



PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

**EXCERPT FROM THE MINUTES OF THE 131st REGULAR SESSION OF THE 11th
SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON APRIL 11, 2022, 1:17 PM AT
THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL**

PRESENT:

Hon. Michell B. Bermundo	-	Vice Mayor/Presiding Officer
Hon. Sophia Priscilla L. Cabral	-	Councilor
Hon. Ma. Jeca B. Villanueva	-	"
Hon. Patrick John P. Alcantara	-	"
Hon. Joanne Marie P. Calderon	-	"
Hon. Ceferino R. Resurreccion Jr.	-	"
Hon. Kyle Georic Y. Gacula	-	"
Hon. Ma. Elaine T. Leonardo	-	"
Hon. Philip Jeison J. Cruz	-	"
Hon. Frank Luster L. Santos	-	LnB President
Hon. Zyrell May B. Villanueva	-	SK Federation President

Introduced & Sponsored by:	Coun. Joanne Marie P. Calderon
Co-Authored by:	Vice Mayor Michell B. Bermundo
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	Coun. Patrick John P. Alcantara
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	Coun. Philip Jeison J. Cruz
	LnB Pres. Frank Luster L. Santos
	SK Fed. Pres. Zyrell May B. Villanueva

ORDINANCE NO. 737 series of 2022

**AN ORDINANCE REVISING AND UPDATING THE CHILDREN'S WELFARE
CODE OF THE MUNICIPALITY OF TAYTAY, RIZAL, AND APPROPRIATING
FUNDS THEREOF**

WHEREAS, the United Nations Convention on the Rights of the Child (UNCRC) and the Philippines signed and ratified a recognition that all children as a basic sector distinct from the youth and students have the rights to survival, development, protection, and participation;

WHEREAS, initial initiatives were promulgated by the Philippine Government such as the Philippine Program of Action for Children in the 1990s 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 Philippines’ formulated its vision for the children and articulated a roadmap for child protection and development in the Philippine National Strategic Framework for the Philippine Plan of Action for Children (2000-2025) or Child 21;

WHEREAS, pursuant to Child 21 and the Child-Friendly Movement, the Local Government Unit commits to deliver four (4) gifts to children: (1) Local Government Plan for Children, (2) Local Investment Plan for Children, (3) Local State of Children’s Report, and (4) Local Code on Children;

WHEREAS, the Philippines is a signatory to the full fulfillment of the Sustainable Development Goals (SDG) wherein some goals are related to children's welfare and protection;

WHEREAS, the UN General Assembly Special Session on Children where the World fit for Children drafted and adopted, which contained a declaration of four (4) priority objectives for the world’s children such as promoting healthy lives, providing quality education, protection from violence, abuse and exploitation and combating HIV/AIDS;

WHEREAS, various new National Laws affecting children have been enacted, current issues on children were raised and various recommendations were proposed by the representatives of barangays, schools, civil society organizations working with children;

WHEREAS, to prevent children from being exploited in hazardous areas and becoming a habitual mendicants that will make them prone to child trafficking and exploitation, an Anti-Mendicancy Law is very vital to combat their illegal activities;

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

WHEREAS, the Municipality of Taytay, Rizal through Executive Order reaffirms its support of the Philippine Government’s initiatives, by creating the Municipal Council for the Protection of Children (MCPC) to implement programs and projects intended for children;

WHEREAS, the Municipality of Taytay, believes “that no one is left behind” and “whole of nation and whole of society” approaches in all development undertakings;

NOW THEREFORE, BE IT ENACTED, by the 11th Sangguniang Bayan of Taytay, Rizal, in session assembled, to enact & promulgate the Children’s Code of the Municipality of Taytay, Rizal, as follows:

CHAPTER I
GENERAL PROVISION

Article 1
TITLE, COVERAGE, AND PURPOSE

Section 1. Title - This Ordinance shall be known as the “Children’s Welfare Code of the Municipality of Taytay, Rizal” hereinafter referred to as the “**TAYTAY, RIZAL CHILDREN’S WELFARE CODE OF 2022.**”

Section 2. Coverage - The provision of this Ordinance shall govern all institutions, departments, offices, and agencies, that are under the supervision of this Municipality. It shall also govern, without prejudice to existing laws, all persons, entities, private sector, civil society organizations that deal with children, their rights, and any undertaking relative to a child’s development, survival, protection, and participation.

Section 3. Purposes - This Code was enacted with the following purposes:

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



Article 2
DECLARATION OF POLICY AND GOVERNING LAWS

Section 4. Declaration of Policies and Principles - The Municipality of Taytay, Rizal recognizes and hereby adopts and imposes policies and strategies that would establish and protect the rights of children. The importance of effectively promoting, fully enhancing, and institutionalizing the survival, protection, participation, and development are given preferential consideration within the framework of advancing general welfare in furtherance of integrated, sustainable, and equitable development, in all government programs.

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

It is hereby declared that the Municipality of Taytay shall adopt the following core principles and policies.

- 1) Shall adopt policies, extend programs, and enacts legislative measures to protect the rights of children to assistance, including their proper care, nutrition, and special protection from all forms of neglect, abuse cruelty, exploitation, and other conditions prejudicial to their development.
- 2) Shall ensure observance of international laws, instruments, and legal framework concerning children, especially those to which the Philippines is a signatory or a party, and recognize the inherent rights of the child in accordance with the United Nations Convention on the Rights of the Child, including all other relevant international instruments specific to children and in such, this Municipality adopts policies of international laws, as part of children laws, in all matters affecting children.
- 3) Shall promote the constitutional provisions to equally protect the inherent life of the mother and child including the life of the unborn child from conception.
- 4) Warrants that children's equal protection rights are respected without discrimination of any kind, irrespective of the child's parents, or legal guardian's race, color, sex, gender, language, religion, political or other opinions, nationality, ethnic or social origin, property, disability, birth or status. Services and activities are likewise designed for the full recognition of the special needs of children as well as of children with disabilities and of indigenous origin.
- 5) Shall uphold the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution, thus hereby adopts policies and enacts measures to preserve and strengthen family ties, including improvement of the home environment and



shall prioritize necessary measures for assistance and training to families and their children, so that the family can fully assume its full responsibilities, within the community to afford their children care and guidance, preferably in their own homes. The policy shall encourage full and harmonious development of the child's character and personality, nurtured and sufficiently cared for in a family environment with an atmosphere of happiness, love, peace, and understanding as will best serve the child's welfare and the interest of society.

- 6) Granting the limited role of the state in the family, this Municipality shall consider resources for intervention only when there is an imminent or determinable threat to the child. It shall be the policy of this Municipality to secure any child removed from the custody of his parents, the necessary care, guidance, and discipline and to assist them in becoming a responsible and productive member of society with the following guarantees:
 - To be placed in a secure and stable environment;
 - To avoid being subjected to indiscriminate removal from the home or foster home;
 - To have an assurance of long-term permanency planning.
 - To ensure the entitlement of every child to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other forms (PD 603).
- 7) Commits to providing individualized risk-management prevention-oriented prerogatives and comprehensive restorative justice interventions which will make the Municipality an enabling environment for children to grow and develop their full potential, at every stage of development, and where children are protected by a responsive government, free from all forms of abuse, neglect, cruelty, exploitation, discrimination and other conditions prejudicial to their development, and shall adopt programs, policies and activities relative to the administration of individualized preventive models of juvenile justice and the restorative juvenile justice system in its laws, policies and programs, applicable to children at risk (CAR) and children in conflict with the law (CICL), including appropriate preventive and rehabilitative facilities, initiatives, interventions, therapy and diversion programs, devolved to the Barangay and community level.
- 8) Shall stimulate economic development and decent employment opportunities for parents or guardians so that children are averted from the harsh realities of labor and employment and from becoming prematurely exposed to the Philippine labor workforce and to avoid exploitation of children in hazardous forms of child labor.
- 9) Shall involve the children in conservation and expand the width of its efforts to include natural resources, environment, culture, heritage, and everything else that through time has become identified with the Filipino people as reflecting our values, belief, and aspirations, and shall educate the children to cultivate a love for nature, culture, and heritage. The policy shall also uphold the legal and moral principle of intergenerational responsibility towards the environment, such that every generation shall recognize its responsibility to the next, to preserve the rhythm and harmony of nature, for the full enjoyment of a balanced and healthful ecology for the children of today and the children of tomorrow.
- 10) Shall promote the spirit of volunteerism and embark on a community-based approach to upholding the rights of the child through the Municipal Council for the Protection of Children (MCPC), the Barangay Council for the Protection of Children (BCPC) in partnership with volunteers and different key stakeholders, including but not limited to families, peers, local communities, civil society organizations, academes, private sector, media and most importantly, the children.
- 11) Shall protect the children's physical, moral, spiritual, intellectual, and social well-being as it promotes the vital role of children in nation-building and shall inculcate in the children's patriotism and nationalism and encourage their involvement in public and civic affairs as the whole of nation and whole of society approach.

- 12) Shall apportion the necessary resources, budget and funding, devolved to the barangay level, in partnership with civil society organizations, foundations, and private sectors. Also, hereby legislates continuing Municipal ordinances for the promotion of the dignity of children to support opportunities in the exercise of children's rights and facilitate child development in keeping with its duties and responsibilities to uphold the rights and well-being of children. This Municipality deems it necessary to ordain legislative measures that will address their needs, hence this Children's Welfare Code is being proposed.

Section 5. Governing Laws - The Municipality of Taytay declares support and adherence to international laws, treaties, and agreements related to the protection of children, and hereby adopts them as part of its local laws, policies, and principles. This code covers all general and special ordinances of this Municipality relating to the welfare of children and their families. It supports all the national laws and policies for the survival, protection, development, and participation of children and adopts pertinent international treaties and agreements to which the Philippines is a party.

This Code hereby adopts all relevant and enforceable national laws, rules and other regulations, and local ordinances governing children, such as but not limited to:

International Issuances:

- 1989 UN Convention on the Rights of the Child
- UN Convention on the Elimination of all Forms of Discrimination Against Women and Children
- 2008 UN Convention on the Rights of Persons with Disabilities

National Issuances

- Section 3, Paragraph 2, Article XV of the 1987 Constitution - states the right of the children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.
- Section 12, Article II of the Constitution – states the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. It shall equally protect the life of the mother and the life of the unborn from conception, The natural and primary rights and duty of parents in the rearing from civic efficiency and the development of moral characters shall receive the support of the government.
- Section 13, Article 11 of the 1987 Constitution - recognizes the vital role of the children in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in their patriotism and nationalism and encourage their involvement in public and civic affairs.
- Republic Act No. 679 - An act to Regulate the Employment of Women and Children and Provide Penalties for Violation Hereof.
- Republic Act No. 837 - The Indigenous People's Right Act of 1997.
- Republic Act No. 6655 - Free Public Secondary Education Act of 1988.
- Republic Act No. 6728 - Government Assistance to Students and Teachers in Private Education Act.

- 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.
- Republic Act No. 6972 - Barangay Level Total Development and Protection of Children's Act.
- Republic Act No. 6981 - Witness Protection, Security and Benefit Act.
- Republic Act 7160 - Local Government Code.
- Republic Act No. 7192 - Women in Development and Nation-Building Act.
- Republic Act No. 7277 - Magna Carta for Persons with Disabilities of 1991.
- 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.
- Republic Act No. 7438 - An Act Defining Certain Right/s of Person Arrested, Detained or Under Custodial Investigation as well as the Duties of the Arresting, Detaining and Investigating Officers and Providing Penalties for Violations Thereof.
- Republic Act No. 7600 - The Rooming-in and Breastfeeding Act of 1992.
- Republic Act No. 7610 - Special Protection of Children Against Child Abuse, Exploitation and Discrimination.
- 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.
- Republic Act No. 7658 - Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings of 1994.
- 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.
- Republic Act No. 7798 - An Act Amending Section 25 of Batas Pambansang Blg. 232, Otherwise Known as "The Education Act of 1982".
- Republic Act No. 7846 - An Act Requiring Compulsory Immunization Against Hepatitis B for Infants and Children Below Eight (8) years old.
- Republic Act No. 7875 - National Health Insurance Act of 1995.
- Republic Act No. 7877 - Anti-Sexual Harassment Act of 1995.
- Republic Act No. 7880 - Fair and Equitable Access to Education Act of 1995.
- Republic Act No. 8043 - Inter-Country Adoption Act of 1995.
- Republic Act No. 8044 - Youth in Nation Building Act of 1995.
- Republic Act No. 8049 - An Act Regulating Hazing and Other Form or Initiation Rites in Fraternities, Sororities and Other Organizations and Providing Penalties Thereof as Amended by Republic Act No. 11053 or the Anti-Hazing Act of 2018.

