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Province of Samar
Municipality of Pinabacdao
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MUNICIPAL ORDINANCE No. 22-001

Series of 2022

AN ORDINANCE ENACTING THE MUNICIPALITY OF PINABACDAO CHILDREN'S CODE

Be it ordained by Sangguniang Bayan of Pinabacdao, Samar, that:

ARTICLE I

TITLE, SCOPE, POLICIES, DEFINITION, STATE OBLIGATIONS

SECTION 1. Title – This ordinance shall be known and cited as the "Municipality of Pinabacdao Children's Code".

SECTION 2. Declaration of Policy and Principles- The state recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs. It also recognizes that the children have right s as provided in the United Nation Convention on the Right of the Child and other laws. The Local Government Unit of Pinabacdao recognizes the importance of effectively promoting fully enhancing, and institutionalizing the survival development, participation and protection rights of the children within the framework of advancing their general welfare in furtherance of integrated, sustainable and equitable development. It believes in the historic protection and development of all children through a strong partnership and among government agencies, NGO's and private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork.

SECTION 3. Purpose- This code is enacted with the following purpose:

a) To ensure the protection of children against all forms of abuse and exploitation;
b) To advocate for children 's rights and promote their welfare and development;
c) To ensure that children's rights are given priority attention both I government, business, and civil society;
d) To improve the quality of life of Pinabacdao children enabling them to fully develop their potentials and participate in community life and nation building

SECTION 4. All Proceedings to be conducted in the best interest of the Child – Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation and interpretation of the provisions of this code, including its

implementing rules and regulations, shall be resolved taking into consideration the best interest of the child.

SECTION 5. Participation of the Child – All proceedings before any authority that would discuss matters that concern and affect children shall be conducted in a manner which allows them to participate and to express themselves freely. Participation of children in program and policy formulation and implementation related with children's concerns shall be ensured by the concerned government agency or local government unit (LGU).

SECTION 6. Duties and Responsibilities of the State – In accordance with section 3 and Paragraph 2 of Article XV of the Philippine Constitution, it is the duty of the state, it is the duty of the State to defend the right of children to assistance including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. In accordance with the United Nations Convention of the rights of the Child (UNCRC) to which the Philippines is a State Party, the State shall:

a.) Undertake all appropriate legislative administrative, and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights, the State shall undertake such measures to maximum extent of its available resources and, where needed, within the framework of international cooperation.
b.) Ensure to maximum extent possible the survival, development, protection and participation rights of the child;
c.) Take all legislative, administrative social and educational measures to protect children from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in care of the parent/s, legal guardian/s or any other persons who has the care of the child:
d.) Assure to the child who is capable of his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity;
e.) Render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of the children.

ARTICLE II

RIGHTS AND OBLIGATIONS OF THE CHILD

SECTION 7. Rights of the Child.

a.) Every child shall be entitled to the rights herein set forth without discrimination, irrespective of the child's or his or her parent's or legal guardian's nationality, identity, race, color, sex, language, religion, political or other opinion, ethic or social origin or other opinion, ethic or social origin, property, disability, paternity and filiations, birth or other status.

b.) Every child shall possess the following rights which are classified into survival, development, protection and participation rights:

1. **"Survival rights"** ensure the child's inherent right to life and to inherent needs that are most basic to their existence, the right to a name and to a nationality, the right to identity, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:
    a) Every child has the right to be born well, endowed with the dignity and worth of human being from the moment of his or her of his or her conception;
    b) Every child has the right to a wholesome family life that will provide him or her with love, care, understanding guidance, and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of home;
    c) Every child has the right to be a balanced diet, adequate, clothing, sufficient shelter, proper medical attention and all the basic physical requirements of a healthy and vigorous life.
2. **"Development rights"** refers to the rights of a child to education to develop her or his personality, talent mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights.
    a) Every child has the right to a well-rounded development of her or his personality to the end that she or he may become a happy, useful and active member of society specifically:
        - The gifted child shall be given the opportunity and encouragement to develop her or his special talent.
        - The emotional disturbed or socially maladjusted children shall be given treatment and competent care.
        - The physically or mentally disabled child shall be given treatment, education and care required by her or his particular condition;
    b) Every child has the right to be brought up in an atmosphere of her or his character;
    c) Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building or better world;
    d) Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:
        - The development of the child for responsibility, talent, and mental and physical abilities to the fullest extent:

- The preparation of the child for the responsible adult life in a free society:
- The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of other;
- The development of respect for the natural environment.

e) Every child has the right of full opportunities for safe and wholesome reaction and activities, individual as well as social, for the wholesome use of her or his leisure hour.

f) Every child has the right to live in a community and a society that can offer her or him an environment free from harmful influences and conducive to the promotion of his or her health and cultivation of her or his desirable traits and attributes.

3. **"Protection rights"** cover those rights protecting the child from all forms of discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse and exploitation.
4. **"Participation rights"** refers to the child's rights to participate in matters that affect him or her by providing all appropriate venues where he or she can express his or her opinion freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assemble. The following are the participation rights:
   a) Every child has the right to provide the opportunity to be heard in any judicial and/or administrative proceedings affecting him or her, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
   b) Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance.
   c) Every child has the right to freedom of statement. This right shall include freedom to seek, receive and import information and ideas of all kinds.
   d) Every child has the right to express his or her opinions freely and have these opinions taken into account in any matter or procedure affecting him or her;
   e) Every child has a right to privacy and shall be protected against unlawful interference with such privacy, home, or correspondence, and to unlawful attacks against his or her honor and reputation.

