



# **Pamahalaang Bayan ng Taytay**

## **TANGGAPAN NG SANGGUNIAN BAYAN**

**EXCERPT FROM THE MINUTES OF THE 112<sup>TH</sup> REGULAR SESSION OF THE  
9<sup>TH</sup> SANGGUNIANG BAYAN, TAYTAY, RIZAL HELD ON OCTOBER 27, 2015  
AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL**

**PRESENT:**

|                                    |   |                              |
|------------------------------------|---|------------------------------|
| Hon. Carlito G. Gonzaga            | - | Vice Mayor/Presiding Officer |
| Hon. Jan Victor B. Cabitac         | - | Councilor                    |
| Hon. Archie L. Calderon            | - | Councilor                    |
| Hon. Sharon DL. Macabebe           | - | "                            |
| Hon. Michell B. Bermundo           | - | "                            |
| Hon. Sophia Priscilla L. Cabral    | - | "                            |
| Hon. Ceferino R. Resurreccion, Jr. | - | "                            |
| Hon. Kristofer Charls S. Esguerra  | - | "                            |
| Hon. Philip Jeison J. Cruz         | - | "                            |
| Hon. Joseph Z. Valera              | - | LnB President                |

Introduced/Sponsored By: Coun. Sharon DL. Macabebe  
Sponsored by: Coun. Kristofer Charls S. Esguerra  
Co-Sponsored by: Vice Mayor Carlito G. Gonzaga  
Coun. Jan Victor B. Cabitac  
Coun. Archie L. Calderon  
Coun. Michelle B. Bermundo  
Coun. Sophia Priscilla L. Cabral  
Coun. Ceferino R. Resurreccion Jr.  
Coun. Philip Jeison J. Cruz  
LnB Pres. Joseph Z. Valera

**ORDINANCE NO. 31**

**ORDINANCE ENACTING THE "CHILDREN'S CODE" OF THIS  
MUNICIPALITY OF TAYTAY, RIZAL**

**WHEREAS**, The United Nations Convention on the Rights of the Child (UNCRC) recognized children as a basic sector distinct from the youth and students;

**WHEREAS**, Initial initiatives were promulgated by the Philippine Government such as the Philippine Plan of Action for Children for the 1990's under Proclamation No. 672 and Republic Act 8425 institutionalizing the Philippine Government's Social Reform Agenda and the Poverty Alleviation Program as a commitment to the ratified Convention on the Rights of the Child (CRC);

**WHEREAS**, The Municipality of Taytay, Rizal is cognizant of the Minimum Basic Needs (MBN) approach where the 33 basic needs of a family particularly that of the children's needs serves as the reference in formulating the local development plan in keeping with RA 7160 or the Local Government Code of 1991;

**WHEREAS**, In year 2000 the Municipality of Taytay, Rizal has committed to the implementation of the Early Childhood Development (ECD);

**WHEREAS**, In year 2006, the Municipality of Taytay, Rizal renewed its commitment through the formulation of Local Development Plan for Children carrying the Early Childhood Care and Development (ECCD) Investment and Work and Financial Plan;

**WHEREAS**, In year 2014, the Municipality of Taytay, Rizal through Executive Order No. 09 series of 2014, in support of the Philippine Government's initiatives, created the Council for the Protection of Children to implement programs and projects intended for children;

**WHEREAS**, In spite of the various laws already enacted and approved, there are still child abuses occurring in the Municipality of Taytay, Rizal;

**NOW, THEREFORE BE IT ENACTED BY THE SANGGUNIANG BAYAN OF MUNICIPALITY OF TAYTAY, RIZAL IN SESSION ASSEMBLED TO ENACT & PROMULGATE THE CHILDREN'S CODE OF THE MUNICIPALITY OF TAYTAY, RIZAL, AS FOLLOWS:**

#### **ARTICLE 1**

##### **TITLE, POLICIES AND PRINCIPLES, LGU OBLIGATIONS, DEFINITIONS AND ACRONYMS**

**SECTION 1. Title** - This Ordinance shall be known as the "Children's Code of the Municipality of Taytay, Rizal" hereinafter referred as the "TAYTAY, RIZAL CHILDRENS CODE OF 2015."

**SECTION 2. Declaration of Policies and Principles** - The Municipality of Taytay, Rizal recognizes the importance of effectively promoting, fully enhancing, and institutionalizing the survival, development, participation and protection rights of children within the framework of advancing general welfare in furtherance of integrated, sustainable and equitable development.

This local government unit believes in a holistic protection and development of all children through a strong partnership between and among government agencies, NGOs, POs and the private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork.

**SECTION 3. Purposes** - This Code enacted with the following purposes:

- (a) The right to be born, to have a name and nationality;
- (b) To ensure the protection of children against all forms of abuse and exploitation;
- (c) To advocate for children's rights and promote their welfare and development;
- (d) To ensure that children's rights are given priority attention both in government, civil society;
- (e) To improve the quality of life of Taytayeño's children enabling them to fully develop their potentials and participate in community life and nation building.

##### **SECTION 4. All 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 interpretation of the provisions of this Code, including its implementing rules and regulations, shall be resolved in favor for the best interest of the child.

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## **SECTION 5. Participation of the child**

All proceedings before any authority shall be conducted in a manner which allows children to participate and to express themselves freely. Participation of children in program and policy formulation and implementation related with children's concerns shall be ensured by this Municipality of Taytay, Rizal.

## **SECTION 6. Duties and responsibilities of the Municipal Government of Taytay, Rizal.**

In reference to Section 3, Paragraph 2 of Article XV of the 1987 Philippine Constitution, it is the duty of the Local Government Unit (LGUs) to defend the rights of our children to assistance including proper health care, nutrition education, and recreation as well as special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development as embodied in RA 7610.

In accordance with the United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a signatory, the LGU, at its own level and jurisdiction, shall also:

- (a) Undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights the LGU shall also undertake such measures to the maximum extent of its available resources and, where needed, within the framework of international cooperation;
- (b) Ensure to the maximum extent possible the survival, development, protection and participation rights of the child;
- (c) Take all appropriate legislative, administrative, social economic and educational measures to protect children from all forms of physical, psychosocial or mental violence, injury, or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s, or any other person/s who has the care of the child;
- (d) Assure a child that he/she is capable of forming his/her own views and that he/she have the right to express it freely in all matters affecting him/her. The views of the child be given due weight in accordance with his/her age and maturity;
- (e) Render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

**SECTION 7. Definition of terms** - The following terms used in this Ordinance shall be defined as follows:

- (1) **Abandoned** - refers to a child who has no proper parental care or guardianship, or whose parents or guardians have deserted him/her for a period of at least three (3) continuous months. (RA 9523, Article 1 Section 3.3)
- (2) **Basic Education** - refers to pre-school primary, elementary, and secondary education programs administered by the Department of Education and other educational institutions, agencies and organizations.

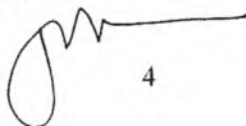
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- (3) **Best Interest of the Child** - refers to the totality of the circumstances and conditions most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child. (RA 9344)
- (4) **Child** refers to:
- (a) Unborn child as defined in the Family Code and the New Civil Code;
  - (b) A person under the age of 18 years; or
  - (c) 18 years old and above but is unable to fully take care of himself/herself from abuse, neglect, cruelty exploitation or discrimination because of a physical or mental disability or condition, as provided for in Section 3 (a) RA 7610, RA 9262, RA 9208.
- (5) **Child Abuse** - refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
- (a) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - (b) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - (c) Unreasonable deprivation of his/her basic needs for survival, such as food, clothing and shelter; and
  - (d) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his /her growth and development or his or her permanent incapacity or death.
- (6) **Children in Conflict with the Law** - refers to children who are alleged as, accused of, or adjudged as, having committed an offense under Philippine Laws. (as defined in RA 9344).
- (7) **Children at risk** - refers to children who are vulnerable to and the risk of committing criminal offenses because of personal, family and social circumstances, such as but not limited to the following:
- (a) Being abused by any person through sexual, physical, psychological, mental economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
  - (b) Being sexually or economically exploited;
  - (c) Being abandoned or neglected, and after diligent search and inquiry, the parent or the guardian cannot be found
  - (d) Coming from a dysfunctional or broken family or without parent or guardian;
  - (e) Being out of school;
  - (f) Being a street child;
  - (g) Being a member of a gang;
  - (h) Living in a community with a high level of criminality or drug abuse;
  - (i) Living in situations of armed conflict, (RA 9344);
  - (j) Children affected and infected with STD/HIV/AIDS (RA 8504);
  - (k) Children in calamity stricken areas or evacuation centers and;
  - (l) Children of OFWs.
- (8) **Children in Situation of Armed Conflict** - children caught in between armed struggle among the government and the extremists.
- (9) **Child Sex Tourism or CST** - is the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children.

