

Section 2 - DECLARATION OF POLICY AND PRINCIPLES - The Local Government of Pasacao declares that it:

- 2a. It adheres to the general principles provided for in 1987 Constitution that it is state's responsibility to the rights and welfare of children in favor of their development, and as such the local government of Pasacao shall give utmost priority for its local execution in terms of programs and projects for that purpose.
- 2b. Recognize the primary role of parents or legal guardians in the child rearing, and as such, the local government of children or in cases where it is not possible for parents and legal guardians to rear their children, they shall be referred to the private and public welfare institutions:

Article 11, Section 13 - the states recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs.

Article XV, Section 3(2) - the state shall defend the rights of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other condition prejudicial to their development.

- 2c. It adheres to the general frameworks of 1989 United Nation Convention of the Rights of the Child which provides among other four general principles as follows:

2c.1 - In all actions concerning children, whether undertaken by the public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be primary consideration;

2c.2 - The states shall parties are requires to assure 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 weight in accordance with the age of the maturity of the child.

2c.3 - The third principle is that of the survival and development of the child "Survival" is an amplification of the right to life and implies the law, policy and administrative action must look beyond the physical survival of the child to issue of cognitive, emotional, social and cultural development.

c.4c. The fourth principle is the non-discriminal of children.

Section 3 - DEFINITION OF TERMS:

3a.Children - refers to persons below eighteen (18) years of age but are unable to fully take care of protect themselves from abuse, neglect, cruelty, exploitation and discrimination because of physical or mental disability or infirmity.

3b.Child Abuse - refers to the abuse or maltreatment of the child, whether habitual or not, which includes:

3b.1 - Psychological, physical and sexual abuse, neglect, cruelty and emotional maltreatment;

3b.2 - Any act, in words or in deed, which debases, degrades demeans the intrinsic worth and dignity of the child as a human being;

3b.3 - Unreasonable deprivation of his or her basic needs of survival such as food, clothing and shelter, or

3b.4 - Failure to give medical treatment to an injured child resulting in serious impairment of his or her growth and development, permanent incapability or death.

3c.Circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:

3c.1 - Working under conditions hazardous to life and moral development or working without provisions for their education.

3c.2 - Living in or fending for themselves in the streets without the care of the parents or guardians or any adult supervisions needed for their welfare.

3c.3 - Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdevelopment and lacks or has inadequate access to basic services needed for a normal quality of life.

3c.4 - Being with the 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.

3c.5 - Being a victim of an illegal transnational union or child trafficking.

3c.6 - Being a victim of man-made or natural disaster or calamity.

3c.7 - Recruitment of children in the armed forces of the Philippines, its civilian units.

3c.8 - Circumstances analogous to those above stated circumstances that endanger the life, safety or normal development of children.

3d. Comprehensive Child's Support System Against Child Abuse, Exploitation and Discrimination refers to the coordinated program of services and facilities to protect the children against:

4d.1. Child prostitution and other sexual abuse.

4d.2. Child trafficking.

4d.3. Obscene, publications and indecent shows.

4d.4. Exploitation

4d.5. Other acts of abuse

4d.6. Circumstances that treated the survival and normal development of children as prescribed in the 1989 UN Convention of the rights of the child.

3e. Comprehensive Support System for the Development of Children also refers to the coordinated program of services and facilities outlined in Section 3 of RA 6972 and as prescribed by the UN Convention on the Rights of the Child.

3f. Development Rights pertain to the access of the child to educational opportunities, relevant information, play, leisure, cultural, activities, and the right of freedom of thought, conscience and religion.

- 3g. Junk Foods - are foodstuff which are produced with artificial flavors, coloring and preservatives which have been found to contain carcinogenic elements harmful to the body on those sold beyond their expiry periods.
- 3h. Participation Rights - are those rights to be protected against all forms of child abuse, exploitation and discrimination in situation where the children are considered in extremely difficult circumstances.
- 3i. Pasacao Children Welfare and Protection Council - refers to the body which is responsible for coordinating and monitoring the implementation of ordinance and law on children's rights, protection and welfare.
- 3j. Survival Rights - the rights of children to demand from the state, their parents or legal guardians for adequate living standards, access to basic health services and social security.
- 3k. Anti-social Related activities are those acts against property, chastity and person which include but not limited to the following:
- a. Petty crimes as snatching, shoplifting, misrepresentation;
 - b. Using and pushing prohibited drugs;
 - c. Selling and distribution of lewd/obscene reading materials;
 - d. Pimping for young and adult prostitutes, sexual perversions and doing or participating in obscene shows;
 - e. Gambling in any form;
 - f. Rape and incest, and
 - g. All other circumstances as defined in the existing law.

