

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON JANUARY 21, 2005.

- PRESENT:

HON. TEOFILO G. HUMILDE, JR.
HON. MICHAEL ROY S. BOLING

Hon. Joselito O. Fontelera
Hon. Ma. Angela A. Braganza
Hon. Rufina J. Gabriel
Hon. Filemon R. Bacala, Jr.
Hon. Orlando "Ang Panday" R. Go
Hon. Cirilo B. Radoc, CPA, LI.B.
Hon. Carolyn D. Sison
Hon. Cesar C. Manzano, Ret. Col., PAF
Hon. Constante R. Carasi, M.D.
Hon. Mario P. Rabadon, LBP
Hon. Margielou Orange D. Humilde, SKP

- City Vice Mayor/SP Presiding Officer
- Acting Presiding Officer
(City Councilor)
- Member
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- Ex-Officio Member
- Ex-Officio Member

ABSENT:

N O N E
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ORDINANCE NO. 2005-03
- AN ORDINANCE ADOPTING THE CODE ON CHILDREN IN THE CITY OF ALAMINOS, PROVINCE OF PANGASINAN.
- Be it enacted by the Sangguniang Panlungsod of the City of Alaminos, Province of Pangasinan, in regular session assembled, furtherance
- ARTICLE I
TITLE, POLICY, PRINCIPLES & DEFINITION OF TERMS
- SECTION 1. TITLE. This shall be known as "THE CHILD WELFARE CODE OF THE CITY OF ALAMINOS, PROVINCE OF PANGASINAN"
- SECTION 2. DECLARATION OF PRINCIPLES AND POLICIES.
- a.

It is hereby declared to be the policy of the City of Alaminos to effectively promote, fully enhance and institutionalize the survival, protection, development and participation of children's right within the framework of advancing, in general, the furtherance of integrated, sustainable and equitable development;

b.

It is also the policy of the City of Alaminos to serve the welfare of children which shall be the paramount consideration in all actions concerning them consistent with local autonomy and the principle of "Best Interest of the Child" as enunciated in the United Nations Convention on the Rights of the Child;

c.

It is the policy of the City of Alaminos to adhere to the generally accepted principles of International Law;

d.

It is likewise the policy of the City of Alaminos to undertake the holistic protection and development of all children together with National Government Agencies and Non-Government Organizations concerned;
- SECTION 3. DEFINITION OF TERMS.
- a.

"CHILDREN" refers to the person below eighteen (18) years of age or those over but unable to fully take care of themselves or protect themselves from abuse, negligence, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;

b.

"SURVIVAL RIGHTS" deal with the provision in relation to parental and governmental duties and liabilities, adequate living standard and access to basic health services and social security;

c.

"DEVELOPMENT RIGHTS" pertain to the access of the child to educational opportunities, access to relevant information, play, leisure, cultural activities and the right to freedom of thought, conscience and religion;

d.

"PROTECTION RIGHTS" cover those who guard children against all forms of child abuse, exploitation and discrimination in major areas where he is considered in extremely difficult circumstances;
- turn to next page please -

- e. **"PARTICIPATION RIGHTS"** include the child's freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and to freedom of association;
- f. **"CHILD ABUSE"** refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - 1. Psychological and Physical abuse, negligence, cruelty, sexual abuse and emotional maltreatment;
 - 2. Any acts by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - 3. Unreasonable deprivation of his basic needs for survival such as food and shelter; or
 - 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in permanent incapacity or death.
- g. **"CIRCUMSTANCES WHICH GRAVELY THREATEN OR ENDANGER THE SURVIVAL AND NORMAL DEVELOPMENT OF CHILDREN"** include, but are not limited to the following:
 - 1. Being in the community where there is armed conflict or being affected by armed conflict-relatives activities;
 - 2. Working under conditions hazardous to life, safety and moral which unduly interfere with their normal development;
 - 3. Living in our fending for themselves in the streets or urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 - 4. Being a member of the indigenous cultural community and/or living under condition of extreme poverty or in an area which is undeveloped and/or has inadequate access to the basic services needed for a quality of life;
 - 5. Being a family member or guardian having psycho-social functioning problems grave enough for them to commit incest, rape, lascivious acts and other form of physical and mental abuse;
 - 6. Being a victim of a man-made or natural disaster/calamity;
 - 7. Being a victim of an illegal transnational organization or child trafficking; or
 - 8. Circumstances analogous to those above stated which endanger life, safety or normal development of children.
- h. **"Anti-social related activities are those acts against property, chastity and person which include but not limited to:**
 - 1. Petty crimes such as snatching, misrepresentation;
 - 2. Using and pushing prohibited drugs, selling illegal or lewd reading materials
 - 3. Pimping for young and old prostitutes, doing or participating in obscene shows;
 - 4. Gambling of any form;
 - 5. Rape and incest;
- i. Cultural relevant activities refer to activities showcasing the Filipino culture and tradition such as but not limited to the following:
 - 1. Ethnic Dances
 - 2. Historical Drama
 - 3. Folk Dance;
 - 4. Others
- j. Pre-school education refers to the age from birth to six (0 – 6) years old known to be critical phase of the child's psychomotor development. It is the phase when ninety percent (90%) of the human brain is developed. It is therefore the phase when activities for development stimulation for children must be provided, hence, the need for early childhood care and development program.