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- (10) **Community based programs** - refer to the programs provided in a community setting developed for purposes of intervention and diversion, as well as, rehabilitation of the Children in Conflict with the law, for reintegration into his/her family and/or community (RA 9344)
- (11) **Community Reintegration Programs** - refer to the programs established for the purpose of rehabilitation and preparing the child for reintegration into the community.
- (12) **Crisis Intervention** - is the provision of a service that gives the individual comfort and support thus enabling him/her to manage the impact of the severe stress. It is transitional and temporary.
- (13) **Day Care Service** - is the provision of substitute parental care and stimulating activities for the total development of children, zero to below five (5) years old, when their parents are unable to take care of them during part of the day because of work and some other situations (based on EO 685 "expanding the pre-school coverage to include 5 year old children enrolled in a day care centers.")
- (14) **Day Care Center** - is a DSWD accredited facility where day care services are provided by an accredited Day Care Worker particularly for children in the three to five (3-5) age bracket.
- (15) **Debt Bondage** - refers to the pledging by the debtor of his/her child for personal services or labor in payment for a debt.
- (16) **Delinquency** - a child's wrong doing/misdemeanor.
- (17) **Diversion** - refers to an alternative child appropriate process of determining responsibility for an alleged offense as well as determining the measures, if any. To be undertaken by the child in conflict with the law and without resorting to formal court adjudication.
- (18) **Diversion Programs** - refers to the programs that children in conflict with the law are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.
- (19) **Dysfunctional Child** - when a child's pattern of behavior is inappropriate or unacceptable.
- (20) **Exploitation** - any hiring, employment, persuasion, inducement, or coercion of a child.
- (21) **Faith group** - religious group (any religious affiliation or a denomination or a sect.)
- (22) **Family** - refers to the nuclear family of a child or the extended family
- (23) **Guardian** - substitute or surrogate parent or any person who is competent to exercise care and custody of a child.
- (24) **Indigenous Peoples (IPs)** - any member of an indigenous cultural community who is bound by a common ethnic origin, language, or religion or beliefs.
- (25) **Intervention** - series of activities which are designed to address issues for the child's individualized treatment program.
- (26) **Immunity from suit** - a person who acting good faith shall report a case of a child abuse shall be free from any civil, criminal, or administrative liability arising therefrom.
- (27) **Justice** - refers to the impartial and humane treatment of children in pursuit of fair trial.
- (28) **Katarungang Pambarangay** - refer to Sec. 408-422 of the Local Government Code of 1991 which is commonly known as the Katarungang Pambarangay Law.
- (29) **Neglect** - any unreasonable deprivation of child's basic needs and general care and supervision by parents/guardians.
- (30) **Neglected** - a child whose basic needs have been deliberately unattended or inadequately unattended. Neglect may occur in two ways.
- (31) **New Born Screening** - a medical procedure done within 24 hours after the birth of a child for early detection of illnesses and abnormalities.

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- (32) **Out of school** - a child who is not attending regular class in school.
- (33) **Parent** - refers to the biological and/or adoptive mother and father.
- (34) **Pornography** - lurid and sensational sexually implicit pictures, writings or other materials whose primary purpose is to cause sexual arousal.
- (35) **Protective Custody** - a child who is at risk is taken by the DSWD or any authorized officer and place him/her in a place or institution that will guarantee his/her safety.
- (36) **Specially - abled children, children with disabilities or children with special needs** -
- (a) Are children with either physical or mental infirmities whether congenital or acquired after birth;
  - (b) A child in need or special protection.
- (37) **Special concerns** - are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
- (a) Being in a community where there is armed conflict or being affected by armed-conflict-related activities;
  - (b) Working under conditions hazardous to life, safety and morals which unduly interfere with normal development;
  - (c) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed to their welfare;
  - (d) Being children of indigenous peoples and/or lack of or has in adequate access to basic services needed for a good quality of life;
  - (e) Being a victim of a human-made or natural disaster or calamity; and
  - (f) Other analogous circumstances which endangered the life, safety or normal development of children.
- (38) **Street children** - a child who has no home and basically lives in the street. Three (3) classifications of street children (UNICEF):
- (a) Children on the street - this is the largest group, consisting of children who work on the street;
  - (b) Children of the street - this include runaways, abused, alienated, children from deprived and poverty stricken families who are unable to maintain normal family units; and
  - (c) Children in the street - smallest group, covering orphans and abandoned children whose parents may have died from war, illness or simply been unable to look after the children because of their family circumstance.
- (39) **Technology** - refers primarily to computer technology but can be extended to include related technologies such as telecommunications and multi-media which are becoming integrated with computer technology.
- (40) **Trafficking in person** - refers to the recruitment, transportation, harboring, or receipt of a child for the purpose of exploitation with or without victim's consent or knowledge.
- (41) **Video game** - an electronic game played by means of images on a video screen and often emphasizing fast action.
- (42) **Vulnerable individual** - those by reason of their specific circumstances, may need special assistance or support to realize their full potential for development.
- (43) **Welfare** - best interest and well-being of a child

## SECTION 8. Acronyms

- (1) AIDS - Acquired Immune Deficiency Syndrome
- (2) BCPC - Barangay Council for Protection of Children
- (3) CCAD - Center for Culture and Arts Development

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- (4) CIU - Crisis Intervention Unit
- (5) DILG - Department of Interior and Local Government
- (6) DSWD - Department of Social Welfare and Development
- (7) ECCD - Early Childhood Care and Development
- (8) ECD - Early Childhood Development
- (9) EO - Executive Order
- (10) FGJS - Family Gender and Juvenile Specialist
- (11) HIV - Human Immunodeficiency Virus
- (12) IRR - Implementing Rules and Regulations
- (13) LCPC - Local Council for the Protection of Children
- (14) LGU - Local Government Units
- (15) PTA - Parent-teacher Association
- (16) MCPC - Municipal Council for the Protection of Children
- (17) MSWD - Municipal Social Welfare and Development
- (18) NGOs - Non-Government Organizations
- (19) PES - Parent Effectiveness Service
- (20) PD - Presidential Decree
- (21) PSWDO - Provincial Social Welfare and Development Office
- (22) PTA - Parent-Teacher Association
- (23) PWD - Person with Disability
- (24) RA - Republic Act
- (25) RSW - Registered Social Welfare
- (26) SK - Sangguniang Kabataan
- (27) SPES - Special Program for Education of Student
- (28) STD - Sexually Transmitted Diseases
- (29) UNCRC - United Nations Convention on the Rights of Children
- (30) WCPD - PNP - Women and Children Protection Desk-Philippine National Police

## ARTICLE 2

### GOVERNING LAWS AND NATIONAL PROMULGATIONS

**SECTION 9.** This CHILDREN'S Code is based on national laws promulgations and Local mandates governing the protection and development of children, inclusive of and not limited to the following:

#### 9 -A National Laws

- (1) Republic Act No. 6655 - Free Public Secondary Education Act of 1988
- (2) Republic Act No. 6728 - Government Assistance to Students and Teachers in Private Education Act
- (3) Republic Act No. 6809 - An Act lowering the age of majority from Twenty-One to Eighteen Years amending for the purpose Executive Order No. 209, and for other purposes
- (4) Republic Act No. 6972 - Barangay Level Total Development and Protection of Children's Act
- (5) Republic Act. No. 7323 - An Act to Help Poor but Deserving Students Pursue their Education by Encouraging their Employment during Summer and/or Christmas Vacations
- (6) Republic Act No. 7600 - The Rooming-in and Breastfeeding Act of 1992
- (7) Republic Act No. 7610 - Special Protection of Children Against Child Abuse, Exploitation and Discrimination
- (8) Republic Act No. 7624 - An Act Integrating Drug Prevention and Control in the intermediate secondary curricula as well as in the non-formal, informal and indigenous learning systems and for other purposes
- (9) Republic Act No. 7658 - An act prohibiting the employment of children below 15 years of age in public and private undertakings