ARTICLE II
PROTECTION RIGHTS OF CHILDREN

Section 4 - 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) one year from the effectivity of this code by the Pasacao Children Welfare and Protection Council and the Municipal Social Welfare Office after consultation with other government agencies, private sector, non-government organizations and child welfare institutions that are concerned with protection and development of children rights and welfare.

Section 5 - Child Prostitutions and other Sexual Abuse - Children whether male or female, who for money, profit or any other consideration or due to the coercion of influence by 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 Section of RA 7610 shall be imposed upon the following:

- a. Those engage as procurer of a child prostitution by means of written or oral advertisements or other similar means.
- b. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means.
- c. Entering into relationship with or take advantage of a child as prostitute.
- d. Threatening or causing violence towards a child to engage him or her as a prostitute or participants in indecent shows.
- e. Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage in child prostitution.

Those persons who commit the act as stated in RA 7610 shall penalized accordingly as prescribed therein.

Section 6 - Obscene Publications and Indecent Shows - Any person who shall hire or employ, use, persuade, coerce or force a child, whether live or in video, to pose or model in obscene publications or pornographic materials shall suffer the penalty prescribed in RA 7610 in so far as it is applicable.

Section 7 - Sanction for Establishment or Enterprises which promote, facilitate, or conduct activities constituting child prostitution and other sexual abuse, child trafficking, obscene publication and indecent shows.

All establishment 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 be cancelled without prejudice to the owner or manager thereof being prosecuted under the ordinance. A sign of the "Child Rights Violators" will be conspicuously posted outside the establishment or enterprises for such periods as the council shall determine.

Section 8 - Requirement of establishment to post notices against child abuse. All establishment such as hotels, nightclubs, saunabaths, vedeoke bars, motels, beaches are requisite to renewal/approve of business license.

Section 9 - 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 the RA Act no. 7610.

Section 774(3)(iii)

Section 10 - Attempt to commit Child Trafficking - There is an attempt to commit child trafficking under section 8 of this ordinance.

- a. When a pregnant mother, father, or guardians executes an affidavit of consent for adoption for a consideration or consent, participates or in any manner causes the registrations of such child in the name of another with or without considerations.
- b. When a person, agency, establishment or child caring institutions women or couples to bear children for the purpose of child trafficking.
- c. When a doctor, hospital or clinic official or employees, nurse, midwife, local registrar or any other persons simulates birth for the purpose of child trafficking.
- d. When any person, authority, agency or institution witnesses who have knowledge but fails to report transaction related to circumstances in child trafficking.
- e. The penalty prescribed in ~~Article IV~~ of Republic Act No. 7610 in so far as it is applicable shall be imposed upon the principles 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 service shall be defined by the Social Development Committee of the Municipal Development Council.

Section 11 - Appointment of Child and Youth Relations Officer and Police Procedures. The Pasacao Police Station shall assign a child and Youth Relation 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 logbook on 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 11-A - Special courses for PNP members - a special courses that deals with handling child delinquents and abused children shall be designed and obligatory given to the members of the PNP in the municipality.

The PCWPC, in close coordination with the PNP child protection team and interest groups, shall be tasked to design and initiate the conduct of training seminar on the special courses.

Section 12 - 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 when applied to children suspects under the custody of police authorities shall be prohibited and dealt with appropriate action from the People Law Enforcement Board. Cases or case of brutality, the Police Officer committed against children shall be filed in PLEB who will determine the appropriate penalty without prejudice to the provisions of the Revised Penal Code.

Section 13 - Employment of Children - as defined in the ordinance, shall not employed provided that:

- a. The minimum requirement as stated in section 12 of Rep. Act No. 7610 shall be present
- b. The employer shall register the child or children they employ to the PCWPC.

The PCWPC shall provide guidelines, rules and regulations regarding the employment in the Municipality of Pasacao and shall be tasked to implement this provisions provided by this ordinance.