ARTICLE II SURVIVAL & DEVELOPMENT RIGHTS OF CHILDREN

SECTION 1. UNDER SIX PROGRAM FRAMEWORK. The City Government shall ensure to the maximum extent possible the survival and development of the child. The early childhood Care and Development coupled with parent's Effectiveness Service Program on child survival and development shall include the following, among others:

SECTION 1.1. DAY CARE SERVICE PROGRAM. The City Government shall support the Day Care Service Program which is population and community based. The Day Care shall serve 3 to 5 years old and shall be set-up in the barangay, the number of which shall depend on the population level of the community.

SECTION 2. PRIMARY HEALTH CARE FRAMEWORK. The City Government shall implement and sustain the Primary Health Care Program to primarily cater children. To further ensure the implementation of this Section it shall take appropriate measure to support the program on health under the framework of primary health and preventive care.

SECTION 2.1. MATERNAL AND CHILD CARE PROGRAM. The City Government shall continue to implement and support its maternal and childcare service program, which shall cater to the health of the mother, which affects the child in the womb with the end in view of delivering a healthy baby.

SECTION 2.2. MOTHER AND CHILD IMMUNIZATION PROGRAM. The program on the preventive child care and health services which include, among others, the monitoring and registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertusis, neonatal tetanus, measles, poliomyelitis, hepatitis B and other diseases for which vaccines have been developed for administration to children up to five years old.

SECTION 2.3. CHILD PATIENT OF INDIGENT PARENTS. The City Government shall ensure the availment of the hospital's indigent fund by a child patient of indigent parents needing services of a doctor/specialist to be cured of his ailments, subject to the recommendation of the City Social Welfare and Development Office after ensuring the availability of fund for such purpose.

SECTION 3. FAMILY AND COMMUNITY WELFARE AND SUPPORT SYSTEM. The City Government through City Social Welfare and Development Office shall implement and sustain a Family and Community Welfare Support System for Children. To further ensure the implementation of this section it shall take appropriate measures to support the program on family and community under a family and community welfare development framework.

There shall be established a Comprehensive Family and Community Welfare and Development Program which shall include courses and sustain on reproductive health, child health and child rearing practices, parent effectiveness, pre-marriage counseling, responsible parenthood, among other, in context of Filipino psychology. This shall also include courses and services in community organizing such as the social preparation for people's participation, community volunteer resource development and social welfare structure development, among others. The following programs shall form part of this Comprehensive Family and Community Welfare Program, which this government shall support.

SECTION 3.1. CHILD AND YOUTH WELFARE PROGRAM. The City Government shall establish and support a Comprehensive Child and Youth Welfare and Development program which shall include the services which develop the youth as partner in community development which include Adolescent Fertility Management & Leadership Training and services for children in especially difficult circumstances, among others.

SECTION 3.2. WOMEN WELFARE PROGRAM. The City Government shall recognize the role of women in the formation of the society as well as the child, hence, it shall include courses and services such as self-enhancement, skills development, maternal and child care, skills training for employment and livelihood support, among others.

SECTION 3.3. NUTRITION PROGRAM. The City Government shall establish and sustain a growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake of children at home and in school. This program shall be under the administration and supervision of the City Health Office. The program on nutrition shall include a monitoring and evaluation system which shall be established by the said office.

SECTION 4. COMMUNITY SUPPORT SYSTEM. There shall be established a comprehensive support system for the survival and development, protection, security and participation of children in the City of Alaminos. The community support system and structures shall be the City Council for the Welfare of Children, and Barangay Council for the Protection of Children.

