implementation of the program as reflected on the LGU's yearly Work and Financial Plan.
- (7) Ensure appropriate budget for the continuing information, education and training programs of health personnel on the benefits and rationale of immunization of children against vaccine preventable diseases.
- (8) Ensure availability of adequate supplies required for the implementation of the NIP.
- (9) Ensure operation of the cold chain including equipment used for the NIP through provision of budget for repair, maintenance and upkeep of the same.
- (10) Ensure daily immunization service is available at CHO, following the regular immunization schedule.
- (11) Provide support for school-based immunization activity including but not limited to encouraging parents and guardians as this is a basic right of the child; and
- (12) Provide support to Adverse Events Following Immunization (AEFI) cases including but not limited to transportation, medicines, hospital referrals, communication to family and communities.

(b) CHO

- (1) Ensure full implementation of the NIP following all directives and guidelines issued by the DOH.
- (2) Initiate conduct of information dissemination on the importance and benefits of immunization against vaccine preventable diseases through mother's class, barangay assembly/fora and other information drive.
- (3) Detect and report AEFI cases (both minor and serious AEFI) to the next higher level (Barangay-City-Province- Region) using prescribed AEFI Reporting Form.
- (4) Provide appropriate immunization services to all target population, including but not limited to assisting mothers/guardians refer patient/s with AEFI.
- (5) Ensure timely request of vaccines using updated forms and reporting of stock data be made at the next higher level.
- (6) Ensure active master listing of the whole community to ensure that all health services due are received accordingly.
- (7) Ensure a proper logistics distribution plan at all levels.
- (8) Conduct regular immunization related activities every week as recommended by DOH.
- (9) Monitoring of cold chain facility to ensure potency of vaccines.

- (10) Review, consolidate and submit report to reporting facilities following the agreed reporting schedule and corresponding reporting forms in reporting;
- (11) Conduct and document NIP activities initiated by the City Health Office;
- (12) Ensure attendance to Performance Implementation Reviews (PIR), Capacity Enhancement Activities and Program Updates; and
- (13) Prepare and ensure a comprehensive plan of activities requiring budget for NIP that should be integrated on the Annual Work and Financial Plan and their corresponding PPMP.

**TITLE IV
ROLES AND FUNCTIONS OF VARIOUS SECTORS**

ARTICLE 9

SECTION 30. PRIMARY RIGHTS OF THE PARENTS. - The family has the primary responsibility for 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 31. RIGHTS UNDER THE FAMILY CODE. - Parents shall continue to exercise the rights mentioned in Articles 209-237 of the Family Code over the person and property of their children.

SECTION 32. 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 33. 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's 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 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; and well-being and encourage them to join the wholesome recreations;
- g. To always set a good example;
- h. To provide them with adequate support, as defines in Article 194 of the Family Code;
- i. To administer their property, if any, according to their best interest, subject to the provisions of Articles 225 to 227 of the Family Code;
- j. To guide the children in the use of time for watching TV and strictly observed the parental guidance clause; and
- k. To abide by the government's program on Effective Parenting as may be required by the DSWD Office.

SECTION 34. SEPARATION OF CHILDREN FROM THEIR PARENTS. - Children should not be 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 the society.

SECTION 35. PARENTAL AUTHORITY, CARE AND CUSTODY. - The right of parental authority to which the right of custody over a child attaches is purely personal; therefore, the Family Code allows a waiver of parental authority only in cases of adoption, guardianship and surrender to a children's home or an orphan institution.

When a parent entrusts the custody of a minor to another, such as a friend or godfather, even in a document, what is given is merely temporary custody and it does not constitute a renunciation of parental authority. Even if a definite renunciation is manifest, the law still disallows the same. The father and mother, being the natural guardians of unemancipated children, are duty-bound and entitled to keep them in their custody and company.

Only father and mother joint parental authority over the persons of their common children. In case of absence or death of either parent, the parent present shall continue exercising parental authority. Only in case of the parents' death, absence or unsuitability may substitute parental authority be exercised by the surviving grandparent. (Article 222-224)

It is hereby adopted in this Ordinance Article 216 of the Family Code which states that "In default of parents or a judicially appointed guardian, the following person shall exercise substitute parental authority over the child in the order indicated:

- (1) The surviving grandparent, as provided in Art. 214;
- (2) The oldest brother or sister, over twenty-one (21) years of age, unless unfit or disqualified; and
- (3) The child's actual custodian, over twenty-one (21) years of age, unless unfit or disqualified.

Whenever the appointment of a judicial guardian over the property of the child becomes necessary, the same order of preference shall be observed.

SECTION 36. ROLE OF EDUCATIONAL INSTITUTIONS. - Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth.

SECTION 37. ROLE OF MASS MEDIA, SOCIAL & DIGITAL PLATFORMS. - The mass media and all platforms shall be aware of their extensive social role and responsibility, as well as their influence in communications relating to children, 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 38. ROLE OF LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (LCPC). - This council shall, in addition to their existing duties and functions, coordinate with and assist the City Government in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

SECTION 38-A. ROLE OF LOCAL COMMITTEE ON ANTI-TRAFFICKING AND VAWC.
- The council is tasked to:

- a. Institute policies and programs to protect women and children who are victims of trafficking and violence by enacting ordinance for the protection of women and children;
- b. Create and establish systems on surveillance, investigation and rescue to ensure effective and efficient coordination;
- c. Undertake information, education, and advocacy campaign against trafficking in persons and VAWC; and
- d. Monitor and oversee the strict implementation of RA 9208 (Anti-Trafficking in Persons Act of 2003), as amended and RA 9262 (Anti-Violence Against Women and Their Children Act of 2004), and other related laws for the protection of women and children.

SECTION 38-B. ROLE OF EARLY CHILDHOOD AND DEVELOPMENT COUNCIL (ECDC). - Mandated to implement the National ECCD System which refers the full range of health, nutrition, early education and social services development programs that provide for the basic holistic needs of young children from age zero (0) to four (4) years and to promote their optimum growth and development.

