



REPUBLIC OF THE PHILIPPINES
PROVINCE OF PAMPANGA
MUNICIPALITY OF BACOLOR
OFFICE OF THE SANGGUNIANG BAYAN
Fax & Tel. No.: (045) 901-0619

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF BACOLOR, HELD ON AUGUST 7, 2019 AT SB SESSION HALL, POBLACION, BACOLOR, PAMPANGA.

PRESENT:

Hon. Wilfredo H. Balingit	Presiding Officer/Municipal Vice-Mayor
Hon. Ron Earvin E. Dungca	Sangguniang Bayan Member/Pro Tempore
Hon. Emily Batac-Valerio	Sangguniang Bayan Member
Hon. Lucky Ferdinand V. Labung	Sangguniang Bayan Member
Hon. Ariel C. Sta. Cruz	Sangguniang Bayan Member
Hon. Ener C. Lampa	Sangguniang Bayan Member
Hon. Nilo M. Caballa	Sangguniang Bayan Member
Hon. Voltaire J. San Pedro	Sangguniang Bayan Member
Hon. Jo Derek P. Hizon	LnB President/Ex Officio Member
Hon. Danlohp D. Danganan	PPSK President/Ex Officio Member

ABSENT:

Hon. Joel D. Samia	Sangguniang Bayan Member
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Ordinance No. 12, S-2019

REVISED ORDINANCE STRENGTHENING THE COMPREHENSIVE CODE FOR THE PROTECTION OF THE RIGHTS AND WELFARE OF THE CHILDREN IN THE MUNICIPALITY OF BACOLOR, PAMPANGA OR OTHERWISE KNOWN AS THE “CHILDREN’S CODE OF BACOLOR, PAMPANGA”

Sponsor: Hon. Emily Batac-Valerio
Chairperson, Committee on Women & Family

BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF BACOLOR, PAMPANGA, in session assembled, upon motion of Hon. Emily Batac-Valerio, duly seconded by Hon. Lucky Ferdinand V. Labung, that:

Section 1. Title. This Ordinance shall be known as the “Children’s Code of Bacolor, Pampanga”

ARTICLE I
TITLE AND DEFINITION OF TERMS

Section 2. Definition of Terms.

- (i) **“Children”** - as provided for in Republic Act No. 7610 also known as Special Protection of Children Against Abuse, Neglect and Exploitation refers to persons below eighteen (18) years of age or persons over eighteen years of age but are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation and discrimination because of physical or mental disability or infirmity;
- (ii) **“Survival Rights”** - refers to demand from the state, their parents or legal guardians for adequate living standard, access to basic health services and social security; (as provided under Article 6, 24,26 and 27 of the UN Convention on the Rights of the child (UNCRC))
- (iii) **“Development Rights”** - pertain to the access of the child to educational opportunities, relevant information, play, leisure, cultural activities and the right to the freedom of thought, conscience and religion; (as specified under Article 12, 13, 14, 28, 29 and 31 of the UNCRC)
- (iv) **“Protection Rights”** - are those rights of children to be protected against all forms of abuse, exploitation and discrimination in situations where the children are considered in extremely difficult circumstances; (as stated under Article 19, 32, 34, 35, 36, 37 and 38 of the UNCRC)
- (v) **“Participation Rights”** - are those rights the children asserts as described in the 1989 UN Convention on the Rights of the child which says that the children have the freedom to express on matters affecting his or her life; (as provided under Article 13, 14 and 15 of the UNCRC)



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- (vi) **“Child Abuse”** - refers to the abuse or maltreatment of the child, whether habitual or not, which includes:
- a. Psychological, physical and sexual abuse neglect, cruelty and emotional maltreatment;
 - b. Any act, in word or in deed, which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - c. Unreasonable deprivation of his or her basic needs of survival such as food, clothing and shelter;
 - d. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development, permanent incapability or death;
 - e. Circumstances which gravely threaten or endanger the survival and normal development of children include, but are not limited to the following:
 - f. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
 - g. Working under conditions hazardous to life and morals which unduly interfere with their normal development or working without provisions for their education;
 - h. Living in or fending for themselves in the streets without the care of parents or guardians or any adult supervisions needed for their welfare;
 - i. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and lacks or has inadequate access to basic services needed for a normal quality of life;
 - j. Being with family members or guardians having psychological, problems grave enough for them to commit incest siblings rape, lascivious acts and other forms of physical and mental abuse;
 - k. Being a victim of man-made or natural disaster or calamity;
 - l. Being a victim of an illegal transnational union or child trafficking;
 - m. Recruitment of children in the Armed Forces of the Philippines, its affiliated units or other armed groups;
 - n. Circumstances analogous to those above stated circumstances that endanger the life, safety or normal development of children;
- (vii) **“Comprehensive Children’s Support System Against Child Abuse, Exploitation and Discrimination”** - refers to the coordinated programs, services and facilities to protect the children against the following:
- a. Child prostitution and other sexual abuse;
 - b. Child trafficking;
 - c. Obscene publications and indecent shows;
 - d. Exploitation;
 - e. Other acts of abuse;
 - f. Circumstances that treated or endanger the survival and normal development children as prescribed in the 1989 UN Convention on the Rights of the child.
- (viii) **“Comprehensive Support System for the Development of Children”** - refers to the coordinated programs, services and facilities outlined in Section 3 or RA 6972 and as prescribes by the UN Convention on the Rights of the child.
- (ix) **“Local Council for the Protection of Children”** - refers to the body which shall act as the overall coordinating body for the execution of the programs and projects under this ordinance, as such it shall”
- a. Undertake planning and evaluation sessions on annual and bi-annual bases;
 - b. Undertake quarterly programming and assessments;