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- (10) Republic Act No. 7797 - An act to lengthen the school calendar from Two Hundred (200) days to not more than Two Hundred Twenty (220) class days
- (11) Republic Act No. 7798 - An act amending Section 25 of Batas Pambansang Blg. 232, otherwise known as "The Education Act of 1982"
- (12) Republic Act No. 7846 - an act requiring compulsory immunization against Hepatitis B for infants and children below eight (8) years old
- (13) Republic Act No. 7880 - fair and equitable access to education act
- (14) Republic Act No. 8043 - inter- country adoption act of 1995
- (15) Republic Act No. 8044 - youth in nation building act
- (16) Republic Act No. 8172 - an Act for Salt Iodization Nationwide (ASIN)
- (17) Republic Act No. 8296 - an act declaring every second Sunday of December as the National Children's Broadcasting Day
- (18) Republic Act No. 8353 - anti rape law of 1997
- (19) Republic Act No. 8369 - family courts of 1997
- (20) Republic Act No. 8370 - children's television act of 1997
- (21) Republic Act No. 8552 - domestic adoption act of 1998
- (22) Republic Act No. 8980 - ECCD law
- (23) Republic Act No. 9231 - an act providing for the eliminations of the worst forms of child labor and affording with stronger protection for the working child
- (24) Republic Act No. 9255 - an act allowing illegitimate children to use the surname of their father
- (25) Republic Act No. 9208 - anti- trafficking in persons act of 2003
- (26) Republic Act No. 9262 - an act defining violence against women and their children, providing for protective measures for victims, prescribing penalties therefore, and for other purposes
- (27) Republic Act No. 9344 - an act establishing a comprehensive juvenile justice and welfare council under the department of justice, appropriating funds therefore and for other purposes
- (28) Republic Act No. 9523 - an act requiring certification of the DSWD to declare a child legally available for adoption
- (29) Republic Act No. 9710 - an act providing for the Magna Carta of Women
- (30) Proclamation No. 46 - reaffirming the commitment to the universal child and mother immunization goal by launching the polio eradication project
- (31) Proclamation No. 731 - declaring the second week of February of every year as "National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation"
- (32) Proclamation No. 759 - declaring the fourth week of March every year as "Protection and Gender Fair Treatment of the Girl child Week"
- (33) Proclamation No. 855 - proclaiming the adoption and implementation of the Philippine Program of Action for children in the 1990's
- (34) Executive Order No. 51 - National code of marketing and breast milk substitute, breast milk supplement and other related products
- (35) Executive Order No. 56 - authorizing the ministry of social services and development to take protective custody of child prostitutes and sexually exploited children
- (36) Executive Order No. 275 - creating a committee for the special protection of children from all forms of neglect, abuse, cruelty, exploitation, discrimination and other conditions prejudicial to their development
- (37) Executive No. 340 - directing national government agencies and government-owned and controlled corporations to provide day care services for their employees' children under five years of age
- (38) Executive No. 421 - further amending Executive Order No. 203 dated 27 September 1994, as amended by Executive Order No. 356 dated July 1996
- (39) Related Provisions of Executive Order 209 - the family code of the Philippines

- (40) Presidential Decree No. 603 - The child and youth welfare code
- (41) Republic Act No. 8505 - an act providing assistance and protection for rape victims, establishing for the purpose, a rape crisis center in every province and city, authorizing the appropriation of funds therefore and for other purposes
- (42) Republic Act No. 8980 - the early childhood care and development act
- (43) Republic Act No. 8972 - an act providing benefits and privileges to solo parents and children, appropriating funds, therefore and other purposes
- (44) Republic Act No. 7277 - an act providing for rehab, self-development and self-reliance of disabled persons and integration into the mainstream of society and for other purposes - Magna Carta for Disabled persons
- (45) Republic Act No. 7875 - National Health Insurance Act of 1995
- (46) Republic Act No. 2714 - an act to establish in the Department of Labor a Bureau to be known as Women and minors Bureau
- (47) Republic Act No. 679 - an act to regulate the employment of women and children and provide penalties for violation hereof
- (48) Executive Order No. 443 - providing for the adoption of the comprehensiveness and integrated delivery mechanism for the minimum basic needs
- (49) Republic Act No. 6981 - witness protection, security and benefit act
- (50) Republic Act No. 837 - the indigenous people's right Act of 1997
- (51) Presidential Decree 1567 - Barangay Day care law
- (52) Republic Act No. 8239 - The Philippine Passport Act of 1996
- (53) Republic Act No. 7192 - Women in development and nation building
- (54) UN convention on the rights of the child
- (55) Republic Act No. 8504 - Philippine AIDS Prevention and control act of 1998
- (56) Convention on the elimination of all forms of discrimination against women
- (57) Republic Act No. 8976 - Philippine food fortification act of 2000
- (58) Republic Act No. 8049 - an act regulating hazing and other forms of initiation rites in fraternities, sororities, and other organizations and providing penalties therefore
- (59) Republic Act No. 7877 - an act declaring sexual harassment unlawful in the employment, education or training environment and for other purposes
- (60) Republic Act No. 10666 - An Act Prohibiting Children in Riding Motorcycles
- (61) Republic Act No. 10661 - An act declaring November of every year as, National Children's month.
- (62) Republic Act No. 7277 - The Magna Carta for Disabled Persons, as amended by RA 9442.

#### 9 - B Local Policies

- (1) PROVINCE OF RIZAL CHILDREN'S CODE
- (2) TAYTAY MUNICIPAL EXECUTIVE ORDERS
  - a. Executive Order No.
  - b. Executive Order No. 019 Series of 2014 - Creating the Local Committee on Anti-Trafficking and Violence Against Women and their Children (LCAT-VAWC)

### ARTICLE 3

### RIGHTS AND RESPONSIBILITIES OF THE CHILD

#### SECTION 10. Rights of TAYTAYENO'S Child

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- (a) Every child shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors (PD 603).
- (b) Every child shall possess the following rights which are classified into:
- (1) **"Survival Rights"** ensure the child's inherent right to life and to the needs that are most basic to existence, the right to a name and nationality, the right to identity and those who are 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 the right to a name, nationality, and affiliation** to establish his/her identity with the rest of the world.
  - (c) **Every child has the right to a wholesome family life** that will provide him or her with love, care and understanding, guidance and counseling and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home.
  - (d) **Every child has the right to have adequate standard of living** with balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
  - (e) **Every child has the right to Health, access to basic health care and medical services.**
- (2) **"Development Rights"** refer to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights:
- (a) **Every child has the right to a well-rounded development** of her or his personality to the end that she or he may become a happy, useful, and active member of society, specifically:
    - 1. The gifted child shall be given the opportunity and encouragement to develop her or his 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.
    - 3. The physically or mentally challenged child shall be given treatment, education and care required by her or his particular condition.
  - (b) **Every child has the right to be brought up in an atmosphere of morality and integrity** for the enrichment and the strengthening of her or his character.
  - (c) **Every child has the right to grow up as a free individual** in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world.
  - (d) **Every child has the right to education.** Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity in every appropriate means. The education of the child must be directed to:
    - 1. The development of the child's personality, moral values, talents and mental and physical abilities to the fullest extent.
    - 2. The preparation of the child for responsible adult life in a free society;

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3. The development of respect to parent, her or his cultural identity, language and values, and the cultural background and values of others.
  4. The development of respect for the natural environment.
  - (e) **Every child has the right to full opportunities for safe and wholesome recreation and activities**, individual as well as social for the wholesome use of her or his leisure hours.
  - (f) **Every child has the right to live in a community and a society** that can offer her or him an environment free from destructive influences and conducive to the promotion of 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 but not limited to the protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, cigarette, liquors drug abuse, sexual abuse, bullying (cyber, physical, verbal, relational, etc.) and exploitation.
- (4) **"Participation Rights"** refers to the child's rights to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or 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 or 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 freedom of statement**. This right shall include freedom to seek, receive and impart information and ideas of all kind;
  - (d) **Every child has the right to express his or her opinions freely** and to have these opinions taken into account in any matter or procedure affecting him or her;
  - (e) **Every child has a right to privacy** and shall be protected against unlawful interference with such privacy, family, home or correspondence and the unlawful attacks against his or her honor and reputation.

#### SECTION 11. 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 or her religion. The teaching of his or her elders and mentors, and the bidding of a clean conscience;
- (b) **Love, respect, and obey** his or her parents, and cooperate with them in the strengthening of the family;
- (c) **Extend to his or her brothers and sisters love, thoughtfulness**. And helpfulness and endeavor with them to keep the family harmonious and united;

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- (d) **Respect not only his or her elders, guardians, and wards but also the customs and traditions**, the memory of our heroes, the duly constituted authorities, the laws of the country and the principles and institutions of democracy;
- (e) **Exert his or her utmost capacity to develop 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 himself or herself and to society;
- (f) **Actively participate in socio-civic affairs** the protection of the environment and to promote the general welfare recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- (g) **Help in the observance of individual human rights**, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

#### ARTICLE 4 ROLES AND FUNCTION OF VARIOUS SECTORS

**SECTION 12. The Family** - The family is the central unit responsible for the primary socialization of children which is important to prevent violation of children's rights. Government and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

**SECTION 13. Primary Duties and Rights of Parents** - The parents have the primary duty of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall have the right to the company of their children and in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

**SECTION 14. Rights Under the Family Code** - Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family Code over the person and property of their children.

**SECTION 15. Right to Discipline Children** - Parents shall 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 16. General Duties of Parents** - Parents shall have the following general duties toward their children:

- (a) To provide a name and nationality by registering their newborn babies with the Office of the Local Civil Registrar where the birth occurred;
- (b) To subject all newborn babies after 24 hours of life to Newborn Screening (RA 9288), and to give Breast Feeding as per Breast Feeding Act (RA 7660).
- (c) To give them affection, companionship and understanding;
- (d) To extend to them the benefits of moral guidance, self-discipline and religious instructions;
- (e) To supervise the activities including their recreation;
- (f) To inculcate in them the dignity of labor, the value of industry, thrift and self-reliance;
- (g) To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;

- (h) To advise them properly on any matter affecting their development and well-being;
- (i) To always set a good example;
- (j) To provide them adequate support, as defined in Article 194 of the Family Code; and
- (k) To administer their property, if any, according to their best interest, subject to the provisions of Article 225 to 227 of the Family Code.