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- Republic Act No. 8172 - An Act for Salt Iodization Nationwide (ASIN Law).
 - Republic Act No. 8239 - The Philippine Passport Act of 1996.
 - Republic Act No. 8296 - An Act Declaring Every Second Sunday of December as the National Children's Broadcasting Day.
 - Republic Act No. 8353 - Anti Rape law of 1997.
 - Republic Act No. 8369 - Family Courts of 1997.
 - Republic Act No. 8370 - Children's Television Act of 1997.
 - Republic Act No. 8371 - Indigenous Rights Act.
 - Republic Act No. 8493 - Speedy Trial Act of 1998.
 - Republic Act No. 8504 - Philippine AIDS Prevention and Control Act of 1998.
 - Republic Act No. 8505 - Rape Victim Assistance and Protection Act of 1998.
 - Republic Act No. 8552 - Domestic Adoption Act.
 - Republic Act No. 8972 - The Solo Parent Welfare Act of 2000.
 - Republic Act No. 8976 - Philippine Food Fortification Act of 2000.
 - Republic Act No. 8980 - The Early Childhood Care and Development (ECCD) Act of 2000.
 - Republic Act No. 9165 - Comprehensive Dangerous Drug Act.
 - Republic Act No. 9208 - Anti-Trafficking in Persons Especially Women and Children.
 - Republic Act No. 9211 - Regulating the Use and Distribution of Tobacco Products.
 - Republic Act No. 9231 - Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.
 - Republic Act No. 9255 - An Act Allowing Illegitimate Children to Use the Surname of their Father.
 - Republic Act No. 9262 - The Anti-Violence against Women and Children Act.
 - Republic Act No. 9288 - Newborn Screening Act of 2004.
 - Republic Act No. 9344 - Juvenile Justice and Welfare Act of 2006.
 - Republic Act No. 9523 - An Act Requiring Certification of the DSWD to Declare a Child Legally Available for Adoption.
 - Republic Act No. 9710 - An Act Providing for the Magna Carta of Women.
 - Republic Act No. 9775 - An Act Defining the Crime of Child Pornography, Prescribing Penalties Thereof and for Other Purposes.
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- Republic Act No. 10028 - Expanded Breastfeeding Promotion Act of 2010.
- Republic Act No. 10165 - An Act to Strengthen and Propagate Foster Care and to Provide Funds Thereof.
- Republic Act No. 10175 - An Act Defining Cybercrime, Providing for the Prevention, Investigation, Suppression and the Imposition of Penalties Thereof and for Other Purposes.
- Republic Act No. 10361 - Kasambahay or Domestic Workers Act.
- Republic Act No. 10364 - An Act Expanding Republic Act No. 9208 Entitled “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanism for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations and for Other Purposes.
- Republic Act 10410 - Early Years Act.
- Republic Act No. 10627 - An Act of Requiring All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Act of Bullying in their Institutions.
- Republic Act No. 10661 - An act declaring November of every year as, National Children’s Month.
- Republic Act No. 10666 - An Act Prohibiting Children in Riding Motorcycles
- Republic Act No. 10821 - An Act Mandating the Provision of Emergency Relief and Protection for Children Before, During, and After Disasters and Other Emergency Situation.
- Republic Act No. 11036 - National Mental Health Policy Act.
- Republic Act No. 11037 - Masustanyang Pagkain para sa Batang Pilipino Act.
- Republic Act No. 11148 - Kalusugan at Nutrisyon Ng Mag Nanay Act (First 1000 days – FIKD).
- Republic Act No. 11188 - Special Protection of Children in Situation of Armed Conflict Act of 2019.
- Republic Act No. 11223 - Universal Health Care Act.
- Republic Act No. 11313 - the Safe Spaces Act, “An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, workplaces and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties”.
- Presidential Decree No. 603 - The Child and Youth Welfare Code.
- Presidential Decree No. 1563 - Mendicancy Law of 1978.
- Presidential Decree 1567 - Barangay Day Care Law.
- Proclamation No. 46 - Reaffirming the Commitment to the Universal Child and Mother Immunization Goal by Launching the Polio Eradication Project.

- 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”.
- Proclamation No. 759 - Declaring the fourth week of March every year as “Protection and Gender Fair Treatment of the Girl child Week”.
- Proclamation No. 855 - Proclaiming the adoption and implementation of the Philippine Program of Action for children in the 1990s.
- Executive Order No. 51 - National code of marketing and breast milk substitute, breast milk supplement, and other related products.
- Executive Order No. 56 - Authorizing the ministry of social services and development to take protective custody of child prostitutes and sexually exploited children.
- Executive Order 209 - The Family Code of the Philippines.
- 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.
- 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.
- Executive Order No. 443 - Providing for the Adoption of the Comprehensiveness and Integrated Delivery Mechanism for the Minimum Basic Needs.
- DILG Memorandum Circular # 2020-214 on LCPC Guidelines.
- DSWD Administrative Order No. 7, Series of 2008. Guidelines on the Conduct of Diversion for Children in Conflict with the Law.
- DOLE Department Order No. 149-2016

Local Issuances

- Province of Rizal Children Code
- Ordinance No. 694 series of 2021 – An Ordinance Providing for the Advancement of Protection of Children in Taytay from Negligence of Parents or Lawful Guardians in times of National Health Emergencies, providing penalties thereof and for other purposes.
- Other Taytay Municipal Ordinances and Executive Orders

Article 3 DEFINITION OF TERMS

Section 6. Definitions of Terms - The following terms used in this Ordinance shall be defined as follows:

- **Abandoned** - refers to a child who has no proper parental care or guardianship, or whose parents or guardians have deserted them for a period of at least three (3) continuous months. (RA 9523, Art 1 Section 3.3)

- **Adoption** - the social-legal process that enables a child, who cannot be reared by the biological parents, to acquire legal status and benefit from a new relationship with a permanent family.
- **Adult** - an individual who is above eighteen (18) years of age or have reached the majority age.
- **Ambulant Vendors** - refer to vendor or seller who does not permanently occupy a defined place but who comes either daily or occasionally to sell their goods.
- **Amusement Center / Place of Recreation** - is any place or establishment that offers entertainment facilities such as, but not limited to: billiard, pools, karaoke, videoke, dance machines, computer games, games of chances. Children should be accompanied by their parents, guardians, or adult when entering such an amusement center.
- **Anti-Social Related Activities** - are those acts against poverty, chastity, and persons which include but are not limited to the following:
 - a) Petty crimes such as snatching, shoplifting, misrepresentations;
 - b) Using and pushing prohibited drugs and other habit-forming substances, selling illegal or lewd reading materials;
 - c) Pimping for sexual perversions, doing or participating in obscene shows or performances;
 - d) Gambling in any form;
 - e) Rape and Incest; and
 - f) Any other circumstances which are defined under other existing laws.
- **Basic Education** - refers to preschool primary, elementary, and secondary education programs administered by the Department of Education and other educational institutions, agencies, and organizations.
- **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).
- **Billiard** - refers to the table game which uses hard balls and cue sticks.
- **Certificate of Foundling** - or certificate concerning deserted or abandoned infants or a child found with parents, guardians, or relatives being unknown, or a child committed in an orphanage or charitable or similar institution with unknown facts or birth and parentage which is recorded in the Registry of Foundling.
- **Child/Children** - shall refer to an unborn child as defined in the Family Code and the New Civil Code, persons aged below eighteen (18) years, or those over 18 years old, but not able to fully take care of themselves or protect themselves 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.
- **Child Abuse** - refers to the maltreatment of the child, 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 their 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 their growth and development or their permanent incapacity or death.
- **Child Labor** - refers to any work or economic activity performed by a child that subjects them to any form of exploitation or is harmful to their health and safety or physical, mental, or psychological development as defined in the Department of Labor and Employment, Department Order No. 65-04, otherwise known as Rules and Regulations, Implementing Republic Act 9231, Amending Republic Act 7610 as amended.
- **Child Sex Tourism or CST** - is the commercial sexual exploitation of children by any person who travels from one place to another, usually from a richer country to one that is less developed, and there engages in sexual acts with children.
- **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 a 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) Those children who violate Ordinances issued by this Municipality concerning juvenile status offenses enumerated in Section 57-A of RA No. 9344, amended by RA No. 10630, such as but not limited to: curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking law; and
 - m) Those concerning light offenses and misdemeanors against public order or safety such as, but are not limited to: disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing.
- **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).
- **Children in Need of Special Protection (CNSP)** - children, who for shorter or longer periods in their lives, are exposed to intense, multiple risks to their physical and mental health.
- **Children in Situation of Armed Conflict** - children caught in between armed struggle among the government and the extremists.
- **Children with Disability** - are those who have a long-term physical, mental, intellectual, or sensory impairment which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.
- **Cigar/cigarette** - cylindrical roll of tobacco products used for smoking.
- **Cockpit** - an area where cockfighting activities are held, including its immediate vicinity.



- **Cockpit Operator** - person or group of persons that owns and/ or operates a cockpit.
- **CODE** - shall refer to ordinance otherwise known as “Taytay Welfare’s Code.
- **Commercial Sexual Exploitation** - engaging in any act of child prostitution, child pornography, or trafficking of children for sexual purposes.
- **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 their family and/or community (RA 9344).
- **Community Reintegration Programs** - refer to the programs established for the purpose of rehabilitation and preparing the child for reintegration into the community.
- **Computer Games** - all forms of games generated through the use of electronic multimedia and similar implements.
- **Computer Shops** - a place where computers are rented for study, play or use as a means of communication and research such as computer sales and rental shops, cybernet cafes, or internet shops.
- **Comprehensive Children’s Support System on Child Abuse, Exploitation, and Discrimination** - refers to the coordinated program of services facilities to protect children against; child prostitution and other sexual abuse; child trafficking; obscene publications and indecent shows; other acts or abuse and circumstances that threaten or endanger the survival and normal development of children or as prescribed by the UN Convention on the Right of the Child.
- **Council** - refers to the Municipal Council for the Protection of Children (MCPC) and the Barangay Council for the Protection of Children (BCPC).
- **Corporal Punishment** - refers to a kind of punishment or penalty imposed for an alleged or actual offense, which is carried out or inflicted, for the purpose of discipline, training, or control by a teacher, school administrator, an adult, or any other child who has given or who has assumed authority or responsibility for punishment or discipline.
- **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.
- **Custodian** - refers to the parent, guardian, or other person legally responsible for the care and custody of a child or minor youth.
- **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.”).
- **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.
- **Debt Bondage** - refers to the pledging by the debtor of his/her child for personal services or labor in payment for a debt.

- **Delinquency** - a child's wrongdoing/misdemeanor.
- **Development Rights** - refer to the rights of a child to education to develop their personality, talents, 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. Right to freedom of thought and religion.
- **Disabled Persons** - are those suffering from the restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being as defined in RA No. 7277 otherwise known as "An Act Providing for the Rehabilitation, Self-Development, and Self-Reliance of Disabled Person and their Integration.
- **Discernment** - ability to use or understand people, things, or situations clearly or intelligently.
- **Discrimination Against Children** - refers to an act of exclusion, distinction, restriction, or preference which is based on any ground such as age, ethnicity, sex, sexual orientation, gender identity, language, religion, political or other opinions, national or social origin, property, birth, being inflicted by AIDS, being pregnant, being a child conflict with the law, being a child with a disability or other status or condition and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons on an equal footing of all rights and freedom.
- **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.
- **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.
- **Drug Dependent** - a person who is addicted to prohibited and regulated drugs.
- **Dysfunctional Child** - when a child's pattern of behavior is inappropriate or unacceptable.
- **Emotionally Disturbed Children** - are those who although not afflicted with insanity or mental defect. Are unable to maintain normal social relations with insanity or mental defect and are unable to maintain normal social relations with others and the community in general due to emotional problems or complexes.
- **Exploitation** - any hiring, employment, persuasion, inducement, or coercion of a child.
- **Faith group** - religious group (any religious affiliation or a denomination or a sect.
- **Family** - refers to the nuclear family of a child or the extended family.
- **Forced Labor / Slavery** - the extraction of work or services from a person by means of coercion, intimidation, threat including deprivation of freedom.
- **Foster Care** - refers to the provision of planned temporary substitute parental care to a child by a foster parent as defined in RA Act No. 10165.
- **Foster Family** - substitute parents who assume the duties of the biological parents, temporarily or permanently.

- **Foster Family Care** - the provision of planned substitute parental care by a licensed foster family when biological parents are unable to connect temporarily or permanently.
- **Foundling** - a deserted or abandoned infant or child whose parents, guardian, or relatives are unknown, or a child committed to an orphanage or charitable or similar institution with unknown facts of birth and parentage and registered in the Civil Register as a “founding as defined in the Rules on adoption promulgated by the Supreme Court in 2002”.
- **Gambling** - any game, scheme, regardless of whether winning threat is dependent upon chance or skill or both, wherein wagers consisting of money, articles of value, or representative of value are at stake or made as defined in Executive Order No. 13, Series of 2017.
- **Guardian** - refers to any person who exercises, substitute or surrogate parental authority, or any person who is competent to exercise care and custody of a child, regardless of whether or not such parental authority over a child is bestowed by a court as defined in Department of Labor and Employment, Department Order No. 65-04 otherwise known as Rules and Regulations Implementation Republic Act No. 9231, amending Republic Act No. 7610 as amended.
- **Hazing** - an initiation rite being conducted as a pre-requisite for admission as a member in a fraternity, sorority, or organization by placing the recruit neophyte or applicant in an embarrassing or humiliating situation such as forcing them to do menial unlikely and other similar tasks or activities or otherwise subjecting them to physical or psychological suffering or injury.
- **Indigenous Peoples (IPs)** - any member of an indigenous cultural community who is bound by a common ethnic origin, language, religion, or beliefs.
- **Intervention** - series of activities that are designed to address issues for the child’s individualized treatment program.
- **Immunity from Suit** - a person who acts in good faith shall report a case of child abuse shall be free from any civil, criminal, or administrative liability arising there from.
- **Justice** - refers to the impartial and humane treatment of children in pursuit of a fair trial.
- **Katarungang Pambarangay** - refer to Sec. 408-422 of the Local Government Code of 1991 which is commonly known as the Katarungang Pambarangay Law.
- **Loitering** - staying in a particular place or commercial establishments like food chain, malls, etc., more than the usual or regular time needed to stay in such places during school hours.
- **Liquor** - any alcoholic beverages or drink which causes intoxication or drunkenness.
- **Mendicant** - refers to any person who has no visible and legal means of support, or lawful employment and who is physically able to work but neglects to apply them to some lawful calling and instead uses begging as a means of living:
 - a) **Habitual Mendicant** - refers to a mendicant who has been fined or otherwise made liable under this Ordinance two or more times.
 - b) **Exploited Minor Mendicant** - refers to an infant or below 18 years of age who is used in begging or one who accompanies a habitual vagrant or beggar.
- **Mentally-ill Children** - Children with any behavioral disorder, whether functional or organic, which is of such a degree of severity as to require professional help of hospitalization.