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- c. Undertake consultations;
 - d. Provide the Local Chief Executive and the concerned chair or chairs of Sangguniang Bayan committees with minutes, plans of actions, policy recommendations and other pertinent decisions regarding the projects and programs of this ordinance;
 - e. Closely coordinate with the line agencies and non-government organizations regarding the plans of action and programs approved by the Local Chief Executive and other bodies and law authorized.
- (x) **“Anti-Social Related Activities”** - are those acts against property, chastity and person which include but are not limited to the following:
- a. Petty crimes such as snatching, shoplifting, misrepresentation;
 - b. Using prohibited drugs;
 - c. Selling or distribution of lewd/obscene reading materials;
 - d. Pimping for young and adult prostitutes, sexual perversions and doing or participating in obscene shows;
 - e. Gambling of any form;
 - f. Rape and incest;
 - g. Bullying
 - h. All other circumstances as defined in the existing laws.
- (xi) **MCPC** – means Municipal Council for the Protection of Children
- (xii) **BCPC** – means Barangay Council for the Protection of Children

ARTICLE II IMPLEMENTING MECHANISM

Section 3. Creation and Organization of the Municipal and Barangay Council for the Protection of Children MCPC and BCPC

Legal Bases:

- Republic Act 7610- Special Protection of Children against Child Abuse, Exploitation and Discrimination Act
- Article 359 & 360 of the Civil Code of the Philippines provides that “the government shall establish Councils for the Protection of Children.”
- Likewise, Art 87 of Presidential Decree (PD 603) Children and Youth Welfare Code – states that “every Barangay council shall encourage the organization of a Local Council for the Protection of Children and shall coordinate with the council for the Welfare of children in drawing and implementing plans for the promotion of child and youth welfare”

Therefore there is a need to organize a Municipal Council for the Protection of Children (MCPC) in the barangays to ensure synchronization and integration of policies, programs and projects for children.

RA 8980 otherwise known as the “Early Childhood and Care Development (ECCD) Act” promulgates a comprehensive policy and national system for children from 0-6 years old.

The MCPC shall be the umbrella organization for all programs on children and the ECCD Coordinating Committee shall be one of the committees under it.

SECTION 4. – The Municipal Council for the Protection of Children (MCPC)

Composition:

Chairperson - Municipal Mayor



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Co-Chair	-	Vice Mayor
Members	-	Sangguniang Bayan Member, Chairperson, Committee on Women & Family DILG MLGOO Div. Superintendent/District Supervisor of Dep. Ed PESO Manager Municipal Planning & Dev't. Officer Municipal Budget Officer Municipal Health Officer Municipal Social Welfare & Dev't. Officer Municipal Civil Registrar Municipal Nutrition Action Officer Municipal Accountant Chief of Police Municipal Treasurer Legal Counsel Municipal Disaster Risk Reduction Management Officer ABC President Parents-Teacher Association President Child Representative At least three (3) representative of CSOs

SECTION 5. Functions of MCPC

1. Formulate plans, programs and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
2. Prepare AWWP for children and recommend appropriations to the Sanggunian;
3. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
4. Provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children (BCPC);
5. Establish and maintain database on children in the municipality;
6. Foster education of every child;
7. Advocate for the establishment and maintenance of playgrounds, day care center and other facilities necessary for child and youth development;
8. Recommend local legislations promoting child survival, protection, participation and development, especially on the quality of television shows, media prints and coverage which are detrimental to children and with appropriate funding support.
9. Assist children in need of special protection and refer cases filed against child abuses to proper agencies/institutions
10. Conduct capability building programs to enhance knowledge and skills in handling children's program;
11. Document barangay best practices on children;
12. Monitor and evaluate the implementation of the program and submit quarterly status reports to PCPC.
13. Perform such other functions as provided for in the ECCD and other child related laws.

