



OFFICE OF THE SANGGUNIANG PANLUNGSOD

Tel. No. (075) 654-0165

EXCERPT TAKEN FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON JANUARY 22, 2010.

PRESENT: HON. CIRILO B. RADOC, CPA, LL.B. - ACTING PRESIDING OFFICER
Hon. Joselito O. Fontelera - Member
Hon. Carolyn D. Sison - -do-
Hon. Earl James C. Aquino - -do-
Hon. Ma. Angela A. Braganza - -do-
Hon. Constante R. Carasi, M.D. - -do-
Hon. Orlando "Ang Panday" R. Go - -do-
Hon. Oscar A. Boling, C.E. - -do-
Hon. Joseph T. Bacay - -do-
Hon. Filemon R. Bacala, Jr. - -do-
Hon. Helen B. Bumagat, LBP - Ex-Officio Member

ABSENT: HON. CITY VICE MAYOR TEOFILO G. HUMILDE, JR. - On Official Business
Hon. Gemarie C. Rabadon, SKP - On Official Business

ORDINANCE NO. 2010-01

AN ORDINANCE ADOPTING AND IMPLEMENTING THE PROVISIONS OF RA 9344 SPECIFICALLY ON THE PRESCRIBED LOCAL JUVENILE INTERVENTION AND DIVERSION PROGRAMS, PROVIDING FUNDS THEREFORE, AND FOR OTHER PURPOSES.

WHEREAS, the Local Government Code of 1991 mandates all local government units to promote the general welfare of their inhabitants, provide basic services for their constituents, and enact ordinances which shall ensure the effective and efficient delivery of such services;

WHEREAS, the Juvenile Justice and Welfare Council created by virtue of RA 9344 provides for a Comprehensive National Juvenile Intervention Program Framework to ensure the effective implementation of the Act and to serve as guide for LGUs in the preparation of their respective intervention and diversion programs for Children At Risk (CAT) and for Children In Conflict with the Law (CICL);

WHEREAS, Section 18 of RA 9344 requires LGUs to develop a Comprehensive Juvenile Intervention Program covering at least a 3-year period and set aside an amount necessary to implement the said program;

WHEREAS, pursuant to Section 23 of the said Act, children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to condition as provided by the Act;

NOW, THEREFORE, on motion duly seconded, it was

Be it ordained by the Sangguniang Panlungsod in session assembled:

ARTICLE I

SECTION 1. TITLE OF THE ORDINANCE - This Ordinance shall be known as "**AN ORDINANCE ADOPTING AND IMPLEMENTING THE PROVISIONS OF RA 9344 SPECIFICALLY ON THE PRESCRIBED LOCAL JUVENILE INTERVENTION AND DIVERSION PROGRAMS, PROVIDING FUNDS THEREFORE, AND FOR OTHER PURPOSES.**".

SECTION 2. GUIDING PRINCIPLES.

This Ordinance is in pursuit of the Philippine Government's commitment to the United Nations Convention on the Rights of the Child (UNCRC), principles of Restorative Justice and other applicable laws on child and youth welfare and protection.



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ARTICLE II

SECTION 3. Establishment and Strengthening of Highly Urbanized City/Independent Component City Council for the Protection of Children (HUC/ICC CPC) as provided for under Section 15 of RA 9344.

3.1 The City of Alaminos shall organize/re-organize the HUC/ICC Council for the Protection of Children to be chaired by the City Mayor and the Members are as follows:

1. SP Chairman, Committee on Women and Children
2. DILG Field Officer
3. City Social Welfare and Development Officer
4. Division Superintendent/District Supervisor of DepEd
5. Local Labor and Employment Officer
6. City Budget Officer
7. City Health Officer
8. City Nutrition Officer
9. City PNP Director
10. City Treasurer
11. City LIGA President
12. City SK Federation President
13. PTCA – President
14. Child Representative
15. At least three (3) NGO's representative

3.2 The Council shall serve as the primary body to coordinate with and assist the city government in the formulation of comprehensive juvenile intervention diversion programs and shall set policies for their implementation and for providing services for CICL.