- **Narcotics** - a drug that causes insensibility or stuff which is a subject to regulatory restrictions.
- **Neglect** - any unreasonable deprivation of a child's basic needs and general care and supervision by parents/guardians.
- **Neglected** - a child whose basic needs have been deliberately unattended or inadequately unattended. Neglect may occur in two ways.
- **New Born Screening** - a medical procedure done within 24 hours after the birth of a child for early detection of illnesses and abnormalities.
- **Organization, Fraternity, Sorority, Gang Association** - shall be defined as an organization that engages in hazing as initiation rites that inflict physical, psychological harm to its members or others as a condition for acceptance in such an organization.
- **Out of school** - a child who is not attending regular class in school.
- **Parent** - refers to the biological and/or adoptive mother and father.
- **Participation Rights** - pertain to the child's freedom to express oneself in matters affecting their life as part of the preparation for becoming a responsible citizen. Article 12 of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard within the family, the school, or the community. It shall be the responsibility of the adults, especially those in the local government to provide opportunities and venues for children to express their views or ideas on matters concerning their development and welfare. In this regard, the local government offices involved in policy formulation are mandated to ensure that the children's sectors are properly represented during deliberations, consultations, and formulation of policies relevant to children's development and welfare.
- **Physical Abuse or Maltreatment** - an infraction of any intentional and irrational physical injury.
- **Physically Handicapped Children** - are those who are crippled, deaf-mute, blind, or other defective which restricts their means of action on communication with others.
- **Pool** - a table game that uses a cue stick and flat, circular chips as target objects.
- **Pornography** - lurid and sensational sexually implicit pictures, writings, or other materials whose primary purpose is to cause sexual arousal.
- **Protection Rights** - pertain to the right to be free and protected from all forms of child abuse, exploitation, and discrimination.
- **Protective Custody** - a child who is at risk is taken by the DSWD or any authorized officer and placed in a place or institution that will guarantee their safety.
- **Psychotropic Drug** - any drug capable of affecting the mind, emotions, and behavior.
- **Public Place** - any place which is generally open to and used by the public, either publicly or privately owned, including but not limited to public buildings, markets, terminals, parks and plazas, national, provincial, or municipal streets and alleys, amusement centers such as entertainment centers.

- **Rehabilitation** - is an integrated approach to physical, social, cultural, spiritual, educational, and vocational measures that create conditions for the individual to attain the highest possible level of functional ability as defined in RA No. 7277, otherwise known as An Act Providing for the Rehabilitation, Self-Development, and Self-Reliance of Disabled Person and their Integration.
- **School Days Hours** - the period depending on the schedule approved by the Department of Education (DepEd) and Commission on Higher Education (CHED), Monday to Friday, except holidays. The term "holiday" shall include legal holidays, holidays observed by the Municipality of Taytay, and school holidays.
- **Sexual Abuse** - the involvement of a child or youth in sexual activity with an adult or any older person, in which the child is used as a sexual object for gratification of the older person's needs or desire such as rape, attempted rape, statutory rape, incest or act of lasciviousness.
- **Sexual Exploitation** - the participation of a person or a child or a youth in prostitution or the production of pornographic materials as a result of being subjected to threat, deception, coercion, abduction, force, abuse of authority, fraud, or abuse of victim's vulnerability.
- **Social Protection** - Policies and programs that seek to reduce poverty and vulnerability to risks and enhance the social status and rights of the marginalized by promoting and protecting livelihood and employment, protecting against hazards and sudden loss of income, and improving people's capacity to manage risks.
- **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 for their welfare;
 - d) Being children of indigenous cultural community peoples and/or under conditions of extreme poverty or in an area that is underdeveloped and/or lacks or has inadequate 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 endanger the life, safety, or normal development of children.
- **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 of special protection.
- **Store** - a business establishment involved directly or indirectly, in the sale of all forms and kinds of merchandise.
- **Storeowner** - the registered / unregistered owner of the store doing business in the Municipality.
- **Student** - refers to a person enrolled in a learning institution or school.
- **Street children** - a child who has no home and basically lives on 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 - the 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 circumstances.
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- **Survival Rights** - pertain to the rights of children to adequate living standards and access to basic health services and social security.
 - **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.
 - **Tobacco** - the processed leaves used in cigarettes, cigars, and pipes.
 - **Trafficking in person** - refers to the recruitment, transportation, harboring, or receipt of a child for exploitation with or without the victim's consent or knowledge.
 - **Truancy** - means absence without cause for more than twenty (20) school days.
 - **Video game** - an electronic game played by means of images on a video screen and often emphasizing fast action.
 - **Violence Against Children** - is defined as physical maltreatment, emotional abuse, sexual abuse, neglect or negligent treatment, or commercial and other forms of exploitation, resulting in actual or potential harm to the child's health, survival, development, or dignity in the context of a relationship of responsibility, trust or power.
 - **Volatile Substance** - refers to any stuff used as a thinner, solvent, adhesive which contains substances that may affect the mind when inhaled.
 - **Vulnerable Children** - belong to families, households, groups, or communities who are at risk of being abused, hurt, injured, or neglected due to economic, socio-political, cultural or religious, gender, or psychological related reasons. Specifically, they refer to children with disabilities, children who belong to certain indigenous communities or tribal groups, children of poor families, some girl children, working children, children in conflict with the law, and children in humanitarian or disaster settings.
 - **Vulnerable individuals** - those by reason of their specific circumstances, may need special assistance or support to realize their full potential for development.
 - **Welfare** - best interest and well-being of a child.
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Article 4

RULES OF INTERPRETATION AND CONSTRUCTION

Section 7. If the provisions of the different articles are in conflict with or contravene each other, the provision of each article shall prevail as to all specific matters and questions involved therein.

Section 8. The provisions of this Code, which are substantially the same as the previous or existing ordinances, particularly when dealing with the same subject matters, shall be construed as "restatement" and not as "new enactments" except for the amended, corrected, or deleted words, phrases, and paragraphs.

Section 9. Any amendment to this Code may be introduced and shall be compiled in such a way as to bear the corresponding article and sections to which such ordinance pertains. Such new provision shall be integrated into the corresponding article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sangguniang Bayan.

Section 10. Any provision of this Code which may be ambiguous shall be reasonably construed in a manner that gives effect to the purpose for which this Code or the specific article has been enacted.

CHAPTER II RESPONSIBILITIES AND RIGHTS OF A CHILD

Section 11. Responsibilities of a 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 their religion. The teaching of their elders and mentors, and the bidding of a clean conscience.
- b) **Love, respect, and obey** their parents, and cooperate with them in the strengthening of the family.
- c) **Extend to their brothers and sisters love, thoughtfulness, helpfulness** and endeavor with them to keep the family harmonious and united.
- d) **Respect not only the 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 to their utmost capacity to develop their potentialities for service**, particularly by undergoing a formal education suited to their abilities, in order that they may become an asset to themselves and to society.
- f) **Actively participate in** the protection of the environment and 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.
- 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.

Section 12. The Municipality shall endeavor to protect the rights of a child regardless of legitimacy, sex, social status, religion, political affiliation, and other factors.

- a) Survival Rights
- b) Development Rights
- c) Participation Rights
- d) Protection Rights

Article 5 SURVIVAL RIGHTS

Section 13. Right to Life - Every child has the inherent right to life. The municipality shall ensure the maximum extent possible to endow a child with the dignity and worth of a human being from the time of their conception and protect their right to be born well.

Section 14. Right to Adequate Standard of Living - Every child has the right to a standard of living adequate for their physical, moral, and social development. Towards this end, the child shall be provided with a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

Section 15. Right to Health - Every child has the right to the highest standard of health, access to basic health care, and medical services.

Section 16. Right to Parental Care and Support - Every child has the right to a wholesome family life that will provide them with love, care and understanding, guidance and counseling, and moral and material security. The Municipality shall ensure that the child is well cared of and supported by their parents unless deemed incompatible with the child's best interest. An orphaned or abandoned child shall be provided with the nearest substitute for a home.

Section 17. Right to a Name, Nationality, and Identity - Every child has the right to be registered immediately at birth and shall have the right from birth to a name. The child also has a right to preserve their identity, to acquire a nationality and as much as possible, to know their parents and be cared of.

Article 6 DEVELOPMENTAL AND EDUCATIONAL RIGHTS

Section 18. Right to Information - Every child has the right to appropriate information on matters of interest to them, especially those aimed at the promotion of their social, spiritual, and moral well-being and physical and mental health.

Section 19. Right to leisure, Recreational and Cultural Activities - Every child has the right to rest and leisure, to play and engage in wholesome recreational activities appropriate to their age, and to participate freely in cultural life and arts.

Section 20. Right to Education - Every child has the right to education. This right shall include the right to avail of Early Childhood Care and Development (ECCD) programs, primary and secondary education, appropriate to the evolving capabilities of the child to which: The development of the child's personality, moral values, talents, and mental and physical abilities to the fullest extent.

- The development of the child's personality, moral values, talents, and mental and physical abilities to the fullest extent.
- The preparation of the child for responsible adult life in a free society.
- The development of respect for the parent, their cultural identity, language and values, and the cultural background and values of others.
- The development of respect for the natural environment.

Section 21. Right to a Well-rounded Development - Every child has the right to a well-rounded development of their personality to the end that they may become happy, useful, and active members of society, specifically:

- The gifted child shall be given the opportunity and encouragement to develop their special talents.
- The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding and shall be entitled to treatment and competent.
- The physically or mentally challenged child shall be given treatment, education and care required by their particular condition.
- The right to be brought up in an atmosphere of morality and integrity for
- the enrichment and the strengthening of their character.
- 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.
- The right to full opportunities for safe and wholesome recreation and activities, individual as well as social for the wholesome use of their leisure hours.
- The right to live in a community and a society that can offer them an environment free from destructive influences and conducive to the promotion of their health and cultivation of their desirable traits and attributes.

Section 22. Developmental Plan for Children - Plan formulation through collaborative and participatory involvement of major stakeholders in the Municipality, from the Municipality to sectoral representatives, civil society organizations, the youth, and the children sector, with the vision of a child-friendly Municipality. The Development Plan for Children shall serve as a guiding instrument for further development of the Code based on the varying needs and situations of children's conditions in the Municipality

Section 23. Investment Plan for Children - Shall be indicative of its source of funding. Concerned agencies, departments, units, or sections shall source out funding either from the local, national, or private funds, so as to maintain the sustainability of the children's program. Every year stakeholders shall undergo workshops and seminars to update the development plan with the corresponding funding need.

Article 7 PARTICIPATION RIGHTS

Section 24. Right to Opinion - Every child who is capable of forming their views has the right to express those views freely in all matters affecting them. Such views shall be heard and given due consideration in accordance with the age and majority of the child and in the formulation of plans and programs for their welfare.

Section 25. Right to Freedom of Expression - Every child has the right to express their views and ideas, and obtain all kinds of information, not otherwise pornographic, libelous, or subversive, either orally, in writing or in print, in the form of visual arts, or any other forms of media of the child's choice.

Section 26. Right to Freedom of Thought, Conscience, and Religion - Every child has the right to freedom of thought, conscience, and religion, subject to appropriate guidance by the parents and/or guardians.

Section 27. Right to Enjoy and Practice Own Culture, Religion, and Language - Every child from minority communities or indigenous people has the right to exercise and enjoy their own culture, profess and practice their own religion and exercise the right, within the

boundaries of respect and courtesy, to speak to write in their own language. Likewise, such right shall be exercised within the bounds of national security, public order, public health, and morals.

Section 28. Right to Freedom of Association - Every child has the right to meet other persons, and to organize, form or join associations and in freedom of assembly. Such right shall be exercised within the bounds of national security, public order, public health and morals.

Section 29. Right to Privacy - Every child shall have the right to protection from interference in their privacy, family, home, and correspondence unless otherwise the safety and security of the child, the family, and the community are threatened.

Section 30. Right to Opportunity - Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting them, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law in accordance with the age and majority of the child and in the formulation

Section 31. State of the Children's Report - As embodied n Article 12 paragraph 2 of the Convention on the Rights of Child, Children's Congress, or the State of the Children's Report shall be an avenue for children to be heard and be assessed of all children-related policies and programs done by the Municipality. It shall be held every November during the celebration of Children's Month.

Section 32. Installation for Participation in Policy and Program Formulation.

- a) It is important to consult and provide a venue for the expression of views relevant to Municipality local government policies. It is therefore proper that children between seven to twelve (7-12) years old and thirteen to eighteen (13-18) years old are convened through their representative in a once a year basis, during the Municipality Children's Convention, specifically during the Children's Month, every November of every year;
- b) CSOs concerned with these groups of children shall be part of the process in both preparation and evaluation of the Children's Convention;
- c) The Sangguniang Bayan shall also include in the people's hour during hearings apportion where children could express views on matters affecting them;
- d) A child representative shall be included in the representation of the Local Council for the Protection of Children (MCPC/BCPC).

**Article 8
PROTECTION RIGHTS**

Section 33. Right to Protection Against Physical Abuse - Every child has the right to protection against physical, mental, psychological, or emotional abuse, violence, injury, or maltreatment.

Section 34. Right to Protection Against Sexual Abuse - Every child has the right to protection against rape, incest, sexual harassment, an act of lasciviousness, seduction, abduction, and other forms of sexual abuse and violence.

Section 35. Right to Protection Against Neglect and Abandonment - Every child has the right to quality care from their parents/guardians and to be protected against neglect, negligence, treatment, and abandonment.

Section 36. Right to be Protected from Drugs, Cigar, Cigarette, Liquor, Intoxicating Beverages, and Other Addictive Substances - Every child has the right to be

protected from the use of narcotic and psychotropic drugs, cigars, cigarettes, liquor, intoxicating beverages, volatile substances, and from being involved in their production or distribution.

Section 37. Right to Protection of the Working Child and Work Exploitation - Every child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or will interfere with the child's health or physical, mental, spiritual, moral, or social development, in relation to RA 7658, as amended by RA 9231.

Section 38. Right to Periodic Review of Treatment if Placed Under Protective Custody - Every child has the right to be protected from any type of harm or harsh treatment. The government has the mandate to closely monitor and review the treatment of the child under the care of their custodian.

Section 39. Right of Children with Disability - Every child with disabilities has the right to fully enjoy their basic human rights and reach their full potential within a caring and protective environment, and live a life with dignity and free from discrimination, ostracism, exclusion, shame and actively participating in the community;

Section 40. Right to Children with Special Disability - Children with Special Disability have the right to special care, education, and training to help them enjoy a full and decent life in dignity and to achieve the greatest degree of self-reliance and social integration possible.

Section 41. Right of Child in Conflict with the Law (CICL) - Every child, who comes in conflict with the law, shall be entitled to the following rights:

- To be treated with dignity and in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental reason of others;
- To be presumed innocent until proven guilty according to law;
- To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- To be informed of their rights under the United Nations Conventions on the Rights of the Child (UBBRC) and other international instruments in relation to CICL, RA 7438, RA 8493, PD 603, and the Rules and Regulations on the Apprehension, Investigation, Prosecution, and Rehabilitation of Youth Offenders.

Section 42. Right to be Protected Against All forms of Commercial Sexual Exploitation - Every child shall the right to be protected from child prostitution, child pornography, child sex tourism, and other forms of commercial sexual exploitation, as prescribed under RA 9208 and RA 7610.