SECTION 39. ROLE OF THE SANGGUNIANG KABATAAN (SK). - The SK, as established under RA 7160 or the Local Government Code of 1991 shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of child and youth development program in the community. It shall coordinate with the local council for the welfare of children for this purpose and allocate adequate funding based on the provision of SK annual budget.

**TITLE IV
CHILDREN'S RIGHTS FOR DEVELOPMENT AND SURVIVAL**

ARTICLE 10

SECTION 40. TRAINING FOR ALL CHILD SERVICE PROVIDER. - The service provider shall be required to attend to a gender sensitivity and child protection training courses including but not limited to, wit:

- a. GST
- b. Orientation on Child Protection Laws/Policy
- c. CERPA
- d. Online Safety
- e. Child Friendly Spaces
- f. Conflict Management and Mediation Skills
- g. XXX (general title)

SECTION 41. CHILD-FAMILY-FRIENDLY FACILITIES. - All frontline facilities shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets. The same facilities are hereby mandated to establish a breastfeeding, lactating area and child minding center.

SECTION 42. IMPORTANCE OF CHILD DEVELOPMENT CENTER. - It 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 Child Development 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. developmental 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 43. COMPLIMENTARY ROLE OF OTHER CHILD DEVELOPMENT CENTERS. - Aside from the Child Development Centers established by the City Government, the community-based organization and private institution will complement its efforts in the implementation of an early child learning for his/her development and growth.

SECTION 44. CHILD DEVELOPMENT WORKER AND SUPPORT GROUP. -

- a. The City Government of Naga, Cebu shall pay for the Child Development Teachers (CDTs) and each barangay shall pay for the Child Development Worker's (CDW) allowance and honorarium. The CSWDO shall provide continuing technical assistance to the CDW and ensure that the implementation early childhood learning programs are aligned with the City Government's goal for children's welfare and developmental 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 45. BARANGAY-LEVEL AND SCHOOL-BASED RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM. - A barangay & school-based 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 Arts Development (CCAD) that shall be established by the City Government, as part of its development agenda. Every barangay in the city and schools 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 program of the LGU.

SECTION 46. LOCAL CHILDREN'S LITERATURE. - In support of the trust for the socio-cultural development of children in the city, it shall likewise invest in the promotion and educational materials for children's literature.

SECTION 47. OTHER CHILD-FRIENDLY FACILITIES. - The City Government of Naga, Cebu, in partnership with nongovernment and civic organizations, is encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playground.

SECTION 48. COMMERCIAL ESTABLISHMENT/FACILITIES. - Hotels, inns, restaurant and the likes whose owners, personnel and staff shall undergo the necessary trainings on child protection on how to handle and detect possible cases of attempted child trafficking, exploitation and abuse as define and penalize under RA 7610, RA 11862, RA 11930 and other special penal laws on child protection.

ARTICLE 11 Participation Rights of Children

SECTION 49. DESIGNATING EVERY MONTH OF NOVEMBER AS "CITY OF NAGA, CEBU CHILDREN'S MONTH". - the RA 10661, an act declaring November of every year as National Children's Month is hereby adopted. This declaration commemorates the adoption of the UNCRC by the UN General Assembly on November 20, 1989.

The LCPC shall organize a yearly "City of Naga, Cebu Children's Convention" during the Children's Month. Further, the LCPC shall plan and coordinate the conduct of child-focused activities for the Children's Month highlighting the rights, role and responsibilities of children.

SECTION 50. STATE OF THE CHILDREN'S REPORT. - As embodied in Article 12 paragraph 2 of the UNCRC, the State of the Children's Report shall be an avenue for children to be heard and be assessed of all children-related policies and programs done by the city. The LCPC will convene in the process of the preparation and evaluation of the convention to be held every last Monday of the Children's Month.

SECTION 51. INSTALLATION OF MECHANISM FOR PARTICIPATION OF IN POLICY AND PROGRAM FORMULATION. - The City Government of Naga, Cebu adheres to the DILG Memorandum Circular No. 2021-039 issued on April 7, 2021 recognizing the importance of the Barangay Council for the Protection of Children (BCPC) and LCPC to assist the LGU in the identification, implementation and monitoring of programs, projects and activities for the promotion of child welfare and the protection of their rights especially those focused on the survival, development, protection and participation of children.

It is therefore mandated that the BCPC and LCPC shall have identified child representative through the child and youth general assembly once a year for the Children's Month Celebration.

The child representative:

- Must be between ten to fifteen (10-15) years old;
- Must be an active participant of the community;
- Must be an active member of an accredited/recognized organization in the barangay, school, or faith-based group;
- Must be able to articulate children's issues and concerns;
- Must have at least a residency of one (1) year in the barangay;
- Must have good leadership skills; and
- Must have balanced views on gender, religion and ethnicity, and disabilities.

SECTION 52. DESIGNATING THE 2ND SUNDAY OF DECEMBER AS "CITY OF NAGA, CEBU CHILDREN'S BROADCASTING DAY." - This code adopts RA No. 8296 that every 2nd Sunday of December, television, and radio stations nationwide are required to allocate (3) airtime for children's program. The City Government, in coordination with different schools and radio stations within the city, encourages the initiation of activities and programs featuring talented children in broadcasting and hosting. The City Public Information Office will spearhead the Children's Broadcasting Day.

TITLE V
PROVISIONSON DOMESTIC ADMINISTRATIVE ADOPTION
(Pursuant to RA 11642)

ARTICLE 12

Declaration of a Child Legally Available for Adoption
(Involuntarily Committed, Abandoned and Voluntarily Committed)

SECTION 53. DUTY ON DECLARING A CHILD LEGALLY AVAILABLE FOR ADOPTION. - No child shall be subject of administrative adoption unless the status of the child has been declared legally available for adoption except in cases of relative, adult adoption or step-parent adoption where such declaration is not required.

It shall be the duty of the CSWDO if who has custody of a child to exert all efforts using media and any other possible means to locate the biological parents of the child and seek their consent. If such efforts fail, the child shall, if applicable, be registered as a foundling or a child with no known parents and within three (3) months from the time he/she is found, be the subject of proceedings for a declaration as legally available for adoption.

