



**EXCERPT TAKEN FROM THE JOURNAL OF THE SPECIAL SESSION OF THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN HELD ON JULY 26, 2021**

**PRESENT:**

- |                                     |                                 |
|-------------------------------------|---------------------------------|
| <b>Councilor Cirilo B. Radoc</b>    | - Temporary Presiding Officer   |
| Councilor Apolonia G. Bacay         | - Presiding Officer Pro-Tempore |
| Councilor Oscar A. Boling           | - Minority Floor Leader         |
| Councilor Carolyn D. Sison          | - Member                        |
| Councilor Michelle S. Segundera     | - Member                        |
| Councilor Joselito O. Fontelera     | - Member                        |
| Councilor Froebel A. Ranoy          | - Member                        |
| Councilor Dahlia M. de Leon         | - Member                        |
| Councilor Alfred Felix E. de Castro | - Member                        |
| LBP Raul B. Bacay                   | - Ex-Officio Member             |
| PPSKP Lovely V. Bernabe             | - Ex-Officio Member             |

**ABSENT:**

- |   |                        |
|---|------------------------|
| Vice Mayor Jose Antonio Miguel Y. Perez | - On leave             |
| Councilor Verna S. D. Rabago            | - On official business |

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**ORDINANCE NO. 2021-23**

**AN ORDINANCE PROVIDING FOR THE PROTOCOLS IN HANDLING CHILDREN DURING THE IMPLEMENTATION OF COMMUNITY QUARANTINE IN THE CITY OF ALAMINOS, PANGASINAN INCLUDING THOSE IN THE STREET SITUATIONS, IN NEED OF SPECIAL PROTECTION, CHILDREN AT RISK (CAR), AND CHILDREN IN CONFLICT WITH THE LAW (CICL)**

**Sponsored by: Councilor Carolyn D. Sison**

**EXPLANATORY NOTES**

**WHEREAS**, Proclamation Nos. 929 and 922 (s. 2020), Republic Act No. 11332, and the Memorandum from the Executive Secretary signed on March 16, 2020 pertaining to the community quarantine over the entire Luzon and further guidelines for the management of the Coronavirus Disease 2019 (COVID-19) Situation, all local government units are hereby reminded to recognize and promote the rights and best interests of children during the implementation of the Enhanced Community Quarantine, especially during curfew hours;

**WHEREAS**, All local government officials are enjoined, in consultation with the Local Councils for the Protection of Children (LCPCs), to adhere to the principles of non-discrimination and equal treatment of all individuals; do no harm and in all application of restrictive measures, local government needs to comply with the principles of proportionality, necessity and legality;

**WHEREAS**, there shall be strict observance on existing guidelines for reaching out to children in street situations in order that no greater harm or risk, whether physical, mental or psychological in nature, is placed on children in the operationalization of the enhanced community quarantine;

**WHEREAS**, as provided for by the UN Convention on the Rights of the Child (UNCRC), all administrative measures planned and implemented by Government must preserve the dignity and welfare of every child where no inhumane or degrading punishment against children should be allowed or tolerated;

*(Handwritten signatures and initials)*



(Cont. Ord. No. 2021-23, enacted on 26<sup>th</sup> day of July, 2021)

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**NOW, THEREFORE**, on motion of Councilor Carolyn D. Sison, duly seconded by all members present,

**BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF THE CITY OF ALAMINOS, PANGASINAN, IN SESSION ASSEMBLED**, that:

**SECTION 1. Title.** - This ordinance shall be known as **“AN ORDINANCE PROVIDING FOR THE PROTOCOLS IN HANDLING CHILDREN DURING THE IMPLEMENTATION OF COMMUNITY QUARANTINE IN THE CITY OF ALAMINOS, PANGASINAN INCLUDING THOSE IN THE STREET SITUATIONS, IN NEED OF SPECIAL PROTECTION, CHILDREN AT RISK (CAR), AND CHILDREN IN CONFLICT WITH THE LAW (CICL)”**