SECTION 6. The Barangay Council for the Protection of Children (BCPC). It shall be the local counterpart of the MCPC at the barangay level.

Composition:

Chairperson	-	Punong Barangay
Co-Chair	-	Co-chair of the BCPC shall be nominated among the members themselves



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- Members - Barangay Kagawad, Chairperson on Women & Family, Education, Health
SK President
Barangay Nutrition Scholar
Barangay Day Care Worker
Barangay Health Worker
Rural Health Midwife
DEp. Ed. Principal/Teacher –in-Charge
CSOs Representative/s

SECTION 7. Functions:

1. Foster education of every child
2. Take steps to prevent juvenile delinquency and assist parents children with behavioural problems so that they can get expert advice;
3. Adopt measures for the health of children, to wit:
 1. Immunization
 2. Operation Timbang
 3. Supplemental Feeding Program
 4. Under Five Clinic
 5. Dental Check up
4. Conduct capability building projects to increase knowledge and skills in handling children's programs
5. Encourage the proper performance of the duties and responsibilities of parents and provide learning opportunities on the adequate rearing of children and positive parent-child relationship
6. Promote wholesome entertainment in the community, especially in movie houses
7. Prepare AWFPP for children and recommend appropriations to the Sanggunian
8. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
9. Establish and maintain database on children in the barangay;
10. Advocate for the establishment and maintenance of playgrounds, day care centers and other facilities necessary for child and youth development
11. Advocate for the passage of barangay resolutions/ordinances responsive to child-related issues and concerns and ensure the inclusion of children's program in the executive agenda;
12. Protect and assist children in need of special protection (e.g. abandoned, maltreated and dependents) and refer cases filed against child abuses to proper agencies/institutions;
13. Monitor situational reports on children and prepare quarterly update, and dividing the implementation of children's program and make recommendations to the MCPC for consideration and nationwide application.
14. Prepare such other functions and other child related laws especially in matters of child and parent educations, health, entertainment, etc.

SECTION 8. The Municipal Council for the Protection of Children Monitoring Team

Composition:

- Chairperson - Municipal Social Welfare and Development Officer
Co-Chair - Municipal Health Officer
Members - Liga ng mga Barangay President
SK President
DepEd Supervisors

Section 9. Functions:

1. Ensure the functionality of the Barangay Council for the Protection of Children (BCPC) in accordance with the functions stipulated in this Code.



**ARTICLE III
PROTECTION RIGHTS OF CHILDREN**

PROTECTION RIGHTS OF CHILDREN – covers those rights, protecting the child from all forms of abuse, exploitation and discrimination, as provided by, RA 9344 – Juvenile Justice System and RA 7610 which includes the following:

1. Protection of the child from all forms of physical and mental abuse
2. Right of the child to be protected from injury, neglect and maltreatment
3. Protection from exploitation, sexual and economic abuse, including prostitution and involvement in pornography
4. Protection from sale, trafficking and abduction
5. Right to special protection and assistance if without a family
6. Right to treatment for necessary and reintegration of abuse or exploited.
7. Right to periodic review if placed under care, protection or treatment
8. Right of protection in situation of armed conflict, disasters and calamities;
9. Right of children in conflict with the law
10. Right of freedom from torture, death, penalty, life imprisonment and deprivation of liberty
11. Right to protection from child labour
12. Right to be protected from the use of narcotics, psychotropic drugs and from being involved in the production or distribution.

Section 10. Program on Child Abuse, Exploitation and Discrimination shall be implemented after one (1) year from the effectivity of this ordinance.

A comprehensive program shall be formulated, within one (1) year from the effectivity of this code by the Municipal Council for the Protection of Children and the Municipal Social Welfare and Development Office, after consultation with other government agencies, private sector, non-government organizations, and child welfare institution that are concerned with the protection and development of children's rights and welfare.

Section 11. Child Prostitution and Other Sexual Abuse

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

The penalty as described in Sections 5 of RA 7610 shall be imposed upon the following:

- a. Those engage in or promote, facilitate or induce prostitution which include but are not limited to the following:
 - (i) Acting as procurer of a child prostitution by means of written or oral advertisements or other similar means;
 - (ii) Inducing a person to be a client of a child prostitute by means of oral or written advertisements or other similar means;
 - (iii) Entering into a relationship with or taking advantage of a child as a prostitute;
 - (iv) Threatening or using violence towards a child to engage him or her as prostitute or participants in decent shows;
 - (v) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage in child prostitution.