The CSWDO which has actual custody of the minor may file a petition before the National Authority for Child Care (NACC), through the Regional Alternative Child Care Office (RACCO), for the issuance of a Certification Declaring a Child Legally Available for Adoption (CDCLAA), a document signed by the DSWD Secretary or his/her duly authorized representative, administratively declaring the child legally available for adoption.

SECTION 54. PROOF OF BIOLOGICAL PARENT SEARCH. - The following shall be sufficient proof that such efforts to locate the biological parents, guardians or relatives have been made:

- a. Certification from radio and/or TV stations that the case was aired on three (3) different occasions;
- b. Publication in newspaper of general circulation whichever is appropriate to the circumstances;
- c. Police report or barangay certification from the locality where the child was found; and
- d. Returned registered mail to the last known address of the parents or known relatives, if any, or in the case of a voluntarily committed child, the Deed of Voluntary Commitment signed by the biological parent, whichever is appropriate to the circumstance.

SECTION 55. PROCEDURE WHEN BIOLOGICAL PARENT/S ARE LOCATED. - If the biological parent/s is/are located, they/he/she will be assessed to determine their willingness to keep the child and their parenting capability. If the assessment of reunification is not favorable, the parent/s shall execute of Deed of Voluntary Commitment (DVC). If the child is a marital child, the signature of both mother and father to the DVC shall be secured. If the child is a non-marital child, the DVC of the mother is sufficient. If reunification is for the child's best interest, the parent/s and child shall undergo counselling and after care services shall be provided by the LGU social worker.

SECTION 56. PROCEDURE WHEN BIOLOGICAL PARENT/S ARE NOT LOCATED. - If the biological parent/s is/are not located, the CSWDO shall facilitate the registration of the child's certificate of live birth if the name and information of the child's birth are known and verified. If there is no known information on the child's birth, facilitate the registration of the certificate of live birth of persons with no known parent/s based on the guidelines of the Philippine Statistics Authority (PSA).

TITLE VI
PROTECTION RIGHTS OF CHILDREN

ARTICLE 13

SECTION 57. ADHERENCE TO NATIONAL GOVERNMENT POLICY. - The City of Naga, Cebu shall ensure to adopt and adhere to the policy of the National Government in its pursuit of justice for crimes committed against child whose rights are legally protected upon enactment of (special) penal laws for the protection of the child much less devout its resources for the investigation and prosecution of any person who shall engage of the following acts penalized in the succeeding sections of this Code.

ARTICLE 14
Prohibited Acts
A. Child Prostitution and Other Sexual Abuse

SECTION 58. Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

SECTION 59. Acts that are penalized under Section 5 of RA 7610 as quoted hereunder, to wit:

- (a) Those persons who engage in or promote, facilitate, or induce prostitution which include, but are not limited to the following:
- 1 Acting as procurer of a child prostitute by means of written or oral advertisements or other similar means;
 - 2 Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
 - 3 Entering into relationship with or taking advantage of a child as prostitute;
 - 4 Threatening or using violence towards a child to engage him or her as a prostitute or participants in indecent shows;
 - 5 Giving monetary consideration, goods, or other pecuniary benefit to a child with the intent to engage in child prostitution.
- (b) Those persons who commit the act as stated in Article III of R.A. No. 7610 shall be penalized accordingly as prescribed therein.

ARTICLE 15
B. Obscene and Indecent Shows, Streams and Publications

SECTION 60. CRIMINAL LIABILITY. - Any person who shall hire, employ, use, persuade, coerce, or force a child, whether live or in video, to pose or model in obscene show, stream, broadcast, or publish in pornographic materials shall be held criminally liable under RA 7610.

SECTION 61. UNLAWFUL ACTS. - Crimes committed online/offline or thru device as defined and penalized under Section 4 of R.A. 11930. Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

- (a) To hire, employ, use, persuade, induce, extort, engage, or coerce a child to perform or participate in whatever way in the creation or production of any form of OSAEC and CSAEM.
- (b) To produce, direct, manufacture, facilitate, or create any form of CSAEM, or participate in the production, direction, manufacture, facilitation or creation of the same.
- (c) To offer, sell, distribute, advertise, promote, export, or import, by any means, any form of CSAEM.
- (d) To knowingly publish, transmit and broadcast, by any means, any form of CSAEM.
- (e) To permit or influence the child to engage, participate or assist in any form of CSAEM.
- (f) To produce, direct, create, hire, employ or pay a facilitator to stream or livestream acts of child sexual abuse or exploitation.
- (g) To stream or live-stream acts of, or any form of, child sexual abuse and exploitation.
- (h) To recruit, transport, transfer, harbor, provide, or receive a child or to induce or influence the same, for the purpose of violating this Act;
- (i) To introduce or match a child to a foreign national or to any person for the purpose of committing any of the offenses under this Act.
- (j) For film distributors, theaters and ICT services by themselves or in cooperation with other entities, to distribute any form of CSAEM or to facilitate the commission of any of the offenses under this Act.
- (k) To knowingly benefit from, financial or otherwise, the commission of any of the offenses of this Act.
- (l) To provide a venue for the commission of prohibited acts under this section such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments.

- (m) To engage in the luring or grooming of a child: *Provided*, That grooming taking place offline as a prelude to violations under this Act shall also be penalized;
- (n) To sexualize children by presenting them as objects of sexual fantasy, or making them conversational subjects of sexual fantasies, in any online or digital platform;
- (o) To engage in pandering as defined under this Act;
- (p) To willfully subscribe, join, donate to, or support an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;
- (q) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation;
- (r) To possess any form of CSAEM. *Provided*, That possession of three (3) or more CSAEMs is *prima facie* evidence of the intent to sell, distribute, publish or broadcast;
- (s) To willfully access any form of CSAEM, and
- (t) To conspire to commit any of the prohibited acts stated in this section.

Provided, That the investigation or prosecution of offenses under this Act shall be without prejudice to appropriate investigation and prosecution mechanisms under Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003," as amended, and other related laws.

