

RESOLUTION NO. 012-F-2008

RESOLUTION ENACTING AN ORDINANCE WHICH WILL CREATE THE CHILD'S RIGHTS PROTECTION UNIT (CRPU) IN THE CITY OF NAGA

WHEREAS, the incidence of child abuse in the Visayas, Region, particularly in the Province of Cebu, is rising according to the result of the survey done by the CHILDREN'S LEGAL BUREAU (CLB) in 2001;

WHEREAS, this disturbing development needs to be addressed, hence the CLB decided to implement the CHILD'S RIGHTS PROTECTION UNIT Cebu Project on three pilot areas in Cebu Province, one of which is the City of Naga;

WHEREFORE, premises considered, and on motion of Hon. Dominga P. Millena,

RESOLVED, by the Sangguniang Panlungsod of the City of Naga, Cebu, to enact and hereby enacts the following Ordinance:

ORDINANCE No. 002-2008

AN ORDINANCE CREATING THE CHILD'S RIGHTS PROTECTION UNIT (CRPU) IN THE CITY OF NAGA, CEBU

TITLE 1, CREATION OF CHILD'S RIGHTS PROTECTION UNIT

SECTION 1. To protect the rights of a child against all forms of abuse and exploitation, the CHILD'S RIGHTS AND PROTECTION UNIT is hereby created and established in this City.

SECTION 2. Definition of Terms- for the purpose of this ordinance the word CHILD is defined as follows:

- 1) Under the United Nations Convention on the Rights of the Child (UNCRC), a child is defined as every human being below the age of 18 years.
- 2) Under Philippine Law, a child is one who is –
 - a) Below 18 years old or
 - b) 18 years old and above but is incapable of protecting him/herself from abuse, neglect, cruelty and exploitation because of a mental or physical defect.

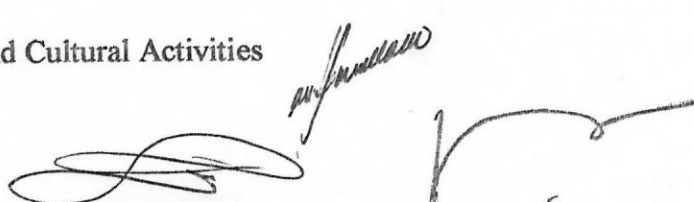
SECTION 3. The Rights of a Child – for guidance purposes to all implementers of this Ordinance, the Rights of every Child enumerated under the United Nations Convention on the Rights of the Child (UNCRC), shall be made as the basis for its implementation, to wit:

1. SURVIVAL RIGHTS

- a) Right to Life
- b) Right to Parental Care and Support
- c) Right to Adequate Standard of Living
- d) Right to Health

2. DEVELOPMENT RIGHTS

- a) Right to Information
- b) Right to Education
- c) Right to Leisure, Recreation, and Cultural Activities



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3. PROTECTION RIGHTS

- a) Right to a Name, Nationality and Identity
- b) Right to be protected from Abuse and Maltreatment
- c) Right to be protected from Sexual Abuse and Exploitation
- d) Right to be protected from Dangerous Drugs
- e) Right to be protected from Abduction, Sale Trafficking and Illicit Transfer
- f) Right to Physical and Psychological Recovery and Social Integration of a child Victim
- g) Rights of Children in need of Special Protection, such as :
 - 1) Children in situations of armed conflict
 - 2) Refugee Children
 - 3) Children deprived of a family environment
 - 4) Children in Conflict with the Law (CICL)
 - 5) Disabled Children
 - 6) Working Children

4. PARTICIPATION RIGHTS

- a) Right to Opinion
- b) Right to Freedom of Expression
- c) Right to Freedom of Thought, Conscience and Religion
- d) Right to Freedom of Association
- e) Right to Privacy

SECTION 4. The Main Objectives of the CRPU of the City of Naga:

- 1. To decrease cases of child abuse and children in contact/conflict with the law;
- 2. To enhance the knowledge, skills and attitude of the implementers in assisting abused children as well as juveniles in contact/ conflict with the law in a most child-sensitive manners;
- 3. To advocate for the establishment of appropriate bodies that will respond to the unique needs of the children and promote accountability on duty bearers;
- 4. To raise the capacities of implementers to be able to uphold children's rights amidst involving issues and problems that confront and affect the realization of their basic rights.

SECTION 5: Composition of the CRPU of the City of Naga

Chairperson : Hon. Valdemar M. Chiong (City Mayor)
Vice Chairperson : Mrs. Delia M. Tibay (CSWDO)
Members

Education (DepEd)

Dr. Wilfreda Sasuman (Supervisor-1st District)
Dr. Daria Salsalejo (Supervisor-2nd District)
Mrs. Desiree Misa (Supervisor-3rd District)
Mrs. Glorina M. Villordon

Health

Dr. Allan Enad (RHU-2)
Dr. Greg Calungsod (RHU-1)

SP (Women Legislator)

Hon. Dominga P. Millena
Hon. Dolorita T. Nietes
Hon. Shella Marie R. Navarro (SK Fed. Pres.)
Hon. Letecia Abangan

Prosecutors Office



Mrs. Ellien M. Busal

NGO's

Engr. Gloria G. Pucot (NAFTEC)
Marcelina Sayago (Women's Association-Naalad)

Punong Barangay

Zosimo Panilag (Tina-an)
Taciano P. Canonigo (Balirong)
Magdaleno Del Mar, Jr. (Tuyan)
Paul Emersion F. Abangan (North Poblacion)
Myrna A. Ubas (Naalad)
Virgilio M. Chiong (ABC Pres.)