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- b. Those persons who commits the act as stated in Article III, Republic Act 7610 shall be penalized accordingly as prescribed therein.

Section 12. Obscene Publication and Indecent Shows.

Any person who shall hire, employ, use persuade, coerce or force a child, whether in live or in video, to pose or model in obscene manner shall suffer the penalty prescribed in RA 7610 in so far as it is applicable.

Section 13. Sanctions for Establishment or Enterprises which Promote, Facilitate or Conduct Activities Constituting Child Prostitution and Other Sexual Activities, Child Trafficking, Obscene Publications and Indecent Shows.

All establishments or enterprises that promote, facilitate child prostitution and sexual abuse and exploitation, trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under the ordinance. Assign that says: CHILD RIGHTS VIOLATOR' will be conspicuously posted outside the establishments or enterprises by the Municipal Council for the Protection of Children for such periods as the council shall determine.

Section 13.A. Requirement of establishment to post notices against child abuse. All establishments such as hotels, sauna baths, motels and nightclubs shall be required to post notices against child abuse as requisite to renewal/approval of business license.

Section 14. Child Trafficking. Any person who shall engage in trading and dealing with children, including, but not limited to the act of buying and selling of a child for money, or for any other consideration or barter, shall suffer the penalty as prescribed in Article IV of Republic Act No. 7610.

Section 15. Attempt to Commit Child Trafficking. There is an attempt to commit child trafficking under Section 8 of this ordinance:

- a. When a child below 15 years old, travel alone with an adult (not a relative by affinity or consanguinity) to or from Bacolor without clearance issued by the Family and Children Council or written permit or justification from the child's parents or legal guardian; Written permits issued should be attested by the Punong Barangay;
- b. When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration; or consents, participate or in any manner causes the registration of the birth of such child in the name of another with or without consideration and also based on the provisions of RA 9208/10364;
- c. When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking
- d. When a doctor, hospital or clinic official or employee, nurse, midwife, Local Civil Registrar or any other person simulates birth of the purpose of child trafficking;
- e. When a person engages in the act of finding children among low-income families, Hospitals, Clinic, Nurseries, Day-Care Centers or other caring institutions who can be offered for the purpose of child trafficking;
- f. When any person, authority, agency or institution witnesses and/or who have knowledge of – but fails to report, transaction related to circumstances in child trafficking;



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- g. The penalty prescribed in Article IV of Republic Act No. 7610 in so far as it is applicable shall be imposed upon the principals of the attempt to commit child trafficking under this ordinance. In addition, a one-month community service shall be imposed for the commission and omission of acts under Section 8 such shall be defined by the SB Committee on Human Rights and such provisions in RA 9208 as amended by RA 10364.

Section 16. Other Acts and/or Conditions Prejudicial to the Child's Development. It shall be unlawful for any person to sell liquor, cigarette, illegal drugs and other items detrimental to the development of the child.

For the purpose of this ordinance, the penalty for commission of such act as prescribed in Article IV of Republic Act No. 7610 in so far as it is applicable shall be entrusted to the care of the Local Council for the Protection of Children.

Section 17. Regulations on establishments selling liquor or cigarettes shall be required to post notices or warning signs that ban selling of liquor and cigarette to children as a condition for the approval/renewal of their business license.

Section 18. Regulation on children's exposure to Commercial Video Games and restriction of pornographic site on social media. Commercial establishments which business involves renting of computers for electronic gaming are prohibited from catering to children during school days from 7:00 a.m to 5:00 pm. Children doing purely research and communication shall be admitted during school hours provided they present letter of permission from their teachers. In no instances, shall the owner or his/her attendant allow children access to pornographic sites. In applying for or renewal of their Business Permits, these establishments shall disclose their video gaming, internet and social media operations. Establishments violating this provision shall be subjected to fifteen (15) days suspension for the First Offense and one (1) month suspension for the Second Offense.

Section 19. Movie and Fun Houses are prohibited from admitting children during school hours which is from 7:00 am to 5:00 pm, unless accompanied by any of their parents or legal guardian. Penalties for violating this section are the same as those for Commercial Video Games.

Cancellation of the business permit and closure of movie and fun houses shall constitute the penalty for the third offense.

Section 20. Children involved in Anti-Social Related Activities and Children in Conflict with the Law (CICL). Children who are involved in anti-social or related activities shall be registered in the rehabilitation program that shall assist the children to rebuild themselves and reintegrate them to the mainstream of society.

Section 21. Monitoring of Suspended Cases of Children and Appropriate Assistance. Application for suspension of sentences of children involved on anti-social activities shall be done by the MCPC. A special team from such office shall monitor closely case(s) involving children in court to adequately enforce the suspension of sentence(s); appropriate and responsive rehabilitation program shall be accorder to them under the supervision of the MCPC.