SECTION 62. SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE, OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE SHOWS, STREAM, BROADCAST AND PUBLICATION. - All establishments or enterprises that promote, facilitate, child prostitution and sexual abuse and exploitation, trafficking, obscene or indecent shows, stream and broadcast and other similar acts shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner, operator and manager thereof be prosecuted under RA 7610 and RA 11930 as the case may be.

ARTICLE 16 C. Child Trafficking

SECTION 63. ADOPTION OF ANTI-TRAFFICKING LAWS. - This Ordinance adopts the Acts of Trafficking defined and penalized under RA 9208, RA 10354 and RA 11862 and the penalties prescribed therein, insofar as child-victim is concerned. It is unlawful for any person to commit the following acts, to wit:

It is also adopted in this Code the following penalized acts under RA 11862:

- a. To adopt or facilitate the adoption persons with or without consideration for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage, or to facilitate illegal child adoptions or child laundering or for other exploitative purposes;
 - b. To recruit, transport, transfer, obtain, harbor, maintain, offer, hire, provide, receive, or adopt a child to engage in armed activities or participate in activities in the context of an armed conflict in the Philippines or abroad;
 - c. To recruit, transport, transfer, obtain, harbor, maintain, offer, hire, provide, receive, or adopt a child for deployment abroad as migrant worker;
 - d. To recruit, transport, transfer, obtain, harbor, maintain, offer, hire, provide, receive, or adopt a child for purposes of exploitation or trading him/her, including the act of buying or selling a child, or both for any consideration or for barter for purposes of exploitation.
- Trafficking for purposes of exploitation of children shall include:

1. All forms of slavery or practice similar to slavery, involuntary servitude, debt bondage, and force labor, including recruitment of children for use in armed conflict;
2. The use, procuring or offering of a child for prostitution, for production of CSAEM or CSAM, or for pornographic performance;
3. The use, procuring or offering of a child for the production and trafficking of drugs;
4. The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals

ARTICLE 17
D. Attempted Trafficking in Persons

SECTION 64. Also, Section 4-A of Republic Act No. 9208 as amended by Republic Act No. 10364 and Republic Act No. 11862 which provides that:

"SEC. 4-A. *Attempted Trafficking in Persons.* - Where there are acts to initiate the commission of a trafficking offense but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance, such overt acts shall be deemed as an attempt to commit an act of trafficking in persons. As such, an attempt to commit any of the offenses enumerated in Section 4 of this Act shall constitute attempted trafficking in persons.

"In cases where the victim is a child, any of the following acts shall also be deemed as attempted trafficking in persons:

- "(a) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development, or a written permit or justification from the child's parent or legal guardian;
- "(b) Executing, for a consideration, an affidavit of consent or a written consent for adoption;
- "(c) Recruiting a woman to bear a child for the purpose of selling the child;
- "(d) Simulating a birth for the purpose of selling the child; and
- "(e) Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, day care centers, refugee or evacuation centers, and low-income families, for the purpose of selling the child."

The penalty prescribed in Sections 12 and 13 of the same law insofar as it is applicable shall be imposed upon the perpetrators of the foregoing prohibited act.

ARTICLE 18
E. Other Acts and/or Conditions Prejudicial to the Child's Development

SECTION 65. PROHIBITED ACTS. - It shall be unlawful for any person to sell liquor, cigarette, illegal drugs, and other items detrimental to the development of the child. For the purpose of this ordinance, the penalty for commission of such act as prescribed in Article IV of R.A. No. 7510 insofar as it is applicable.

SECTION 66. POSTING REQUIREMENT. - All establishment selling liquors, cigarettes and vape shall be required to post notices or warning signs that ban selling of liquor, cigarettes and vape to children as a condition for the approval/renewal of their business license.

SECTION 67. ACCESS TO INTERNET CAFES, WIFI-ZONES AND/OR PISONet. - Business involved, among other things, accessing to and renting of video games or online thru internet cafes, wifi-zones and/or PISONet are prohibited from catering to children during school days from 7 a.m. to 5 p.m. and beyond 10 p.m.

Business permit(s) of concerned commercial establishment(s) which violate the prohibition shall subject to suspension for:

- Fifteen (15) days during the first offense; and
- One (1) month suspension, if not cancellation, of the same for the second offense without prejudice to criminal prosecution if evidence so warrant the filing of appropriate criminal complaint for violation of RA 11930 and other special penal laws.

The Business Permit and License Office (BPLO) shall mandate all commercial establishments engage in computer and internet services to require all its clients to show Proof of Age Verification upon access to internet cafes and PISONet. For PISONet, it must be placed in a conspicuous place that its owner, proprietor and attendant shall monitor the persons actually accessing thereof. A surprise inspection shall be conducted by the PNP and BPLO personnel to ascertain the compliance of this provision of the Code.

SECTION 67-A. NOTICE/SIGNAGE. - It is hereby mandatory for all business establishments engage in the foregoing services the posting of notices/warning signs including operation hours of internet café especially during class hours. The official notice or signage is only available at the Office of the City Mayor and be released upon submission of necessary documents for the issuance of business permit and license and payment thereof.

SECTION 68. PROHIBITION AND PENALTIES. - Movie and fun houses are prohibited to admit children during school hours. Sanctions to movie and fun houses admitting children during school days from 7 a.m. to 5 p.m. All movie houses and fun houses admitting children during school days from 7 a.m. 5 p.m. shall be subjected to the same penalty imposed on Commercial Video Games catering to children during school days/hours insofar as the first and second offense is concerned. Cancellation of the business permit and closure of movie and fun houses shall constitute the penalty for the third offense.