SECTION 4.1. THE CITY COUNCIL FOR THE WELFARE OF CHILDREN, ITS MEMBERSHIP AND FUNCTIONS. There shall be an organized City Council for the Welfare of Children to plan and implement program and services for children at the City level. Its organization shall be spearheaded by the local government units preferably the City Chief Executive.

SECTION 4.2. COMPOSITION OF CITY COUNCIL FOR THE WELFARE OF CHILDREN (CCWC).
The members of the CCWC shall include the following:

1. City Mayor
2. Chairman, Sanggunian Committee on Women and Family
3. City Planning and Development Coordinator
4. City Civil Registrar
5. City Social Welfare and Development Office
6. City Health Officer
7. City Agriculturist
8. DepEd District Supervisor
9. Provincial/City Prosecutor
10. NGO Representative
11. SK Federation President
12. A member of Finance Committee
13. Municipal/City Local Government Operations Officer

SECTION 4.3. FUNCTIONS OF CCWC. The following shall be the functions of PCWC:

1. Formula City Plan of Action for children; incorporating projects and programs needing assistance by the barangay; and ensure its integration into the City Development Plan;
2. Monitor and evaluate the implementation of the city council and barangay plan;
3. Promptly address issues and concerns affecting children and youth;
4. Advocate for the passage of relevant child and youth protection ordinance;
5. Advocate for the increased support and resource allocation for children's programs and projects;
6. Provide technical assistance to the community-based frontline workers through conduct of capability building and human resource development activities; and
7. Prepare contingency measures to protect children and their families for children's situations brought about by natural and man-made calamities.

SECTION 4.4. SECRETARIAT FUNCTION. The secretariat support shall be lodged with the City Social Welfare and Development Office who shall be responsible for the documentation of proceedings of meetings and preparation of reports and other necessary document by the council.

SECTION 4.5. BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC), ITS MEMBERSHIP AND FUNCTION. There shall be created BCPC in every barangay in the City of Alaminos. The Barangay Captains of the respective barangay are hereby mandated to spearhead the creation and strengthening of said Council with the support of the City Local Government Officer (M/CLGOO) and other concerned Government and Non-Government Agencies.

SECTION 4.6. COMPOSITION OF BCPC. The membership of the BCPC's shall be taken from responsible members of the community including a representative of the youth, as well as representatives of government and private agencies concerned with the welfare of children and youth whose area of assignment includes the particular barangay and shall be on purely voluntary basis.

SECTION 4.7. FUNCTIONS OF BCPC. The following are the powers and functions of BCPCs.

1. Foster education of every child in the Barangay;
2. Encourage the proper performance of duties of parents and provide learning opportunities on the adequate learning of children and on positive parent-children relationship;
3. Protect and assist abandoned, maltreated and abused children and monitor cases filed against child abuser and report the same;
4. Protect working children from abuse and exploitation;
5. Take steps to prevent juvenile delinquency and assist parents and children with behavioral problems so that they can get expert advice;
6. Promote the opening and maintenance of playgrounds and Day Care Centers and other services and other services that are necessary for children and youth welfare;
7. Promote wholesome activities/entertainment in the community especially in the movie houses;
8. Assist parents whenever necessary in securing expert guidance counseling from private agencies;
9. Advocate for the passage of barangay plan of action for children which addresses the needs of Children in the community and ensure its integration into the Barangay Development Plan and implementation by the barangay;
10. Submit quarterly barangay accomplishment reports of the implementation of the plan to the M/CCWC; and
11. Arrest any individual who is actually committing, about to commit or has committed an offense against the person of the minor.

SECTION 4.8. LOCAL GOVERNMENT UNITS APPROPRIATE FOR LOCAL SUB-COMMITTEES. The City and Barangay Government Units shall regularly appropriate funds of not less than 2% from its annual and/or supplemental budgets to support the administrative and operational needs of the Councils for the Welfare/Protection of Children.

SECTION 5. PROVISION FOR THE STRICT IMPLEMENTATION OF ASIN LAW IN CITY OF ALAMINOS. The City Government Units shall ensure the strict implementation of RA 8172, otherwise known as "Act Promoting the Salt Iodization Nationwide". A committee created by the Municipal/City Council for the Welfare of Children shall be tasked to supervise the implementation of said law.

SECTION 6. MOTHER AND BABY FRIENDLY HOSPITALS IN THE CITY OF ALAMINOS. All hospitals in Alaminos shall comply with the requirement of the department for a Mother-Baby Friendly hospital found to have deliberately this mandate shall be recommended for appropriate sanction by the Department of Health.