**SECTION 2. Definition of terms.**

- a. **Child** – refers to a person under the age of 18.
- b. **Child-at-Risk (CAR)** – refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances.
- c. **Child in Conflict with the Law (CICL)** – refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- d. **Children in street situations** refers to children who depend on the streets to live and work, whether alone, with peers, or with family, and a *wider population* of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities.  
The *wider population* includes:
  1. Children who periodically, but not always, live and work on the streets; and
  2. Children who do not live or work on the streets but who regularly accompany their peers, siblings or family in the streets.
- e. **Community-based Programs** - refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community;
- f. **Initial contact with the child** - refers to the apprehension or taking into custody of a CICL by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law receives a subpoena under Section 3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule, in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law under immediate custody.
- g. **Intervention** - generally refers to programmatic approaches or systematic social protection programs for children that are designed and intended to promote the physical and social well-being of the children; avert or prevent juvenile delinquency from occurring; and stop or prevent children from re-offending.
- h. **Law Enforcement Officer** - refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code including a barangay tanod.

**SECTION 3. Circumstances Constituting CAR.**

1. Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
2. Being exploited including sexually or economically
3. Being abandoned or neglected and after diligent search and inquiry the parent or guardian cannot be found;



(Cont. Ord. No. 2021-23, enacted on 26<sup>th</sup> day of July, 2021)

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4. Coming from a dysfunctional or broken family or without a parent or guardian;
5. Being out of school;
6. Being a street child;
7. Being a member of a gang;
8. Living in a community with a high level of criminality or drug abuse; and
9. Living in situations of armed conflict.

**SECTION 4. Other classification of CAR.**

The classification of CAR also extends to those children who violate the ordinances enacted by local governments, concerning juvenile status offenses enumerated in Section 57-A of R.A. No. 9344 as Amended by R.A. 10630, such as, but not limited to:

- a. curfew violations
- b. truancy
- c. parental disobedience
- d. anti-smoking and anti-drinking laws, as well as those concerning light offenses and misdemeanors against public order or safety such as, but not limited to:
  1. disorderly conduct public scandal
  2. harassment drunkenness
  3. public intoxication
  4. criminal nuisance
  5. vandalism
  6. gambling
  7. mendicancy
  8. littering
  9. public urination, and
  10. trespassing

**SECTION 5. Rights of the Child in Conflict with the Law and Child at Risk** - Every child in conflict with the law shall have the following rights, including but not limited to:

- a. the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- b. the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- c. the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- d. the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- e. the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;



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- f. the right to bail and recognition, in appropriate cases;
- g. the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
- h. the right to have his/her privacy respected fully at all stages of the proceedings;
- i. the right to diversion if he/she is qualified and voluntarily avails of the same;
- j. the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- k. the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- l. in general, the right to automatic suspension of sentence;
- m. the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- n. the right to be free from liability for perjury, concealment or misrepresentation; and
- o. other rights as provided for under existing laws, rules and regulations.

**SECTION 6. Procedure for taking the child custody.**

1. Initial contact: When the child is taken into custody by Law Enforcement Officer (LEO)
  - a. See to it that both LEO and child are observing the minimum health protocols by wearing face mask and face shield, and social distancing;
  - b. Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
  - c. Inform the child of the reason for such custody and advise the child of his/her constitutional rights in the language or dialect understood by him/her;
  - d. Properly identify himself/herself and present proper identification to the child;
  - e. Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
  - f. Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
  - g. Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
  - h. Avoid violence or unnecessary force;
  - i. The LEO and other personnel from police station must also consider the physical and psychosocial needs of the said child (ex. Is the child hungry? Or is the child afraid?) for proper handling;
  - j. The LEO can also ask the assistance of the CSWDO or any interpreter or medical health professional to communicate with the child and obtain the needed details regarding his/her parents or guardian;
  - k. When circumstances dictate the conduct of search (e.g. when violence and weapons were used), the LEO must conduct search of the child in a friendly, non-degrading and gender-sensitive manner. A female child may only searched by a female LEO.