DILG/Law Enforcement

Mr. Celerino S. Magto, Jr. (DILG)
PNP Chief S/Supt. Renato A. Malazarte
PO1 Maricor Aliganga

LGU Representatives

Engr. Arthur Villamor (City Administrator)
Engr. Joveno Garcia (CPDC)
Mr. Ildefonso Burias (PESO)
SPM Elmer Q. Lapitan

PTCA

Hon. Dionesio V. Basalo (SB-Tina-an)

Child Representative

Hon. Richard E. Señor (SK Fed. Vice Pres.)

Children's Legal Bureau Representative

Atty. Cheryl Cabutihan
Atty. Jo-ann Suarez
Mr. Evan L. Epe

Parish Pastoral Council

Ms. Linda Largo

TITLE II. DUTIES AND RESPONSIBILITIES

SECTION 1. City of Naga

1. Establish coordination among local agencies in handling children's cases to avoid duplication;
2. Adopt/ institutionalize the CRPU in the locality through the enactment of an ordinance;
3. Provide the necessary funding for the successful implementation of the program.

SECTION 2. City Social Welfare and Development Office

1. Acts as lead agency in the organization of CRPU;
2. Implement comprehensive program and services that will address the needs of the children;
3. Conduct investigation and reported child abuse cases in coordination with the PNP and the Health Office, and provide suitable place for initial interview, investigation and evaluation;

4. Conduct safety and risk assessment;
5. Take protective custody of the child, refer the child to the DSWD or other child-caring institution whenever necessary;
6. Provide support services to the abuse child and/ or his family during the entire helping process;
7. Provide after-care services once a child is released to the care of his/her parents/ family in the form of a) cash assistance if needed, b) livelihood program/skills training, and c) access to other social welfare services;
8. Coordinate with the court regarding status of children with cases, both the victims and the child in contact/conflict with the law;
9. Coordinate with DILG in the organizing and training of the Barangay Council for the Protection of the Children (BCPC);
10. Consolidate and submit quarterly/ monthly/ semi-monthly report, whatever is more appropriate and convenient to the city mayor and to the monitoring agency.

SECTION 3. Philippine National Police- Women's & Children's Desk

1. Enforce existing laws and ordinances for the protection of children;
2. Provide separate cells for suspected CICL who have been committed by the court for custody/ detention;
3. Record cases involving children on a separate blotter or logbook to protect child's privacy;
4. Coordinate with the City Health Office/District Hospital on the medical examination and treatment of the victim and/or complainant;
5. Coordinate with the CSWDO/DSWD for the temporary custody and safekeeping of, and assistance for, the victim and/or complainant;
6. Conduct investigation on child abuse cases, including crime scene investigation and gathering of obtainable and available evidence;
7. File cases of child abuse with the RTC, and attend case conferences and scheduled;
8. Coordinate with DSWD on recommending to the court concerning the release of a suspected child offender or recognizance or to the custody of his parents or other suitable persons who shall be responsible for his appearance in court wherever required;
9. Coordinate with the City Health Office on the medical needs of a suspected CICL for as long as he is under custody;
10. Coordinate with the Public Attorney's Office (PAO) in filing motions court for the release on recognizance and other appropriate motions for the CICL.

SECTION 4. Department of Education

1. Conduct information dissemination campaign on the rights of children and issues involving children among the students, teachers, parents and community through the PTCA;
2. Report cases of child abuse (especially if it involve students) to the PNP or DSWD;
3. Provide support to victim of child abuse or a CICL who is a student of their school such as protecting their privacy and other support services that may be required and/or needed;
4. Submit report of activities to the lead agency, the CSWDO.

SECTION 5. City Health Office

1. Provide medico-legal services to child abuse victims upon request by investigating officer and the court;



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2. Provide medical; and dental services to the victims of child abuse and CICL and refer them to institution with better facilities, if needed;
3. Integrate information, education and communication (IEC) campaign on child abuse victims and CICL in various programs of the CHO;
4. Furnish medico-legal reports on the investigating office, prosecution office, the court, and other concerned parties who may request the same
5. Attend medically to child abuse victims confined at shelter homes, as requested;
6. Provide testimony in court as needed, and attend case conferences as scheduled;
7. Make referrals to VSMMC Women and Child-Friendly Shelter if as often as necessary or as requested;

SECTION 6. City Local Government Operations Office

1. Organize and train members of the Barangay Council for the Protection of Children (BCPC) in all the barangays of the City of Naga;
2. Conduct information dissemination on children's concerns among the barangays in consonance with the implementation of BCPC;
3. Monitor and make monthly reports on the activities of the BCPC, and submit the same to the City Mayor and the Chairperson, Committee on Women and Children.

SECTION 7. Children's Legal Bureau, Inc.

1. Facilitate the organizing of the CRPU, and assist in the conduct of meetings;
2. Provide technical assistance to the CRPU;
3. Initiate and facilitate a referral system for child abuse/CICL cases with other NGO's.

SECTION 8. REPEALING CLAUSE. Prior Ordinances, or parts thereof, which are inconsistent with the provisions of this Ordinance are hereby repealed, amended, suspended, or modified accordingly,

SECTION 9. SEPARABILITY CLAUSE. If any portion of this Ordinance shall be declared by a competent authority or court as unconstitutional, the other portions not so declared as such are to remain valid and operative.

SECTION 10. EFFECTIVITY. This Ordinance shall take effect upon its approval.

UNANIMOUSLY APPROVED this 14th day of April, 2008, on motion of Hon. Dominga P. Millena.

ATTESTED BY:

DELZA T. ARELLANO
DELZA T. ARELLANO
 Secretary to the Sanggunian

CERTIFIED CORRECT:

DELFIN R. SENOR
DELFIN R. SENOR
 Vice Mayor/Presiding Officer

APPROVED BY:

VALDEMAR M. CHIONG
VALDEMAR M. CHIONG
 City Mayor