Section 43. Right to Protection from Other Forms of Exploitation - Every child shall have the to be free and be protected from all other forms of exploitation prejudicial to any aspects of the child's welfare.

CHAPTER III

Article 9

DUTIES, FUNCTIONS, ROLES, AND RESPONSIBILITIES OF THE FAMILY AND VARIOUS SECTORS

Section 44. The Family - The Municipality recognizes the family as the central unit responsible for most of the child's early education and development including the molding of

character, physical, emotional, and spiritual progress, and the realization of the child's existence as a dignified human being with the recognition of their inherent rights. The introduction of the child to the culture, values, and norms of the society shall begin in the family. The family has the primary responsibility of nurturing and protecting the child from infancy to adolescence. Article 15, Section 1 of the Philippine Constitution states that "The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development". Likewise, the family is a basic social institution that public policy cherishes and protects. Government and social efforts to preserve the integrity of the family, including the extended family, should be pursued.



Section 45. Family Affairs - Whenever proper, if any, parents shall allow the child to be particularly concerned with them. In cases involving their discipline, the child shall be given a chance to present their side.

- **Winning Child's Confidence** - Parents shall endeavor to win the child's confidence and encourage them to consult with them on their activities and problems.
- **Child Living Away from Home** – If for reasons of their studies or for other causes, a child does not live with their parents, the latter shall communicate with them regularly and visit them as often as possible. The parents shall see to it that the child lives in a safe and wholesome place and under responsible adult care and supervision.
- **Special Talents** – Parents shall endeavor to discover the child's talents or aptitudes, if any, and to encourage and develop them. If the child is especially gifted, the parents shall report this fact to the National Center to Gifted Children or to other agencies concerned so that official assistance or recognition may be extended to them
- **Reading Habit** – The reading habit should be cultivated in the home. Parents shall, whenever possible, provide the child with good and wholesome reading materials, taking into consideration of age and emotional development. They shall guard against the introduction in the home of pornographic and other unwholesome publications.
- **Association with Other Children** – Parents shall encourage the child to associate with other children of their own age at home so they can develop a common interest of useful and salutary nature. It shall be their duty to know the child's friends and their activities and to prevent them from falling into bad company. The child should not be allowed to stay out late at night to the detriment of their health, studies, or morals.
- **Community Activities** – Parents shall give a child every opportunity to form or join social, cultural, educational, recreational, civic, or religious organizations or movements and other useful community activities.
- **Social Gatherings** – When a party or gathering is held, the parents or a responsible person should be present to supervise the same.
- **Vices** – Parents shall take special care to prevent the child from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling, and other vices or harmful practices.
- **Choice of Career** – The child shall have the right to choose their own career. Parents may advise them on this matter but should not impose their own choice.
- **Marriage** – Subject to the provision of the Civil Code, the child shall have the prerogative of choosing the future spouse or partner in life. Parents should not force or unduly influence them to marry a person who was not freely chosen by them.



Section 46. 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, and community institutions shall be given financial, spiritual, and 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 47. Primary Rights of Parents - The parents have the primary duty of nurturing and protecting children from infancy to adolescence. The 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.

(a) **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.

(b) **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 48. General Duties of Parents - Parents shall have the following general duties toward their children:

- To provide a name and nationality by registering their newborn babies with the Office of the Local Civil Registrar where the birth occurred;
- 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);
- To give them affection, companionship, and understanding;
- To extend to them the benefits of moral guidance, self-discipline, and religious instructions;
- To supervise the activities including their recreation;
- To inculcate in them the dignity of labor, the value of the industry, thrift, and self-reliance;
- To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- To advise them properly on any matter affecting their development and well-being;
- To always set a good example;
- To provide them adequate support, as defined in Article 194 of the Family Code; and
- 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 49. Role of Parents/Guardians - Parents/guardians play a vital role in their children's lives. Both shall be equally responsible for 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 50. Liabilities of Parents/Guardians – Parents/guardians are responsible for the damage caused by the child under their parental authority in accordance with the Civil Code.

Criminality Liability shall be attached to any parent/guardian who:

- 1) Conceals or abandons the child with the intent to make such child lose their civil status.
- 2) Abandons the child under such circumstances as to deprive them of the love, care, and protection they need.
- 3) Sells or abandons the child to another person for valuable considerations.
- 4) Neglect the child by not giving them the education that the family's station in life and financial conditions permit.
- 5) Causes, abates, or permits the truancy of the child from the school where they are enrolled. "Truancy" as here used means "absence without cause for more than twenty (20) school days, not necessarily consecutive. It shall be the duty of the teacher's in-charge to report to the parents/guardians the absences of the child the moment these exceed five (5) schooldays.
- 6) Improperly exploits the child by using them, directly or indirectly, for the purposed of begging and other acts which are inimical to their interest and welfare.
- 7) Inflicts cruel and unusual punishment upon the child or deliberately subjects them to indignations and other excessive chastisements that embarrass or humiliate them.
- 8) Causes or encourages the child to lead an immoral or dissolute life.
- 9) Permit the child to possess, handle or carry a deadly weapon, regardless of ownership.
- 10) Allows or requires the child to drive without a license or with a license that the parent/guardian knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent/guardian, it shall be presumed that the parent/guardian permitted or ordered the child to drive.
- 11) Allows the child to use volatile substances and illegal drugs.
- 12) Allows the child to gamble in any form including jueteng, kara y krus, masiao, etc
- 13) Violation of curfew.

Section 51. Duties of the Community - To ensure the full enjoyment of the right of every child to live in a society that offers or guarantees their safety, health, good morals, environment, and facilities for their wholesome growth and development, It shall be the duty of the community to:

- Bring about a healthy environment necessary for the normal growth of children and the enhancement of their physical, mental, and spiritual well-being.
- Help institutions of learning whether public or private, achieve the fundamental objectives of education.

- Organize or encourage movements and activities, for the furtherance of the interest of children.
- Promote the establishment and maintenance of adequately equipped playgrounds, parks, and other recreational facilities.
- Support parent education programs by encouraging its members to attend and actively participate therein.
- Assist the State in combating and curtailing juvenile delinquency and in rehabilitating wayward children.
- Aid in carrying out special projects for the betterment of children in remote areas or belonging to cultural minorities or those who are out of school.
- Cooperate with private and public child welfare agencies in providing care, training, and protection to destitute, abandoned, neglected, abused, handicapped and disturbed children.
- Report in writing or verbally to the DSWD, police, or other law enforcement agency in accordance with RA 7610, the facts or circumstances that give rise to a belief that a child has suffered from any form of abuse.

Section 52. Responsibility of Schools and Other Educational Institutions - The role of all educational institutions is to impart knowledge and skills to their students, also, institute programs and services that will include proper values formation.

- Educational Institutions, from the primary to the tertiary level, shall provide creative, innovative, and appropriate recreational, cultural and artistic activities to develop the child/s full potential and talents. They shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the DepEd and CHED.
- All educational institutions shall maintain quality education and use child-friendly methods in teaching the child.
- All educational institutions shall ensure the safety of children within and outside school premises during school hours and authorized school activities. This shall include discouraging the students from patronizing non-nutritional food products sold within and outside school premises during school hours and from joining or participating in gang-style group activities.
- All educational institutions shall give their full support to student body organizations. The school administration shall conduct periodic consultations with students regarding matters affecting their students. The student representative shall be elected by the student body to sit in Parent-Teacher Councils (PTC) and other recommendatory and decision-making bodies in the school. Parent-Teachers Association (PTA) shall aid the municipal and other local authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.
- Public and private educational institutions shall not discriminate against children with special disabilities in enrolment and admission. As much as possible, they shall provide special classes for children with special disabilities.
- Educational institutions shall work together with parents/guardians, community, organizations, and agencies concerned with the activities of children.

Section 53. Role of Churches - All churches and religious orders, congregations or groups may, conformably to law, establish programs for the purpose of giving children a strong spiritual foundation, fear of the Lord, consciousness of moral education children in accordance with the tenets of their religion, to inculcate in the standards they have to follow and love and service for others. Parents/guardians shall admonish their children to heed the teaching of their Church and to perform their religious duties. Whenever possible, parents/guardians shall accompany their children to the regular devotions of the Church and other religious ceremonies. This will foster strong family ties and harmony.

Section 54. 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. The media shall refrain from showing any form of violent and pornographic materials. They shall endeavor to show wholesome and educational materials during prime time viewing. Special attention should be given to effective anti-drug awareness, campaigns and delinquency prevention.

Section 55. 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 56. 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.

Section 57. Role of the Private Business Sector - They shall have the following roles:

- (a) The private sector, particularly those who have direct contact with a child, has a corporate social responsibility to all children.
- (b) Encourage to become involved and to support programs, projects and services for children, especially those provided in this Code.
- (c) Bookstores, libraries, internet cafes, and other sources of information shall ensure obscene, pornographic, and violent materials shall not be made accessible to children.
- (d) Restaurants, KTV bars, nightclubs, hotels, motels, and other business establishments in the entertainment, tourism, and travel industry, and gambling centers, including cockpits, which provide access to adult entertainment, shall ensure that the child is not allowed within their premises. It shall be the responsibility of the owners of bars/karaoke joints to require proof of age before employment in nightclubs, bars, karaoke, etc.
- (e) It shall be the responsibility of the owner/operator/manager of the business establishment to verify the age of the persons seeking employment. All employers shall not engage a child in work that endangers health, safety, and normal development.
- (f) Shopping malls/centers, boutiques, novelty stores, video arcades, and other gaming centers, shall monitor the presence of school-age children, and shall be reported to the school to which these children belong. In cases, where these children are not enrolled in schools, the parents/guardians shall be informed.
- (g) It shall be the responsibility of internet café owners/operators to regulate the exposure of children to pornography and violence on the internet.

- (h) The private business sector shall provide summer job training for new high school graduates with intentions to pursue college. This program shall allow the student insight into the value of earning money; learn the value of work necessary for their future.

Section 58. Role of Women - Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in the development, their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to the nation's social and economic development. To achieve and to prepare women for their various roles, equal opportunity shall be provided for the children for them to benefit from health, nutrition, education, and all other forms of social protection and other basic services for their full growth and development.

Section 59. Responsibilities of Private and Public Doctors, Midwives, and Other Medical Practitioners and Health Care Provides - It shall be their responsibility to educate parents on the proper care nutrition of the child. They shall also exercise due diligence in ensuring the safe delivery of the child. The physician, nurse, midwife, trained hilot in attendance at birth or the parents of the newborn, shall have the duty to register the birth of the newborn child in accordance with the Civil Registry Law.

Section 60. Responsibility of Police and Medical Officers - All cases of child abuse shall be treated with the utmost confidentiality so as to protect the identity of the child.

Section 61. Responsibility of the Custodian/Center Where Child is place - The custodian of the child or the center where the child is placed for purposes of care, protection, or treatment shall regularly review the condition of the child and report the same to the MSWDO.

Section 62. Role of Sangguniang Kabataan/Youth Organization - The Sangguniang Kabataan (SK) / Youth Organization 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. Shall allocate sufficient appropriation of its budget to prevention programs for the youth, livelihood programs, and technical education for out-of-school.

Section 63. Role of Civil Society Organizations - Civil Society 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 cooperation with the government and other child-focused agencies and institutions.

Section 64. Representation of Civil Society Organizations (CSOs) in the Councils for Children - the local legislative councils shall invite CSOs with child-focused programs for membership in the council for the protection of children, provided that these CSOs duly accredited by the Local Sanggunian concerned based on its criteria of accreditation.

CHAPTER IV PROGRAMS AND SERVICES FOR CHILDREN

Article 10 EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD) INTERVENTIONS AND PRIMARY HEALTH CARE PROGRAMS

Section 65. Institutionalizing the Municipal Council for the Protection of Children (MCPC) - hereafter referred to as the Council and as the Municipal Early Childhood Care and Development Coordinating Committee (MECCDCC), which shall lead and coordinate the formulation, implementation, and enforcement of all policies, programs, and projects relative to

the survival, development, participation, and protection of children at the municipal level. The council shall aim to ensure the effective implementation of the Philippine Government's commitment to the Convention of the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Philippine Plan of Action for Children (PPAC) and the Philippine National Strategic Framework for Plan Development for Child (Child 21) and other International, National and Local Instruments. Coordinate with the Barangays in the creation and organization of the Barangay Council for the Protection of Children (BCPC), and as per the Department of Interior and Local Government (DILG) Memorandum Circular # 2020-214 on the Guidelines on LCPC.

Section 66. Functions of the Council for the Protection of Children - The Council shall perform the following duties and responsibilities:

- a) Formulate, develop, coordinate, monitor, and review all policies, ordinances, plans, and programs activities, which shall promote the best interest and rights of children that are gender-fair, culturally relevant, and responsive to the needs of diverse groups of children and ensure mainstreaming in the local development agenda.
- b) Establish, maintain and update a disaggregated database or local information system on children and their situation in the Municipality.
- c) Conduct advocacy activities in the promotion and protection of rights and welfare, including the development of information, education, and advocacy materials.
- d) Conduct capability programs/activities for all stakeholders on children including at the barangay level to enhance the knowledge and skills in handling children's programs.
- e) Provide assistance to children in need of special protection and refer cases filed against child abusers to proper agencies and institutions.
- f) Document good practices on children and interventions.
- g) Coordinate and consult with other LCPC, LGUs, and other regional and national authorities and institutions of the government, and civil society organizations with respect to planning, monitoring, and evaluating plans for policies, programs, projects, and activities (PPAs) for children.
- h) Conduct the Child Friendly Local Governance Audit (CFLGA) through the LCPC Inter-Agency Monitoring Task Force (IMTF) annually.
- i) Prepare an annual financial plan for children and recommend appropriation to the Sangguniang Bayan.
- j) Provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children (BCPC).
- k) Coordinate with LGUs in the annual review and assessment of the comprehensive juvenile intervention programs.
- l) Advocate for the establishment and maintenance of playgrounds, daycare centers, and other facilities necessary for children and youth development.

- m) Recommend local legislations promoting child survival, protection, participation, and development, especially on the quality of television shows, media prints, and coverage, which are deemed detrimental to children and with appropriate funding support.
- n) To monitor and evaluate the implementation of children's programs in the Municipality and submit a quarterly status report to the Provincial Council for the Protection of Children (PCPC).
- o) Conduct regular quarterly meetings and special meetings as the need arises.
- p) Ensures the implementation of the CHILDREN'S WELFARE CODE OF MUNICIPALITY OF TAYTAY, RIZAL
- q) To perform such other functions as provided in the ECCD and other related laws.