**SECTION 17. Separation of Children from their Families** - Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to force majeure or in their own best interest, arrangements shall be made for appropriate alternative 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, community institutions shall be given financial, spiritual, moral support to help meet the special needs of orphaned, displaced and abandoned children. Efforts must be made to ensure that no child is treated as an outcast of society.

**SECTION 18. Role of Parents/Guardian** - Parents/guardians play a vital role in their children's lives. Parents shall be equally responsible in the rearing and nurturing of the children in the home and be their role models. Equal opportunity shall be provided for them, for the children to benefit from the health, nutrition, education and other basic services for their full growth and as stipulated under PD 603 role of parents/guardians.

**SECTION 19. Role of Educational Institutions** - Educational Institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curricula, concepts on the rights and responsibilities of children and doable integration of these concepts, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED). It shall be duty of all teachers and administrators in both public and private schools to report all incidents of possible child abuse to the Department of Education, MSWD, BCPC, WCPD-PNP and other concerned agencies.

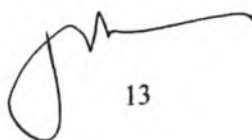
**SECTION 20. Role of Mass Media** - The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced approach and to provide protection to victims from undue publicity in accordance with Section 22, RA 7610.

**SECTION 21. Role of Judicial Institutions** - In the administration of justice, courts, prosecutors, public attorney's office and other judicial or legal sectors shall ensure the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

**SECTION 22. Role of Local Government Units** - The Municipal Government of Taytay, Rizal shall allocate funds from the Gender Advocacy and Development (GAD) budget for the immediate, effective and sustainable implementation of children-related programs and projects and be responsible for the strict implementation of this code.

**SECTION 23. Role of Local Councils for the Protection of Children** - These councils shall, in addition to their existing duties and functions, coordinate with and assist the Executive and Legislative Officials in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

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**SECTION 24. Role of Sangguniang Kabataan** - The Sangguniang Kabataan (SK) as established under the Local Government Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the Local Councils for the Protection of Children for this purpose. It is encouraged that the SK shall appropriate funds for its prevention program for the youth.

**SECTION 25. Role of NGOs** - Non-government Organizations existing and operating in the Municipality of Taytay, Rizal are likewise encouraged to re-focus or realign their programs and projects to the protection of children in collaboration with government and child-focused agencies and institutions.

## **ARTICLE 5 PROGRAMS AND SERVICES FOR CHILDREN**

### **A. Comprehensive Program for Children**

**SECTION 26. Comprehensive Program for Children** - This Municipality with its Barangays shall within one (1) year from the effectivity of this Code and every three (3) years thereafter, formulate a comprehensive program for children covering at least three-year period. Such program shall include prevention, protection as well as rehabilitation programs for children, and shall emphasize prevention of child abuse, drug addiction, and other children's problems.

**SECTION 27. The Community Approach** - The community approach shall be given special attention in the comprehensive program for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights to mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community-based services and programs which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counseling and guidance to children and their families should be developed, or strengthened where they exist.

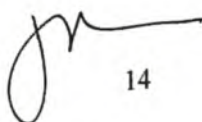
**SECTION 28. Process in Formulating Comprehensive Children's Programs** - The process in the coming up with Comprehensive Children's Programs shall be participatory and consultative. This Municipality, in coordination with Local Council for the Protection of Children, shall call all sectors concerned particularly child-focused institutions, NGOs, people's organizations, children's council, educational institutions and government agencies involved with children's concern like the Municipal of Social Welfare and Development (MSWD), Municipal Health Office, PNP-WCPD and the Department of Education (DepEd) to participate in the planning process.

This Municipality 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 29. Periodic Review and Assessment of the Comprehensive Children's Programs** - The Comprehensive Children's Programs shall be reviewed and assessed yearly by this Municipality and with its Barangays in coordination with the Local Councils for the Protection of Children as to their effectivity in preventing children's rights violations based on the indicators identified in the program. The programs may be adjusted if necessary.

### **B. Programs to Prevent Children, Rights Violation**

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**SECTION 30. Prevention Programs** - Prevention programs shall be an important component of the Comprehensive Children's programs to be implemented by this Municipality through the Local Councils for the Protection of children, schools, youth organizations and other concerned agencies. These programs shall consist of three levels.

- (a) **Primary Prevention** - general measures to promote social justice and equal opportunity which tackle perceived root cause of children's rights violations such as the poverty and other forms of marginalization;
- (b) **Secondary Prevention** - measures to assist children who are identified as being more particularly at risk such as those whose parents are themselves in special difficulty or are not caring appropriately for them;
- (c) **Tertiary Prevention** - schemes to avoid and prevent children's rights violations from happening again.

In all three levels of prevention, official intervention should be pursued primarily in the overall interest of the young person and guided by fairness and equity.

### **C. Other Proactive Programs**

#### **1. Parenting Orientation Course**

#### **SECTION 31. Parenting Orientation Course**

- (a) Parenting Orientation Courses may be integrated into the curriculum in basic education in public and private schools in the Municipality of Taytay, Rizal subject to DepEd rules and regulations.
- (b) Such course shall be incorporated in parent-teacher association meetings/general assembly.
- (c) (PTA) Alternative Learning System
- (d) Marriage License applicants shall be required to participate in a parenting orientation course I with gender and child sensitivity, among other requirements, prior to issuance of marriage license by the Office of the Local Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health courses. The Municipal Council for the Protection of children in close coordination with the Municipal Health Office and the Office of the Civil Registrar shall update the design of family planning seminar in consonance with this Ordinance. The mechanics of its implementation shall be specifically formulated in the Implementing Rules and Regulations of this Code.
- (e) As follow up to parenting orientation course 1, parents/guardians shall also be required to participate in a parenting orientation course II during the school year a child is enrolled in either public or private day care center in the Municipality of Taytay, Rizal.
- (f) The implementation of the Parent Effectiveness Service (PES) in this Municipality and its Barangays in helping develop a stronger family ties shall be vigorously pursued.  
The Municipal Council for the Protection of Children and the office of the Municipal Social Welfare and Development shall initiate the designing of modules for the courses needed.

#### **2. Healthcare**

**SECTION 32. Primary Health Care** - The Municipality of Taytay, Rizal shall implement primary health care and nutrition programs for children in coordination with the Municipal Health Office, the Office of the Municipal Social Welfare and Development and the Department of Health.

**SECTION 33. Promotion of Primary Health Care Programs** - The Barangay health care centers shall implement the primary health care program. Each Barangay health care center shall have a Barangay child health officer to monitor children's health in the Barangay level.

To further ensure the implementation of this section, the local government unit of the Municipality of Taytay, Rizal shall take appropriate measures:

- (a) To combat disease and malnutrition within the framework of primary health care, through the application of readily available technology and through 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 Filipino Psychology;
- (c) To monitor the full implementation of the Milk Code of the Philippines (RA 7600) and advocate for the prosecution of milk firms which violate such code;
- (d) To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breast feeding education program. Integrating information on breast feeding may be made an integral part of all school curricula.

**SECTION 34. Child and Gender Sensitivity Training for Health Workers** - All Municipal and Barangay health workers shall be required to attend training courses on a Child Gender Sensitivity to be conducted by the Municipal/Barangay Council for the Protection of Children.

**SECTION 35. Child and Family Friendly Hospitals in Municipality of Taytay, Rizal** - All hospitals in the Municipality of Taytay, Rizal shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets.

**SECTION 36. Program for Children with Disabilities** - Local Council for the Protection of Children shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in their respective jurisdiction as basis for a more systematic coordination of services (health, nutrition and education) for children with special needs for consolidation at this Municipality of Taytay.

**SECTION 37. Educators and Health Professionals Training for the Special Program on Children with Special Needs** - A training program for educators and health professionals handling children with special disabilities and special needs shall form part of the priority of the Municipal Government of Taytay, Rizal.

### **3. Under Five Program and Establishment of Day Care Centers**

**SECTION 38. Under Five Program Framework** - The Municipal Government of Taytay, Rizal shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall be in accordance with the provisions of Republic Act No. 6972, Barangay-level Total Development and Protection of Children Act, specifically Section 3 of the said Act, and which shall also include the following:

- (a) Monitoring of registration of births, newborn screening and the completion of the immunization series for prevention of tuberculosis, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;

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- (b) The Barangay officials and their Barangay-level support systems, may call upon law enforcement agencies and social workers when there is an abused, neglected and exploited child who needs to be rescued from an unbearable home situation;
- (c) A reproductive health care center for pregnant mothers for prenatal and neonatal care and, in the proper case, for the delivery of infant under conditions which will eliminate and minimize risks to mother and child: provided, that high-risked mothers shall be referred to the proper tertiary and secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care;
- (d) 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;
- (e) A pool of trained day care or child development workers with an honorarium commensurate to the task assigned to them, shall be established.