SECTION 7. CHILD-FRIENDLY BUILDINGS. In the approval of the proposed building plans of commercial buildings in Alaminos by the Office of Municipal/City Engineer, such office shall ensure the conclusion of child-friendly facilities therein. And avoid any happening of child accidents, the proposed plans of commercial buildings must have hereunder specification:

1. Balusters in staircase must be spaced in a manner that their distance from each other would not exceed six (6) inches to avoid children from accidentally through;
2. In cases of buildings having more than one stories, railing or baluster acting horizontal and vertical barriers must be likewise spaced in a manner that their distance from each other must not exceed six (6) inches and said railings or balusters must have a height of not less than 5 feet.
3. Lavatory buildings to accommodate the personal necessities of children entering said buildings.

SECTION 8. SURVEY AND ACTIVE PROGRAM FOR DIFFERENTLY-ABLED CHILDREN. The City Government shall make a periodic comprehensive survey and situational analysis on the differently-abled children. The CSWDO together with DepEd shall spearhead the conduct of situational analysis that shall be the basis for planning by the Child Welfare Council and other concerned agencies, for programs and projects for these children.

SECTION 9. MUNICIPAL AND BARANGAY LEVEL RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM. A City and barangay level programs for the revival of indigenous games reflective of the cultural diversity of Alaminos shall be installed. The City and Barangay government units shall allocate space for recreation and provide recreational facilities appropriate for each children's age-group and gender that shall be designed with due respect to cultural diversity. This regular cultural program shall be spearheaded by the respective City/Barangay Councils under the leadership of the City Mayor/Barangay Captain together with the Chairmen on Committees on Social Services.

SECTION 10. PARENTING ORIENTATION. Marriage license applicants shall require participation to a parenting orientation course of pre-marriage counseling seminar, among other requirements prior to the issuance of marriage license by the Local Civil Registrar.

SECTION 11. INCLUSION OF THE CONVENTION OF THE RIGHT OF CHILDREN IN THE SCHOOL CURRICULUM. As part of the advocacy, information in education campaign of the government on the survival in development, protection and security in participation right of children, the convention on the right of children shall be encouraged to include as part of the school curriculum of the schools in Alaminos both public and private at all level.

SECTION 12. TRAINING FOR TEACHERS ON RIGHTS OF CHILDREN. Teachers, especially those in the kindergarten, elementary and high school, are encouraged to undertake continuous training on the rights of the child and sensitivity to children in need of special protection to be able to help them. The training shall be spearheaded by the City Council for the Welfare of Children and Department of Education in coordination with CSWDO.

ARTICLE III PROTECTION RIGHTS OF CHILDREN

SECTION 1. SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSES, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS. All establishments or enterprises caught promoting or facilitating child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts shall be immediately closed and fined an amount of Five Thousand Pesos (P5,000.00) with their authority or license to operate permanently cancelled, without prejudice to the owner, manager and other personnel thereof for being prosecuted under RA 7610, as amended, otherwise known as "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATIONS AND FOR OTHER PURPOSES".

SECTION 2. ESTABLISHMENTS OF POST NOTICES AND INFORMATION AT ENTRY OR FRONT DESKS REGARDING CHILD PROTECTION. All hotels/lodging houses, night clubs and other establishment of similar services shall be required to post notices and information about child protection to serve as deterrents to committing child trafficking, prostitution and other sexual abuses.

To ensure the compliance by the concerned establishment to this section, the office of the City through the License Division shall require this establishment to post such information or notices before their respective licenses shall be renewed and/or approved.

SECTION 3. AUTHENTICATED BIRTH CERTIFICATE AS A REQUIREMENT FOR WORKING PERMITS.

All applicants for working permits shall be required to submit a duly authenticated birth certificate by the Local Civil Registrar who issued said certificate. Any violation of this provision by any government official or employee shall subject such offender to administrative and criminal liabilities and shall be punished in accordance with the law.

SECTION 4. CREATION OF SPECIAL SERVICES FOR CHILDREN IN NEED OF SPECIAL PROTECTIVE AND LEGAL SERVICES.

The city government shall create special programs for the protection of children who are victims of incest and rape cases. It shall also endeavor to muster the support of the private sector more particularly the local chapter of the integrated bar of the Philippines and the academe to provide legal and protective services to children who are in need of such services.

SECTION 5. ESTABLISHMENT OF CHILD AND YOUTH RELATION SECTION FOR THE PURPOSE OF STRENGTHENING THE PILLARS OF JUSTICE SYSTEM.