Section 67. Composition of the Council - The Council shall be composed of the following as per DILG MC 2020-214:

Chairperson	:	Municipal Mayor
Vice-Chairperson	:	SB Member, Chairperson Committee on Social Services, Women, Men, Family
Members	:	Municipal Administrator Municipal Planning and Development Officer Municipal Welfare and Development Officer Municipal Health Officer Municipal Budget Officer Municipal Nutrition Officer Municipal Public Employment and Service Officer (PESO) Municipal Disaster Risk Reduction & Management Officer (MDRRMO) Municipal Agriculture Office Municipal Budget Officer Municipal Treasurer DILG Municipal Local Field Officer Municipal GAD Focal Person Liga ng mga Barangay President SK Federation President DepEd District Superintendent / District Supervisor / Child Protection Committee (CPC) Coordinator PNP Director / Chief of Police At least (1) Civil Society Organization (working w/ youth or children) PTA/Parent Representative Child/Children Representative

Section 68. Adoption of By-Laws and Rules of Procedures - The Local Council for the Protection of Children (LCPC) shall adopt its own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their duties and 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 69. ECCD Officer - The Municipal Health Officer (MHO). The MHO, who is also a member of the Council, will serve as the ECCD Officer.

Section 70. Declaration of ECCD Celebration Week - In support of the provision of Republic Act No. 8980, otherwise known as the "Early Childhood Care and Development Act", the Municipality hereby declares the second week of October every year as ECCD Celebration Week, and all government agencies, health service providers' and civil society organizations are encouraged to pool their activities and resources together for this celebration.

Section 71. Financing ECCD Programs - The Municipality of Taytay Rizal shall provide adequate funds for ECCD Programs from available local resources, and shall seek financial assistance from private individuals, groups, associations, and other funding sources. All public ECCD program providers shall prioritize young children from families who are in greatest need and who are least afford private sector programs.

Section 72. LCPC Committee - In order to perform the mandate efficiently and ensure inclusivity and participation of all stakeholders, the LCPC may organize sub-committees based on the four core rights of children (survival, development, protection, and participation as it deems necessary.

Section 73. Council Secretariat and Staff Support - The office of the MSDWO shall serve as the Council Secretariat and shall extend administrative and technical support to the Council. It shall be the responsibility to ensure the efficient performance of its functions and conduct of activities, including proper safekeeping of its records and documents. Specifically:

- Coordination with LCPC members;
- Preparation of the agenda of the LCPC;
- Documentation of proceeding of meetings;
- Preparation of accomplishment reports and other necessary documents of the LCPC and as needed by the council;
- Follow-through of action points and agreements from the LCPC meetings;
- Consultation of Annual Work and Financial Plans (AWFP) of various departments related to LCPC plans;
- Monitoring of services and programs related to LCPC; and
- Perform such other functions deems necessary.

Section 74. Council's Official Post - The Municipal Social Welfare and Development Office shall be the post of the Council.


Section 75. Creation of Barangay Council for the Protection of Children (BCPC) - Shall also function as the Barangay ECCD Coordinating Committee (BECCDCC).

Section 76. 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) 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.

Section 77. Composition of the Barangay Council for the Protection of Children -



Chairperson	:	Punong Barangay
Co-chairperson	:	Chairperson, Sangguniang Barangay Committee on Women and Family Welfare
Members	:	Barangay VAWC Desk Officer Barangay Nutrition Scholar Barangay Day Care Worker Barangay Health Worker Barangay Midwife DepEd Principal/ Teacher-in-charge/ Child Development Committee (CDC) Chief Tanod SK Chairperson Parent Representative CSO representative Child / Children Representative

Section 78. Functions of the Barangay Council for the Protection of Children - The BCPCs shall be the operational LCPC units at the community level. They shall be the functional units to assist local and national authorities in the identification, implementation, and monitoring of programs, projects, and activities (PPAs) for the promotion of child welfare and the protection of their rights especially those focused on the survival, development, protection, and participation of children. They shall assist and support barangay officials in the latter's work as custodians of children's rights as emphasized in DILG MC 2016-115 and DILG MC- 2021-114. They shall perform the following duties and functions:

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- Establish and maintain an updated and disaggregated database on children.
 - Prepare an Annual Work and Financial Plan (AWFP) consistent with its function as provided herein and in the Barangay Executive Order creating the BCPC.
 - Make recommendations in the barangay on policies and PPAs relative to the promotion of the rights and welfare of children for inclusion in the comprehensive and annual development plan of the Barangay;
 - Perform functions related to its mandate as provided by national laws and policies such as, but not limited to, children in conflict with the law, children-at-risk, and children in need of special protection'
 - Document the barangay PPAs and accomplishments on children;
 - Coordinate the efforts with the concerned barangay officials, as well as the higher level LGU exercising jurisdiction over it;
 - Conduct advocacy activities on the promotion and protection of rights and welfare of children, including the development of information, education, and advocacy materials.

Section 79. 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 80. 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 81. 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 82. 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 83. 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 is 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 84. 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 85. 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.

Section 86. 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 years. Such programs shall include prevention, protection as well as rehabilitation programs for children, and shall emphasize the prevention of child abuse, drug addiction, and other children's problems.

Section 87. Process in Formulating Comprehensive Children's Programs - The process of coming up with Comprehensive Children's Programs shall be participatory and consultative. This Municipality, in coordination with the Local Council for the Protection of Children, shall call all sectors concerned particularly child-focused institutions, NGOs, people's organizations, children's councils, educational institutions, and government agencies involved with children's concerns like the Municipal Office 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 88. 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 effectiveness in preventing children's rights violations based on the indicators identified in the program. The programs may be adjusted if necessary.

Section 89. 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 tackles perceived root causes of children's rights violations such as 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.

Section 90. 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 the 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 91. Parenting Orientation Course

- a) Parenting Orientation Courses may be integrated into the curriculum of 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 a 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 the 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 a 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 daycare 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 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.

Section 92. 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 93. 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 at 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 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 that 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 that violate such code;
- d) To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breastfeeding education programs. Integrating information on breastfeeding may be made an integral part of all school curricula.

Section 94. Child and Gender Sensitivity Training for Health Workers - All Municipal and Barangay health workers shall be required to attend training courses on Child Gender Sensitivity to be conducted by the Municipal/Barangay Council for the Protection of Children.

Section 95. 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 96. 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.

Section 97. 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 the prevention of tuberculosis, pertussis, tetanus, measles,

poliomyelitis, and other diseases for which vaccines have been developed for administration to children up to six (6) years of age;

- 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 daycare centers respecting the participation rights of the child
- e) A pool of trained daycare or child development workers with an honorarium commensurate to the task assigned to them shall be established.



Section 98. 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 are encouraged in various athletics and sports programs of the Local Government Units.

Section 99. Local Children's Literature - In support of the thrust for the socio-cultural development of children in the Municipality of Taytay, Rizal, LGUs shall invest in the promotion and production of local literature for children and other relevant educational materials.

Section 100. 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.

Section 101. 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 in 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 for ensuring the well-being of Filipino children.

Section 102. Establishment and Rationale of the Crisis Intervention Center - In recognition of the special needs of protection, assistance, and development Republic Act 8505 mandates 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 103. 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;
- 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 of the evils of child abuse and domestic violence, and 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 104. 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 105. 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 positive parent-child relationship;
- 2) Assist parents, whenever necessary, in securing expert guidance counseling from the proper government or private welfare agency;
- 3) 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.

Article 11
COMMUNITY-BASED SUPPORT SERVICES

Section 106. The Municipal Government shall undertake support services and programs for children and their families that shall:

- a) Recognize the sanctity of marriage and strengthen the family bonds and in the process, promote programs on responsible parenthood.
- b) Provide medical and legal assistance, and counseling to abused children and their families.
- c) Provide moral and spiritual recovery programs, skills training and livelihood development programs, and house care services for the rehabilitation of children, victims, and their families.
- d) Conduct information and awareness campaigns on violence against women, children, anti-trafficking, and other similar concerns to strengthen the enforcement of laws.
- e) Include the special program for employment of students (SPES) in the annual appropriation ordinance of the municipality.
- f) Encourage the local civil registrar to facilitate free registration of birth and death of indigent children.
- g) Institutionalize the observance and celebration of “Linggo ng Kabataan” and “Panatang Makabayan” to protect the interest of the youth and children and prepare them for their roles as future leaders of the community.

Article 12
COMPREHENSIVE NEWBORN SCREENING

Section 107. The Municipality hereby adopts the Comprehensive Newborn Screening System implemented by the Department of Health, in accordance with Republic Act No. 9288, otherwise known as the “Newborn Screening Act of 2004.

Section 108. The Municipal Government, through the MHO, shall ensure that all newborn infants in the Municipality are offered the opportunity to undergo newborn screening and thus be spared from heritable conditions that can lead to mental retardation, serious health complications, or death, if undetected and untreated.

Section 109. Declaration of Newborn Screening Week - In support of the provisions of Republic Act No. 9288, otherwise known as “The Comprehensive Newborn Screening Act of 2004”, the Municipality hereby declares the first week of October every year as “Newborn Screening Week”.

Article 13
PROMOTION OF EXCLUSIVE AND CONTINUED BREASTFEEDING

Section 110. Pursuant to Executive Order No. 51 dated October 10, 1986, or the “Milk Code of the Philippines”, Republic Act No. 7600 or “The Rooming-In and Breastfeeding Act of 1992”, Republic Act No. 10028 or the “The Expanded Exclusive Breastfeeding in the Workplace Act, of 2009 – “An Act Providing Incentives to all Government and Private Health Institutions with Rooming-in and Breastfeeding Practices and for Other Purposes.

Section 111. Health personnel under the Municipal Health Office (MHO) shall inform pregnant women and mothers of the importance of mother’s milk, its benefits to the infant and superiority over breast milk substitutes, and the advantages of breastfeeding their infants.

Section 112. No financial or material inducement shall be made by manufacturers, distributors, or suppliers of breast milk substitutes to promote their products to health workers or their families, nor shall these be accepted by the health workers or members of their families.

Section 113. Bottle feeding shall be allowed only when the mother has been informed by the attending health personnel of the advantages of breastfeeding and the proper techniques of infant formula feeding and the mother has opted to write to adopt infant formula feeding for her infant.

Section 114. Lactation Management Program - A yearly program should be developed for inclusion in the local health development plan.

Section 115. Lactation stations in informal workplaces - such as but not limited to markets, transport terminals, and any public offices, where mostly lactating mother regularly visits.

Article 14
COMPULSORY BASIC IMMUNIZATION PROGRAM

Section 116. Coverage - Basic immunization against certain diseases shall be compulsory for infants and children below eight (8) years of age.

Section 117. Scope - Basic immunization shall include:

- BCG Vaccination against tuberculosis
- Inoculation against diphtheria, tetanus, and pertussis
- Oral poliomyelitis immunization
- Protection against measles
- Immunization against rubella
- Such other basic immunization services for infants and children below eight (8) years of age which may be recommended by the Council.

Section 118. Responsibility of the MHO - The MHO shall provide free basic immunization services to infants and children below eight (8) years of age, subject to the rules and regulations promulgated by the Council.

Section 119. Responsibility of Parents, Guardians, or Person or Having Custody of the Infant or Child - It shall be the duty of the parents, guardians, or person having custody of the infant or child to see to it that such infant or child is presented for basic immunization services at such place and time as specified by the MHO.

Section 120. Responsibility of the Head of School Institution - The Head of an institution where infants or children are educated, treated, cared for, or committed by law for preventive or rehabilitation services shall provide basic immunization services, provided that arrangements may be made by the said institutions with the MHO for free immunization services.

Section 121. Immunization of School Entrants - It shall be the duty of all schools, public and private, to provide basic immunization services to all pre-school and primary school entrants who have not received such immunization, subject to rules and regulations promulgated by the Council.

Article 15 DAYCARE PROGRAM

Section 122. Day Care Service (3-4 years old) - Pursuant to Republic Act No. 6972 or "The Barangay Level Total Development and Protection of Children Act", there is hereby established a daycare center in every Barangay of the Municipality. Children 3-6 years old may be admitted to the daycare center for a socialization program with the consent of the parents or guardian.

Section 123. Importance of Day Care Service – Daycare 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 interacts with the world 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, daycare 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 124. Population-based Day Care Center Setting Up - Pursuant to Republic Act 6972, the Barangay-level total development and protection of children act, daycare 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 125. Setting Up of Day Care Centers by Community-Based Organizations - Community-based organizations can help mobilize resources to complement the LGUs in establishing daycare centers in their communities. In this way, more children needing attention can be reached.

Section 126. 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 for 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.



Section 127. Support Services - The Municipality of Taytay Rizal, through the Council in coordination with the MHO and the Office of the MSWDO, shall provide the following support services to daycare children and their families:

- a) Mental and Medical Check-up
- b) Eye Screening
- c) Ear/hearing check-up
- d) Orientation on proper handwashing and tooth brushing
- e) Provision of free toothbrush and toothpaste
- f) Supplemental Feeding
- g) Parent effectiveness service to daycare parents
- h) Financial/educational assistance

Section 128. The Office of the MSWDO - shall formulate the criteria for the selection, qualifications, capability development through seminar/training and accreditation of Barangay Day Care Workers and the standards for the implementation of the total development and protection of children program.

Section 129. The Municipality through the MHO and MSWDO - shall take appropriate measures to combat disease and malnutrition within the framework of primary health care through the application of readily available technology and the provision of adequate nutritious food and clean drinking water. In line with this advocacy, the concerned municipal offices shall initiate supplemental feeding programs for malnourished children through the Day Care Centers.

Article 16 FOOD FORTIFICATION PROGRAM

Section 130. Promotion of Iodized Salt - The Municipality of Taytay shall continue promoting the use of Iodized Salt. Through the implementation of Republic Act No. 8172 otherwise known as "The Asin Law".

Section 131. Promotion of Iron-Fortified Rice - The Municipality of Taytay, Rizal shall continue to make available to the consuming public iron-fortified rice to combat iron deficiency, particularly among school-aged children in compliance with Republic Act No. 8976 or the Food Fortification Law of the Philippines.