Section 13-A- Penalties - Any person who shall violate this provision of the ordinance shall be imposed with penalty as prescribed in Sec. 16 of Rep. Act 7610 in so far as it applicable.

Section 14 - Curfew for Minors - To protect the children from harm, exploitation and criminal elements, a curfew shall be imposed on them from 10:00 p.m. to 4:00 a.m. During this hours, the children are prohibited from loitering around the municipal or sleeping in public places, unless justified and accompanied by parents, legal guardians or adults and the condition in which the presence of the children does not constitute child trafficking, prostitution and other unlawful activities, this provision will not apply.

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 in child rearing and caring.

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

ARTICLE III SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

Section 15 - General Framework - The development and survival are determined by both external and internal factors, so that, it is shared responsibility of the parents, sibling and relatives which shall be known as the internal factor and the state, civil society and community which shall be known as the external factor to provide the necessary environment, support, assistance and other initiatives to make children responsive and productive members of the society.

Section 16 - The Pasacao Local Government, representing the state, shall ensure 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 general welfare of the children.

Section 17 - The Local Government of Pasacao shall establish the following programs, projects and initiatives to contribute to the survival and development of the children.

- a. Maintain monitoring of births registration and complete the immunization series for the prevention of tuberculosis, diphtheria, pertusis, tetanus, measles, poliomyelitis and such other disease for which vaccines have been developed for the administration to children up to six years of age.

- b. Maintain growth and nutritional monitoring among children up to six years old and provide nutritional feeding and supervision of nutritional intake at home.
- c. Provide facilities where children of working parents can be taken care of during the day and whenever feasible, a facility where the children up to six years of age or parents working at night can be taking cared of during the night.
- d. Established a community-based program that will build network of household, develop it into a functional "caregiver" mechanism where adult members are mobilized to take care of the children of working parents during working hours. In this regard, the SWD Officer of Pasacao shall provide supervision, training and seminars to adult mobilized as "caregivers" of working parents. Furthermore, in cases where children are left to the care of paid domestic elderly relative or older children, without adequate and competent adult supervision, the SWD Officer shall provide the same provision, training and seminars.
- e. Develop programs 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 balance program of supervised play, metal stimulation activities and group activities with their peers.
- f. Establish a center that will serve a sanctuary for the abused, neglected and exploited children, which provide shelter to children in urgent need of protection from imminent danger, cruelty and abuse. The center which shall be establishment through the barangay local government shall conduct rescue operations of children in clear danger with law enforcement agencies when the situations merits.
- g. Foster Care Parenting for Abused Children shall be established and shall implement following provisions:
 - a. Covers children from infancy to 17 years of age, a neglected maltreated, abused or is danger further neglect or abused by parents or relatives.
 - b. Formulation - there shall be a pool of foster families who will provide a temporary substitute family care for an abused child while appropriate placement is being worked out to rescue them from the hands of the perpetrators. Criteria for selection of foster, parents

shall be undertaken by the MSW Officer as well as their termination.

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C. QUALIFICATION OF FOSTER FAMILY:

1. Legally married, although single person may be considered under special circumstances.
2. Sufficient income to meet the basic needs of the family.
3. Have an interest in parenting a non-related child.
4. Capable of caring for and handling children with problem.
5. Healthy and harmonious relationship with every family member.
6. Good and physical and mental health.
7. Ability to help the child return to his biological family or accept his new family.

POLICIES AND ELIGIBILITY REQUIREMENTS:

1. The placement of the child to the foster family should be done when there is a potentially hazardous condition which is detrimental to the welfare of the child.
2. Children below 1 year old but not over 18 years of age may be placed to a foster family.
3. Adequate assesement shall be conducted by the MSWDO to the foster parents indicating the circumstances of the biological family before placement may be done.
4. Foster Family should be licensed by the Municipal Mayor based upon the recommendation of the MSWO after thorough study.
5. No child a foster family should be at a disadvantages by the placement of a foster child.
6. An alternative foster parent may also be tapped either an aunt, uncle or other relatives of the child, if possible.
7. A traumatized child will not be handled by a Foster Care unless the particular foster parents has the expertise in handling such child.

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8. A foster care should not use the fostering as a trial for placement for adoption or for guardianship.