Each police station in the City of Alaminos shall have a child and youth relations section tasked to handle cases involving children. Child-friendly police procedures shall be implemented as contained in the police handbook on the management of cases of children in specially Difficult Circumstances each PNP element shall be provided a copy of the said handbook. The said Section shall be administered by a female police officer.

SECTION 6. SPECIAL COURSE FOR PNP MEMBERS.

A continuing special course for coordination with the PNP Child Protection Team, NGOs and other Civic Organizations focused on child and youth programs.

SECTION 7. ESTABLISHMENT OF A SEPARATE DETENTION CELL FOR CHILDREN AND YOUTH OFFENDERS.

To be able to safeguard the physical and psychological conditions of detained children having impending criminal charges, the City Government shall establish within the City Jail a separate detention cell exclusively for children and youth offenders with gender being considered.

SECTION 8. SPECIALIZED TEAM OF EDUCATORS FOR MUSLIMS AND INDIGENOUS PEOPLE'S CHILDREN.

In addition to the rights guaranteed to indigenous and Muslim children under RA 7610 and other system laws, the Office of the City Mayor shall create a committee to study and design training program for teachers assigned to Indigenous and Muslim communities which is culture-specific and relevant to the needs and existing situation of their communities.

SECTION 9. CURFEW FOR MINORS.

Pursuant to City Ordinance No. 2003-22 for the protection of children below (18) years old, they shall be prohibited from staying late at night time outside the premises of their residences beginning at 9:00 o'clock in the evening to 5:00 o'clock in the morning for twelve (12) years old and below and 10:00 o'clock in the evening to 5:00 o'clock in the morning for minors below eighteen (18), except when accompanied by their parents, guardians, elders, peace officers, Sangguniang Panlungsod members and/or Barangay Officials.

SECTION 10. ESTABLISHMENT OF SAGIP BATANG MANGGAGAWA ACTION TEAM.

The Sagip Batang Manggagawa also known as the "Inter-agency Quick Action Team Against Child Labor", shall be established to immediately respond and act upon reported cases involving child labor. The said team shall have the following position:

1. Representative of the Department of Labor and Employment (DOLE);
2. Representative of the Public Employment Service Office (PESO);
3. Representative of the Social Welfare Office;
4. Officer of the PNP;
5. Representative from three (3) NGOs;
6. Action Officer of Child Welfare Council;
7. Action Officer of the BCPC;
8. Chairman of the Committee of the Social Services

SECTION 11. **CRISIS INTERVENTION CENTER (CIC).** The City shall institutionalize a CIC within general that will provide integrated services such as immediate financial and material assistance (transportation assistance, burial assistance, medical and hospitalization assistance, educational assistance and clothing assistance) augmentation assistance during disasters and referrals for immediate medical legal, psychological and other service including temporary shelter to families and individuals. Moreover, it shall cater to children who are abandoned sexually or physically abused, neglected, victim of incest and/or rape and exploited, among others, such unit shall operate 24 hours to respond to any crisis situation at any given time.

SECTION 12. **STIMULATION THERAPEUTIC ACTIVITY CENTER (STAC).** The city recognizes that about 10% of every population has some form of disability (WHO statistic). Out of the said number, 35% are children with disabilities. Many of them have not received rehabilitation services due to high cost of services, transportation and other incidental expenses. STAC is a community-based project that aims to improve the condition of children with disabilities in the City of Alaminos by providing them free rehabilitation and social services.

SECTION 13. **INFORMATION COMMUNICATION TECHNOLOGY PROGRAM (ICT).** The City shall conceptualize programs to promote the development of the Out of School Youth to become self-reliant, economically productive, socially responsible citizens able to contribute to the development of the family and community. The ICT program is a computer training program for OSY in Alaminos City with an inclusion of daily instruction on life skills largely based in the DSWD's life skills package "Unlad Kabataan Program", OSY who are qualified but who cannot afford their transportation in attending the training, Barangay counterpart is encouraged to appropriate fund to the aid of the OSY.

ARTICLE IV PARTICIPATION RIGHTS OF CHILDREN

SECTION 1. **CONVENTION OF MINORS FOR THE PURPOSE OF CONSULTATION.** It is important to consult and provide venue for expression of children's view in the City Policies. Consistent to this, it is necessary that 7 to 12 years old and 13 to 18 years old are convened once a year, specifically during the children's month to be heard collectively of their clamors and needs. Every NGOs concerned with these groups of children shall be instrumental in the process of the preparation and evaluation of the conviction.

SECTION 2. **THREE-GENERATION ENCOUNTER.** There will be a yearly three-generation encounter of grandparents, parents and children aging 12-16 years to bridge the generation gaps and parents' fictitious.