SECTION 8. Responsibilities of a Child. Every child shall:

a) Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and the bidding of a clean conscience;
b) Love, respect, and obey his or her parents and cooperative with them in the strengthening of the family;

c) Extend to her or his brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
d) Exert to his or her utmost to develop his or her potentialities for service particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become and asset to himself or herself and to society.
e) Respect not only his elder but also the custom and traditions of his or her people's heroes, the duly constituted authorities, the law of the country, and the principles and institutions of democracy;
f) Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future;
g) Help in the observance of individual human right, the strengthening of freedom everywhere, the fostering of cooperation among nation in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

ARTICLE III

ROLES AND FUNCTIONS OF VARIOUS SECTORS

SECTION 9. The Family. - The family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. Government and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

SECTION 10. Primary Rights of Parents. -The family has primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall give the right to the company of their children and, in relation to all other person or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

SECTION 11. Rights under the Family Code. – Parents shall continue to exercise the rights mentioned in Article 209 to 237 of the family code over the person and property of their children.

SECTION 12. Right to Discipline Children. –Parents have the right to discipline their children as may be necessary for the formation of their good character, provided does not fall under the prohibited acts mentioned in the Code and other pertinent national laws. Parent may require from their children obedience to just and reasonable rules, suggestions and admonitions.

SECTION 13. General Duties of Parents. – Parents shall be following general duties towards their children:

a) To Give them affection, companionship and understanding;
b) To extend to them the benefits of moral guidance, self-discipline and religious instruction;
c) To supervise their activities, including their recreation;

d) To inculcate in them the value of industry, prudence and self-reliance;
e) To stimulate their interest in civil affairs, teach them the duties of citizenship, and develop their commitment to their country;
f) To advise them properly on any matter affecting their development and well-being;
g) To always set a good example;
h) To provide them with adequate support, as defined in article 194 of the Family Code, and;
i) To administer their property, if any, according to their best interest, subject to the provisions of Article 225 to 27 of the Family code.

SECTION 14. Separation of Children from their Families. – Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to force majeure or in their own best interest, arrangements shall be made for appropriate alternative family care or institutional placement, with due regard being paid to the desirability of the continuity in children's upbringing in their own cultural milieu. Extended families, relatives and community institutions shall be given support to help meet the special needs of orphaned, displace and abandoned children, Efforts must be made to ensure that no child is treated as an outcast of society.

SECTION 15. Role of Women. – Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit reproductive health, and other extension services constitute a valuable contribution to a nation's social and economic development. To achieve that and to prepare women for their various roles, equal opportunity shall be provided for the girl children for them to benefit from the health, education and other basic services for their full growth.

SECTION 16. Role of Fathers. – Fathers play a vital role in their children's lives, in the nurturing and rearing of children at home. Policies and legislation shall be enacted and programs shall be designed and implemented for the inclusion of their critical role.

Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models. Equal opportunity shall be provided the boy children for them to benefit from the health, nutrition, education and other basic services for their full growth.

SECTION 17. Role of Educational Institutions. – Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to the guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED)

SECTION 18. Role of the Mass Media. – The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in broadcasts and communications relating to children. They should use their power to protect the rights of children by relaying consistent message through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency prevention.

SECTION 19. Role of Judicial Institutions. – In the administration of justice, courts, prosecutors, administrative agencies and other actors shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

SECTION 20. Role of the Local Government Unit. – The Municipality of Pinabacdao shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation.

SECTION 21. Role of The Municipal Council for the Protection of Children (MCPC). - This council shall, in addition to their existing duties and functions, coordinate with and assist the LGU in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

SECTION 22. Role of the Sangguniang Kabataan. - The Sangguniang Kabataan (SK) as establishes under the Local Government Code shall, in additional to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the Municipal Council for the protection of children (MCPC) for this purpose. It encouraged that the SK shall devote at least 50% of its annual budget to prevention programs for the children.

ARTICLE IV
PROGRAMS AND SERVICES FOR CHILDREN

COMPREHENSIVE PROGRAMS FOR CHILDREN

SECTION 23. Comprehensive Program for Children. The Municipality of Pinabacdao shall within one (1) year from the effectivity of this code and every three (3) years thereafter, formulate a comprehensive program for children covering at least a three-year period. Such program shall include prevention, protection as well as rehabilitation programs for children, and shall emphasize prevention of children's rights violations to include prevention of child abuse, juvenile delinquency, drug addiction, and other children's problems.

SECTION 24. The Community Approach. – The community approach shall be given special attention in the formulation of the comprehensive program for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community based services and programs which respond to the special needs, problems, interests and concerns of children and which offer appropriate counseling and guidance to children and their families should be developed, or strengthened where they exist.

SECTION 25. Process in Formulating Comprehensive Children's Programs. – The process in coming up with Comprehensive Children's Programs shall be participatory and consultative. The Municipality of Pinabacdao Government in Coordination with the local council for the protection of children, shall call on all sectors concerned, particularly child-focused institutions, NGO's, people's organizations, youth organizations, children's council, educational institutions and government agencies involved with children's concerns like the

Municipal Social Welfare and Development Office (MSWDO) Municipal Health Office (MHO), Philippine National Police (PNP), Municipal Local Government Office (MLGO), Sangguniang Bayan (SB), Sangguniang Kabataan (SK), and the Department of Education (DepEd) among other government agencies to participate in the planning process. The Municipality of Pinabacdao should see to it that the children and youth themselves participate in the formulation, development and implementation of these programs, particularly in the identification of their respective needs and concerns.

SECTION 26. Periodic Review and Assessment of the Comprehensive Children's Programs. – The Comprehensive Children's Programs shall be reviewed and assessed yearly by the Municipality of Pinabacdao Government in coordination with the Municipal Council for the protection of Children.