Section 132. Garantisadong Pambata Program - The Municipality in coordination with the Department of Health/Municipal Health Office and partnership with Civil Society



Organization (CSOs), shall continue implementing the program by providing funds for the purpose.

CHAPTER V CHILDREN IN NEED OF SPECIAL PROTECTION

Section 133. Coverage - This Article shall cover the following:

- a) Children with Special Disability
- b) Children in Conflict with the Law
- c) Children in Armed Conflicts
- d) Child Prostitution and Other Child Abuse
- e) Trafficked Children

Article 17 CHILDREN WITH SPECIAL DISABILITIES


Section 134. Survey and Active Program for Children with Special Disability - The municipality of Taytay Rizal shall make a periodic comprehensive survey on children with special disabilities in the Municipality which is child-focused and specific. It aims to achieve more systematic coordination of health services, nutrition, and education for children with special needs.

Section 135. Investment in Educators and Health Professional Training Program for Children with Special Needs - Training programs for educators and health professionals handling children with disabilities and special needs shall form part of the priority programs of the Municipality.

Section 136. Program for Children with Disabilities - LCPC shall make a periodic child-focused and child-specific comprehensive survey of children with disabilities in their respective jurisdiction as the basis for the more systematic coordination of services such as, but not limited to health, nutrition, and program for children with special needs for consolidation of this Municipality.



Section 137. Mentally Challenged Children, as follows:

- Socially incompetent, socially inadequate, occupational incompetent, and unable to manage their own affairs.
- Mentally subnormal.
- Retarded intellectually from birth or early age.
- Retarded at Maturity.
- Mentally deficient as a result of constitutional origin, through heredity or disease.
- Essentially incurable mentally challenged which are divided into four (4) classifications:
 - a) Custodial Group. The member of this classification is severely or profoundly mentally challenged, hence, the least capable group. This includes those with an IQ of 25.

- b) Trainable Group. The members of this group consist of those with IQs from 25 to 50, one who belongs to this group shows a mental level and a rate of development which is $\frac{1}{4}$ to $\frac{1}{2}$ of the average child is unable to acquire higher academic skills, but can usually acquire the basic skills for a living to a reasonable degree. He can likewise attain a primary grade level of education if he receives effective instruction.
- c) Educable Group. This group's IQ ranges from 50 to 75, and the intellectual development is approximately $\frac{1}{2}$ to $\frac{3}{4}$ of what is expected of a normal child of the same chronological age. The degree of success or accomplishment that they will reach in life depends very much on the quality and type of education they receive, as well as on the treatment at home and in the community. Many of the educable mentally challenged may reach the 5th or 6th grade or even higher educational level and can develop occupational skills which may result in partial or complete economic independence in adulthood.
- d) Borderline or Low Normal Group. This is the highest group of mentally challenged with IQs of 75 to 89. The members of this classification are only slightly mentally challenged and they can usually get by in regular classes. If they receive some extra help, guidance, and consideration. They have to spend much more time with their studies in order to pass. Those who cannot make it, are usually handicapped by one or more other conditions aside from that of intelligence.
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Section 138. Petition for Commitment - Where a child appears to be mentally challenged physically handicapped, emotionally disturbed, or mentally ill, and needs institutional care but parents/ guardians are opposing thereto, the Municipality in coordination with the DSWD, or any duly licensed child placement agency or individual, shall have the authority to file a petition or commitment of the said child to any reputable institution providing care, training, and rehabilitation for disabled children.

Section 139. Support Services / Programs

- The Municipality of Taytay, Rizal through the MHO and MSWDO and in partnership with CSOs, shall provide assistive devices, whenever feasible, to children with special disabilities, such as but not limited to:
 - Wheelchair
 - Crutches
 - Cane/White Cane
 - Hearing Aid
 - Walker
 - Special Seats
 - The Municipality shall endeavor to provide regular physical therapy for children with cerebral palsy, down syndrome, and hydrocephalus, educational or financial assistance for school children with physical deformities (speech impaired, club foot, blind, hearing impaired, epilepsy, and polio) and mental disabilities.
 - The Municipality, through the MHO, shall refer concerned children to appropriate medical practitioners for possible operation of hernia and cleft/lip palate.
 - The Municipality, through the MSWDO and MHO, shall initiate Early Detection and Disability Prevention Seminar among Day Care Parents and shall conduct eye screening, and ear/hearing care among Day Care Children.
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Article 18
CHILDREN IN CONFLICT WITH THE LAW

Section 140. Rights of Children in Conflict with the Law - Pursuant to UN CRC and Section 5 of Republic Act 9344 otherwise known as “Juvenile Justice and Welfare Act of 2006”, every child alleged or accused of having infringed the penal law has at least but not limited to the following guarantees:

- To be presumed innocent until proven guilty according to law.
- To be informed promptly and directly of the charges against them, 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.
- 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.
- Not to be compelled to give testimony or to confess guilt, to examine the adverse witness, and to obtain the participation of and examination of the witness on his or her behalf under conditions of equality.
- 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.
- To have the free assistance of an interpreter if the child cannot understand or speak the language used.
- The right not to be subjected to torture or other cruel, inhuman, or degrading treatment or punishment.
- The right not to be deprived unlawfully or arbitrarily, of his liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time.
- The right not to be imposed a sentence of capital punishment or imprisonment, without the possibility of release.
- The right to be treated with humanity and with respect for the inherent dignity of the person, and in a manner which takes into account the needs of a person their age, In particular, a child of liberty shall be separated from adult offenders. He shall be conveyed separately to or from the court. They shall await hearing of their own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with their family through correspondence and visits, save the exceptional circumstances.
- The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of their liberty before a court or other competent, independent, and impartial authority, and to a prompt decision on such action.
- The right to bail and recognizance, in appropriate cases.
- The right to testify as a witness on their own behalf under the rule on examination of a child witness.

- The right to have their privacy respected fully at all stages of the proceedings.
- The right to diversion if they qualified and voluntarily avails of the same.
- The right to be imposed a judgment in proportion to the gravity of the offense where the best interest, the right of the victim, and the needs of society are all taken into consideration by the court, under the principle of restorative justice.
- The right to have restrictions on their personal liberty, limited to the minimum, and where the discretion is given by law to the judge to determine whether to impose a fine or imprisonment, the imposition of a fine being preferred as the more appropriate penalty.
- In general, the right to automatic suspension of sentence.
- The right to probation as an alternative to imprisonment, if qualified under the Probation Law.
- The right to be free from liability for perjury, concealment, or misrepresentation.
- Other rights as provided for under existing laws, rules, and regulations.



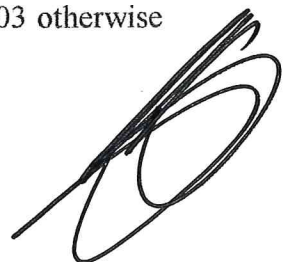
Section 141. Minimum Age of Criminality Responsibility - A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempted from criminal liability. However, they shall be subjected to an appropriate intervention program for self-reformation.

A child above fifteen (15) years of age but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless they had acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with the provisions of RA 9344.

The exemption from the criminal liability herein established does not include exemption from civil liability which shall be enforced in accordance with existing laws.

Section 142. Determination of Age - The child in conflict with the law shall enjoy the presumption of their minority. They shall enjoy all the rights of a child in conflict with the law until they're proven to be eighteen (18) years old or above. The age of a child may be determined from the child's birth certificate, baptismal certificate, or any other pertinent documents. In the absence of these documents, age may be based on the information from the child themselves, the testimonies of other persons, the physical appearance of the child, and other relevant evidence in case of doubt as to the age of the child, it shall be resolved in their favor.

Section 143. Treatment of Children Below the Age of Criminal Responsibility - If it has been determined that a child taken into custody is fifteen (15) years old or below, the authority which shall have initial contact with the child has the duty to immediately release the child in the custody of their parents or guardians, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the MSWDO who will determine the appropriate programs in consultation with the child and with the persons having custody over the child. If the parents, guardian, or the nearest relative cannot be located, or if they refuse to take custody, the child may be released to any of the following: A duly registered civil society or religious organization, a Barangay Official, or a member of the Barangay Council for the Protection of Children (BCPC), the MSWDO, the DSWD, or when and where appropriate. If the child has been found by the MSWDO to be abandoned, neglected or abused by their parents or in the event, that the parents will not comply with the prevention programs, the proper petition for involuntary commitment shall be filed by the DSWD or the MSWDO pursuant to Presidential Decree No. 603 otherwise known as "The Child and Youth Welfare Code".



Section 144. Procedure for Taking the Child into Custody - From the moment the child is taken into custody, the enforcement officer shall:

- Explain to the child in simple language and in a dialect they understand why they're being placed under custody and what offense they allegedly committed.
- Inform the child of the reason for such custody and advise the child of their constitutional rights in a language understood by them.
- Properly identify themselves and present proper identification to the child.
- Refrain from going vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law.
- Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed.
- Refrain from subjecting the child to greater restraint that is necessary for their apprehension.
- Avoid violence or unnecessary force.
- Determine the age of the child.
- Immediately but not later than eight (8) hours after apprehension, turn over the custody of the child to the Social Welfare and Development Office or other accredited CSOs, and notify the child's apprehension. The MSWDO shall explain to the child and the child's parents or guardians the consequences of the child's activities with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate.
- Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination result shall be kept confidential unless otherwise ordered by the Family Court. Whenever medical treatment is required, steps shall be immediately undertaken to provide the same.
- Ensure that should detention of the child in conflict with the law is necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders.
- Record the following in the initial investigation.
 - ** Whether handcuffs or other instruments of restraint were used, and if so, the reason for such.
 - ** That the parents or guardians of a child, the DSWD, and the PAO have already been informed of the apprehension and the details thereof.
 - ** The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination.
- Ensure that all statements signed by the child during the investigation shall be Witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

Section 145. Confidentiality of Records and Proceedings - The component authorities shall undertake all measures to protect the confidentiality of proceedings, 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 that will lead to the child's identity. Records of the child in conflict with the law shall not be used in subsequent proceedings of cases involving the same offender as an adult, except when beneficial for the offender and upon their written consent. Likewise, it is prohibited to use the case of the child even mentioning their identity as precedent in solving similar cases in the future. Where a youthful offender has been charged and the court acquits them or dismisses the case or commits them to an institution and subsequently releases them, pursuant to PD 603, all the records of their case shall be destroyed immediately after such acquittal, dismissal or release, unless civil liability has also been imposed in the criminal action, in which case such records shall be destroyed after satisfaction of such civil liability. The youthful offender concerned shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of their failure to acknowledge the case or recite any fact related thereto in response to any injury made of them for any purpose. Records within the meaning of this article shall include those which may be in the files of the National Bureau of Investigation (NBI) and with any police department or any other government agency which may have been involved in the case.

Section 146. Prohibition Against Labeling and Shaming - In the conduct of the proceedings beginning from the initial contact with the child, the competent authorities must refrain from the branding or labeling children as young criminals, juvenile delinquents, prostitutes, or attaching to them in any manner any other derogatory name. Likewise, no discriminatory remarks shall be allowed particularly with respect to the child's race or ethnic origin.

Section 147. Other Prohibited Acts Against Young Offenders - The following and any other similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral, and physical health and well-being of the child in conflict with the law and therefore prohibited:

- 1) Employment of threats of whatever kind of nature.
- 2) Employment of abusive, coercive and punitive measures such as stripping, cursing, beating, and solitary confinement;
- 3) Employment of degrading, inhuman and cruel forms of punishment such as shaving the head, pouring irritating, corrosive or harmful substances over the body of the child, or forcing to walk around in the community wearing signs which embarrass, humiliate, and degrade their personality and dignity; and
- 4) Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

Section 148. Diversion Program - Children in conflict with the law may undergo child-appropriate processes or measures of serving responsibility for an alleged offense without undergoing formal court litigation. If they are found responsible for an offense, they shall be referred to special programs of reformation under the following conditions.

- Where the imposable penalty for the crime committed is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the MSWDO or either responsible person shall conduct mediation, family conferencing, and conciliation and, where appropriate, adopt an indigenous mode of conflict resolution in accordance with the best interest of the child with a view of accomplishing the objective of restorative justice and the formulation in a diversion program. The child and his family shall be present in these activities.

- In victimless crimes where the imposable penalty is not more than six (6) years imprisonment, the MSWDO shall meet the child and their parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with the Barangay Council for the Protection of Children (BCPC).
- Where the imposable penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be resorted to only by the court.

Likewise, 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 that can lead to re-offending
- k) Community-based programs available in the community;
- l) Institutional care and custody.

Section 149. Formulation of the Diversion Program - In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child in conflict with the law shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child (Section 30, RA 9344):

- a) The child's feeling of 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 reintegration of the child;

Section 150. Contract of Diversion - If during the conferencing, mediation, or conciliation, the child voluntarily admits the commission of the act, a diversion program shall be developed when appropriate and desirable. Such admission shall not be used against the child in

any subsequent judicial, quasi-judicial, or administrative proceedings. The diversion program shall be effective and binding if accepted by the parties concerned. The acceptance shall be in writing and signed by the parties concerned and appropriate authorities. The MSWDO shall supervise the implementation of the diversion program. The diversion proceedings shall be completed within forty-five (45) days. The period of prescription of the offense shall be suspended until the completion of the diversion proceedings but not to exceed 45 days.

- The child shall present themselves to the competent authorities that imposed the diversion program at least once a month for reporting and evaluation of the effectiveness of the program and the conduct of the child.
- Failure to comply with the terms and conditions of the contract of diversion, as certified by the MSWDO, shall give the offended party the option to institute the appropriate legal action.
- The period of prescription of the offense shall be suspended during the effectivity of the diversion program, but not to exceed a period of two (2) years.

Section 151. 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 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.

Section 152. Factors in Determining Diversion Programs - In determining whether the diversion is appropriate and desirable, the following factors shall be taken into consideration.

- 1) The nature and circumstance of the offense charged;
- 2) The frequency and severity of the act;
- 3) The circumstances of the child (e.g., Age, maturity, intelligence, etc.);
- 4) The influence of the family and environment on the growth of the child;
- 5) The reparation of injury to the victim;
- 6) The weight of the evidence against the child offender;
- 7) The safety of the community; and
- 8) The best interest of the child.