SECTION 69. OTHER PENALTIES. - 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 favor, such as but not limited to:
 - a. working in agricultural industries like rice and corn plantations or farms, and
 - b. working as a house helper
3. **Pre-arrangement for Marriage** - Pre-arrangement (buya) 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 dance, 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.
3. **Discrimination of Illegitimate Children** - For schools to discriminate illegitimate children as follows, but not limited to the following:
 - a. Refusal to accept enrollment of illegitimate children in schools;
 - b. Requiring the marriage contract of parents as a requirement for enrollment 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 or otherwise detaining him/her;
 - 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 of the like;
 - i. Pulling the hair of the child;
 - j. Making the child stand under the heat of the sun;
 - k. Exposing the child stand to be bitten by any

- 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.
6. **Pushing/Enticing Minors to Live-in Arrangements.** - It shall be unlawful for the parents to entice, encourage and/or push their children to live together with any person a husband or wife in exchange for money or any other consideration;
7. **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 lasciviousness conduct shall be considered prima facie evidence of sexual exploitation;
8. **Entry, Selling and Distribution of Pornographic Materials** - The Local 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;
9. **Selling Liquor, Cigarettes, Vape, Rugby and Other Addicting Substances to a Child** - It shall be Unlawful for any person or entity to sell liquor, cigarette, vape, rugby or any addicting substance to a child.
10. **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 any liquor or substance that shall cause drunkenness, except for reasons of medication upon advice of a medical professional.
11. **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, RA 7658, 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 Two Thousand Five Hundred Pesos (PHP2,500.00).

**TITLE VII
CICL AND DIVERSION**

ARTICLE 19

SECTION 70. RIGHTS OF CICL. - 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, 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;
- 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;
- 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 71. SYSTEM OF DIVERSION. - A system of diversion is hereby established wherein CICL shall as much as possible be referred to alternative measures without undergoing court proceedings.

SECTION 72. LEVELS OF DIVERSION. - Diversion shall be conducted at the barangay level for crimes with prescribed penalty of six (6) years or below.

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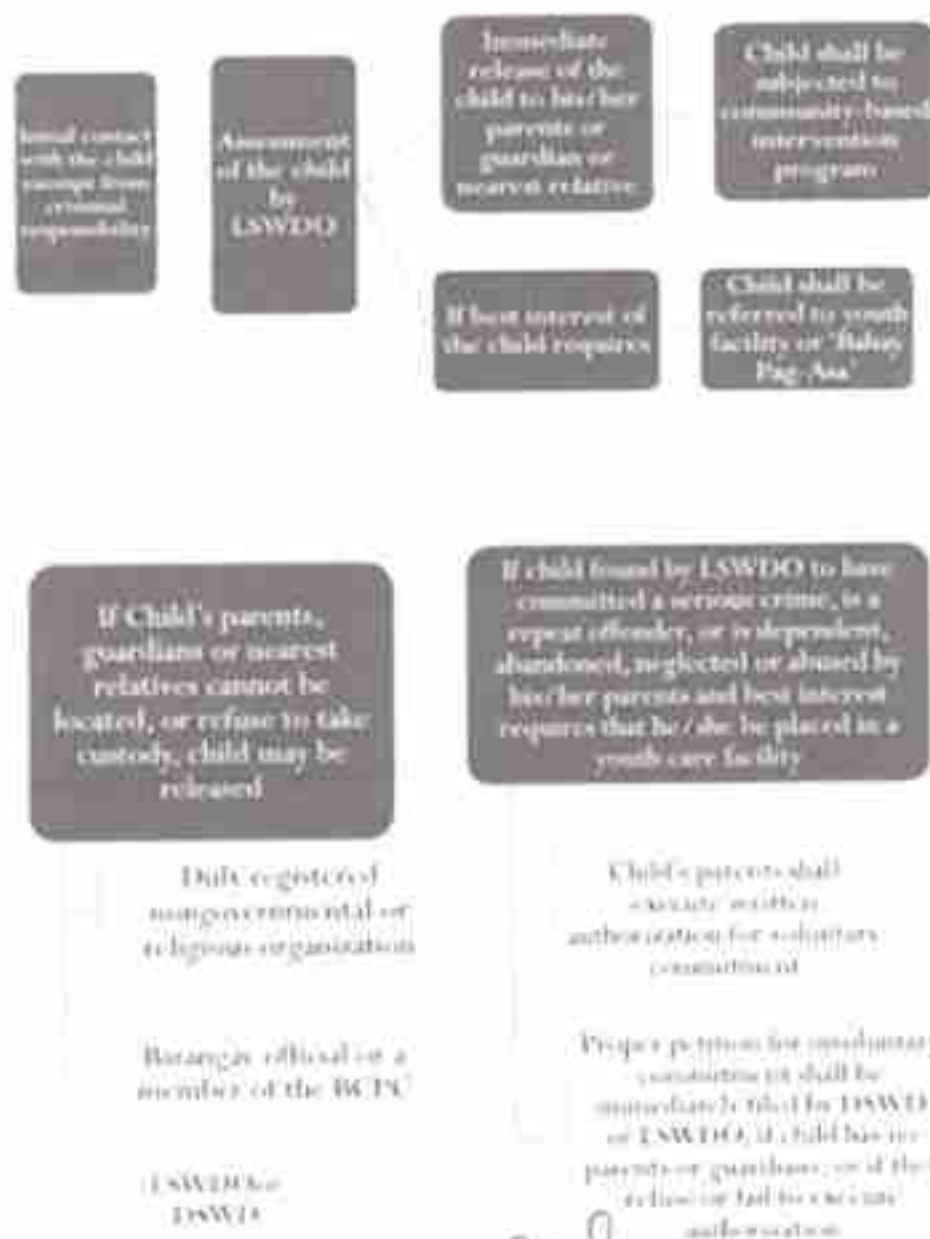
SECTION 73. DUTY TO INFORM THE CHILD OF HIS/HER OFFENSE. - The competent authorities are duty-bound to explain to the minor in a language known and understood by him/her to consequences of his/her acts and/or omission. The minor's responsibility for the commission of any felony shall be explained to him/her with a view towards counseling and rehabilitating him/her, and avoiding his/her contact with the criminal.