PROGRAMS TO PREVENT CHILDREN'S RIGHTS VIOLATIONS

SECTION 27. Prevention Programs. - Prevention Program shall be an important component of the Comprehensive Children's Programs to be implemented through the Municipal Council for the protection of Children (MCPC), schools, youth organizations and other concerned agencies, these programs shall consist of three levels;

a. Primary prevention- general measures to promote social justice and equal opportunity which tackle the perceived root causes of children's rights violations such as poverty and other forms of marginalization;

b. Secondary prevention- measures to assist children who are identified as being more particularly at risk such as those whose parents are themselves in special difficulty or are not caring for them appropriately;

c. Tertiary prevention – schemes to avoid and pre4vent children's rights violations from happening again. In all three levels of prevention, official intervention should be pursued primarily in the overall interest of the children guided by fairness and equity.

OTHER PROACTIVE PROGRAMS

Parenting Orientation Courses

SECTION 28. Parenting Orientation Courses

a. Parenting Orientation Courses shall be integrated into the curriculum of all high schools in Pinabacdao subject to DepEd rules and regulations.
b. Applicants for a marriage license applicant shall be required to participate in a Parenting Orientation Course with Gender and Child Sensitivity, among other requirements, prior to the issuance of a marriage license by the office of the Local Civil Registrar. This course becomes an integral part of the existing family planning seminars or reproductive health courses.

c. As a follow up to the Parenting Orientation Course I, parents/guardians shall also be encouraged to participate in a Parenting Orientation Course II during the school year a child in enrolled in either a public or private day care center in Pinabacdao.

d. Such course may also be incorporated in the Parent- Teacher Association (PTA) activities for the school year in the elementary and high school levels. Implementing guidelines for this provision shall be formulated by the Municipal Council for the Protection of Children in coordination with the office of the Local Civil Registrar within one year from the effectivity of this code The Municipal Council for the Protection of Children (MCPC) and the Municipal Social Welfare and Development Office (MSWDO) shall initiate the designing of modules for this course in close coordination with NGOs with child-focused programs.

Health Care

SECTION 29. Primary Health Care. – The Municipal Government of Pinabacdao shall implement primary health care and nutrition programs for children in coordination with the Municipal Health Office and the Municipal Social Welfare Development Office.

SECTION 30. Promotion of Primary Health Care Programs. - The barangay health centers shall implement the primary health care program. Each barangay health center shall designate a barangay health worker (BHW) to monitor children's health in the barangay level. To further ensure the implementation of this section, the municipal government shall take appropriate measures:

a. To combat disease and malnutrition within the framework of primary health care through application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;

b. To establish a comprehensive Parents' Effectiveness Service (PES) Program which includes gender-responsive courses on reproductive health, child health and child-rearing practices in the context of the Filipino psychology;

c. To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms which violation such code;

d. To conduct massive information and education on breast-feeding, utilization existing reference materials for effective breast-feeding education program. Integrating information and breast-feeding shall be an integral part of all school curriculums.

SECTION 31. Child and Gender Sensitivity Training for Health Workers. – All municipal and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the Municipality of Pinabacdao Council for the protection of Children.

SECTION 32. Child and Family- Friend Hospitals in Pinabacdao. – All hospitals in Pinabacdao shall set up child-friendly units to include rooming- in facilities and pediatric-appropriate mechanisms and gadgets. They shall also not deny husbands/partners access inside the delivery room during delivery of their wives/partners.

SECTION 33. Program for Children with Special Needs. –The Municipal Government of Pinabacdao shall make a periodic child-focused and child-specific comprehensive coordination of services (health, nutrition and education) for children with special needs.

SECTION 34. Educator's and Professionals' Training for the Special Program on Children with Special Needs. – A training program for educators and health professionals handling children with disabilities and special needs shall from part of the priority of the Municipal Government of Pinabacdao.

SECTION 35. Implementing Rules and regulations of the 105-Day Expanded Maternity Leave. This program is for Female Workers with an Option to Extend for an Additional thirty (30) days without pay, and granting an additional fifteen (15) days for Solo Mothers.

A. **Who are Covered.** - The 105-Day Expanded Maternity Leave Law (EMLL) shall cover the following:
   1. Female workers in the Public Sector;
   2. Female workers in the Private Sector;
   3. Female workers in the Informal Economy;
   4. Female members who are voluntary contributors to the Social Security System (SSS); and;
   5. Female National athletes

B. **What Benefits are Granted.** – The following benefits are granted under the 105- Day Expanded Maternity Leave Law (EMLL) to the corresponding sectors:
   1. Paid leave benefit granted to a qualified female worker in the public sector, for the duration of:
      a) One hundred Five (105) days for livebirth, regardless of the mode of delivery, and an additional fifteen (15) days paid leave if the female worker qualifies as a solo parent under Republic Act No. 8972, or the "Solo Parents Welfare Act of 2000"; or
      b) Sixty days paid leave for miscarriage and emergency termination of pregnancy;
   2. Paid leave benefit granted to a qualified female worker in the private sector covered by the SSS, including those in the informal economy, for the duration of:
      a) One Hundred Five (105) days for the live childbirth, regardless of the mode of delivery, and an additional fifteen (15) days paid leave if the female worker qualifies as a solo parent under Republic Act No. 8971, or the Solo Parents' Welfare Act of 2000"; or
      b) Sixty days paid leave for miscarriage and emergency termination of pregnancy;
   3. An option to extend for an additional thirty (30) days without pay in case of live childbirth;
   4. Paid maternity leave, allowances and benefits granted to female national athletes; and
   5. Health care services for pre-natal, delivery, postpartum and pregnancy-related conditions granted to female workers, particularly those who are neither voluntary nor regular members of the SSS, as governed by the existing rules and regulations of the Philippine Health Insurance Corporation (PhilHealth)

SECTION 36. Comprehensive Policy and a National System for Ensuring Newborn Screening. This Republic Act No. 9288 aims to ensure that every newborn has access to newborn screening for certain heritable conditions that can result in mental retardation, serious health complications or death is left undetected and untreated.