**SECTION 39. Population-based Day Care Center Setting Up** - Pursuant to Republic Act 6972, the Barangay-level total development and protection of children act, day care centers shall be set up in every Barangay in the Municipality of Taytay, Rizal. The number of such centers shall depend on the population level of the children in coordination with their respective Local Social Welfare and Development Offices.

**SECTION 40. Importance of Day Care Service** - Day care service addresses the needs in the crucial stages of a child's growth. By the age of four (4), a child's brain has already grown to 90 percent of its adult weight and much of the way he/she envisions and interact with the world as to how it has been shaped, thus, the child's formative years and learning capacity, personal and social interaction will lead into adulthood. While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental and social needs, day care service aims to supplement the inability of some parents to provide their children with the proper care and home environment. Specifically, the Day Care Service aims to help the child:

- (a) Become physically fit through proper care and nutrition;
- (b) Develop self-confidence, self-statement 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 family, community and society in general;
- (f) Be protected from all forms of neglect, abuse, cruelty and exploitation.

**SECTION 41. Setting Up of Day Care Centers by Community-Based Organizations** - Community-based organizations can help mobilize resources to complement the LGUs in establishing day care centers in their communities. In this way, more children needing attention can be reached.

- (a.) Supervised Neighborhood Play

**SECTION 42. Day Care Worker and Support Group**

- (a) The municipal and Barangay Government shall pay for the Day Care Workers (DCW) allowance and salary. The DSWD shall provide continuing technical assistance to the center.
- (b) The community Volunteer Parents Group shall be organized to be an effective support group to the center. The volunteer group shall mobilize resources for the improvement of the center, acquisition of more learning materials and play equipment, and other support activities.

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#### **4. Recreational and Cultural Programs**

##### **SECTION 43. Barangay Recreational and Cultural Facilities and Program -**

A Barangay program for the revival of indigenous games and recreation shall be installed. Research and documentation of indigenous games and pastimes shall be undertaken by the Center for Culture and Arts Development (CCAD) of the Municipality of Taytay, Rizal. The Municipality of Taytay, Rizal shall establish the CCAD especially for the purpose. Every Barangay in the Municipality of Taytay, Rizal 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 the respect to cultural diversity. Indigenous games be encouraged in various athletics and sports programs of the Local Government Units.

**SECTION 44. Local Children's Literature -** In support of the thrust for the socio-cultural development of children in the Municipality of Taytay, Rizal, LGU's shall invest the promotion and production of local literature for children and other relevant educational materials.

**SECTION 45. Other Child-Friendly Facilities -** Local Government Units in partnership with NGOs and civic organizations are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks, playgrounds, and wholesome Tambayan Center.

#### **5. Children's Month and Children's Day Celebration**

**SECTION 46. November as Children's Month -** The month of November of every year is hereby declared as R.A. 10661 or "National Children's Month". This declaration commemorates the adoption of the convention on the Rights of the child by the United Nations General Assembly on November 1989, and seeks to instill its significance in the Filipino consciousness. The Local Councils for the Protection of Children shall conduct child-focused activities for the month promoting the rights and responsibilities of Filipino children as well as the obligations of the people and institutions responsible in ensuring the well-being of Filipino children.

**SECTION 47. November of Every Year, as National Children's Day -** The Local Councils for the Protection of Children shall conduct child-focused activities for the month promoting the rights and responsibilities of Taytayenos children as well as the obligations of the people and institutions responsible in ensuring the well-being of our children.

#### **D. Crisis Intervention Program**

**SECTION 48. Establishment and Rationale of the Crisis Intervention Center -** In recognition of the special needs of protection, assistance and development Republic Act 8505 mandating the establishment of a crisis center in every province authorizing the appropriation of funds therefore, a crisis intervention center shall be established in the Municipality of Taytay, Rizal Services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sectors of society particularly women.

A separate and distinct Crisis Intervention Center shall be established for abused boy, children, preferably distant from that of the girl children.

**SECTION 49. Objectives of the Crisis Intervention Center -** The crisis Intervention Center shall have the following objectives:

- (a) To provide temporary shelter and basic services to abused children and women;

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- (b) To network with non-government organizations and government agencies for the provision of the needed medical, psycho-social and legal services including stress debriefing necessary in restoring/building the self-esteem of its client;
- (c) To encourage and build the capacities of abused children and women to come into the open and pursue cases in court whenever they are ready;
- (d) To provide life skills and livelihood training to abused children and women while in the center to enable them to be productive and as a form of therapy;
- (e) To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities.
- (f) To conduct a province-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women;
- (g) To link with municipal and local government entities mandated to formulate and enforce legislation aimed at the protection of children and women for policy reforms and enforcement of laws.

**SECTION 50. Organizational Structure, Management and Operations of the Center -**

- (a) The Local Council for the Protection of Children will formulate the organizational structure of the center depending on the need for its services;
- (b) The member agencies of the Local Council for the Protection of Children and other national agencies and NGOs which have pledged support for the center will sign a Memorandum of Agreement for their commitment of service and/or resources to ensure the sustainability of the center's services;
- (c) The center will be under the management of the Office of the Municipal Social Welfare and Development;
- (d) The Office of the Municipal Social Welfare and Development and the Local Council for the Protection of Children, and this Municipality, shall issue the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

**SECTION 51. Establishment of Center for Children in Conflict with the Law** - The Municipal Government of Taytay, Rizal shall endeavor to establish a Center for Children in Conflict with the Law pursuant to Republic Act No. 9344. The center (Bahay Pag-asa) will provide 24-hour residential and training care for Children in Conflict with the Law who are awaiting court disposition of their cases or transfer to other agencies of jurisdiction.

**SECTION 52. Budget Allocation for the Crisis Intervention Center and the Center for Children in Conflict with the Law, Operations and Maintenance** - The Municipal Government of Taytay, Rizal shall provide support for the maintenance and continued operations of the Crisis Intervention Center and Center for Children in Conflict with the Law by appropriating specific funds which shall form part of the Office of the Municipal Social Welfare and Development's annual operation.

**ARTICLE 6  
SPECIAL CONCERNS**

**A. Prohibited Acts**

**SECTION 53. Prohibited Acts** - In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor, Republic Act 9208 on Anti-Trafficking in Persons Act, Republic Act 9262 on Anti-Violence against Women and their Children Act and other pertinent laws the following acts shall likewise be punishable:

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- (a) Acts of trafficking in persons as defined in Section 4 of RA 9208
- (b) Patronage of Children - Offering services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
  - (1) Working in agricultural industries like rice and corn plantations or farms;
  - (2) Working as house helpers;
- (c) Pre-arrangement for Marriage - Pre-arrangement 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;
- (d) Using Girls as Commodities in Benefit Dances - Organizes of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if, they shall use children as dancing partners for payment or fee to the organizers;
- (e) Discrimination of Girl Children - Discrimination of girl children by prohibiting and depriving them of formal education;
- (f) Discrimination of Illegitimate Children - For schools to discriminate illegitimate children as follows but not limited to the following:
  - (1) Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;
  - (2) Requiring the marriage contract of parents as a requirement for enrollment of the child;
- (g) Expulsion by Reason of Pregnancy - For schools to impose a penalty of expulsion against a child by reason of pregnancy, but who has complied with all academic requirements.
- (h) Refusal of Graduation by Reason of Pregnancy - For schools to refuse graduation to a child by reason of pregnancy but who has complied with or is willing to comply with all academic requirements;
- (i) Refusal to Issue Clearances by Reason of Pregnancy - For schools to refuse to issue clearances to a child by reason of pregnancy;
- (j) Physical and Degrading Form of Punishment - Subjected the child to physical and degrading forms of punishment such as, but not limited to the following:
  - (1) Ordering or directing a child to kneel on salt and the like;
  - (2) Placing a child inside a sack and/or hanging him/her;
  - (3) Shaving the head of a child;
  - (4) Whipping of the child with the tail of a stingray (pagi), stick, belt and other similar objects;
  - (5) Stripping the child of his/her clothes;
  - (6) Locking up the child in a cabinet or any enclosed structure;
  - (7) Tying up the child or otherwise detaining him/her;
  - (8) Throwing objects such as but not limited to erasers, chalk, and notebooks at the child;
  - (9) Pulling the hair of the child;
  - (10) Making the child stand under the heat of the sun;
  - (11) Exposing the child to be bitten by ants;
  - (12) Labeling shameful words;
  - (13) Pinching the ears any body parts of a child;
- (k) Forcing/Enticing Minors to Live-In Arrangements - It shall be unlawful for parents to entice, encourage and/or force their children to live together with any person as husband and wife in exchange for money or any other consideration;
- (l) Sexual Exploitation of Minors - Sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation.
- (m) Production, Transport, Selling, and Distribution of Pornographic Materials - The Local Councils for the Protection of Children/ Law enforcers shall monitor and prevent the entry of pornographic materials into the municipal. It shall be unlawful for any person to produce, transport, sell and distribute such materials.