9. A foster family should not have more than five children.

10. A foster family should not have more than five children.

11. A foster family shall care not more than two children at a time.

A subsidy Support may be provided when a licensed foster parents lacks the financial for the placed abused child on a case to case.

h. ORGANIZE THE PASACAO CHILDREN WELFARE AND PROTECTION COUNCIL - the council is responsible for coordinating and monitoring the implementation of ordinance and law on children rights protection and welfare;

a. Role and Functions:

a.1. Formulate and integrated policy and long range programs, monitor and evaluate the implementation of policy and all programs and services relative to the development of the welfare and protection of the best interest of the children.

a.2. Advocate and recommend to the executive and other agencies for implementation when appropriate, innovative, pilot programs and services to the general welfare of the children and youth.

a.3. Mobilize resource assistance, call upon and utilize any department, office, agency of instrumentality, public, private or voluntary, for such assistance as it may require in the performance of its functions.

a.4. Submit annually to the local executive, through the SWDO a comprehensive report on its activities and accomplishments.

a.5 Perform such other function as provided by law.

b. Organization Structure of the Council:

Chairman	-	Local Chief Executive (LCE)
Vice Chairman	-	SWDO
Members	-	SB Member - Comm. on Social

Services
Comm. on Women
Mun. Health Officer
DepEd
Mun. Dev't Planning Officer
Mun. Trial Court Judge
Mun. Agriculture Office
Chief of Police
3 representatives from private
concerned on the welfare of the child,
youth and women

- h. Established a Reproductive Health Care Center for Pregnant mothers for prenatal check-up, neonatal services, delivery of infant under condition that shall prevent or minimize risk of mother and child; 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 to care;
- i. Organized Barangay Health Workers or hilot provided with the basic training for first aid and for normal delivery. Trained to recognized high risk pregnancies which should be referred to competent obstetrician and pediatric medical care for mother and child who are at risk. No bgy. Health workers be hired without passing the orientation and training, including their responsibilities, values and attitude of handling ill child or person and with upgraded honorarium commensurate to the responsibilities or tasked assigned.
- j. Organized a Bgy. Children Welfare and Protection Council that will ensure for the protection and development of children, lobby to the barangay council the programs, projects and initiatives that will enhance the protection and concerns of the children.
- k. Institute the children and Day Care centers learning exercise and modules that raise awareness and respect the participation of children in decision making processes.
- l. Maintain a pool of trained and specialized day care or child development workers with an upgraded salary / honorarium scheme.

Section 18 - Early childhood Care and Development Program - The LGU of Pasacao shall establish a program that will cater to the needs of 0-2 yrs. old children. The council, MHO and SWDO shall outline the program content and beneficiaries according to actual needs and economic standing. Primary, the program shall be designed

to cater for the needy beneficiaries or the poorest of the poor in the Municipality of Pasacao.

Section 19 - Population - Based Day Care centers - The LGU of Pasacao shall establish at least one Day Care Center in the Barangay which shall implement program for children , including the Early Childhood Care and Development Programs, and other related programs the council has designed. The general principles in which the day care centers are to be established shall be based on population ratio the council and MSWO determine.

Section 20 - Role of Primary Health Care Program in Children's Health - The Promotion of primary health care program in the barangay shall give specific emphasis on monitoring the children's health, as such, as barangay child health workers or officers shall be employed of which a salary/honorarium compensate with the work responsibility.

To ensure the implementation of the Primary Health Care Program the following strategies shall be given emphasis:

1. Apply readily available technology and provide adequate nutritious foods and safe drinking water in connection with the health programs intended to the children.
2. Establish a comprehensive Parents Orientation Development Program which includes courses on reproductive health, child health, and child rearing practices in the context of Filipino psychology.
3. Monitor the full implementation of the milk code of the Philippines and advocates for the prosecution of the milk firms that violate the code.
4. Conduct massive information and education campaign on breast feeding whatever possible, the students in all levels shall be required to take breast feeding course which shall be integrated in the curricula.

Section 21 - Comprehensive Training Course on Child Health - All health practitioners employed in government, non-government, private institutions or other institutions shall be required to complete a comprehensive training course on child health which shall be designed by a task force headed by Municipal Health Officer and whose members shall be determined by the local chief executive. No one shall be allowed to practice his or her profession without the updated certificate of completion of the training.

Section 22 - Creation of Children Concern Unit - which shall attend to children of poor and indigent families. It shall ensure pediatric assistance and facilities for the treatment of illness and physical rehabilitation. Such protective and physical placement shall be evaluated regularly by the component team-the MHO, Council, MSWDO.