SECTION 74. INTERVENTION AND DELINQUENCY PREVENTION. - The CSWDO shall establish programs for CICL, intervention and delinquency prevention to address issues that caused the child to commit an offense, taking into consideration the following:

1. Emphasis on the intervention or prevention policies facilitating the successful socialization and integration of all children with the family, through the community, peer groups, schools, vocational training and world of work, as well as through voluntary organizations.
2. Due respect should be given to the proper personal development of children, and they should be accepted as full and equal partners in socialization and integration processes.

The LGU-NAGA shall comply with the guidelines prescribed in the National Intervention Program by the Juvenile Justice Welfare Council (JJWC) as provided for in Republic Act No. 9344 (Juvenile Justice Welfare Act of 2006) as amended by Republic Act No. 10530 and its Implementing Rules and Regulations, in the formulation of its Juvenile Intervention and Delinquency Prevention Programs. Quoted hereunder is the process flow in handling CICL, to wit:

Process for taking into custody child below the age of criminal responsibility



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SECTION 75. - 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 BCPC concerned and 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 endeavor 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 76. 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 labeling 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 77. DIVERSION PROGRAM, WHEN PROPER. - Where the parties and/or the competent authorities decide that the child must undergo a diversion program, such program shall be formulated with the cooperation of both the complainant and the child, and in proper coordination with the DSWD.

SECTION 78. OBJECTIVES OF DIVERSION PROCEEDINGS. -

1. the conduct of diversion proceedings where the parties agree to a settlement that benefits the CICL, the victim, and the community as well.
2. the development and implementation of diversion program that will not punish but rehabilitate and modify the CICL's behavior, enhance parental skills, as well as increase community awareness, thereby prevent re-offending as well as facilitate healing and sense of justice for the victim,
3. supervision and monitoring of compliance to diversion contract, and
4. termination of diversion program

SECTION 79. DIVERSION PROCEDURE. - RA 9344 as amended, provides that a child who is above fifteen (15) but below eighteen (18) years of age, assessed to have acted with discernment and has allegedly committed an offense with imposable penalty of less than six (6) years shall undergo diversion.

Diversion may be conducted at the:

- a. Katarungang Pambarangay level led by the Punong Barangay;
- b. Police investigation stage led by the law enforcement officer, or
- c. Inquest or preliminary investigation stage led by the prosecutor

The CSWDO shall assist the barangay in the conduct of the diversion proceeding. However, when the alleged offense committed is victimless and the imposable penalty is less than six (6) years, the CSWDO shall lead the process and shall be assisted by the BCPC. Diversion may also be resorted to by the court if the alleged infraction committed has an imposable penalty of more than six (6) years but below twelve (12) years.

Diversion process includes conduct of diversion proceedings, formulation of diversion program, contract signing, implementation of the diversion program, monitoring and supervision of the CICL undergoing diversion, and termination. The CICL, his/her family and the community must participate during the whole process, that is, from formulation to implementation and termination of the diversion program. The victim and his/her family are also encouraged to participate to better facilitate behavioral change and when possible, reconciliation. The organization of a Diversion Committee shall be the main strategy in the implementation of diversion program. The Committee shall be organized by the authority conducting the diversion. They shall be responsible in convening the dialogue between the CICL, his/her parents/guardians, victim, and identify the appropriate program for the CICL and his/her family.

SECTION 80. FACTORS IN DETERMINING DIVERSION PROGRAMS. - In determining when the diversion is appropriate and desirable, the following offenders are qualified to avail of the diversion program, by:

- the nature and circumstances of the offense;
- not known habitual offender or recidivist;
- the character and reputation of the child;
- the circumstances of the child (e.g. age, maturity, intelligence, etc.);
- the influence of the family and environment on the growth of the child;
- the emotional relief of the victim;
- the weight of the evidence against the child, and
- the safety of the community.

SECTION 81. 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:

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

SECTION 82. DIVERSION PROGRAMS. - The diversion programs shall include adequate socio-cultural and psychological responses and services for the child. Diversion programs can include, but are not limited to the following:

- written or oral reprimand or citation;
- restitution of property;
- reparation of the damage caused;
- indemnification of consequential damages;
- fine;
- payment of cost of the proceedings;
- written or oral apology;
- guidance and supervision orders;
- counseling for the child and the family;
- trainings, seminars, lecture on:
 - anger management skills;
 - problem solving on/or conflict resolutions skills;
 - values formation; and
 - other skills which will aid the child in dealing with situations which can lead to e-
Offering.
- community-based programs available in the community; and
- institutional care and custody.

SECTION 83. CRITERIA OF COMMUNITY-BASED PROGRAMS. - The CSWDO 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, the parents or legal guardians;
- c. the participation of other child-centered agencies, religious, civic, and other organizations will be allowed.

SECTION 84. COMMUNITY REINTEGRATION PROGRAMS. - Community Reintegration Programs shall consist of membership in civic and/or religious organizations and other related programs to be determined by the CSWDO

SECTION 85. 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 CSWDO to visit the child's home; and
- 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 85. 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:

- c. the parents;
- d. legal guardian;
- e. CSWDO;
- f. a relative;
- g. a member of a child-focused group; or
- h. a member of the BCPC concerned. Otherwise, such documents shall be null and void.

SECTION 86. 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 BCPC concerned, or a CSWD 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 assigned case manager shall contact a member of the Public Attorney's Office (PAO) 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 87. 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 BCPC or the CSWDO. If necessary, the CSWDO may refer the child to an appropriate child-caring institution.

SECTION 88. 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 89. REINTEGRATION AND AFTERCARE PROGRAMS. - Upon case termination, the CSWDO is encouraged to implement reintegration programs for a juvenile who is released by the court.

ARTICLE 20
Road Safety for Children

SECTION 90. PROHIBITED ACTS UNDER RA 10666 "CHILDREN'S SAFETY ON MOTORCYCLE." - The City Government of Naga, Cebu shall pursue a more proactive and preventive approach to secure the safety of passengers, especially children, by regulating the operation of motorcycles along roads and highways.