SECTION 37. Early years Act of 2013. This act shall be known as the "Early Years Act (EYA) of 2013.

It is hereby declared the policy of the State to promote the rights of children to survival, development and special protection with full recognition of the nature of childhood and as well as the need to provide developmentally appropriate experiences to address their needs; and to support parents in their roles as primary caregivers and as their children's first teachers. Further, the State hereby recognizes the age from zero (0) to eight 98) years as the first crucial stage of educational development of which the age from (0) to four (4) years shall be the responsibility of the early Childhood Care and Development (ECCD). Therefore, the responsibility to help develop children in the formative years shall be with the Department of Education (DepEd). The State shall institutionalize National System for Early Childhood and development (ECCD) that is comprehensive, integrative and sustainable, that involves multisectoral and interagency collaboration at the national and local levels among

government.; among service providers, families and communities, and among the public and private sectors, non-government organizations; professional associations and academic institutions.

The National EECD System shall pursue the following objectives:

a. To achieve improved infant and child survival rates by ensuring that adequate health and nutrition programs are accessible to young children and their parents, from the prenatal period throughout the early childhood years;
b. To enhance the physical-motor, socio-emotional, cognitive, language, psychological and spiritual development of young children;
c. To facilitate a smooth transition from care and education provided at home to community or school-based setting and to kindergarten;
d. To ensure that young children are adequately prepared for the formal learning system that begins at kindergarten;
e. To establish ab efficient system for early identification prevention' referral and intervention for the wide range of children with special needs from zero (0) to four (4) years;
f. To upgrade and update the capabilities of service providers and their supervisors to comply with quality standards for various ECCD programs;
g. To reinforce the role of parents and other caregivers as the primary caregivers and educators of their children especially from age zero (0) to four (4);
h. To enhance and sustain the efforts of communities to promote ECCD programs and ensure special support is provided for poor, disadvantaged and linguistic minority communities;
i. To improve the quality standards of public and private ECCD programs through, but not limited to, a registration and credential system for ECCD service providers and facilities;
j. To ensure that the education of persons and in particular children, who are blind, deaf, or deaf blind, are conducted in the most appropriate languages, modes and means of communication for the individual, and in environments which maximizes academic and social development; and
k. To employ teachers, including teachers with disabilities, who are qualified sign language and/or braille, and to train professionals and staff who work at all levels of education.

Under Six Program and Establishment of Day Care Centers

SECTION 38. Under Six Program Frameworks. -The Municipal Government of Pinabacdao shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall include the following.

a. Monitoring the registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;

b. The barangay officials and their barangay-level support system, may call upon law enforcement agencies when there is an abused, neglected and exploited child who needs to be rescued from an unbearable home situation:

c. A Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions in which will eliminate or minimize risks to mother and child: Provided, that high-risk mothers shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care:

d. A barangay level network of assistance from among the adults of the community for the total development and protection of children;

e. Unstructured combined with structure learning exercises for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child;

f. A pool of trained day care or child development workers with and upgraded salary scheme commensurate to the task assigned to them.

SECTION 39. Population -Based Day Care Setting Up. –Pursuant to Republic Act 972 or the barangay-level Total Development and Protection of Children Act, day care centers shall be set up in every barangay in the city. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the respective city councils for the welfare of children in coordination with their respective social welfare offices. While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental and social needs, day care service aims to supplemental the inability of some parents to provide their children with the proper care and home environment. Specifically, the Day Care Center aims to help the child:

a. Become physically fit through proper care and nutrition;
b. Develop self-confidence, self-expression and self-discipline;
c. Relate well with others;
d. Developmental, intellectual, verbal and psychomotor skills;
e. Develop strong spiritual, socio-cultural and nationalistic values as well as positive attitudes towards the family, community and society in general;
f. Be protected from all forms of neglect, abuse, cruelty and exploitation

SECTION 40. Setting Up of Day Care Centers by Community- Based organizations. – Community-based organizations can help mobilize resources to complement the efforts of the city in establishment day care centers in their communities. In this way, more children needing attention can be reached.

SECTION 41. Day Care Worker and Support Group. –

a. The Municipality shall pay for the Day Care Worker's (DCW) allowance and salary. The DSWD shall provide continuing technical assistance to the center.
b. A community Volunteer Parents Group shall be organized to be an effective support group to the Center. The Volunteer group shall help mobilize resources for the improvement of the center, acquisition of more learning materials and play equipment, and other support activities.

Recreational and Cultural Programs

SECTION 42. Barangay-Level Recreational and Cultural Facilities and Program. - A barangay-level program for the revival of indigenous games and recreation shall be installed. Research and documentation of indigenous games and pastimes shall be undertaken by the Municipality of Pinabacdao. Every barangay in the Municipality of Pinabacdao shall allocate space for recreational facilities appropriate for different age group shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the barangays/municipalities.

SECTION 43. Local Children Literature. – In support of the trust for the socio-cultural development of children in the Municipality of Pinabacdao, the municipality shall invest in the promotion and production of local literature for children and other relevant educational materials.