The HUC/ICC CPC shall convene its members within 15 days from the effectivity of this Ordinance and every quarter thereafter. It shall render a report to the Office of the City Mayor, copy furnished the DILG City Office and the City Social Welfare and Development Office.

ARTICLE III

SECTION 4. FORMULATION OF THE CITY JUVENILE INTERVENTION PROGRAM (CJIP)

- The City Mayor of Alaminos, through the City Social Welfare and Development Officer and in coordination with the City Council for the Protection of Children (CCPC), shall formulate a 3-year Comprehensive City Juvenile Intervention Program (CJIP).

SECTION 5. IMPLEMENTATION OF THE CITY JUVENILE INTERVENTION PROGRAMS (CJIP)

- The City Government of Alaminos shall implement the CJIP, through a collaborative undertaking between and among the Sangguniang Panlungsod, City Mayor, community-based youth and school organizations, NGOs, and other concerned agencies, to address causes of offending, provide assistance to CICL and alternative modes to avoid the child's contact with the formal justice system.

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SECTION 6. LEVELS OF INTERVENTION AND ROLES OF STAKEHOLDERS - The City Social Welfare and Development Officer shall formulate the City Juvenile Intervention Program for the following intervention levels:

- 6.1 Primary intervention, which includes general measures to promote social justice and equal opportunity, which will indirectly tackle perceived root causes of offending.
- 6.2 Secondary intervention, which includes measures to assist children at risk and to prevent them from offending.
- 6.3 Tertiary intervention, which includes measures to address the needs of children who have committed an offense to prevent them from re-offending and to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

SECTION 7. MOBILIZATION OF CONCERNED SECTORS/INSTITUTIONS.

The City Mayor through the HUC/ICC CPC, shall mobilize or call upon the participation of all sectors concerned, particularly the child-focused institutions, NGOs, people's organizations, educational institutions and government agencies involved in delinquency prevention, in the planning process and implementation of juvenile intervention and diversion programs.

SECTION 8. IMPLEMENTATION OF INTERVENTION AND DIVERSION PROGRAMS.

- 8.1 The City Mayor, through the CSWDO and the HUC/ICC CPC, shall provide:
 - 8.1.1 Intervention programs for children 15 years old and below who have committed an offense;
 - 8.1.2 Intervention programs for children more than 15 years old but less than 18 years old who acted without discernment;
 - 8.1.3 Diversion programs for children more than 15 years old but less than 18 years old who acted with discernment and who have committed an offense with an imposable penalty of not more than 6 years;
- 8.2 The CSWDO shall ensure that the intervention programs shall address the causes of juvenile delinquency. Intervention programs shall include any or a combination of, but not limited to, the following (Part VII, IRR of RA 9344).
 - 8.2.1 Counseling;
 - 8.2.2 Peer counseling and life skills training and education;
 - 8.2.3 Provision of support services to the family, e.g., parent effectiveness service, livelihood programs, skills training, etc.;
 - 8.2.4 Referral to other agencies for appropriate services, e.g., education, health, skills training, etc.; and
 - 8.2.5 Access to child and youth organizations in the community, such as, but not limited to, the Sangguniang Kabataan.
- 8.3 The CSWDO shall provide assistance in the conduct of diversion programs at the barangay, law enforcement, and prosecution levels (Part VIII, IRR of RA 9344).
- 8.4 The CSWDO shall also:
 - 8.4.1 Develop policies and programs to ensure that children in conflict with the law are not subjected to discrimination in schools, both private and public;

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- 8.4.2 Coordinate with appropriate agencies such as TESDA, DepEd, DOH, and CHED in the formulation of intervention and diversion programs;
- 8.4.3 Find ways to promote and replicate good practices of intervention and diversion programs;
- 8.4.4 Monitor compliance of CICL to intervention or diversion programs.

SECTION 9. ESTABLISHMENT OF A YOUTH FACILITY - The City Government of Alaminos shall establish a Youth Facility for CICL in the following situations:

- 9.1 CICL with pending trial and with commitment order;
- 9.2 CICL with voluntary commitment;
- 9.3 CICL with involuntary commitment.

Provided that the City shall provide appropriate programs for CICL and the CSWDO shall treat each category of CICL differently.