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2. People to immediately contact or inform upon taking of custody
  - a. Contact the parents/guardians of the CICL immediately after the child's apprehension and no later than eight hours after taking the child into custody to ensure that the CICL is assisted properly when the initial interview is conducted;
  - b. If the child does not have any parent or guardian, LEO must note in the intake form that the child may be "neglected" or "abandoned" and immediately inform the CSWDO;
  - c. The LEO informs the Public Attorney's Office (PAO) in order to have a legal professional who can ensure that the child is adequately protected from making any incriminatory statement while being interviewed by LEO;
  - d. Bring the child to a medical/health officer for a thorough physical and mental evaluation.
  
3. Conducting Initial Interview
  - a. Only questions needed to fill out the intake forms must be asked. If there are pieces of information required in the intake that may be provided by other persons (e.g. parents, relatives, teachers) the LEO may obtain these pieces of information from them and not from the child anymore;
  - b. The conduct of intake is confidential;
  - c. When talking to a child, use simple language or dialect that can be understood by the child; not display or use instruments of force, not use violence, force or torture; not make sexual advances on the child and not harass or abuse the child;
  - d. If speaks a different language, the LEO must get an interpreter.
  
4. Determining the Offense and Imposable Penalty  
The LEO must conduct an initial investigation to properly identify the offense committed by the child.
  
5. Determining the Age of the CICL  
The LEO must be able to make a determination of age within 8 hours from the time the custody of the child is taken necessary to be able to refer the case to the proper authority.

**SECTION 7. When child is above 15 yrs old but acted without discernment:**

If the child is Dependent, Abandoned, Neglected and Abused ( DANA) and the safety of the child is in danger found by the CSWDO, the best interest of the child requires that he/she be placed in Crisis Intervention Center, the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: Provided, that if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the CSWDO pursuant to PD No. 603, as amended, otherwise known as "The Child and Youth Welfare Code" However, if the child is not DANA and the safety of the child is not in danger, release the child to parents/guardians or relatives and undergo community-based intervention program.

**SECTION 8. When a child is above 15 yrs old but less than 18 years old and acted with discernment (offense with penalty not more than 6 yrs):**

Children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions herein provided:



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- a. Where the impossible penalty for the crime committee is not more than six (6) years imprisonment, the law enforcement officer (LEO) or Punong Barangay with the assistance of the CSWDO shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities.
- b. In victimless crimes where the impossible penalty is not more than six (6) years imprisonment, the CSWDO shall meet with the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with the BCPC.
- c. Where the impossible penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be resorted to only by the court.

**SECTION 9. Handling a child who violates an ordinance (CAR).**

- a. See to it that both LEO and child is observing the minimum health protocols by wearing face mask and face shield and social distancing
- b. The Barangay take custody of the child
- c. The Barangay register child as child at risk in CAR Logbook
- d. Conduct Intake of CICL
- e. If the child is a resident of barangay:
  1. Notify parents/guardian
  2. Turn over physical custody of the child to parents/guardian. If cannot find parents/guardian, turn over physical custody of child to CSWDO. The CSWDO conduct intake and assessment and conduct intervention conferencing and design intervention program with the child, parents, Barangay Council for the Protection of Children (BCPC) to formulate community-based intervention programs.
- f. If the child is not a resident of barangay, turn over custody of child to barangay of residence.

**SECTION 10. Confidentiality of Proceedings and Record.** - All proceedings and records involving children in conflict with law from initial contact until final disposition of the case by the court shall be considered privileged and confidential. The public may be excluded from the proceedings and pursuant to the provisions of Section 31 of the Rule on Examination of a Child Witness, the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the child may have the sentence suspended under Section 38 of this Rule or if the child may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action.

The court shall employ measures to protect confidentiality of proceedings including non-disclosure of records to the media, the maintenance of a separate police blotter for cases involving children in conflict with the law and the adoption of a system of coding to conceal material information, which will lead to the child's identity. The records of children in conflict with the law shall not be used in subsequent proceedings or cases involving the same offender as an adult.