SECTION 44. Other-Child Friendly Activities. – Pinabacdao in partnership with NGO's and civil organizations are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, parks and playgrounds.

Children' s Month and Children's Day Celebration.

SECTION 45. October as Children's Month. – In keeping with the mandate of presidential Proclamation No. 267 signed on Sept. 30, 1993 declaring the month of October as national children's month, the MCPC of Pinabacdao shall conduct child-focused activities for the month promoting the rights and responsibilities of Filipino children as well as the obligations of the people and institutions responsible in ensuring the well-being Filipino children.

SECTION 46. October 17 of Every Year, as National Children's Day. – Pursuant to Presidential proclamation no. 74 dated October 16, 1992 declaring the 7th day of October every year as National Children's Day to honor Filipino Children and to emphasize the importance of their role within the family and within society, the local councils for the welfare of children are mandated to observe children's Day with activities, highlighting the rights, role and responsibilities of children. D. Crisis Intervention Programs.

SECTION 47. Establishment and Rationale of the Crisis Intervention Center. – In recognition of the special need for protection, assistant and development of children in consonance with the spirit and letter of the constitutional provisions and Republic Act No. 7610 mandating the protection against child abuse, exploitation and discrimination and likewise Republic Act 8505 mandating the establishment of a crisis center in every province and city authorizing the appropriation of fund therefore, a crisis intervention center shall be established in the Municipality of Pinabacdao, services of the center shall not be limited to abused children but shall equally center to other vulnerable sectors of society particularly women.

SECTION 48. Objectives of the Crisis Intervention Center. - The Crisis Intervention Center shall have the following objectives:

a) To provide temporary shelter and basic services to abused children and women:
b) To network with non-government organizations and government agencies for the provision of the needed medical, psycho-social and legal services necessary in restoring/building the self-esteem of its clients:
c) To encourage and build the capacities of abused children and women to come into the open and pursue cases in court whenever they ready;
d) To provide like skills and livelihood training to abused children and women while in the center to enable them to be productive and as form of therapy:
e) To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities:
f) To conduct a province-wide education and advocacy program aimed at raising public awareness in the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women;
g) To link up with provincial, city and local government entities mandated to formulate and enforce legislation aimed at the protection of children and women for policy reforms and enforcement of laws.

SECTION 49. Organizational Structure, Management and Operations of the Center. -

a) The Municipal Council for the Protection of Children will formulate the organizational structure of the center depending on the need for its services;
b) The member agencies of the Municipal Council for the Protection of Children and other National agencies and NGO's which have pledged support for the center will sign a Memorandum of Agreement for their commitment of service or resources to ensure the sustainability of the center's services;
c) The center will be under the supervision of the Municipal Social Welfare and Development office (MSWDO);
d) The Municipal Social Welfare and Development Office (MSWDO) and the Municipal Council for the Protection of Children, in coordination with LGU's concerned, shall issue

the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

SECTION 50. Budget Allocation for the Crisis Intervention Center Operations and Maintenance. - The Municipal Government of the Pinabacdao shall provide support for the construction, maintenance and continued operation of the crisis intervention center by appropriating specific funds which shall form part of the Municipal Social and Development Office's (MSWDO) annual appropriation.

ARTICLE V
SPECIAL CONCERNS

Prohibited Acts

SECTION 51. Prohibited Acts. - In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable;

a) **Illegal Recruitment-** Any person who recruits other persons for work shall be required to register with and secure a permit from the office of the Punong Barangay in the place of recruitment with undertaking not to recruit children. There is a presumption of attempt to commit child trafficking when a person is found together with three or more minors not his/her relatives at the pier or port for the purpose of transporting the minors to another place without any permit from the Punong Barangay:

b) **Peonage of Children-** Offering a child or the services of a child as payment for debt or in exchange for a favor, such as but not limited to; 1) Working in agricultural industries like rice and corn plantations or farms: 2) Working as house helpers:

c) **Pre-arrangement of Marriage** – Pre-arrangement ("buya") made by parents or guardians to marry off their children or wards. One Manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other;

d) **Using Girls as Commodities in Benefit Dances-** Organizers of Benefit dances, person facilitating or anchoring such benefit dances shall be penalized under the section if they shall use children as dancing partners for payment or fee to the organizers;

e) **Discrimination of girl Children-** Discrimination of girl children by prohibiting and depriving them of formal education:

f) **Discrimination of Illegitimate Children-** It is unlawful for schools to discriminate illegitimate children as follows but not limited to the following:

1. Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy.

2. Requiring the marriage contract of parents as a requirement for enrollment of the child.

g. **Expulsion by Reason of Pregnancy-** it is unlawful for schools to impose a penalty of expulsion against a child who has complied with all academic requirements by reason of her pregnancy. Schools may impose any other appropriate penalty which shall be made applicable to both the pregnant girl and her partner if he is also enrolled in the same school;

h. **Refusal to allow Student to Graduate by Reason of Pregnancy-** For school to refuse to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;

i. **Refusal to issue Clearances by Reason of Pregnancy-** For schools of refuse to issue clearances to a child by reason of pregnancy;

j. **Physical and degrading forms of punishments** such as, but not limited to the following;

1. Ordering or directing a child to kneel on salt;
2. Placing a child inside a sack and/or hanging him/her;
3. Shaving the head of the child;

4. Harsh whupping of the child inside with the tail of a stingray (pagi), stick, belt and other similar objects;
5. Stripping the child of his/her clothes;
6. Locking up the child in a cabinet or "aparador" or any closed structure;
7. Trying up the child or otherwise detaining him/her;
8. Throwing objects such as but not limited to erasers, chalk, and notebook at the child;
9. Pulling the hair of the child;
10. Making the child stand under the heat of the sun;
11. Exposing the child to be bitten by ants.