Section 22. Children in conflict with the law. Children in conflict with the law shall be registered in the rehabilitation program that shall assist them to rebuild themselves for re-integration to the mainstream of society. Their cases shall be dealt with in accordance with the provision of RA 10630 ("JUVENILE JUSTICE AND WELFARE ACT OF 2006").

Section 23. Establishment of Special Facility (Bahay Pag-Asa) for Children In Conflict with the Law (CICL). – in order to safeguard the well-being of delinquent youth, there shall be a center to be established



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for them to stay while their respective cases are being heard or their temporary release are being processed so that these youth will not be mixed with convicted criminals.

The MCPC shall maintain the Bantay Bata Hotline for the round the clock reporting and monitoring of cases against child abuse.

Section 24. Appointment of child and youth officer and Police Procedures. The Bacolor Police Station shall assign a child and youth officer, preferably a female police officer, who will be tasked to handle cases involving children. Child-friendly police procedures, which are contained in the Police handbook on the Management of Cases of Children, shall be followed, even in difficult circumstances. Each police officer shall be provided with a copy of the Police Handbook for guidance.

Section 25. Special Courses for PNP Members. A special course that deals with handling child delinquents and abused children shall be designed and obligatory given to the members of the Philippine Nation Police in Bacolor.

The MCPC, in closed coordination with PNP Child Protection Team and interested groups, shall be tasked to design and initiate the conduct of training seminar on the special course.

Section 26. Police Brutality being the state or quality of being harsh, ruthless, cruel or unrelenting to children who are suspected of committing crimes, misdemeanor or anti-social activities during arrest, apprehension, investigation and interrogation or who applied to children-suspects under the custody of police authorities shall be prohibited and dealt with appropriate action from People's Law Enforcement Board (PLEB).

Case or cases of brutality of the police officer(s) committed against children shall be filed in PLEB who will determine the appropriate penalty or penalties without prejudice to the provisions of the Revised Penal Code.

Section 27. Employment of Children. Children, as defined in this ordinance shall not be employed; provided that:

- a. The minimum requirement as stated in Section 12 of Republic Act No. 7610 and RA 9231 shall be present;
- b. The employer shall register the child or children they employed in the MCPC;

The MCPC shall provide guidelines, rules and regulations regarding the employment of children in any establishment in the Municipality of Bacolor and shall be tasked to implement this provision provided by this ordinance.

Section 28. The Municipal Government shall prohibit the employment of children in certain advertisements. No person, natural or judicial, shall be allowed to employ or children in order to model for commercials or advertisements that promote alcoholic beverages, intoxicated drinks, tobacco and its by-products, junk foods and/or the depiction of violence.

Section 29. Curfew Hours for Minors. To protect the children from harm, exploitation and exposure to criminal elements specially during nightfall, Curfew Hours may be imposed through the enactment of an ordinance by the Barangay Councils within their area of jurisdiction. Provided that such imposition has clear implementing rules and guidelines.

The penalty for violating this provision for the first offense shall be imposed on the parents and legal guardians that will constitute of a one day seminar on the duties and responsibilities on child caring and rearing.



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For second time offender(s), a 15 day community service or as determined by the court, shall be imposed on the parents or legal guardians.

Section 30. Women and Child Protection Unit. The Local Government Unit shall establish a Women and Child Protection Unit under the Office of the Municipal Social Welfare and Development Officer (MSWDO), headed by a Social Worker.

Section 31. Establishment of Child Abuse Protection and Intervention Network (CAPIN)

To provide support to Government Organizations and other various stakeholders in promoting the Children's Welfare particularly along prevention, protection, rehabilitation and re-integration programs and services through involvement in the following strategic activities, a network shall be established with people's organizations and non-government organizations.

The LCPC shall adopt CAPIN as one of its programs to effectively promote greater awareness and improvement of services for child abuse victims. CAPIN members shall pursue the following:

Advocacy and Social Mobilization

1. Act as volunteer trainer/speaker in conducting public awareness/community education on children pertinent laws and possible actions for the prevention of child abuse and exploitation.
2. Act as partner implementer in mobilizing communities into action to prevent child abuse exploitation at the community level.
3. Get involved in undertaking and sustaining media campaign and information dissemination

Capability Building

Participate in the trainings/seminars offered/given by concerned GOs/other NGOs in order to continuously upgrade knowledge and skills in handling and responding to child abuse cases and be part of the frontline workers in the implementation of such.

Data Collection and Management

Participate in immediate reporting of child abuse & exploitation cases through coordination to concerned authorities.