Section 23 - Special Focus on Differently-able Children - The LGU Pasacao shall give focus on differently abled 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 LGU of Pasacao will make a periodic comprehensive survey on differently-abled children which shall serve as basis for the programs and projects intended for their development.

23.a. Investment in Educators and Health Professional Training Program for Special Program for Differently-abled children. Training Programs for Educators and health professionals who handle differently-able children shall form part of the priority of the local government of Pasacao.

Section 24 - Barangay Level Recreational and Cultural Facilities and Program - a barangay level program for indigenous games that reflect that diversity in Pasacao shall allocate space for recreation and provide recreational facilities appropriate to each children age-group and gender which shall be assigned and informed of the cultural diversity.

Section 25 - Advocacy Program for Local Children's Literature - The LGU of Pasacao shall launch a program that aims to popularize local children's literature that focus on the value formation and touch on the Bicolano culture. The Local government shall mobilize writers for the purpose and invest in the production of literature for children and other relevant materials.

Section 26 - 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 to the issuance of marriage license by the Civil Registrar. The course becomes an integral part of existing Family Planning Seminar on Reproductive Course, in close coordination with the Municipal Health Office and the Civil Registry Office, shall upgrade the Family Planning Seminar in cognizance of this ordinance.

Parent-applicants for birth certificate of their first born children shall be required to participate in Parenting Orientation Course II, as a follow-up to the first course, before issuance of

Certificate of Live Birth by the Civil Registrar without prejudice to the early registration of birth requirement under existing laws.

Module of these courses shall be designed by the Council and the Municipal Social Services Development Office in closed coordination with an NGO child focused program.

ARTICLE IV PARTICIPATION RIGHTS OF CHILDREN

Section 27 - Participation Rights of Children in Decision Making - in deciding what is in a child's best interest, the child's own views must be considered where the child is able to express these. Thus, this ordinance reiterates the second principles stated in 1989 UN Convention on the Rights of the Child that the state assures to the child who is capable of forming his/her own views, the right to express those views freely in all matters affecting the child being given due weight in accordance with the age and maturity of the child. This principles tends to be view somewhat simplistically, and it will be important for any new legislation pertaining to children in the Municipality of Pasacao to ensure that ample opportunity is given for children to participate meaningfully decision affecting them.

Section 28 - Installation of Mechanism for Participation in Policy and Program Formulation in Local Governance - The LGU of Pasacao shall institute the process of consultation as the means of respecting and recognizing the views of children on issues directly affecting them. This ordinance mandates that children will ages ranging from seven (7) to twelve (12) years old shall be convened to select their children with ages ranging from thirteen (13) to seventeen (17) years old, the children shall be convened annually during the Children's Month in October. The NGO's with children concerns will be mobilized in the preparation and evaluation of the convention. Detailed implementing rules and regulation of this ordinance shall be drafted by the Sangguniang Bayan, Commission on Social Services, Family and Youth in coordination with the Council.

ARTICLE V FINAL PROVISION

Section 29 - Appropriations - To effectively implement this ordinance, two (2) percent of the Annual Economic Fund (AIF) shall be appropriated annually.

Section 30 - 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 31 - Repealing Clause - All ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed and or modified accordingly.

Section 32 - Effectivity Clause - This Ordinance shall take effect upon completion of its publication in a local newspaper of general circulation.

UNANIMOUSLY APPROVED

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WE HEREBY CERTIFY TO THE CORRECTNESS of the foregoing Ordinance.

Marilyn Sotto
MARILYN P. SOTTO
Member

Elmer L. Dela Rosa
ELMER L. DELA ROSA
Member

Honorio C. Flota, Jr.
HONORIO C. FLOTA, JR.
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Welhelmino P. de Guzman
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Member

Patricia Kaba
PATRICIA KABA L.O. SACRAMENTO (SKF)
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Sangguniang Bayan Secretary

ATTESTED BY:

Ma. Helena A. Tolentino
MA. HELENA A. TOLENTINO
Municipal Vice Mayor/ Presiding Officer



APPROVED:

Manuel S. Lee-Oliver, Jr.
MANUEL SA. LEE-OLIVER, JR.
Municipal Mayor
JUN 10 2005
Date