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- (n) Indecent Shows Using Children - No child shall be used/utilized in indecent shows in private and public places.
- (o) Selling and Buying Liquor, Cigarettes, Rugby and Other Addicting Substances to a Child - It shall be unlawful for any person to sell liquor, cigarette, rugby, or any addicting substance to a child, or for any person to direct a child to buy or to use the child to sell the same.
- (p) Prohibiting the selling of Firecrackers to children below 18 yrs. Old;
- (q) Prohibiting the Tricycle Driver to allow the child to ride outside the tricycle ;
- (r) Smoking in Enclosed Places and Public Conveyances - Smoking in any enclosed place or public conveyance shall be prohibited.
- (s) Anti-Sexual Harassment shall be strictly implemented as per RA7877 Section 70
- (t) VAWC shall be implemented to this Municipality as per RA9262 section 67
- (u) Above prohibited acts shall be penalized in accordance with the provisions of applicable national laws and existing local ordinances.
- (v) To protect the interest of minors from reckless, careless and negligent persons and to shields them from dangerous or terrible situations arising out from such irresponsibility, any person who abandons or exposes a minor or allows said minor to be abandoned or exposed to a perilous situation that endanger his life, health or well-being shall also be penalized.

## **B. Control on Exposure to New Technology**

### **SECTION 54. Control on Children's Exposure to Commercial Video Games**

- Commercial establishments renting out electronic video games to children below 18 years of age during school days within school hours and beyond 7:00 o'clock in the evening shall be subjected to suspension of business permit for fifteen (15) days during the first offense, one (1) month suspension of the same for the second offense, and cancellation of the business permit for the third offense.

**SECTION 55. Control on Children's Exposure to Internet Cafes** - Internet cafes catering to children during school days from 7:00 o'clock to 11:00 o'clock in the morning and from 1:00 o'clock to 4:00 o'clock in the afternoon and beyond 7:00 o'clock in the evening, shall be subjected to suspension of business permit for fifteen (15) days during the first offense and, one (1) month suspension of the same for the second offense. Cancellation of the business permit of said establishment shall constitute the penalty for the third offense, except, if the presence of the child in the internet café is for school-related research purposes which must be clearly established and the child is accompanied by/or has written permission from his/her parents/guardians originally signed and with contact number for verification purposes.

Security restrictions such as parental control systems must be activated in each computer unit in commercial establishments referred to in the preceding section to protect the best interest of children. Failure to comply shall be penalized in accordance with the provisions of existing national laws or as provided under this Code.

**SECTION 56. Regulate Children's Exposure on Amusement Centers** - Amusement center/place of recreation is any place or establishment that offers entertainment facilities such as billiards, pools, karaoke, dance machines computer games, games of chances. Children should be accompanied by their parents or guardians when entering such amusement centers.

Commercial establishments referred to in the two preceding sections and this section shall be required to undergo orientations specifically on the safe and responsible use of new technologies before the issuance/renewal of business permits.

## **C. Children in Situations of Armed Conflicts, Trafficking and Domestic Violence**

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**SECTION 57. Protection for Children** - Children in situations of armed conflict, shall be considered victims and shall be afforded full protection in accordance with provisions of Article X of RA 7610 or the special protection against child abuse, exploitation and discrimination.

Children who are victims of domestic violence shall be afforded full protection in accordance with Section 16 of RA 9208 or the anti-trafficking in persons act and the adoption of the Philippine Guidelines for the Protection of Children (PGPC) in dealing with children-victims of trafficking.

Children who are victims of domestic violence shall be afforded full protection in accordance with the provisions of RA 9262 or violence against women and their children act.

#### **D. Children of Indigenous Peoples**

##### **SECTION 58. Rights of Children of Indigenous Peoples -**

- (a) In addition to the rights guaranteed to children under this code and existing laws, children of indigenous peoples shall be entitled to protection, survival, development and participation consistent with the customs and traditions of their respective communities.
- (b) The Municipal Council for the Protection of Children in coordination with the local DepEd Division Office shall develop and institute an alternative system of education for children of indigenous peoples which is culture-specific and relevant to their needs.
- (c) The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous peoples are given equal attention. In the provisions of health and nutrition services to children of indigenous peoples, indigenous health practices shall be respected and recognized.
- (d) Children of indigenous peoples shall not be subjected to any form of discrimination.

#### **E. Child in Conflict with the Law**

**SECTION 59. Rights of a Child in Conflict with the Law** - Pursuant to the UN CRC and Section 5 of RA 9344, the Juvenile Justice and Welfare Act, every child alleged or 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 or her, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defenses;
- (c) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (d) Not to be compelled to give testimony or to confess guilt, to examine adverse witness and to obtain the participation of and examination of the witness on his or her behalf under conditions of equality;
- (e) If considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

- (f) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (g) To have his or her privacy fully respected in all stages of the proceedings.

**SECTION 60. System of Diversion** - A system of diversion is hereby established, wherein Children in Conflict with the Law shall as much as possible be referred to alternative measures without undergoing court proceedings pursuant to Section 23 on diversion under RA 9344 on Juvenile Justice and Welfare Act of 2006. Diversion shall apply to a child youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

**SECTION 61. Stages where Diversion may be Conducted** - Diversion shall be conducted at the Katarungang Pambarangay, the police investigation or the inquest or preliminary investigation stage and at all levels and phases of the proceedings including judicial level (Sec. 24, RA 9344).

**SECTION 62. Duty to Inform 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, the consequences of his/her acts or omission. The minor's responsibility for the commission of any felony on the other hand shall be explained to him/her with a view towards counseling and rehabilitating her/him, and shall not be used for or against him/her before any court of justice.

**SECTION 63. Indigenous Modes of Diversion** - Indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards shall be resorted to and encouraged. The minor's and his/her family's active participation in efforts towards conflict resolution shall be optimized. The family shall exercise parental care and supervision over the person of the minor and shall be held responsible for any negligence arising therefrom.

**SECTION 64. Admission of Offense not to be taken against the child** - Any admission of the child shall not be used against the child any subsequent judicial, quasi-judicial or administrative proceedings. Neither shall the admission be used against the child through denial of privileges and opportunities, discrimination in treatment, or imposition of any form of liability or punishment by reason of such admission.

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 the parents or legal guardian and any of the following: local social welfare and development officer, the nearest relative, member of the child-focused group, religious group, or a member of the Barangay Council for the Protection of Children concerned. They shall see to it that 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 responsibility and obligation arising from the commission of the offense as well as the penalties imposed therefore.

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.

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**SECTION 65. Termination of Case** - If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explained to both parties.

**SECTION 66. Prohibition Against Labeling and Shaming** - in all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes snatchers, rugby boys or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor's class or ethnic origins. The offer violating this provision shall be administratively liable.

**SECTION 67. Prohibited Acts against Children in Conflict with Law** - Any and all acts and practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited.

Authorities shall refrain from employing threats of whatever kind and nature and or abusive, coercive and punitive measures in dealing with minors. Such as practices, whether committed directly or indirectly by persons in authority, their representatives or any other persons acting under them or in their behalf --- such as cursing, beating, stripping, and detaining minors in cell shall be dealt with administratively and criminally.

Likewise, degrading, inhuman and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substances 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 subject to involuntary servitude in any and all forms under any and all instances 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.

**SECTION 68. Diversion Programs, When Proper** - Where the parties and or the competent authorities decided that the child must undergo a diversion program, it shall be based on the provision on diversion under RA 9344, known as the Juvenile Justice Welfare Act of 2006.

**SECTION 69. Factors in Determining Diversion Program** - In determining whether diversion is appropriate and desirable it shall be based on the provision on diversion under Section 29, RA 9344.

**SECTION 70. Criteria Formulating Diversion Programs** - In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate and individualize treatment. The following factors shall be considered in formulating a diversion program for the child (Section 30, RA 9344):

- (a) The child's feeling or remorse for the offense he or she committed;
- (b) The parents' or legal guardians' ability to guide and supervise the child ;
- (c) The victim's view about the propriety of the measures to be imposed;
- (d) The availability of community-based programs for rehabilitation and re-integration of the child;

**SECTION 71. Diversion Programs** - The program shall include adequate socio-cultural and psychological responses and services for the child diversion program can include Section RA 9344, but are not limited to the following:

- (a) Written or oral reprimand or citation;
- (b) Restitution of property;
- (c) Reparation of the damage caused
- (d) Indemnification of consequential damages;
- (e) Confiscation and forfeiture of the proceeds or instruments of the crime;
- (f) Fine;
- (g) Written or oral apology;
- (h) Guidance and supervision orders;
- (i) Counseling for the child and the family;
- (j) Training, seminars, lectures on:
  - Anger management skills
  - Problem solving and/or conflict resolution skills;
  - Values formation; and
  - Other skills which will aid the child to deal with situations which can lead to re-offending
- (k) Community-based programs available in the community;
- (l) Institutional care and custody.