Media practitioners shall execute the highest ethical and professional standards in reporting and covering cases of children must be observed such that in all publicity concerning children, the best interest of the child shall be the primary concern.



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In the best interest of the child, the identity of a CICL shall not be disclosed whether directly or indirectly. No information that would lead to the identity of the child or any member of his/her family shall be published or broadcast.

Photographs, images, or video footage of the face or any distinguishing feature or information of a CICL including his or her family members shall not be taken, published, or shown to the public in any manner.

In the best interest of the child, interview(s) of a CICL should be conducted only when the child interviewee is assisted by a psychologist or a social worker known to her or him. In this case, the media practitioner should take into consideration the level of comfort of the child when asking questions and the length of time spent in the interview. This is to prevent the child from further traumatization.

**SECTION 11. Prohibition of labeling.** - In the conduct of proceedings from initial contact with the child in conflict with the law to the final disposition of the case, there shall be no branding or labeling of the child as young criminal, juvenile delinquent, prostitute, vagrant, or attaching to the child in any manner any derogatory description or name. Likewise, no discriminatory statements, conduct and practices shall be allowed, particularly with respect to the child's social or economic status, physical or mental disability or ethnic origin.

**SECTION 12. Penalty.** - Any person, found by the court of competent jurisdiction, violating any provision hereof shall be penalized as follows:

- a. First Offense : Fine of PhP2,000.00
- b. Second Offense : Fine of PhP3,500.00
- c. Third Offense : Fine of PhP5,000.00

**SECTION 13. Appropriations.** - The amount of Fifty Thousand Pesos (PhP 50,000.00) necessary to carry out the initial implementation of this Ordinance shall be charged to the Office of the City Social Welfare and Development. Thereafter, such amount as may be necessary for the continued implementation of this Ordinance shall be included in the succeeding Annual Budget.

**SECTION 14. Separability Clause.** - If any provision of this Ordinance is held unconstitutional, other provisions not affected thereby shall remain valid and binding.

**SECTION 15. Repealing Clause.** - All Laws, decrees, ordinances and rules inconsistent with the provisions of this Ordinance are hereby modified or repealed accordingly.

**SECTION 16. Effectivity Clause.** - This Ordinance shall take effect fifteen (15) days after the completion of its publication.

SO ORDAINED/ENACTED.....

The text contains several handwritten signatures in black ink, arranged in a cluster below the 'SO ORDAINED/ENACTED.....' line. The signatures are stylized and vary in size and orientation, representing the members of the Sangguniang Panlungsod.



(Cont. Ord. No. 2021-23, enacted on 26<sup>th</sup> day of July, 2021)

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I HEREBY CERTIFY to the correctness of the foregoing ordinance consisting of eight (8) pages including this page.

*lvale*  
**LUZ B. VALE**  
 Secretary

ATTESTED:

*[Signature]*  
**CIRILO B. RADO**  
 Temporary Presiding Officer

*[Signature]*  
**APOLONIA G. BACAY**  
 Presiding Officer Pro-Tempore

*[Signature]*  
**OSCAR A. BOLING**  
 Minority Floor Leader

*[Signature]*  
**CAROLYN D. SISON**  
 Member

*[Signature]*  
**MICHELLE S. SEGUNDERA**  
 Member

*[Signature]*  
**JOSELITO O. FONTELERA**  
 Member

*[Signature]*  
**FROEBEL A. RANOY**  
 Member

*[Signature]*  
**DAHLIA M. DE LEON**  
 Member

*[Signature]*  
**ALFRED FELIX E. DE CASTRO**  
 Member

*[Signature]*  
**RAUL B. BACAY, LBP**  
 Ex-Officio Member

*[Signature]*  
**LOVERLY V. BERNABE, PPSKP**  
 Ex-Officio Member

APPROVED BY:

*[Signature]*  
**ARTH BRYAN C. CELESTE**  
 City Mayor

08/31/21  
 Date