k. **Pushing /Enticing Minors to live-in Arrangements-** It shall be unlawful for parents to entice, encourage and/ or push their children to live together with any person as husband and wife in exchange for money or any other consideration;

l. **Sexual Exploitation of Minors**- Sexual exploitation of child by any person, foreigner or otherwise, shall be prohibited, consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation;

m. **Entry, selling and Distribution of Pornographic Materials-** The Municipal Council of the Protection of Children (MCPC) and the local law enforcers shall monitor and prevent the entry of pornographic materials.it shall be unlawful for any persons to sell and distribute such materials;

n. **Selling of Liquor, Cigarettes, Rugby and other Addicting Substances to a Child-** It shall be unlawful for any person to sell liquor, cigarette, rugby, or any addicting substances to a child;

o. **Smoking in Enclosed Places and Public Conveyances-** Smoking in any enclosed place or public conveyance shall be prohibited; The above acts which are likewise punishable in RA 7610 or the Child Abuse Act, RA 7658 on Child Labor, The Revised Penal Code, or other pertinent national laws shall be penalized hereunder, Acts or omissions not falling under said laws shall be penalized by imprisonment not exceeding six (6) months and a fine of not more than One Thousand Pesos (1,000.00).

Control on Exposure to New Technology

SECTION 52. Control on Children's Exposure to Commercial Video Games. – Commercial establishments renting out electronic video games to children during school days from 7:00 o' clock in the morning to 5:00 o' clock in the afternoon, and beyond 7:00 o' clock in the evening, shall be subjected to suspension of business permit for fifteen (15) days during the first offense and one (1) month suspension of the same for the second offense. Confiscation of video game equipment and cancellation of the business permit of said establishments shall constitute the penalty for the third offense.

SECTION 53. Control on Children's Exposure to internet Cafes. – Internet cafes catering to children except college students during school days from 7:00 o' clock in the morning to 5:00 o' clock in the afternoon, and beyond 7:00 in the Evening, shall be subjected to suspension of business permit of fifteen (15) days during the first offense and one (1) month suspension if the same for the second offense. Confiscation of computer units and cancellation of the business permit of said establishments shall constitute the penalty for the third offense.

Children in Situation of Armed conflict

SECTION 54. Protect for Children. - Children in situation of armed conflict shall be considered victims and zones of peace and shall be afforded full protection in accordance with the provisions of R.A. 7610, as amended or the Anti-Child Abuse Act.

Children of Indigenous Peoples

SECTION 55. Rights of children of Indigenous Peoples. –

a. In addition to the rights to children under this Code and existing laws, children or indigenous peoples shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

b. The Municipal Council for the Protection of Children (MCPC) in coordination with the local Department of Education (DepEd) division office shall develop and institute an alternative system of education for children of indigenous peoples which is culture-specific and relevant to their needs.

c. The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous peoples are given equal attention. In the provisions of health and nutrition service to children of indigenous people, indigenous health practices shall be respected and recognized.

d. Children of indigenous peoples shall not be subjected to any form of discrimination.

SECTION 56. Rights of a Child in Conflict with the Law (CICL). – Pursuant to the UNCRC and Republic Act 9344 or The Juvenile Justice and Welfare Act of 2006, every child alleged as, accused of, or adjudged as having committed an offense under Philippines laws 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 a 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;

f. The right to bail and recognizance, 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 qualified and voluntarily avails of the same;

j. The right to be imposed a judgement 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 restriction 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 man to automatic suspension of sentences;

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. The Municipality further adopts the provision of the United Nations standard Minimum Rules for the Administration of Juvenile Justice or "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juvenile Deprived of Liberty.

SECTION 57. Intervention and Diversion Programs. – Intervention and Diversion shall be established where a child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings. "Intervention" refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being. "Diversion" refers to an alternative child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

SECTION 58. The principles in the administration of Juvenile Justice and Welfare. – The measures in the prevention of Juvenile delinquency, the formulation, development and implementation of a Comprehensive Juvenile Intervention Programs, Community-Based Programs and Diversion Programs as provided under Republic Act 9344 shall be the guide in the formulation of appropriate intervention and diversion programs for Children in Conflict with the Law (CICLs)

ARTICLE VI

IMPLEMENTING MECHANISMS

Municipal Council of the Protection of Children (MCPC)

SECTION 59. Municipal Council for the Protection of Children (MCPC) – The Sangguniang Bayan shall create a council for children known as the Municipal Council for the Protection of Children (MCPC) and coordinate with barangay in the creation and organization of the Barangay Council for the Protection of Children (BCPC) at the barangay level. This is in keeping with the mandate of the council for the Welfare of Children (CWC) to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection of children of

the local council. The MCPC shall ensure the effective implementation of the Philippine Government's commitment to the Convention on the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Philippine Plan of Action for children (PPAC). It shall plan and implement programs and services for children by virtue of the LGU's power and authority to plan and implement local socio-economic development plans, policies and programs.