SECTION 10. CARE AND MAINTENANCE OF CICL (SECTION 50 OF RA 9344)

The expenses for the care and maintenance of a CICL under institutional care shall be borne by his/her parents or those persons liable to support him/her. Provided, that in case his/her parents or those persons liable to support him/her cannot pay all or part of said expenses, this LGU shall pay two thirds (2/3) of the said expenses; and in case a chartered city/HUC cannot pay the expenses, part of the Internal Revenue Allotment applicable to the unpaid portion shall be withheld and applied to the settlement of said obligations. Provided, further, that, in the event that the CICL is not a resident of the city where the offense was committed, the court, upon determination, may require the city where the CICL resides to shoulder the cost.

SECTION 11. AFTER-CARE SUPPORT SERVICES.

The City Government of Alaminos, through the CSWDO, shall provide after-care services for a period of six (6) months to the CICL who have been dismissed by the proper court because of good behavior as per recommendation by the DSWD Social Worker and/or any accredited NGO Youth Rehabilitation Center.

ARTICLE IV

SECTION 12. APPROPRIATIONS OF FUNDS.

There is hereby appropriated the amount of Php 500,000.00 which shall be incorporated in the Annual Appropriation Ordinance funds for the immediate development of Information and Education Campaign (IEC) materials on the procedures and levels of intervention, implementation of intervention programs, and conduct of diversion programs in accordance with Section 24, 26, 27, 30, 31 and 50 of the laws. In addition, the City Government of Alaminos shall appropriate 1% of its annual IRA share for the strengthening and implementation of the programs of the HUC/ICC CPC as provided for in Section 15 of RA 9344. The above appropriations shall be subject to the usual accounting and auditing rules and regulations.

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ARTICLE V

SECTION 13. MONITORING, REPORTING AND EVALUATION SYSTEM.

The City Government of Alaminos, through the CCPC, shall monitor the implementation of the Comprehensive City Juvenile Intervention and Diversion Programs and submit report to the Juvenile Justice and Welfare Council (JJWC), through the DILG, not later than March 30 of every year.

ARTICLE VI

SECTION 14. PENAL PROVISION.

Any person who violates any provision of this ordinance shall, upon conviction for each act or omission, be punished by or fine of not less than Two Thousand Pesos (Php 2,000.00) but not more than Five Thousand Pesos (Php 5,000.00) or suffer imprisonment of not less than six months (6) but not more than Twelve Months (12), or both such fine and imprisonment at the discretion of the Court.

ARTICLE VII

OTHER PROVISIONS

SECTION 15. SEPARABILITY CLAUSE

- If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 16. REPEALING CLAUSE

- All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed, provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 17. EFFECTIVITY CLAUSE


- This Ordinance shall be posted in prominent places at the City Hall for a period of three (3) consecutive weeks and shall take effect on the day following its publication in a newspaper of general circulation or at the end of the period of posting, whichever occurs later.

APPROVED.....

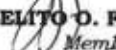
Sponsored by : HON. ORLANDO "Ang Panday" R. GO
Seconded by : HON. MA. ANGELA A. BRAGANZA
Co-sponsored by : HON. CONSTANTE R. CARASI, M.D.

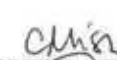
I **HEREBY CERTIFY** to the correctness of the foregoing ordinance which consist some five(5) pages including this page.


ATTESTED:


CIRILO B. RADOC, CPA. LL.B.
(City Councilor)
Acting Presiding Officer


VIRGILIO O. MONTEMAYOR
Secretary

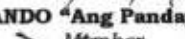

JOSELITO O. FONTELERA
Member

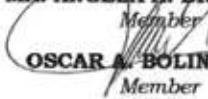

CAROLYN D. SISON
Member

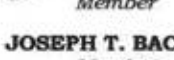

EARL JAMES C. AQUINO
Member

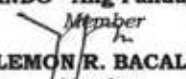

MA. ANGELA A. BRAGANZA
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FILEMON R. BACALA, JR.
Member


HELEN B. BUMAGAT, LBP
Ex-Officio Member

APPROVED:

HERNANI A. BRAGANZA
City Mayor