Alliance Building and Networking

1. Establish and maintain collaborative linkages with POs and NGOs by joining their activities particularly periodical meetings and dialogs.
2. Actively participate in local discussions and initiatives that seek to protect and uphold the rights of children.
3. Foster cooperation and coordination with the law enforcement agencies in the surveillance and rescue of children victims of abuse and exploitation and take part in giving protective custody to the child victim.

Research, Policy Studies and Documentation

Cooperate in regular sharing of information with concerned agencies intended for the documentation of best practices and research.



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Institutional Mechanism

Get involved in the inter-agency coordinative preventive mechanism on government programs.

CAPIN Multi-disciplinary Team:

1. **Municipal Social Welfare Development Officer**
2. **RHU/Municipal/District Doctor**
3. **PNP Women and Child Protection Desk Officer (WCPDO)**
4. **Provincial Fiscal**
5. **Representative from public or private organizations (preferably psychologist or psychiatrist)**

Section 32. Penalties. Any person who shall violate this provision of the ordinance shall be imposed with penalty as prescribed in Section 16 of Republic Act No. 7610 in so far as it is applicable and RA 9231

ARTICLE IV SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

Section 33. General Framework. The development and survival of children are determined by both external and internal factor, so that, it is the shared responsibility of the parents, siblings and relatives which shall be known as the internal factor to provide the necessary environment, support, assistance and other initiatives to make children responsive and productive members of the society.

Section 34. The Municipality of Bacolor, representing the State, shall ensure to the maximum extent possible, the survival and development of the child by providing facilities, programs and projects for the purpose and at the same time facilitate and mobilize the civil society and the community to reinforce and strengthen the initiatives for the welfare of the children.

Section 35. Respect for the International Human Rights and Humanitarian Law relevant to armed conflict, disasters/calamities and climate change. The Municipal Government of Bacolor undertakes to respect and ensure compliance of the rules of international human rights and humanitarian law applicable to Philippine armed conflict, disasters, calamities and climate change relevant to the child. Specifically, the following policies shall be observed:

- a. Children shall not be the object of any attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture and other cruel, inhuman and degrading treatment;
- b. Children shall not be recruited to become members of the Armed Forces of the Philippines, or its civilian units, or other armed groups, not be allowed to take any part in any fighting, nor used as guides, couriers or spies;
- c. Delivery of basic social services such as education, primary health, protection and emergency relief services shall be kept unhampered and organized;
- d. The safety and protection of personnel who provide service including those who are involved in relief and rehabilitation from both government and non-government institutions shall be ensured.
- e. Public infrastructures such as day care centers, schools, Barangay health centers, playgrounds, hospitals and rural health units are declared as Peace Zones and shall not be utilized for military purposes such as, command posts, barracks, detachments and supply depots;
- f. Children are not to be separated from their families as a result of displacement due to armed conflict, disaster/calamities, and if separated steps shall be taken to facilitate the immediate reunification with their families;
- g. The Municipal Risk Reduction and Management Office (MDRRMO) shall set up early warning systems to effectively inform and ward the general public about natural hazard or conflicts that are likely to occur in the Municipality.



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Section 36. Evacuation of Children During Armed Conflicts, Disasters and Calamities. The Municipal Government shall give priority to the needs of children and adolescents, pregnant women and girls, lactating mothers and persons with disabilities in the event of an evacuation as a result of armed conflict and disasters. It shall likewise ensure that children evacuated are accompanied by persons responsible for their safety and well-being as well as their protection.

Section 37. Children and Family Psychosocial Support Program. The Municipal Social Welfare and Development Office (MSWDO) in coordination with the Municipal Health Office (MHO) and CAPIN members shall design a comprehensive psychosocial support program for both children and their families affected by armed conflicts, disasters, calamities and other crisis situations experience by the child/children.

Section 38. Rights of Children Arrested for Reasons Related to Armed Conflict. Any child involved in armed conflict that has been rescued or surrendered is regarded as victim and entitles to the following rights:

- a. Treated with respect and in a child-sensitive manner.
- b. Immediate tracing of and reunification with the victim's family if separated.
- c. Immediate access to culturally-sensitive and appropriate medical and health services, psychosocial services and rehabilitation and reintegration programs including alternative parental care, if needed.
- d. Interventions for non Christian and IP children shall be provided in recognition of the traditional structures and institutions in their communities.
- e. Access to education programs that are appropriate to his or her needs.
- f. Immediate free legal assistance and physical security upon rescue;
- g. Immediate notice of such arrest should be given to the parents or guardians of the child not to exceed 24 hours; and
- h. Release of the child on recognizance within 24 hours to the custody of the MSWDO or any responsible member of the community as determined by the court.