ARTICLE V CHILDREN IN CONFLICT WITH THE LAW

- a. Cases involving children in conflict with the law shall be dealt with in accordance with the provision of PD 603, Family Courts law and other pertinent National Statutes and the Rules of Court on Juvenile in conflict with the law, Rule on Commitment of Children and other pertinent rules thereof.
- b. The LCPC in coordination with National Line Agencies shall initiate appropriate training unit, and the Barangay Police.

ARTICLE VI RIGHTS AND RESPONSIBILITIES OF THE CHILD

SECTION 1. **RIGHTS OF THE CHILD.** All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents and other factors.

1. Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.
2. Every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counseling, and moral and material security.

The dependent or abandoned child shall be provided with the nearest substitute for a home.

3. Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.

The gifted child shall be given opportunity and encouragement to develop his talents.

The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care.

The physically or mentally handicapped child shall be given the treatment, education and care by his particular condition.

4. Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the physical requirements of a healthy and vigorous life.
5. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.
6. Every child has the right to an educator, commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.
7. Every child has the right to full opportunities for safe and wholesome recreation and active individual as well as social, for the wholesome use of his leisure hours.
8. Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social, and moral development.
9. Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to his promotion of his health and the cultivation of his desirable traits and attributes.
10. Every child has the right to the care, assistance, and protection of the State, particularly when his parents or guardians fails or unable to provide him with his fundamental needs for growth, development, and improvement.
11. Every child had the right to an efficient and honest government that will deepen his faith in democracy and inspire the morality of the constituted authorities both in their public and private lives.
12. Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding, tolerance, and universal brotherhood, and with the determination to contribute his share in the building of a better world.

SECTION 2. RESPONSIBILITIES OF THE CHILD. Every child, regardless of the circumstances of his birth, sex, religion, social status, political antecedents and other factors shall:

1. Strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and mentors, and the biddings of a clean conscience;
2. Love, respect and obey his parents, and cooperate with them in the strengthening of the family;
3. Extend to his brother and sisters his love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
4. Exert his utmost to develop his potentialities for service, particularly by undergoing a formal education suited to his abilities, in order that he may become an asset to himself and to society;
5. Respect not only his elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country, and the principles and institutions of democracy;

6. Participate actively in civic affairs and in promotion of the general welfare, always bearing in mind that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
7. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and posterity, and the furtherance of world peace.

SECTION 3. COMMENCEMENT OR CIVIL PERSONALITY. The civil personality of the child shall commence from the time of his conception, for all purposes favorable to him, subject to the requirements of Article 41 of the New Civil Code.

SECTION 4. ABORTION. The abortion of a conceived child, whether such act be intentional or not, shall be governed by the pertinent provisions of the Revised Penal Code.

SECTION 5. NON-DISCLOSURE OF BIRTH RECORDS. The records of a person's birth shall be kept strictly confidential and no information relating thereto shall be issued except on the request of any of the following:

1. The person himself, or any person authorized by him;
2. His spouse, his parent or parents, his direct descendants, of the guardian or institution legally in-charge of him if he is a minor;
3. The court of proper public official whenever absolutely necessary in administrative, judicial or other circumstances surrounding his birth; and
4. In case of the person's death, the nearest of kin.

Any person violating the prohibition shall suffer the penalty of imprisonment of at least two (2) months or a fine in an amount not exceeding five hundred pesos, or both, in the discretion of the court.

SECTION 6. CHILD'S WELFARE. In all questions regarding the care, custody, education and property of the child, his welfare shall be the paramount consideration.

ARTICLE VII PARENTAL AUTHORITY

Chapter 1 GENERAL PROVISIONS

SECTION 1. Pursuant to the natural right and duty of parents over the person and property of their unemancipated children, parental authority and responsibility shall include the caring for and rearing of such children for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being.

SECTION 2. Parental authority and responsibility may not be renounced or transferred except in the cases authorized by law.

SECTION 3. The father and mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

SECTION 4. In case of absence or death of either parent, the parent present shall continue exercising parental authority. The remarriage of the surviving parent shall not affect the parental authority over the children, unless the court appoints another person to be the guardian of the person or property of the children.

(cont. Ord. No. 2005-03, enacted on 21 January 2005)

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SECTION 5. In case of separation of the parents, parental authority shall be exercised by the parent designated by the court. The court shall take into account all relevant considerations, especially the choice of the child over seven years of age, unless the parent chosen is unfit.