SECTION 60. Composition and Functions of the Municipal Council for the Protection of Children (MCPC)

1. Members of the MCPC shall include the following:

   Management Committee (MANCOM)

   a) The Municipal Mayor
   b) Executive Assistant on Social Affairs
   c) The Chairperson of the Sangguniang Bayan Committee on family and Children/Gender and Development (GAD)
   d) The Chairperson of the Sangguniang bayan Committee on Finance, Budget & Appropriation
   e) The Municipal Social Welfare
   f) Municipal Planning Officer
   g) Local Government Operations
   h) Department of Education – Municipal Division
   i) Municipal Budget Officer
   j) Municipal Health Officer
   k) Municipal Nutrition Officer
   l) Municipal Treasurer
   m) Municipal Accountant
   n) SK Federation President (15) Barangay Affairs Office Coordinator
   o) Representative from ABC
   p) NGO Representative
   q) PNP Representative
   r) Municipal Attorney
   s) Representative from Business Sector

2. Core group / technical Working Group (TWG)
   1. MSWD officer
   2. Municipal Planning Officer
   3. Municipal Nutrition Officer
   4. Local Government Operations Officer (MLGOO), DILG
   5. Representatives from ABC
   6. Municipal Health Officer
   7. DepEd

1. The MCPC shall have the following functions:

   a) To interview and integrate the municipal programs and projects needing assistance into the Municipal Programs for Children.

b) To monitor and review the implementation of the municipal programs;
c) To submit quarterly status reports on the implementation of the Municipal Program to the Provincial Council for the Welfare of Children through the Municipal Development Council (MDC)
d) To recommend policies and programs to the PCWC and the MDC;
e) To provide the necessary technical assistance, specifically, to provide appropriate support to child-related projects/activities of the Barangay Councils for the Protection of Children (BCPCs);
f) To advocate for the passage of ordinances pertinent to child survival protection, participation and development with appropriate funding support; and,
g) To identify and recommend programs and services to be contracted for implementation by NGO's and other identities in the implementation of this Code.
h) To formulate the municipal plan of action of children, incorporating projects and programs needing assistance submitted by their constituent barangay; and ensure the integration of these plans into the Municipal Development Plan;
i) To monitor and evaluate the implementation of the municipal and barangay plans;
j) To submit quarterly status reports on the plan implementation to the MBCWC through the Municipal Planning and Development Office;
k) To promptly address issue and concerns affecting children and youth in their area;
l) To advocate for the passage of relevant child and youth protective ordinances;
m) To advocate for increased support and resource allocation for children's programs and projects resources for the same other sources;
n) To provide technical assistance to the community-based frontline workers through the conduct of capability building and human resource development activities; and
o) To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities. Secretaries support shall be provided by the Municipal Social Welfare and Development Office (MSWDO)

The Secretariat shall be responsible for the documentation of proceedings of meetings and preparation of the reports and other necessary documents as needed by the MCPC.

SECTION 61. Creation of Barangay Council for the Protection of Children (BCPC) - The Barangay Council shall create a Barangay Council for the Protection of Children (BCPC), the composition of which shall be determined by the former depending on the needs and circumstances in the area. The BCPC shall have the following functions:

a. To foster the education of every child in the barangay; (To ensure that every child in the barangay acquires at least an elementary education)
b. To report all cases of child abuse to the proper authorities;
c. To report all cases of child abuse to the proper authorities;
d. To protect and assist abandoned, maltreated and abused children and facilitate their cases field against child abusers;
e. To prevent child labor in there are and protect working children with behavioral problems so that they can get expert advice;
f. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get expert advice;
g. To adopt measures to promote the health and nutrition of children;
h. To promote the opening and maintenance of playgrounds and day care centers and other services that are necessary for child and youth welfare;

i. To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;
j. To promote wholesome entertainment in the community especially in movies houses;
k. To assist parents whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agencies;
l. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
m. To prepare the barangay plans of action for children which address the needs of children in the community and ensure their integration into the Barangay Development Plan and Implementation by the barangay; and
n. To submit quarterly barangay accomplishment reports on the implementation of the plan to the MBCWC

SECTION 62. Representation of Non-Governmental Organizations in the Council for Children – the Municipal/Barangay Council for the Protection of Children shall invite NGOs with child-focused programs for membership in the council for the welfare of children, provided that these non-government organizations are duly accredited by the municipal/barangay concerned based on its criteria of accreditation.

SECTION 63. Internal Rules of the MCPC and BCPCs – The MCPC and BCOCs shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions which the organization's structure, parliamentary procedure, order of meeting and quorums, discipline and such other rules the council may adopt. B. Desk for Children's Concerns

SECTION 64. Creation of a desk for Children's Concerns. – There shall be created a Desk for Children's Concern under the Municipal Social Welfare and Development Office (MSWDO)

SECTION 65. Function of the Desk for Children's Concerns. – The Desk for Children's Concern shall;

a. Act as secretariat for the MCPC;
b. Oversee and coordinate the implementation of this code; and
c. Be in charge of the day-to-day operations of MCPC.

SECTION 66. Consultation with the Desk for Children's Concerns. – The Desk for Children's Concerns shall be consulted by the Local Government unit and other bodies whenever they are considering proposal to charge or repeal existing legislation likely to affect children's lives.

SECTION 67. Child Impact Statements. – The municipality is required to prepare "child impact statements" indicating the likely repercussion of proposed legislation or policy on children and submit these to the Desk for Children's Concern.