Section 39. The Municipal Government of Bacolor shall establish the following programs, projects and initiatives to contribute to the survival and development of the children:

- a. Maintain monitoring of registration of births.
- b. Provide immunization series for the prevention of the following diseases (Tuberculosis, Diphtheria, Pertussis, Tetanus, Measles, Hepatitis, Pneumonia and Influenza) to 0-15 months of age.
- c. Conduct quarterly weighing and monitoring to 0-71 months.
- d. Provide Maternal and Child Health care to pregnant mothers (pre and post natal, during delivery) and newborn (newborn screening, hearing test and immunization) all high risk mothers and babies shall be referred to Tertiary or Secondary Level care. All employed health personnel directly involved in the birthing facilities shall undergo Basic Emergency Obstetrical and Newborn Care under the Department of Health.
- e. Provide facilities where children of working parents can be taken cared during the part of the day, and whenever feasible, a facility where children up to six years of age of parents working at night can be taken cared of during the night.
- f. Establish a community-based program that will build a network of households, develop it into a functional "care giver" mechanism where adult members are mobilize to take care of the children of working parents during the working hours. In this regard, the Social Welfare and Development Office of Bacolor shall provide supervision, training and seminar to adults mobilized as "care givers" of working parents. Furthermore in cases where children are under the care of paid domestic elderly relative or older children without adequate and competent adult supervision, the Social Welfare Development Office shall provide the same supervision, trainings and seminars:



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- g. Develop a program that will pool intellectual resources through a network of surrogate parents-teachers who will provide intellectual and mental stimulation to the children, supervised wholesome recreation with balanced program of supervised play, mental stimulation activities and group activities with their peers;
- h. Establish a center that will serve as the sanctuary for the abused, neglected or exploited children, which will provide shelter to children in urgent need of protection from imminent danger, cruelty and abuse. The center, which shall be established through the barangay local governments, shall also conduct; Rescue operation of children in clear danger with law enforcement agencies when the situation merits;
- i. Establish a Reproductive Health Care for pregnant mothers for prenatal check-up, neo-natal services, delivery of infant under condition that shall prevent or minimize risk of mother and child mortality; provided that high risk mothers shall be referred to the proper tertiary or secondary care service personnel and children who are at risk from condition or illness will be brought for care; provided further, that traditional hilot and barangay health workers are provided with the basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care for mother and child who are at risk;
- j. Organize a Barangay Children's Welfare Council that will ensure the protection and development of children, lobby to the barangay council program, projects and initiatives that will enhance the protection and concerns of the children;
- k. Institute in the children and day care centers learning exercise and modules that raise awareness and respect participation of children in decision making process;
- l. Maintain a pool of trained and specialized day care or child development workers with an upgrade salary scheme commensurate to the task assigned.

Section 40. Early Childhood Care and Development Program. The Municipal Government shall establish a program that will cater to the needs of 0-8 year old children as provided for in RA 10410 or the Early Years Act. The Municipal Health Officer and the Municipal Social Welfare and Development Officer shall outline the program content and beneficiaries according to actual needs and economic standing. Primarily, the program shall be designed to cater for the most needy beneficiaries or the "poorest of the poor" in the Municipality of Bacolor.

Section 41. Population Based Child Development Centers. The Municipal Government of Bacolor shall establish at least one Day Care Center in each barangay which shall implement programs for children, including Early Childhood Care and Development Program and other related program the council has assigned. The general principles in which the day care centers are to be establish shall be based on population ratio the MCPC and Social Service Development Officer may determine.

Section 42. Role of Primary Health Care Program in Children's Health. The promotion of primary health care program in barangays shall give specific emphasis on monitoring the children's health, as such, a barangay Rural Health Midwife (RHM) shall be assigned to implement the PHC programs and monitor the children's health.

To ensure the implementation of the Primary Health Care Program, the following with the health programs shall be pursued to give specific emphasis on children's health:

42.1 Apply readily available technology and provide adequate nutritious food and safe drinking water in connection with the health programs intended for the children.

42.2 Establish a Comprehensive Parent's Orientation Development Program which includes topics on reproductive health, child health and child rearing practices;

42.3 Monitor full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk companies that violate the code;



42.4 Conduct massive information and education campaign on breast-feeding.

Section 43. Comprehensive Training Course on Child Health. All health practitioners employed in government, non-government organizations, private institutions or other institutions shall be required to complete a Comprehensive Training Course in Child Health which shall be designed by a task force headed by the Municipal Health Officer and whose members shall be determined by the Local Chief Executive. No one shall be allowed to practice her or his profession without the updated certificate of completion of the training.