Further, it shall be unlawful for any person to drive a two (2)-wheeled motorcycle with a child on board on public roads where there is heavy volume of vehicles, there is a high density of fast moving vehicles or where a speed limit of more than 60/kph is imposed, without prejudice to the applicability of the City Traffic Code, unless:

- The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle;
- The child's arms can reach around and grasp the waist of the motorcycle rider; and
- The child is wearing a standard protective helmet referred to under RA 10054, otherwise known the "Motorcycle Helmet Act of 2009", and
- Penal provision of R.A. 10666 may be imposed to violators.

TITLE VIII
ESTABLISHMENT AND MANAGEMENT OF CITY OF NAGA, CEBU
CRISIS INTERVENTION CENTER

ARTICLE 21

SECTION 91. 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 RA 7610 mandating the protection against child abuse, exploitation and likewise RA 8505 mandating the establishment of a Crisis Intervention Center (CIC) in every province, city/municipality is 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. It shall offer preventive and rehabilitation services as well as therapeutic interventions and approaches to overcome the negative effects of abuse.

SECTION 92. OBJECTIVES OF THE CRISIS INTERVENTION CENTER (CIC). - The CIC shall have the following objectives:

- To provide temporary shelter and basic services to abused children and women including trafficked-in-person victim-survivor;
- To provide the needed medical, psycho-social, and legal services necessary in the restoring/building the self-esteem of its clients;
- To encourage and build the capacities of abused and prostituted children and women to come into the open and pursue cases in court whenever they are ready;
- To provide life skills and livelihood training to abused children and prostituted and women who are ready to be investigated with their families and communities;
- To provide livelihood assistance to and placement of abused and prostituted children and women while in the center as a form of therapy and enable them to be productive;
- 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; and
- To link with the law enforcement and recommend for legislations certain matters aimed at the protection of children and women for policy reforms.

SECTION 93. ORGANIZATIONAL STRUCTURE, MANAGEMENT AND OPERATIONS OF THE CENTER. -

- a. The center will be under the supervision of the CSWDO.
- b. The CSWDO and the LCPC shall issue the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

SECTION 94. BUDGET ALLOCATION FOR THE CRISIS INTERVENTION CENTER. -

The financial support of the CIC shall be included in the annual budget, proposed by the Office of the City Mayor through the recommendation of the CSWDO.

**TITLE IX
CHILDREN DURING DISASTER AND CALAMITY**

**ARTICLE 22
Emergency Cases**

SECTION 95. EMERGENCY RELIEF AND PROTECTION FOR CHILDREN BEFORE, DURING, AND AFTER DISASTERS AND OTHER EMERGENCY SITUATIONS. - in accordance with RA 10921, the City Government of Naga, Cebu shall establish and implement a comprehensive and strategic program of action to provide the children and pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.

SECTION 96. ESTABLISHMENT OF EVACUATION CENTERS. - The City Government of Naga, Cebu shall establish and identify safe locations as evacuation centers for children and families. However, only in cases where there is no other available place or structure which can be used as a general evacuation center may a school or child development center be used as an evacuation center.

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

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

SECTION 97. SAFETY AND SECURITY MEASURES OF AFFECTED CHILDREN DURING EMERGENCIES/DISASTERS. - In coordination with the PNP, DSWD, DILG, DepEd, the City Government of Naga, Cebu, NGOs, CSOs in the community will monitor and ensure the safety and the security of the affected children in the areas declared under a state of calamity and shall protect them against all forms of abuse and exploitation.

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

The City Government shall prioritize the establishment and functionality of the Barangay VAWC desks. The VAWC desk shall also serve as one of the key reporting and referral mechanisms for cases of violence, abuse, and exploitation of children in the barangay during all phases of emergency response and recovery.

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

TITLE X
CITY OF NAGA COUNCIL FOR THE PROTECTION OF CHILDREN

ARTICLE 23
Implementing Mechanism
B. Local Council for the Protection of Children

SECTION 98. CREATING OF LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (LCPC). - The Sangguniang Panlungsod shall create a council for children known as the Local Council for the Protection of Children (LCPC) and the BCPC at the Barangay level. This is in keeping with the mandate of the LCPC 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 LCPC shall ensure the effective implementation of the Philippine Government's commitment to the UNCR, World Declaration on the Survival Development and Protection of Children (WSDPC), 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's power and authority to plan and implement local socio-economic development plans, policies, and programs.

SECTION 99. COMPOSITION AND FUNCTIONS OF THE LCPC. -

a. The LCPC shall be composed of:

Chairperson: City Mayor

Vice-Chairperson: Sangguniang Panlungsod (Committee on Women, Children and Family Affairs)

Members:

- a. City Administrator
- b. City Planning and Development Office
- c. CSWDO
- d. City Health Officer
- e. City Nutrition Officer
- f. City Budget Officer
- g. City Public Employment Services Officer
- h. City Disaster Risk Reduction and Management Officer
- i. City Agriculture Officer
- j. City LIGA ng mga Barangay President
- k. City SK Federation President
- l. Child Representative
- m. City Local Government Operations Officer
- n. DepEd Division Superintendent
- o. City Chief of Police
- p. At least one (1) CSO representative
- q. Parent Representative
- r. City legal Office
- s. SP committee on women, children and family relation
- t. NGO representative
- u. CICRD
- v. LYDO
- w. POP DEV. OFFICER

The CSO must be represented by a child and/or youth serving an organization recognized by the city-implementing children's program/project in the locality for at least a year and promoting community empowerment.

The CSO representative should have the following qualifications:

1. Head of the organization or holding a position of influence for at least a year within the organization;
2. Has professional/core competence/expertise on children and youth concerns; and
3. Has experience working with local government/donor agencies working on child rights and protection.

b. The LCPC shall have the following functions:

1. Formulate, develop, coordinate, monitor and review all local policies (to include BCPC prepared and issued policies), ordinances, plans, programs, and activities which shall promote the best interest and rights of children and ensure mainstreaming in the local development agenda;
2. Prepare an Annual Work and Financial Plan (AWFP LCPC WFP Form 001-B) consistent with its functions as provided herein and in the local EO creating it;
3. Establish, maintain and update a disaggregated database or local information system on all children within the municipality and shall include the information gathered by the BCPC;
4. Child conduct advocacy activities on the promotion and protection of the rights and welfare of children including the development of information, education and advocacy materials;
5. Conduct capability-building activities for all stakeholders on children including in the barangay level;
6. Provide assistance to children in need of special protection;
7. Document good practices on children;
8. Coordinate and consult with other LCPCs, LGUs and other regional and national authorities with respect to policies and PPAs on children; and
9. Audit (CFLGA), through the LCPC Inter-Agency Monitoring Task Force (IMTF), annually. Organize the necessary documents needed by the concerned IMTF and conduct the Child-Friendly Local Governance.