No child under seven years of age shall be separated from the mother unless the court finds compelling reasons to order otherwise.

SECTION 6. In case of death, absence or unsuitability of the parents, substitute parental authority shall be exercised by the surviving grandparent. In case several survives, the one designated by the court, taking into account the same consideration mentioned in the preceding article, shall exercise the authority.

SECTION 7. No descendant shall be compelled, in a criminal case, to testify against his parents, grandparents, except such testimony is indispensable in a crime against the descendant of by one parent against the other.

Chapter 2 SUBSTITUTE AND SPECIAL PARENTAL AUTHORITY

SECTION 8. In default of parents of a judicial appointed guardians, the following persons shall exercise substitute parental authority over the child in order indicated:

1. The surviving grandparent, as provided in Section 6;
2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

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

SECTION 9. In case of founding, abandoned, negligence or abused children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of children's home, orphanages and similar institutions duly accredited by the DSWD, supervision, instruction or custody.

SECTION 10. The school, its administrators and teachers or the individual entity or institutions engaged in childcare shall have special parental authority and responsibility over the minor child while under supervision, instruction or custody.

Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institutions.

SECTION 11. Those given the authority and responsibility under the preceding section shall be principally and solidarily liable for damages caused by the acts or omissions of the unemacipated minor. The parents, judicial guardians or the persons exercising substitute parental authority over said minor shall be subsidiarily liable.

The respective liabilities of those referred to in the preceding paragraph shall not apply if it is proven that the person exercise the proper diligence required under the particular circumstances.

All other cases not covered by this and the preceding articles shall be governed by the provision of the Civil Code on quasi-delicts.

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Chapter 3

EFFECT OF PARENTAL AUTHORITY UPON THE PERSONS OF CHILDREN

SECTION 12. The parents and those exercising parental authorities shall have, with respect to their unemancipated children or wards, the following rights and duties:

1. To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
2. To give them love and affection, advice and counsel, companionship and understanding;
3. To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs and inspire in them compliance with the duties of citizenship;
4. To enhance, protect, preserve, and maintain their physical and mental health at all times;
5. To furnish them with good and wholesome educational materials, supervise their activities, and prevent them from acquiring habits detrimental to their health, and studies morals;
6. To present them in all matters affecting their interest;
7. To demand from them respect and obedience;
8. To impose discipline on them as may be required under the circumstances; and
9. To perform such other duties that are imposed by law upon parents and guardians.

SECTION 13. Parents and other persons exercising parental authority shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to appropriate defenses provided by law.

SECTION 14. The courts may appoint by the guardian ad litem when the best interests of the child so require.

SECTION 15. The parents or, in their absence or incapacity, the individual entity or institution exercising parental authority, may petition the proper court of the place wherein the child resides, for an order providing for disciplinary measures over the child. The child should be entitled to the assistance of counsel, either of his own choice or appointed by the court, and a summary hearing shall be conducted wherein the petitioner and the child shall be heard.

However, if in the same proceeding the courts find the petitioner at fault, irrespective of the merits of the petition, or when the circumstances so warrant, the courts may also order the deprivation or suspension of parental authority or adopt such other measures as it may just and proper.

SECTION 16. The measures referred to in the preceding section may include the commitment of the child for not more than thirty (30) days in homes or institutions engaged in the child care or in children's homes duly accredited by the DSWD.

The parent exercising parental authority shall not interfere with the care of the child whenever committed but shall provide for his support. Upon proper petition or at its own instance, the court may terminate the commitment of the child whenever just and proper.

Chapter 4

EFFECT OF THE PARENTAL AUTHORITY UPON THE PROPERTY OF THE CHILDREN

SECTION 17. The father and the mother shall jointly exercise legal guardianship over the property of their unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Where the market value of the property or the annual income of the child exceeds P50,000.00, the parent concerned shall be required to furnish a bond in such amount of the court may determine, but not less than ten per centum (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the bond shall be filed in the proper court of the place where the child resides, or if the child resides in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all accidents and issues regarding the performance of the obligations referred to in the second paragraph of this section shall be heard and resolved.

The ordinary rules on guardian shall be merely suppletory except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply.

SECTION 18. The property of the unemancipated child earned or acquired with his work or industry or by onerous or gratuitous title shall belong to the child in ownership and shall be devoted exclusively to the latter's support and education, unless the title or transfer provides otherwise.

The right of the parents over the fruits and income of the child's property shall be limited primarily to the child's support and secondarily to the collective daily needs of the family.