Violation of this provision constitute a penalty of cancellation of the license to practice their profession of the training.

Section 44. Declaration of child friendly Hospital. The Local Government of Bacolor shall declare all hospitals here as a child friendly hospital, as such, all hospitals in this municipality are required to set a child-friendly units to include rooming-in facilities and pediatric appropriate mechanism and gadgets.

Section 45. Creation of Children's Concern Unit at the RP Rodriguez Memorial Hospital. A children's concern unit at the Municipal District Hospital which shall specially attend to children of poor and indigent families shall be created. The children's concern unit which composed of Psychiatrist, Psychologist, Pediatrician, Obstetrician/Gynecologist, Nutritionist and Social Worker shall ensure pediatric assistance and facilities for the treatment of illness and physical rehabilitation. Such protective and physical placement shall be evaluated regularly by a competent team composed of multi-disciplinary professionals. Thus multi-disciplinary special hospital shall not however, assume the function of the primary health care available at the barangay level.

Section 46. Appropriate Opportunities for Differently-Abled Children. The Local Government of Bacolor shall give special focus on differently-able children by implementing programs and projects that will develop and enhance their skills and empower them to be able to participate in the society productively. The Local Government will make a periodic comprehensive survey on Differently-able children which shall serve as basis for the programs and projects intended for their development.

Section 47. Investment of Training Program to Educators and Health Professional for Appropriate Program of Differently-Abled Children. Training Program for educators and health professionals who handle differently-able children shall from part of the priority of the Local Government of Bacolor.

Section 48. Barangay Level Recreational and Cultural Facilities and Program. A barangay-level program for the revival of indigenous games that reflect cultural diversity in the Municipality of Bacolor shall be installed. The Local Government of Bacolor shall allocate space for recreation and provide recreational facilities appropriate for each children's age-group and gender which shall be designed and informed of the cultural diversity.

Section 49. Advocacy Program for Little Children's Literature. The Local Government of Bacolor shall launch a program that aims to popularize local children's literature that focus on the value formation and touch on the Pampangueño culture. The Local Government of Bacolor shall mobilize writers for this purpose and invest in the production of this literature for children and other relevant materials.

Section 50. Parenting Orientation Courses. A requirement for Marriage License. Marriage license applicants shall be required to attend in the Parenting Orientation Course. Among other requirements, prior the issuance of marriage license by the Civil Registrar. This course becomes an integral part of existing Family Training Seminar on Reproductive Course Council in coordination with the Municipal Health Office, shall upgrade the Family Planning Seminar in recognizance of this ordinance.



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Modules of these courses shall be designed by the Council and the Social Welfare Development Office in close coordination with an NGO child focused program. Implementing guidelines for this provision shall be formulated by the Council and the Social Welfare and Development Officer in close coordination with the office of the Civil Registrar.

ARTICLE V
PARTICIPATION AND RIGHT OF CHILDREN

Section 51. Participation in Children in Decision Making Process. In deciding in what is the child's best interests, the child's own views must be considered in where the child is able to express these. Thus, this ordinance reiterates the second principle stated in 1989 UN Convention on the Rights of the Child that the State assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. The principle tends to be viewed somewhat simplistically, and it will be important for any new legislation pertaining to children in the Municipality of Bacolor to ensure that the ample opportunity is given for children to participate meaningful in decisions affecting them.

Section 52. Observance of National Children's Month and Convention. The Municipal Government of Bacolor shall institute the process of consultation as the means of respecting and recognizing the view of children with ages form seven (7) to twelve (12) years old as one group and children with ages thirteen (13) to seventeen (17) years old as another group. The children shall be convened annually during the Children's Month in November. The NGO's with children concerns will be mobilized in the preparation and evaluation of the convention. Detailed implementing rules and guidelines shall be drafted by the Sangguniang Kabataan Secretariat in coordination with the council.

Section 53. Appropriations. To effectively implement this Ordinance, one (1) percent (1%) of the I.R.A shall be allotted for the local protection of the rights and welfare of the children of Bacolor


Section 54. Separability Clause. If, any provision of this ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue in full force and effect.

Section 55. Repealing Clause. All ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

Section 56. Effectivity Clause. This ordinance shall take effect upon completion of its publication in a local newspaper of general circulation, and after the same has been approved by the Sangguniang Bayan.

APPROVED.

I HEREBY CERTIFY, to the correctness of the foregoing ordinance.


VICENTA PAGCU-PINEDA
Secretary to the Sanggunian

ATTESTED:


HON. WILFREDO H. BALINGIT
Presiding Officer/Municipal Vice Mayor

APPROVED:


HON. EDUARDO G. DATU
Municipal Mayor