**SECTION 72. Criteria of Community-Based Programs** - Every Barangay shall establish programs that will focus on the rehabilitation and reintegration of the child and restorative justice. All programs shall meet the following criteria:

- (a) Its primary purpose shall be the rehabilitation and reintegration of the child;
- (b) Referral to such programs shall need the consent of the child and the parents or legal guardian/s;
- (c) The participation of other child-centered agencies, religious, civic and other organization will be allowed;
- (d) Involvement of the child in an organization for the youth such as the Sangguniang Kabataan (SK), and the other youth groups that will aid the child/youth in his/her total development.

**SECTION 73. Community Reintegration Programs** - Community reintegration programs shall consist of, but shall not be limited to the following:

- (a) Community service;
- (b) Membership in civic, religious and youth organizations.

**SECTION 74. Condition for 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 programs to be undergone by the child shall be signed by the authority concerned and the child;
- (b) The child shall present himself or 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 Local Social Welfare and Development Officer to visit the child's room;
- (e) The child and other parties concerned shall satisfy other 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.

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**SECTION 75. Assistance of child by Parents** - Any agreement resulting in Barangay conciliation shall be signed by the child with the assistance of any of the following in the following order: the parent/s, legal guardian, Local Social Welfare and Development Officer (LSWDO), a relative, a member of a child-focused FAITH group or a member of the Barangay Council for the protection of Children (BCPC) concerned. Otherwise, such document shall be null and void.

**SECTION 76. Referral to Diversion Programs** - In the process of conciliation, the Lupon or the Pangkat (Katarungang Pambarangay) as the case may be, shall encourage the inclusion of community service program or other forms of diversion to be included in the settlement.

**SECTION 77. Designation of officer to handle cases involving child in conflict with the law** - The Philippine National Police shall designate a Women and Children Protection Desk (WCPD) and Family Juvenile and Gender Specialist (FJGS) to handle cases involving the child in conflict with the law. The FJGS may be integrated with the present Women and Children's Protection Desk or may be separate unit depending on the conditions of the area.

**SECTION 78. Procedure Before the WCPD** - Cases involving child in conflict with the law shall be referred to the WCPD which shall conduct an initial inquiry in accordance with the procedure for judicial proceedings and custody.

**SECTION 79. Duty of the WCPD** - After the initial inquiry if the offense does not fall under the Katarungang Pambarangay, the WCPD shall conduct further investigation of the child, otherwise it shall refer the case to Barangay.

**SECTION 80. Manner of Investigation of a Child in Conflict with the Law** - Prior to the investigation, child shall undergo a license social worker assessment as to the act of discernment. A child shall only be investigated or his/her statement secured in the presence of any of the following order: his/her parents/guardians, the nearest relative, member of a child-focused group, religious group, member of the Barangay Council for the Protection of Children concerned, or the Local Social Welfare and Development Officer and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent in a language that is clearly understood by the child, the parents of guardians, and shall be entitled to a competent and independent counsel of his/her own choice.

If the child cannot be represented by counsel of his/her own choice, WCPD shall contact a member of the Public Attorney's Office to assist the child. Any confession or admission in violation of this right shall be inadmissible as evidence against the child. In no case shall deceit, false promises, intimidation 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 paramount consideration during the custodial investigation.

**SECTION 81. Diversion, when proper** - where there is no private offended party or where the offended party and the child give consent to a diversion, the WCPD in consultation with the child's parents/guardian, the nearest relative, member of a child-focused group, member of a religious group, member of the Barangay Council for the protection of children concerned, or the Local Social Welfare Officer, shall formulate a diversion program and refer the child to the appropriate agencies for compliance of the program.

**SECTION 82. Rights of the Child in Conflict with the law to counsel** - from custodial investigation and throughout the proceedings, the child in conflict with the law shall have the right to be represented by counsel. The arresting officer, prosecutor or

judge shall ensure that the child in conflict with the law is represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

**SECTION 83. Custody and Supervision** - No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of his/her case warrants protective custody. The competent authorities of the parents or legal guardian who shall be responsible for the presence of the child during the diversion proceeding. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, member of the Barangay Council for the protection of children, or the Local Social Welfare and development officer. If necessary, the Local Social Welfare and Development Officer, in coordination with DSWD, may refer the child to the appropriate child caring institution.

**SECTION 84. Confidentiality of Records and Proceedings** - All records and proceedings involving children shall be confidential. The public shall be excluded during all the proceedings and the records shall not be disclosed directly or indirectly to any one 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 separate police blotter for cases involving children and adopting a system of coding to conceal material information which will lead to the child's identity. Records for children with the law shall not be used in adult proceedings in subsequent cases involving the same offenders.

**SECTION 85. Care and Maintenance of Child in conflict with the law** - The expenses for the care and maintenance of the child in conflict with the law whose sentence has been suspended shall be borne by his parents or those persons liable to support him: provided, that in case his parents or those persons liable to support him cannot pay all or part of said expenses, the Barangay in which the offense was committed shall pay one-third of said expenses or part thereof, the municipality to which the Barangay belongs shall pay one-third and the remaining one-third shall be borne by the National Government.

**SECTION 86. Reintegration Programs** - The Local Government Units are encouraged to implement reintegration programs for children in conflict with the law (CICL) who are released by the court. This is for the purpose of preparing CICL for reintegration to the community.

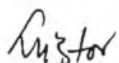
## **ARTICLE 7 IMPLEMENTING MECHANISMS**

### **A. Local Councils for the Protection of Children**

**SECTION 87. Establishment** - All levels of Local Government Units shall have Local Councils for the Protection of Children (LCPCs) as provided in Section 15 of RA 9344, the Juvenile and Welfare Act of 2006. The LCPC in each level of Local Government Unit (LGU) is:

- (1) **Municipality** - Municipal Council for the Protection of Children (MCPC)
  - (2) **Barangay** - Barangay Council for the Protection of Children (BCPC)
- Membership in the LCPC shall be chosen from among the responsible members of the community, including a representative from the youth sector, as well representatives from government and private agencies concerned with the welfare of children. The LCPC in each level shall be composed of:

(1) MCPC



Chairperson: Municipal Mayor  
Co-Chairperson: Chairman, Sangguniang Bayan Committee on Women and Family Welfare  
Members:  
DILG Municipal Field Officer  
District Supervisor of DepEd  
Local Labor and Employment Officer  
Municipal Planning and Development Officer  
Municipal Budget Officer  
Municipal Health Officer/ Municipal Nutrition Action Officer  
PNP Chief of Police  
Municipal Treasurer  
Municipal Liga ng mga Barangay President  
Municipal SK Federation President  
Municipal GAD Focal Point person  
Parents-Teachers Association (PTA) President/representative  
At least three (3) representatives of NGOs

**(2) BCPC**

Chairperson: Punong Barangay  
Co-chairperson: Chairman, Sangguniang Barangay Committee on Women and Family Welfare  
Members:  
Barangay Nutrition Scholar  
Barangay Day Care Worker  
Barangay Health Worker  
DepEd Principal/ teacher-in-charge  
Chief Tanod  
SK Chairperson  
Parents-teachers association president or his/her representative  
NGO representative

**A. Duties and Responsibilities of the LCPC**

**All LCPCs shall:**

- (1) Serve as the primary agency to coordinate with and assist the LGU concerned for the adoption of the Comprehensive Juvenile Intervention Program as provided in Rule 18 of the IRR of RA 9344, the Juvenile and Welfare Act of 2006;
- (2) Coordinate with and assist the LGUs in calling on all the sectors concerned, particularly the child-focused institutions, NGOs, People's Organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs;
- (3) Coordinate with LGUs in the annual review and assessment of the comprehensive juvenile intervention programs;
- (4) Coordinate with and assist the SK in the formulation and implementation of juvenile intervention and diversion programs in the community;
- (5) Provide coordinative linkages with other agencies and institutions in the planning and monitoring and evaluation of juvenile intervention and diversion programs in the community;
- (6) Assist the Punong Barangay in conducting diversion proceedings in cases provided under section 23 of RA 9344 and rule 43 of the IRR;
- (7) Assist the Local Social Welfare and Development Officer (LSWDO) in the development of the appropriate diversion programs as provided under section 23 (b) of RA 9344;

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- (8) Institute together with schools, youth organizations and other concerned agencies the community-based programs on juvenile justice and welfare initiated by LGUs;
- (9) Conduct capability building programs to enhance knowledge and skills in handling children's programs;
- (10) Establish and maintain a database on children in the local government. Specifically, for the purpose of RA 9344, the LCPCs shall maintain a data base of children in conflict with the law, which shall include the children who undergo intervention, diversion, and rehabilitation programs and after-care support services;
- (11) Document best practices on juvenile intervention and prevention;
- (12) Advocate and recommend local legislations promoting child survival, protection, participation and development especially on the quality of television shows and media prints and coverage, which are detrimental to children, and with appropriate funding support;
- (13) Conduct an inventory of all NGOs serving Children in conflict with the law and mobilize them as resource for effective implementation of RA 9344;
- (14) Review existing policies of units providing services to children in conflict with the law, determine the barriers to access to these services, and take the necessary action to improve access to these services;
- (15) Implement the CHILDREN'S CODE OF MUNICIPALITY OF TAYTAY, RIZAL

In addition to its functions under PD 603, the child and youth welfare code, and RA 8980, the ECCD act, each BCPC shall perform the following functions consistent with the objectives of the Act on juvenile intervention and delinquency prevention:

- (1) Encourage the proper performance of the duties of parents, and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
- (2) Assist parents, whenever necessary, in securing expert guidance counseling from the proper government or private welfare agency;
- (3) In addition, it shall hold classes and seminars on the proper rearing of children. It shall distribute to parents available literature and other information on child guidance. The council shall assist parents, with behavioral problems whenever necessary, in securing expert guidance counseling from the proper government or private welfare agency;
- (4) Coordinate the activities of organizations devoted to the welfare of children in coordination with the Sangguniang Kabataan and secure their cooperation;
- (5) Protect and assist children at risk; and
- (6) Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice.

