



Republic of the Philippines
MUNICIPALITY OF PILAR
S o r s o g o n

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF SANGGUNIANG BAYAN OF PILAR, SORSOGON HELD ON 27 OCTOBER 2014 AT THE LEGISLATIVE SESSION HALL.

PRESENT:

Hon. Liezl A. Millano	-Municipal Councilor/Presiding Officer Pro-Tempore
Hon. Francis M. Gacosta	- Municipal Councilor
Hon. Teleforo G. Abogado, Jr.	- -do-
Hon. Ramon L. Tee	- -do-
Hon. Ambrosio P. Mananes	- -do-
Hon. Arthur John S. Garchitorea	- -do-
Hon. Marlyn Ll. Romo	- -do-
Hon. Sergio B. Reyes, Jr.	- -do-

ABSENT:

Hon. Celso Y. Lao, Jr.	- Municipal Vice-Mayor/On Official Travel
Hon. George E. Loseriaga	- Liga President/On Official Travel

MUNICIPAL ORDINANCE NO. 003, Series Of 2014

“ AN ORDINANCE ENACTING THE CHILDREN’S CODE OF THE MUNICIPALITY OF PILAR, PROVINCE OF SORSOGON.”

Sponsor: Hon. Marlyn Ll. Romo

WHEREAS, the Municipality of Pilar recognizes the inherent worth and dignity of every person as embodied in the 1987 Philippine Constitution;

WHEREAS, the Municipality of Pilar recognizes the right to survival, development, protection, and participation of every child as provided in the United Nations Convention on the Rights of the Child (UNCRC);

WHEREAS, consistent with State Policy and international law obligations, the Municipality of Pilar envisions a child-friendly local governance that is responsive to the welfare needs of the children, and undertakes to afford full protection of the rights to survival, development, protection, and participation of every child; to encourage children to actively participate in nation-building, and to be empowered and intellectually at par to be globally competitive.

NOW THEREFORE, BE IT ORDAINED, BY THE SANGGUNIANG BAYAN IN SESSION ASSEMBLED:

ARTICLE 1
GENERAL PROVISIONS

SECTION 1.TITLE. - This Ordinance shall be known as the Children’s Code of the Municipality of Pilar.

SECTION 2.DECLARATION OF POLICIES AND PRINCIPLES.It is hereby declared that it shall be the policy of the Municipality of Pilar to ensure that the programs aimed at the achievement of goals for the survival, protection, participation, and development of children must be given priority. Adequate resources shall be allocated for these programs. The Municipality of Pilar shall ensure that such programs are continued in times of economic austerity and structural adjustments.

SECTION 3. DEFINITION OF TERMS.

- (a) Abandoned child – refers to one who has no proper parental care or guardianship, or whose parents or guardians have deserted him for a period of at least three(3) continuous months.
- (b) Best Interest of the Child – refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- (c) Bullying – refers to any severe or repeated use by one or more child/children of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another child/children that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school or outside of it for the other child/children; infringing on the rights of the other child/children either in school or anywhere else; or materially and substantially disrupting the education process or the orderly atmosphere in the community operation of a school; such as, but not limited to, the following:
 - i. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;
 - ii. Any act that causes damage to a victim's psyche and/or emotional well-being;
 - iii. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; and
 - iv. Cyber-bullying or any bullying done through the use of technology or any electronic means.
- (d) Child – refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- (e) Child abuse – refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - i. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - ii. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - iii. Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
 - iv. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.
- (f) Child Labor– refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental, or psychosocial development.

- (g) Child at risk – refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:
 - i. being abused by any person through sexual, physical, psychological, mental, economic, or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
 - ii. being exploited including sexually or economically;
 - iii. being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
 - iv. coming from a dysfunctional or broken family or without a parent or guardian;
 - v. being out of school;
 - vi. being a streetchild;
 - vii. being a member of a gang;
 - viii. living in a community with a high level of criminality or drug abuse; and
 - ix. living in situations of armed conflict.
- (h) Children in conflict with the law (CICL) – refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- (i) Comprehensive program against child abuse, exploitation and discrimination - refers to the coordinated program of services and facilities to protected children against:
 - i. Child Prostitution and other sexual abuse;
 - ii. Child trafficking;
 - iii. Obscene publications and indecent shows;
 - iv. Other acts of abuses; and
 - v. Circumstances which threaten or endanger the survival and normal development of children.
- (j) Community-based programs – refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.
- (k) Court Appointed Special Advocates/Guardian ad Litem (CASAGAL) – refers to a person appointed by the court to protect the best interests of the child where a case is pending involving a child who is a victim of, accused of, or a witness to a crime, or a child who is a witness in non-criminal proceedings.
- (l) Debt Bondage – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt.
- (m) Dependent child – refers to one who is without a parent, guardian or custodian; or one whose parents, guardian or other custodian for good cause desires to be relieved of his care and custody and is dependent upon the public for support.
- (n) 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.