Section 153. Kinds of Diversion Programs - The diversion programs shall include adequate socio-cultural and psychological responses and services for the child. At different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

a) At the Level of the MCPC / BCPC:

- 1) Restitution of property;
- 2) Reparation of the damage caused;
- 3) Indemnification for consequential damages;
- 4) Written or oral apology;
- 5) Care, guidance, and supervision orders;
- 6) Counseling for the child and their family;
- 7) Attendance in training, seminar, and lectures such as:
 - i) Anger management skills;
 - ii) Problem-solving and conflict resolution skills;
 - iii) Values formation; and
 - iv) Other skills which will aid the child in dealing with a situation that can lead to the repetition of the same offense.
- 8) Participating in community-based programs including community service, or
- 9) Participation in education, vocation, and life skills program.

b) At the Level of the Law Enforcement Officer and the Prosecutor:

- 1) Investigation, confiscation, and forfeiture of the proceeds or instruments of the crime.

c) At the Level of the Appropriate Court:

- 1) Diversion programs specified;
- 2) Written or oral reprimand or citation;
- 3) Fine;
- 4) Payment of the cost of the proceedings; or
- 5) Institutional care and custody

Section 154. 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 6 of this Code and subject to the conditions hereinafter provided.

Section 155. 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 the judicial level (Sec. 24, RA 9344).

Section 156. 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 programs or other forms of diversion to be included in the settlement.

Section 157. 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 158. 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 159. Admission of Offense not to be taken against the child - Any admission of the child shall not be used against the child in 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 by 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.

Section 160. Rehabilitation and Reintegration - The objective of rehabilitation and reintegration of children in conflict with the law is to provide them with interventions, approaches, and strategies that will enable them to improve their social functioning with the goal of reintegration into their families and as productive members of the communities.

- 1) No child shall be received in any rehabilitation or training facility without being recorded in a register exclusive for children in conflict with the law. No child shall be admitted to any Facility where there is no such register.
- 2) It is mandatory that children should be separated from adults in any training or rehabilitation facility unless they are members of the same family. Under no circumstances shall a child be placed in the same confinement as an adult.
- 3) The rehabilitation, training, or confinement of the children shall provide a home environment where they can be provided with quality counseling and treatment.
- 4) Female children placed in the institution shall be given special attention as to their personal needs and problems. They shall be handled by a female doctor, correction officers, and social worker, and shall be accommodated separately from male children in conflict with the law.
- 5) No personnel of rehabilitation and training facilities shall handle children without having undergone gender sensitivity training.
- 6) Children whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rules on Juveniles in Conflict with the Law.
- 7) If the community-based rehabilitation is availed by a child, they shall be released to parents, guardians, relatives, or any other responsible person in the community. Under the

supervision and guidance of the MSWDO and in coordination with their parents or guardians, the child shall participate in any community-based programs which shall include, but are not limited to:

- a. Competency and life skills development
 - b. Socio-cultural and recreational activities
 - c. Community volunteer projects
 - d. Leadership Training
 - e. Social Service
 - f. Home Life Service
 - g. Health Services
 - h. Spiritual Enrichment
 - i. Community and family welfare services
- 8) The youth rehabilitation center shall provide 24-hour group care, treatment, and rehabilitation services under the guidance of a competent and trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals.

Section 161. Civil Liability of Children in Conflict with Law - The civil liability for acts committed by a youthful offender shall devolve upon the offender's parents/guardians. Civil liability may also be voluntarily assumed by a relative or family friend of the youthful offender. The final release of a child because of good conduct shall not obliterate their civil liability for damages. Such release shall be without prejudice to the right for writ of execution for the recovery of civil damages.

Section 162. 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

Authorities shall refrain from employing threats of whatever kind and nature and or abusive, coercive, and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by persons in authority, their representatives, or any other persons acting under them or on their behalf such as cursing, beating, stripping, and detaining minors in a 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 163. 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 documents shall be null and void.

Section 164. 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 165. Duty to Inform Child of their 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 toward counseling and rehabilitating her/him and shall not be used for or against him/her before any court of justice.

Section 166. Report on Conduct of Child - The MSWDO or its representative or duly licensed agency or individual under whose care the youthful offender has been committed shall submit to the court every four months or oftener as may be required in special cases, a written report on the conduct of said youthful offender as well as the intellectual, physical, moral, social and emotional progress made by there.

Section 167. Custody and Supervision - No child shall be removed from parental supervision, whether partly or entirely unless the circumstances of their case warrant 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, a 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 168. Manner of Investigation of Children in Conflict with the Law - Prior to the investigation, the child shall undergo a licensed social worker assessment as to the act of discernment. A child shall only be investigated, or their statement secured in the presence of any of the following in the following order: parents/guardian, nearest relative member of a Child-Focused Group, member of the Barangay Council for the Protection of Children concerned, or the Local Social Welfare and Development Officer, and child's counsel. In their presence, the child shall be informed of their constitutional rights to remain silent in a language that is clearly understood by the child, the parents, or guardians, and shall be entitled to competent and independent counsel of their own choice.

If the child cannot be represented by counsel of their own choice, the WCPD shall contact a member of the Public Attorney's Office (PAO) 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 169. Dismissal of the Case - If it is shown to the satisfaction of the court that the youth offered whose sentence has been suspended has behaved properly and has shown his capability to be a useful member of the community, even before reaching the age of majority, upon recommendation of the Department of Social Welfare & Development, it shall dismiss the case and order his final discharge.

Section 170. 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 171. 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 into the community.

Section 172. 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 173. 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 organizations 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 174. Registered Social Worker to handle CICL cases at the Barangay level - All Barangay Governments are encouraged to hire registered Social Workers to handle cases of children in conflict with the law in their respective jurisdictions.

Section 175. Designation of Officer to Handle Cases Involving Children in Conflict with the Law - The Philippine National Police will designate a Women and Children Protection Desk (WCPD) and Family Juvenile and Gender Specialist (FJGS) to handle cases involving Children in Conflict with the Law. The FJGS may be integrated with the present Women and Children Protection Desk or may be a separate unit depending on the condition of the area.

Section 176. Procedure before the WCPD - Cases involving Children in Conflict with the Law shall be referred to the WCPD which shall conduct an initial inquiry in accordance with the procedures for judicial proceedings and custody

Section 177. Duty of the WCPD - After the initial inquiry, if the offense does not fall under the Katarungang Pambarangay, the WCPD shall conduct further investigation to the child, otherwise, it shall refer the case to the barangay.

Section 178. 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 19 CHILDREN IN SPECIAL SITUATIONS

Section 179. Protection for Children in Armed Conflicts - 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.

Section 180. 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-person act and the

adoption of the Philippine Guidelines for the Protection of Children (PGPC) in dealing with children-victims of trafficking.

Section 181. 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.

Article 20

CHILD PROSTITUTION AND OTHER SEXUAL ABUSE

Section 182. Child Prostitution and Other Sexual Abuse - Children, whether male or female, who for money, profit, or any other consideration or due to coercion or influence of an adult, syndicate, or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution. Sexual abuse is deemed committed.

- a) When any person, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse;
- b) When a person is receiving services from a child in a sauna parlor or bath massage clinic. Health club and other similar establishments.

Section 183. Other Acts of Abuse - The following acts shall be deemed acts of neglect abuse, cruelty, or exploitation prejudicial to a child's development:

- a) Hiring, employing, using, persuading, or coercing a child to perform in obscene exhibitions and indecent shows whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials;
- b) Keeping or having in a person's (not related to the child within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom, and tradition company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor beach and/or other tourist resort or similar places; Inducing, delivering or offering a minor to anyone not related to the child as provided for under par hereof;
- c) Using, coercing, forcing, or intimidating a minor to:
 - 1) Beg or use begging as a means of living;
 - 2) Act as conduit or middleman in drug trafficking or pushing or

3) Conduct of any illegal activities.

Section 184. The officer or representative of the MSWDO shall provide protective custody of the victim of abuse and assume parental authority until such time that the case has been settled.

Section 185. The name of the victim shall be withheld from the public until the court acquires jurisdiction over the case.

Section 186. Whenever necessary, a medical examination may be conducted by the Municipal Health Office and provide other appropriate medical interventions and medical needs of the victim.

Section 187. Support Services / Programs - The Municipality of Taytay Rizal, through the MHO and MSWDO, shall implement measures that would ensure the protection and rehabilitation to prepare the abused child for full integration into the mainstream of society.

Section 188. In accordance with Section 27, Article XI of RA 7610, complaints of unlawful acts committed against children enumerated herein may be filed by the following:

- 1) Offended party
- 2) Parents or guardian
- 3) Ascendant or collateral relative to the third degree of consanguinity
- 4) Officer or representative of the Department of Social Welfare and Development (DSWD)
- 5) Municipal Social Welfare and Development Officer (MSWDO)
- 6) Punong Barangay / Barangay Council Member
- 7) Any responsible citizen of the Barangay where the unlawful act occurred.

Article 21
IMPLEMENTATION OF THE PROVISIONS OF RA 9208
(Anti-Trafficking in Persons Act of 2003)

Section 189. The Municipality shall undertake the following programs, projects and activities;

- a) Implement the mandatory services enumerated in section 23 of RA 9208;
- b) Develop and disseminate information materials on anti-trafficking;
- c) Train LGU personnel involved in programs against trafficking in persons;
- d) Establish a system of referral, monitoring, and reporting of trafficking cases using the prescribed standard reporting format;
- e) Conduct inspection, in coordination with proper authorities, of houses, buildings or establishments suspected of being used for trafficking activities;
- f) Institute a reward scheme for those who have provided any information that leads to the suppression or prevention of trafficking and apprehension of offenders.

Section 190. Committee on Anti-Trafficking - There shall be a Municipal Committee on Anti-Trafficking, herein referred to as the Committee:

Chairperson	:	Municipal Mayor as Chairperson
Vice – Chairperson	:	Chairperson of the Sangguniang Bayan Committee on Women and Family
Members	:	Presiding Judge, Municipal Trial Court Municipal Social Welfare and Development Officer Municipal Coordinator, Public Employment Service Office Chief of Police, Philippine National Police Municipal Local Government Operations Officer of DILG District Supervisor, Department of Education Representative of at least two (2) accredited CSOs At Least two (2) Barangay Human Rights Action Officer (BHRAO)

Section 191. Functions of the Municipal Committee on Anti-Trafficking - The Committee Shall have the following functions:

- Coordinate local government programs, projects, and activities relative to the campaign against trafficking;
- Propose and recommend policies and regulations on anti-trafficking to the Sangguniang Bayan;
- Monitor and review policies, programs, projects, and activities on anti-trafficking;
- Coordinate with local offices of the national agencies in relation to their respective responsibilities pursuant to section 16 of RA 9208;
- Perform other related duties and responsibilities.

Section 192. Any member of the council shall accept respond to reports or complaints, written or verbal, from the victim, parents, guardians, or any person who learns of the facts or circumstances of violence against children.

Section 193. Once the complaint has been established, representatives of the MSWDO and the PNP, together with the Punong Barangay or Barangay Council where the victim resides or where the case happened; shall immediately remove the child victim from the place where the unlawful act was committed.

CHAPTER VI SPECIAL CONCERNS

Article 22 OBSERVANCE OF LINGGO NG KABATAAN AND PANATANG MAKABAYAN

Section 194. The Linggo ng Kabataan - Shall be observed and celebrated in the Municipality during the last week or first week of December, whichever is convenient and acceptable to school officials, every year.

Section 195. Panatang Makabayan - Shall be observed and recited every November, during the flag-raising ceremony and in any related activities for children.

Article 23
ADDITIONAL PROHIBITIONS

Section 196. 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:

- 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 maybe 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 against 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.
- 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 an 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 in 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 shield them from dangerous or terrible situations arising out of such irresponsibility, any person who abandons or exposes a minor or allows said minor to be abandoned or exposed to a perilous situation that endangers his life, health or well-being shall also be penalized.

Article 24

CONTROL AND MEASURES FOR NEW TECHNOLOGY

Section 197. 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 198. Computer shops - shall see to it that they will prohibit the children from playing computer games that will have an effect on the psychosocial well-being of a child (ex:

Dota and the like) and the viewing of pornographic materials and videos to protect every child from all forms of exploitation and abuse.

Section 199. 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 a 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 200. Computer Rental - Students intending to rent computers during school hours shall secure written authorization from the teacher, school principal, or other responsible school officials, and if coming from a place of residence, written permission from the parent or guardian allowing them to rent computers.

Section 201. The use of computers - during school hours shall be limited to making reports, doing research, and other school requirements.

Section 202. Operators of computer shops - shall maintain a logbook of students allowed to rent computers during school hours. This logbook shall contain relevant information such as student name, name of the school, school identification number, and length of time they rented a computer.

Section 203. Regulate Children's Exposure to 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 are 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.

Section 204. No Amusement center and computer shop shall be established within at least fifty (50) meters radius from the perimeter of any educational institution

Section 205. Operators and owners of billiard halls and pools shall prohibit betting and gambling during games among students.

Section 206. Operators and owners of computer shops and amusement centers shall post at the entrance of the establishment a warning sign which shall read as follows;

**"STUDENTS ARE NOT ALLOWED INSIDE THIS CENTER
DURING SCHOOL DAYS AND SCHOOL HOURS
INCLUDING CURFEW HOURS (10:00 PM TO 4:AM)"**

Section 207. School Administrators / Officials and Barangay Officials shall be empowered to apprehend violators of any provision of the ordinance cited in this article.

Article 25
**PROHIBITING STORES, STORE OWNERS, AMBULANT VENDORS, AND
OTHER BUSINESS ESTABLISHMENTS WITHIN THE MUNICIPALITY OF
TAYTAY RIZAL FROM SELLING CIGARETTES, LIQUORS, AND VOLATILE
SUBSTANCES TO MINORS.**

Section 208. It shall be unlawful for all stores, store owners, ambulant vendors, and other business establishments operating within the municipality to sell cigarettes liquors, and volatile substances to minors. Storeowners and ambulant vendors shall be required to post a warning sign in their places of business which shall be read as follows:

A. For Stores and Storeowners

**“ANG TINDAHANG ITO AY HINDI NAGBEBENTA/NAGTITINDA
NG ALAK, SIGARILYO AT VOLATILE SUBSTANCES SA MGA MENOR DE
EDAD”**

B. For Ambulant vendors

“HINDI NAGBEBENTA NG SIGARILYO SA MGA MENOR DE EDAD.”