#### **B. Responsibility of BCPC Members**

Members of the BCPC shall have the following additional responsibilities:

- (1) Take custody of the child in conflict with the law who is found to be fifteen (15) years of age or below if the parents, guardian, or nearest relatives of the child cannot be located or if they refuse to take custody as provided in Section 22 of RA 9344 and Rule 31.b of the IRR.
- (2) To be present in the initial investigation of the child on conflict with the law in absence of the child's parents, guardian or nearest relative, and the LSWDO as provided in Section 22 of RA 9344 and Rule 23.b of the IRR. The presence of the member of the BCPC, or in the alternative, the representative of an NGO or faith-based group, may be required in the initial investigation to ensure that the rights of the child are protected during that stage.

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**SECTION 88. Representation of Non-governmental Organizations in the Councils for Children** - the local legislative councils shall invite NGOs with child-focused programs for membership in the council for the protection of children, provided that these Non-Government Organizations are duly accredited by the Local Sanggunian concerned based on its criteria of accreditation. They must also be registered, licensed and/or accredited by the DSWD.

**SECTION 89. Internal Rules of Councils for the Protection of Children** - The local councils for the protection of children shall adopt their 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 the council may adopt.

**SECTION 90. Registered Social Worker to handle CICL cases at the Barangay level** - All Barangay Governments are encouraged to hire registered Social worker to handle cases of children in conflict with the law in their respective jurisdiction.

#### **DESK FOR CHILDREN'S CONCERNS**

**SECTION 91. Creation of a desk for children** - There shall be a desk for children's concerns under the Office of the Municipal Social Welfare and Development.

**SECTION 92. Functions of the desk for children's concerns** - the desk for children's concerns shall:

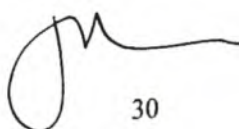
- (a) Act as secretariat for the MCPC;
- (b) Oversee and coordinate the implementation of this code; and
- (c) Be in charge of the day-to-day operations of the MCPC.

**SECTION 93. Consultations with the desk for children's concerns** - The desk for children's concerns shall be consulted by this Municipality and other bodies whenever they are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives.

**SECTION 94. Reporting to the National Agencies Concerned on the Rights of the Child** - The desk for children's concerns shall be consulted over the reporting obligations under the UN convention on the rights of the child. The Municipal Government of Taytay are required to consult the desk for children's concerns in the process of drafting their reports to the committee on the rights of the child and to give due consideration to their comments.

**SECTION 95. Child's Impact Statement** - Local Government Units are required to prepare "child impact statements" indicating the likely repercussions of proposed legislation or policy on children and submit these to the desk for children's concerns.

**SECTION 96. Child Representatives** - Representative from the Sangguniang Kabataan shall be provided for a child representative in the municipal and Barangay councils for the protection of children. The Local Government Councils should see to it that the child is able to genuinely participate in decision-making particularly in matters involving children's concerns.



## IMPLEMENTING RULES AND REGULATIONS

**SECTION 97. Implementing Rules and Regulations** - The implementing rules and regulations (IRR) of this code shall be drafted and prepared by the MCPC immediately after the effectivity of this code. The said implementing guidelines shall take effect after fifteen (15) days upon review and approval of the Municipal Mayor.

**SECTION 98.** Pursuant DILG Memorandum Circular No. 2002-121, all Local Chief Executives are primarily tasked in the enforcement and implementation of the CHILDREN'S CODE OF THIS MUNICIPALITY OF TAYTAY, RIZAL including the organization/reorganization of their respective Local councils for the protection of children and implementation of all children's programs in their area of jurisdiction.

## ARTICLE 8 REMEDIAL MEASURES AND PENAL PROVISIONS

**SECTION 99. Persons Who May File a Complaint** - Complaints on unlawful acts, committed against children as enumerated herein may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity;
- (d) Social welfare officer of the department of social welfare and development/LGU social worker;
- (e) Punong Barangay; or
- (f) At least three concerned responsible citizens residing in the community where the violation occurred.

**SECTION 100. Protective Custody of the Child** - The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the Local Social Welfare and Development Officer pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the Social Welfare and Development of Social Welfare and Development and the Local Social Welfare and Development Officer (LSWDO) shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

**SECTION 101. Confidentiality** - At the instance of the offended party, his/her name shall be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

**SECTION 102. Reporting** - A person who learns of facts or circumstances that give rise to belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development or the LSWDO, to the law enforcement agency or to the BCPC concerned.

**SECTION 103. Mandatory Reporting** - the head of any public or private hospital medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing, to the above-mentioned department and 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.

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**SECTION 104. Duty of Government Workers to Report** - it shall be the duty of all teachers and administrators in public schools, probation officers 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 105. Failure to Report** - any individual mentioned in Section 104 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

**SECTION 106. Immunity for Suit** - any person, who acting in good faith reports a case abuse, shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith (RA 6981, Witness Protection, Security and Benefit Act)

**SECTION 107. Penalties** - the penalty of any violation of this code, which is not penalized elsewhere in other sections of this code or in a national law, shall be an imprisonment of six months to one year and/or a fine ranging from P1,000.00 to P2,500.00, or both, upon discretion of the court.

For the first time offenders, in cases where the offenders is the parent or teacher of the child or relatives within the fourth degree of consanguinity or affinity, if the offender 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 a parenting, VAWC, or any appropriate seminar;
- (b) Community service of 10 to 15 days under MCPC;
- (c) Counseling sessions;
- (d) Family therapy;
- (e) Participation in appropriate training 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 authorized shall file a complaint under the National law and the penalty in such national law shall be imposed. Failure to comply with pertinent provisions of this code by the concerned local chief executive, members of legislative bodies and/or head of office or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local Government Code and other pertinent laws.

## **ARTICLE 9 BUDGETARY APPROPRIATIONS**

**SECTION 108. Appropriation for Children's Programs** - The local government units shall appropriate funds as part of their annual budget per RA 9344 and PD 603 for the implementation of children's programs to include the rationalization of Day Care Workers' allowances or honorarium.

The Sangguniang Kabataan at the Barangay level are encouraged to share part of their budget allowed under existing laws to children's programs and projects.

## **ARTICLE 10**

### **SEPARABILITY/APPLICATION/REPEALING EFFECTIVITY CLAUSES**

**SECTION 109. Separability Clauses** - if for any reason or reasons, any part or provision of this Code shall be declared/deemed to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

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**SECTION 110. Applicability Clause** - All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This code shall apply to all the people within the territorial jurisdiction of the Municipality of Taytay, Rizal, and all persons, who may be subject to the provision of this Code.

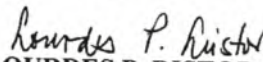
**SECTION 111. Repealing Clause** - All ordinances, resolutions executive orders and other issuances which are inconsistent with any of the provision of this Code are hereby repealed or modified accordingly.

**SECTION 112. Effectivity Clause** - This code shall take effect 30 days after posting in five (5) Barangay halls, namely Barangay San Isidro, Barangay San Juan, Barangay Sta. Ana, Barangay Dolores and Barangay Muzon in the Municipality of Taytay, Rizal.

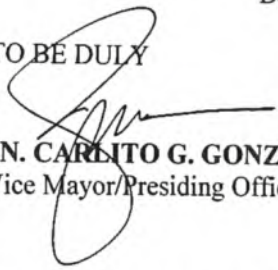
**ENACTED**, this 27<sup>th</sup> day of October, 2015, at the Session Hall of the Municipality of Taytay, Province of Rizal.

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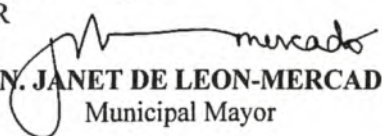
I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay during 112<sup>th</sup> Regular Session held on the 27<sup>th</sup> day of October, 2015.

  
**LOURDES P. DISTOR**  
Board Secretary III

ATTESTED AND CERTIFIED TO BE DULY  
ADOPTED BY HIS HONOR

  
**HON. CARLITO G. GONZAGA**  
Vice Mayor/Presiding Officer

APPROVED BY HER HONOR  
THE MUNICIPAL MAYOR

  
**HON. JANET DE LEON-MERCADO**  
Municipal Mayor