SECTION 68. Mandatory Consultation – Prior to the implementation of any national project by any and all national government agencies, bureaus, or offices affecting children, the express approval by the Municipal Mayor and the Sangguniang Bayan shall be obtained after the holding of the public hearings on the matter and after consultation with the Desk for Children's Concerns. C. Children's Council

SECTION 69. Composition of the Municipal Children's Protection Council – The Municipal CPC shall be composed of:

Chairperson:	Municipal Mayor
Vice Chairperson:	Sangguniang Bayan Member (Chairperson of the Committee on Women and Family or Committee on Children)
Members:	Municipal Administrator Municipal Planning Development Officer Municipal Social Welfare and Development Officer Municipal Health Officer Municipal Nutrition Officer Municipal Budget Officer Municipal Public Employment Service Officer Municipal Disaster Risk Reduction and Management Officer Municipal Agriculture Officer Municipal LIGA ng mga Barangay President Municipal SK Federation President Child Representative DILG Municipal Field Officer/Local Government Operations Officer DepEd District In-Charge Municipal Chief of Police CSO Representative Parent Representative

SECTION 70. Functions of the Municipal Children's Protection Council

a. To act upon the problems of the children.
b. Monitor and evaluate the programs and activities that involve children, either by the government or from the NGOs.
c. To spearhead and facilitate programs or activities that will help the children through seminars, trainings, skills development and community outreach program.
d. Formulate and consolidate plans and projects that are to be implemented.
e. To set forth rules and obligations within the organization.
f. Initiate allocation of funds for the projects that are to be implemented.
g. Discuss issues and concerns and information from the MCPC and the BCPCs.
h. Receive and examine reports written or made by the BCPCs.

SECTION 71. Child representatives. – Aside from the youth representatives from the Sangguniang Kabataan as seat shall be provided for a child representative in the Municipal Council for the Protection of Children coming from the Children's Councils. The local government councils should see to it that the child is able to genuinely participate in decision making particularly in matters involving children's concern.

Implementing Rules and Regulations

SECTION 72. Implementing Rules and Regulations – The implementing rules and regulations (IRR) of this Code shall be drafted by the MCPC within one (1) year from the effectivity of this Code.

ARTICLE VII

REMEDIAL MEASURES AND PENAL PROVISION

SECTION 73. Person Who May File a Complaint – Complaints on unlawful acts committed against children as enumerated herein may be filed by the following:

a. Offended Party;
b. Parents or Guardians;
c. Ascendant or collateral relative within the third degree of consanguinity;
d. Officer, social worker or representative of a licensed child-caring institutions;
e. Officer or social worker of the Municipal Social Welfare and Services Office;
f. Barangay chairperson;
g. At least three (3) concerned responsible citizens residing in the community where the violation occurred.

SECTION 74. Protective Custody of the Child – The offended party shall be immediately placed under the protective custody of the Municipal Social Welfare and Development Officer shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provision of Presidential Degree No. 603.

SECTION 75. Confidentiality – At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction over the case.

SECTION 76. Reporting - A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development (national office), to the law enforcement agency or the BCPC concerned.

SECTION 77. Mandatory Reporting – The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurse, shall report, either orally or in writing to the abovementioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

SECTION 78. Duty of Government Workers to Report. – It shall be the duty of all teachers and administrators on public schools, probation officers, government and other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the proceeding section.

SECTION 79. Failure to Report. – Any individual who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punished under R.A. 7610.

SECTION 80. Immunity for Reporting – Any person who acting in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

SECTION 81. Penalties - The penalty for any violation of this Code, which is not penalized elsewhere in other sections of this Code or in a national law, shall be imprisonment of not exceeding six (6) and/or a fine ranging from P500.00 to 1,000.00. For first time offenders, in cases where the offender is the parent or teacher of the child or relatives within the fourth-degree consanguinity, if the offender admits

the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child and the following measures imposed instead:

a. Attendance in a parenting or any appropriate seminar;
b. Community service of ten to fifteen (10-15) days;
c. Counseling sessions
d. Family therapy;
e. Participation in appropriate training courses. For offenses punishable under R.A. 765, the Revised Penal Code or any other law as well as this Code, the offended party and/or any party so authorized shall file a complaint under the national law, and the penalty in such national law shall be imposed. Failure to comply with pertinent provisions of this Code by the concerned local chief executive, members of legislative bodies and/or head of offices or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local Government Code.

ARTICLE VII
BUDGET APPROPRIATIONS

The Municipality, through its GAD fund, shall allocate the necessary funding for the implementation of this code, drafting and publication of the IRR, training and orientation of stakeholders, and promotions of this Code to the general public.

ARTICLE VIII
SEPARABILITY APPLICABILITY/REPEALING/EFFECTIVITY CLAUSES

SECTION 82. Separability Clause – If, for any reason or reasons, any part or provision of this Code shall be 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 83. Applicability Clause – All other matters relating to the imposition or regulations provided in this code shall be governed by the pertinent provisions of existing laws and other ordinances. This code shall apply to all the people within the territorial jurisdiction of the Municipality of Pinabacdao.

SECTION 84. Repealing Clause – All ordinances, resolution, executive orders and other issuances which are inconsistent with any of the provisions of this Code and hereby repealed or modified accordingly.

SECTION 85. Effective Clause – This code shall take effect immediately after completion of its publication in a newspaper of general circulation within its jurisdiction and posting in the conspicuous places in the Municipality of Pinabacdao.

ENACTED: March 21, 2022

HON. ROSEMARIE T. BADENAS
Vice-Mayor / Presiding Officer

HON. ELISEO B. CABORNAY JR.
SB Member

HON. MARIBEL P. GERMANO
SB Member

HON. JOSE SANTIAGO T. QUIJANO
SB Member

HON. DODY B. CABORNAY
SB Member

HON. ROBERTO M. BALUNDO
SB Member

HON. CLEMENTE O. SEVILLANA
SB Member

HON. JOSE O. REFUERZO
ABC Pres./SB Member

HON. ALLEAH JOY L. SACAGUING
SK Fed. Pres. /SB Member

I HEREBY CERTIFY as to the correctness of the above-quoted Ordinance.

MARY BERNADETTE T. QUIJANO, LPT
Secretary to the Sangguniang Bayan

APPROVED:

HON. TEODORICO A. MABAG
Municipal Mayor