Section 209. Only Individuals of Majority Age - shall be allowed to buy cigarettes, liquors, and volatile substances from stores operating within the Municipality. Parents, Adults, and Guardians are therefore discouraged from ordering their children to buy cigarettes, liquors, and volatile substances for them.

Section 210. Storeowners, Ambulant Vendors, and other people working - in their business establishments and selling areas shall require a valid identification card for suspected minors before selling cigarettes, liquors, and volatile substances.

Section 211. All Police personnel, Barangay Tanod, and School Officials - are hereby authorized to apprehend violators of any provision of this article. All apprehended violators shall be turned over to the local police unit for proper documentation and handling.

Article 26
**PROHIBITING CONSTITUENTS IN GIVING MONETARY ALMS TO
MENDICANTS, INFANTS, CHILDREN WITH DISABILITIES (CWD)
AND THE LIKE ON PUBLIC PLACES WITHIN THE MUNICIPALITY.**

Section 212. Alms to Mendicants. It shall be unlawful for all constituents to give monetary alms to mendicants exploited infants and children with disabilities (CWDs) and the like on public roads, sidewalks, parks, public markets, and other public places so as to prevent children from being exploited in hazardous areas and becoming a habitual mendicant.

Section 213. Apprehension of and services for persons found Begging -

- 1) Any Infant or child eight (8) years old and below who is found begging or is being utilized by a mendicant for purposes of begging shall be apprehended as a neglected child and shall be committed to the custody and care of the Municipal Social Welfare and Development Office (MSWDO) or any duly licensed child placement agency or individual.
- 2) Any minor over nine (9) years of age and under fifteen (15) years old found begging or is being utilized for the purposes of begging and who acted with discernment shall be apprehended as a neglected child and shall be committed to the custody and care of MSWDO or any duly licensed placement agency or individual.

- 3) Any minor over nine (9) years of age and under fifteen (15) years old found begging or is being utilized for the purposes of begging and who acted with discernment shall be proceeded against with, in accordance with the provision of Chapter 3, Title VIII of PD 603.
- 4) Any person not otherwise covered in the preceding paragraph who is found begging and who is physically and mentally incapable of gainful the occupation shall be provided the integrated package of services by the MSWDO, the welfare units of the local governments, and other cooperating agencies.

Section 214. Information Program - The Municipal Public Information Office shall conduct an educational and information program on Mendicancy law and educate the public to contribute only to lawful fundraising projects and prevent the community from giving alms except through organized agencies.

Section 215. Local Programs and Health Needs - The Municipality shall provide socio-economic programs for apprehended mendicants and if necessary provide referrals in order to meet their needs to other institutions or agencies.

The Municipal Health Office shall provide also the necessary measures in meeting the health needs of mendicants.

Section 216. Law Enforcement - The Taytay PNP/Public Safety and Order Office/Barangay Council for the Protection of Children (BCPC) shall provide the necessary law enforcement activity.

Section 217. Integrated Network of Services - The MSWDO shall provide an integrated network of appropriate services to exploited infants and children as well as mendicant minors and children with disability.

Article 27

PROHIBITING CHILDREN FROM BUYING, HAVING POSSESSION, AND USAGE OF VOLATILE AND OTHER ADDICTIVE SUBSTANCES THAT MAY CAUSE HARMFUL EFFECTS TO ONE'S HEALTH.

Section 218. It shall be unlawful for children to buy, use, and have in possession of volatile substances such as vulcaseal, rugby, butane gas, aerosol spray paint, glues, sniffing glues, and the like.

Section 219. Parents or Guardians shall see to it that substances like vulcaseal, rugby, glues, and other addictive substances and the like for home consumption, personal or business use shall be kept securely and not within the reach of children.

Article 28

CURFEW HOURS FOR CHILDREN

Section 220. It shall be unlawful for all persons below eighteen (18) years of age to stay outside of his residential compound, premises, and room; wander, saunter around or loiter in any public road, park, plaza, or any other public places in the Municipality during curfew hours from 10:00 PM to 4:00 AM unless otherwise EXEMPTED under the following certain provisions:

1. When the minor is being accompanied by parents or guardians.
2. When the minor is providing assistance in any lawful activity
3. When the minor is going to or from scholastic functions like attending evening classes, commencement exercises, convocations, educational programs, and similar activities

4. When the minor is on an errand to save life or property like calling for the services physician, midwife, priests, police officers, fire officers, and other similar circumstances
5. When the minor is going to or coming from any religious, social, civic, or sports program and similar activities
6. When the minor is responding to an emergency situation during the occurrence of natural or calamities
7. When the minor can show proof, or explain to the satisfaction of the apprehending officer, that they just arrived from travel and is on their way home and similar circumstances
8. One (1) day before and after Christmas, Day, New Year's Day, and other similar events of public interest
9. Two (2) days before and after the day of the "Town or Barangay Fiesta" where the minor resides
10. On such other dates and occasions when the Sangguniang Bayan decided, thru resolutions to suspend the implementation of this Act.

Section 221. The Municipal Mayor is hereby granted the authority to suspend the curfew regulation on the following occasions:

- | | | |
|---|---|------------------------------------|
| a) Christmas Day | - | December 24 – December 25 |
| b) New Year's Day | - | December 31 – January 1 |
| c) Holy Week | - | Holy Wednesday to Easter Sunday |
| d) All Saints' Day | - | November 1 |
| e) Taytay Day | - | |
| f) HAMAKA Festival | - | 3 rd Sunday of February |
| g) Other Special Occasions and/or Municipal Festivities | | |

Section 222. Authority is likewise granted to the Punong Barangay to suspend the implementation of this ordinance during the celebration of Barangay Fiesta and/or special occasions in the Barangay where a permit is required.

Section 223. All offenders rendering community service shall be under the supervision of BCPC.

Section 224. All Punong Barangays, Barangay Kagawad and Barangay Tanod/Police are empowered to strictly implement this ordinance in their respective Barangays.

CHAPTER VII FINAL PROVISIONS

Article 29 IMPLEMENTING MECHANISMS

Section 225. 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 226. Pursuant to DILG Memorandum Circular No. 2002-121, all Local Chief Executives are primarily tasked with the enforcement and implementation of the Children Welfare Code of this Municipality 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 30 REMEDIAL MEASURES AND PENAL PROVISIONS

Section 227. Persons Who May File a Complaint - Complaints on unlawful acts committed against children 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 concerned responsible citizens residing in the community where the violation occurred.

Section 228. 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 the Executive Order. In the regular performance of this function, the Social Welfare and Development and the Local Social Welfare and Development Officer shall be free from any administrative, civil or criminal liability. Custody proceeding shall be in accordance with the provision of Presidential Decree No. 603.

Section 229. Confidentiality - At the instance of the offended party, the name shall be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, reporter or columnist in case of printed materials, 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 230. Reporting - A person who learns of facts or circumstances that give rise to a 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 to the Local Social Welfare Office, to the law enforcement agency or to then BCPC concerned.

Section 231. Mandatory Reporting - The head of any public or private hospital, medical clinic, and similar institutions, as well as the attending physician, nurses, or any health personnel, 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.

Section 232. Duty if 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, if possible, child abuse to the authorities mentioned in the preceding sections.

Section 233. Failure to Report - Any individual mentioned in this ordinance who possesses knowledge of possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

Section 234. Immunity from Suit - Any person, who acts in good faith to report a case of 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 Benefits Act).

Section 235. All violations relative to the rights of children and the youth shall be penalized in accordance with the penal provisions of RA 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act) and RA 9208 (Anti—Trafficking Act of 2003).

Section 236. Parents who are found violating Article 9, Section 50 of this Act (Liabilities of Parents), aside from paying damages caused by the child under their authority shall be penalized by:

- a) **For The First Offense** – Counseling, Parent Education, and/or Community Service as may be imposed by the MSWDO and with a written warning from the MSWDO that the appropriate criminal and civil charges under pertinent laws shall be filed for second and subsequent offenses; provided, that community service shall not be longer than five (5) days for such offense.
- b) **For the Second and Subsequent Offenses** – Filing the MSWDO of the appropriate charges for child abuse under RA 7610 and/or Petition for involuntary Commitment pursuant to Presidential Decree No. 603 or other criminal or civil cases under applicable laws.

Section 237. Operators and owners of entertainment centers and computer shops found violating the provisions of Article 24 (Control and Measures for New Technology) hereof, shall be meted with the following penalties:

- a) **First Offense** – Fine of one thousand pesos (Php1,000.00) or more but not to exceed the amount of the business and permit fees paid.
- b) **Second Offense** – Fine of Two Thousand Pesos (Php2,000.00) and Suspension of operation for at least one (1) week but not more than one (1) month.
- c) **Third Offense** – Fine of Two Thousand Five Hundred Pesos (Php2,500.00) and closure of the establishment and revocation of business permit.

*In addition, failure to comply with the requirement on the warning sign after being given a written warning shall result in the cancellation of the Mayor's Permit to operate.

Section 238. Minors including Out-of-School Youth who are found violating any provisions of Article 28 (Curfew Hours for Children) shall be brought to the Taytay Drop-In Center if caught by the local Enforcement Officer and to the Barangay holding area if caught by the BCPC Officer for temporary protective custody and safekeeping and intervention according to the following:

- a) **First Offense** – Beginning at the time caught and up to 8:00 AM
- b) **Second Offense** – Beginning at the time caught and up to 10:00 AM
- c) **Third Offense** - Beginning at the time caught and up to 12:00 NOON.

*Succeeding offenses shall render four (4) hours of Community Service under the supervision of the Barangay Council for the Protection of Children (BCPC) and the Local Enforcement Officer.

Section 239. A) Stores, store owners, ambulant vendors and other business establishments selling cigarettes, liquors and/or volatile substances to minors as provided for under Sec. 208 of Article 25 hereof shall be meted with the following penalties:

1. **First Offense** - Reprimand and a fine of One Thousand Pesos (Php1,000.00), Including one (1) hour MSWDO orientation on Child Protection.
2. **Second Offense** – Fine of Two Thousand Pesos (Php2,000.00) including (1) hour MSWDO orientation on Child Protection and suspension of business permit for (1) Month.
3. **Third Offense** – Fine of Two Thousand Five Hundred Pesos (Php2,500.00), including (1) hour MSWDO orientation on Child Protection and suspension of Business Permit for 3 months.
4. **Fourth and Succeeding Offense** – Fine of Two Thousand Five Hundred Pesos (Php2,500.00) and cancellation of Mayor's Permit to operate.

*In addition, failure to comply with the requirement on the warning sign after being given a written warning shall result in the cancellation of the Occupational Permit and the Mayor's Permit to operate.

B.1 Students, Minors, Children, and Out-of-School Youths who are found violation Sec. 209 of Article 25 (Buying cigarettes, liquors, etc.) shall be meted with the following penalties:

1. **First Offense** – Fine of One Thousand Pesos (Php1,000.00), four (4) hours of community service during the weekend, and one (1) hour MSWDO orientation on Child Protection with the Parents or Guardian.
2. **Second Offense** – Fine of Two Thousand Pesos (Php2,000.00), eight (8) hours of community service during the weekend, and one (1) hour SWDO orientation on Child Protection with the parents and/ or guardians.
3. **Third and Succeeding Offenses** – Fine of Two Thousand Five Hundred Pesos (Php2,500.00), sixteen (16) hours of community service during the weekend, and one (1) hour MSWDO orientation on Child Protection with the parents and/or guardians.

*Out-of-School Youths who are found violating Sec. 209 of Article 25 (Buying Cigarettes, Liquors, Etc.) shall also be encouraged to study, and/or continue their studies under the

Alternative Learning System (ALS) Program of the government and other technical and vocational courses offered by the Technical Education and Skills Development Authority (TESDA)

B.2 Storeowners, Ambulant Vendors, and helpers/staff working in Business Establishment who were found to have violated Sec. 210 of Article 25 (Required asking of a valid Identification Card to a suspected minor before selling cigarettes, liquors, volatile substances, and the like) shall be meted with the following penalties:

1. **First Offense** – Reprimand, but shall undergo a one (1) hour MSWDO Orientation on Child Protection
2. **Second Offense** – Fine of One Thousand Pesos (Php1,000.00) and one (1) hour MSWDO orientation on Child Protection.
3. **Third and Succeeding Offense** – Fine of One Thousand Five Hundred Pesos (Php1,500.00), one (1) hour MSWDO orientation on Child Protection, and suspension of business permit and occupational permit of a staff liable for fifteen (15) days.

Section 240. Constituents found in violation of Article 26 Sec. 212 (Monetary Alms Giver) be meted with the following penalties.

- a) **First Offense** – Undergo a one (1) hour orientation on Anti-Mendicancy Law at the MSWDO.
- b) **Second Offense** – Fine of Five Hundred Pesos (Php 500.00) or 2 hours of community service and orientation on Anti-Mendicancy Law.
- c) **Third Offense** – Fine of One Thousand Pesos (Php 1,000.00) or 4 hours of community service and orientation on Anti-Mendicancy Law.
- d) **Fourth and Succeeding Offense** – Fine of Two Thousand Five Hundred Pesos (2,500.00) or 1 day of Community service and orientation on Anti-Mendicancy Law.

Section 241. Appropriations – As mandated by RA 9344, all Local Government Units (LGUs) shall appropriate funds for this purpose.

Section 242. Separability Clauses - if for any reason or reasons, any part or provision of this Code shall be declared/deemed to be unconstitutional or invalid by the court or suspended or revoked by competent authorities, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.


Section 243. 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 244. Repealing Clause - All ordinances, resolutions executive orders, and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

Section 245. Effectivity Clause - This code shall take effect immediately after posting in five (5) Barangay halls, namely Barangay Dolores, Barangay Muzon, Barangay San Isidro, Barangay San Juan, Barangay Sta. Ana, in the Municipality of Taytay, Rizal.

ENACTED, this 11th day of April, 2022, 2:22 PM at the Sangguniang Bayan Session Hall,
Municipality of Taytay, Province of Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by
the Sangguniang Bayan of Taytay on second reading on April 11, 2022 and was passed on third and final
reading on April 11, 2022, during the 131st Regular Session held on the 11th day of April, 2022.


SONIA C. SAMSON
Secretary to the Sanggunian
Officer-in-Charge

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR


HON. MICHELLE B. BERMUNDO
Municipal Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR
DATE 29 APR 2022

HON. GEORGE RICARDO R. GACULA II
Municipal Mayor