SECTION 19. If the parents entrusts the management or administration of any of their properties to an unemancipated child, the net proceed of such property shall belong to the owner. The child shall be given a reasonable monthly allowance in an amount not less than that which the owner grants the entire proceeds to the child. In any case, the proceeds thus given in whole or in part shall not be charged to the child's legitime.

Chapter 5 SUSPENSION OR TERMINATION OF PARENTAL AUTHORITY

SECTION 20. Parental authority terminated permanently.

1. Upon the death of the parents;
2. Upon the death of the child; or
3. Upon the emancipation of the child.

SECTION 21. Unless subsequently revived by a final judgment, parental authority also terminates:

1. Upon adoption of the child;
2. Upon appointment of a general guardian;
3. Upon medical declaration of abandonment of the child in a case filed for the purpose;
4. Upon final judgment of a component court divesting the party concerned of parental authority.

ARTICLE VIII EMANCIPATION AND AGE OF MAJORITY

SECTION 1. Emancipation takes place by the attainment of majority. Unless otherwise provided, majority commences at the age of twenty-one years. Emancipation also takes place:

1. By the marriages of the minor; or
2. By the recording in the Civil Registrar of an agreement in a public instrument executed by the parent exercising parental authority and the minor at least eighteen years of age. Such emancipation shall be irrevocable.

(cont. Ord. No. 2005-03, enacted on 21 January 2005)

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SECTION 2. The provisions governing emancipating by recorded agreement shall also apply to an orphaned minor and the person exercising parental authority but the agreement must be approved by the court before it is recorded.

SECTION 3. Emancipation for any cause shall terminate parental authority over the person and property of the child who then be qualified and responsible of all acts of civil life.

SECTION 4. The annulment or declaration of nullity of the marriage of a minor or of the recorded agreement mentioned in the foregoing Sections 2 and 3 shall revive the parental authority over minor but shall not affect acts and transactions that place prior to the recording of the final judgment in the Civil Registrar.

ARTICLE IX FINAL PROVISIONS

SECTION 1. GENERAL PENALTY

- a. Violation of this Code shall be punished by imprisonment not exceeding six (6) months or a fine not exceeding P2,500.00 or both at the discretion of the court.
- b. All establishments and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publication 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 this act and/or the Revised Penal Code, as amended, of special laws. A sign with the words of "Off Limits" shall be conspicuously displayed outside the establishment or enterprise by the Department of Social Welfare and Development for such period which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by prison correctional.

SECTION 2. INFORMATION DISSEMINATION. The LGU information Officer/Office is hereby directed to formulate and implement an information dissemination program informing the general public and of this Code, and cause the printing and distribution of this Code.

SECTION 3. APPROPRIATIONS. The amount necessary to carry out the provisions of this Code is hereby authorized to be appropriated, specifically 5% of the Annual Development Fund of the City and additional 5% from each additional fund from other sources.

SECTION 4. SEPARABILITY CLAUSE. If, for any reason/s, any part or provisions of this Code shall held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 5. REPEALING CLAUSE. All ordinances, resolutions, executive orders and other issuances that are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

SECTION 6. EFFECTIVITY CLAUSE. This Code shall take effect after the completion of its publication in a newspaper of general circulation and posting in at least two (2) conspicuous places.

Sponsored by : HON. CONSTANTE R. CARASI, M.D.
Co-sponsored by : HON. MA. ANGELA A. BRAGANZA

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(cont. Ord. No. 2005-03, enacted on 21 January 2005)

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I **HEREBY CERTIFY** to the correctness of the foregoing ordinance which consist some fifteen (15) pages including this page.

VIRGILIO O. MONTEMAYOR
Secretary

ATTESTED:

MICHAEL ROY S. BOLING
(City Councilor)
Acting Presiding Officer

JOSELITO O. FONTELERA
Member

MA. ANGELA A. BRAGANZA
Member

RUFINA J. GABRIEL
Member

FILEMON R. BACALA, JR.
Member

ORLANDO “ANG PANDAY” R. GO
Member

CIRILO B. RADOCA, CPA, LI.B.
Member

CAROLYN D. SISON
Member

CESAR C. MANZANO, RET. COL., PAF
Member

CONSTANTE R. CARASI, M.D.
Member

MARIO P. RABADON, LBP
Ex-Officio Member

MARGIELOU ORANGE D. HUMILDE, SKP
Ex-Officio Member

NOTED:

TEOFILO G. HUMILDE, JR.
City Vice Mayor/
SP Presiding Officer

APPROVED:

HERNANI A. BRAGANZA
City Mayor