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.

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 CSWDO.

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 100. COMPOSITION AND FUNCTIONS OF THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN. -

The BCPC shall be composed of:

Chairperson: Punong Barangay

Vice-Chairperson Members: Barangay Kagawad sitting as Chair of the Committee on Women and Family

Members:

- a. Barangay Violence Against Women Desk Person/Officer;
- b. Barangay Day Care/Child Development Worker
- c. Barangay Midwife
- d. Barangay Health Worker
- e. Barangay Nutrition Scholar
- f. Chief Tanod
- g. SK Chairperson
- h. Child representative
- i. DepEd Principal/Teacher-in-Charge or the Child Protection Committee (CPC) Coordinator
- j. Parent Representative
- k. Others (May include representative from local civil society organization partners, or Council of Elders for BLGUs)

The BCPCs shall be the operational LCPC units at the community-level. They shall be the functional units to assist local and national authorities in the identification, implementation and monitoring of programs, projects and activities (PPAs) for the promotion of child welfare and the protection of their rights especially those focused on the survival, development, protection and participation of children. They shall assist and support barangay officials in the latter's work as custodians of children's rights as emphasized in DILG MC 2016-115.

The BCPC shall perform the following functions:

1. Establish and maintain an updated and disaggregated database on children within the barangay.
2. Prepare an Annual Work and Financial Plan (AWFP LCPC WFP Form 001-A) consistent with its functions as provided herein and in the Barangay EO creating it.
3. Make recommendations to the barangay on policies and PPAs relative to the promotion of the rights and welfare of children for inclusion in the comprehensive and annual development plan of the Barangay;
4. Perform functions related to its mandate as provided by national laws and policies concerning the protection, intervention, assistance, and other interference necessary to promote the rights and needs of children-in-conflict with the law, children-at-risk, and children in need of special protection;
5. Document the barangay's PPAS and accomplishments on children;
6. Coordinate its efforts with the concerned barangay officials as well as the higher level LGU exercising jurisdiction over it; and
7. Conduct of advocacy activities on the promotion and protection of the rights and welfare of children.

The BCPC's AWFP shall be submitted to the Barangay before the schedule of budget preparation to ensure incorporation and funding in the Barangay Annual Investment Program (AIP). The AWFP shall be accompanied by a budget proposal or draft Barangay Council Ordinance providing funds for the BCPC.

SECTION 101. REPRESENTATION OF NGOs IN THE COUNCILS FOR CHILDREN. -

The Sangguniang Panlungsod shall invite NGOs with child-focused programs for membership in the LCPC, provided that these NGOs are duly authorized by the Sangguniang Panlungsod based on its criteria for accreditation.

SECTION 102. INTERNAL RULES OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN. - The City LCPC 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 a Desk for Children's Concerns.

SECTION 103. CREATION OF A DESK FOR CHILDREN'S CONCERNS. - There shall be created a Desk for Children's Concerns under the CSWDO.

SECTION 104. FUNCTIONS OF DESK FOR CHILDREN'S CONCERNS. - The Desk for Children's Concerns shall:

- a. act as secretariat for the LCPC;
- b. to oversee and coordinate the implementation of this Code; and
- c. be in charge of the day-to-day operations of the LCPC.

SECTION 105. REPORTING. - A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse including online sexual exploitation and other similar acts shall report the same, either orally or in writing to the CSWDO, to the law enforcement agency or to the BCPC concerned.

SECTION 106. 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 abovementioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

SECTION 107. 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, barangays officials, and other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

SECTION 108. FAILURE TO REPORT. - Any individual who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

SECTION 109. IMMUNITY FOR REPORTING. - Any person who, acting in good faith, reports a case of child abuse shall be free from any civil, criminal or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

TITLE XI

REMEDIAL MEASURES AND PENAL PROVISIONS

ARTICLE 24

Procedures

SECTION 110. PERSONS WHO MAY FILE A COMPLAINT. - Complaints on unlawful acts defined and penalized under this Code committed against children 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 111. PROTECTIVE CUSTODY OF THE CHILD. - The offended party shall be immediately placed under the protective custody of the CSWDO. In the regular performance of this function, the officer of the CSWDO shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree (PD) No. 603.

SECTION 112. 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.

ARTICLE 25

Penal Clause

SECTION 113. 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 two thousand five hundred pesos (P2,500) 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;
- c. family therapy; and
- ff. 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 26

Budgetary Appropriations

SECTION 114. 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 27
Final Provisions
Separability/Applicability/Repealing and Effectivity Clause

SECTION 115. 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 116. APPLICABILITY CLAUSE - All other matters relating to the imposition 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 117. 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 118. EFFECTIVITY CLAUSE. - This Code shall take effect upon approval of the Sangguniang Panlalawigan and compliance with the publication and posting requirements thereof as mandated under RA 7160 or the Local Government Code of 1991.

ENACTED BY THE SANGGUNIANG PANLUNGSOD, CITY OF NAGA, CEBU, on motion of Hon. Carmelino N. Cruz, Jr. seconded by Hon. Charmaine R. Navarro, in its 81st regular session held on the 28th day of February 2024.

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CERTIFIED TRUE AND CORRECT:


GARRY A. CABOTAJE
Secretary to the Sanggunian

ATTESTED BY:


VIRGILIO M. CHIONG
City Vice Mayor/Presiding Officer

APPROVED BY:


VALDEMAR M. CHIONG
City Mayor

3/1/2024