- (o) Diversion program – refers to the program that the 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.
- (p) Forced labor– refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of, force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty.
- (q) Gender equality – refers to the principle recognizing that all human beings are free and equal in dignity and rights, and asserting the equality of men and women/ boys and girls, and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development.
- (r) Inter-generational responsibility – refers to a concept that states that every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology.
- (s) 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 counselling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- (t) Involuntary servitude – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.
- (u) Neglected child – refers to one whose basic needs have been deliberately unattended or inadequately attended. Neglect may occur in two ways:
 - i. There is a physical neglect when the child is malnourished, ill clad and without proper shelter.
 - ii. A child is unattended when left by himself without provisions for his needs and/or without proper supervision.

Emotional neglect exists: when children are maltreated, raped or seduced; when children are exploited, overworked or made to work under conditions not conducive to good health; or are made to beg in the streets or public places, or when children are in moral danger, or exposed to gambling, prostitution and other vices.
- (v) Parent education – refers to the various formal and alternative means of providing parents with information, skills, and support systems to assist them in their roles as their children's primary caregivers and educators. These include public and private parent education programs linked to center, home and media-based child care and education programs.
- (w) Pornography – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

- (x) Prostitution – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- (y) Restorative justice – refers to a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.
- (z) Right to survival – refers to the child's inherent right to life and to the needs that are most basic to existence, the right to a name and nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation.
- (aa) Right to development – refers to the child's right to education and to develop his or her personality, talents, and mental and physical abilities to the maximum extent, participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play, and leisure.
- (bb) Right to protection – refers to the child's right to be protected from all forms of abuse, neglect, cruelty exploitation, and discrimination, and other conditions prejudicial to his or her development.
- (cc) Right to participation – refers to the child's right to participate in all matters that affect him or her by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account; involvement in decision-making; freedom of association and peaceful assembly.
- (dd) Sex Tourism – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities, utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
- (ee) Sexual exploitation – refers to participation by a person in prostitution, pornography or the production of pornography, in exchange for money, profit or any other consideration or where the participation is caused or facilitated by any means of intimidation or threat, use of force, or other forms of coercion, abduction, fraud, deception, debt bondage, abuse of power or of position or of legal process, taking advantage of the vulnerability of the person, or giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or in sexual intercourse or lascivious conduct caused or facilitated by any means as provided in this Republic Act 9208, as amended.
- (ff) Slavery – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.
- (gg) Status offenses – refers to offenses which discriminate only against a child, while an adult does not suffer any penalty for committing similar acts. These shall include curfew violations, truancy, parental disobedience and the like.

- (hh) Street Children-
- (a) Children on the street- Children working on the street but do not live there. They generally have a home to return after working and some even continue to attend school while working long hours on the street;
 - (b) Children of the street- They create a sort of family with their fellow street children. Some of them have family ties but do not visit them and some even see these ties as bad;
 - (c) Completely abandoned children- They have no family ties and are entirely on their own for physical and psychological survival.
- (ii) Trafficking in persons – refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.

- (jj) Worst forms of child labor – shall refer to any of the following:
- i. All forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or
 - ii. The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or
 - iii. The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or
 - iv. Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:
 - 1. Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or
 - 2. Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or
 - 3. Is performed underground, underwater or at dangerous heights; or
 - 4. Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or
 - 5. Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or

6. Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or
7. Is performed under particularly difficult conditions; or
8. Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites; or
9. Involves the manufacture or handling of explosives and other pyrotechnic products.

SECTION 4. GOVERNING LAWS. This Code hereby adopts all relevant and enforceable national laws, rules and regulations, and local ordinances governing children. All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances.

SECTION 5. RIGHTS OF THE CHILDREN OF PILAR. In accordance with the UNCRC, all children of the Municipality of Pilar shall be entitled to the rights herein set forth without distinction as to his or her race, color, sex, gender, social status, religion, political antecedents, ethnic or social origin, property, disability, parent's or legal guardian's legitimacy or illegitimacy, and other similar factors.

These rights are as follows:

- (a) Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his / her conception;
- (b) Every child has the right to a legally registered name, to a nationality; and to preserve his / her identity and family ties;
- (c) Every child has the right to a nourishing family life that will provide him / her with love, care, consideration, assistance, and attention, as well as moral and material security. The dependent or abandoned child shall be provided with a set up that may be considered as a close substitute to a home environment;
- (d) Every child has the right to play and shall be allowed reasonable time to play, as this is essential to his / her health and well-being and promotes the development of their creativity, imagination, self-confidence, and self-efficacy. This also ensures the development of his / her physical, social, cognitive, and emotional strength and skills;
- (e) Every child has the right to a safe place for his/ her leisure hours to enrich his or her life, and for the child's physical, social, cognitive, emotional, and spiritual growth;
- (f) Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, and with the determination to contribute to the building of a better world;
- (g) Every child has the right to be protected by the State from any harm and danger that might affect his / her health or education;

- (h) Every child has the right to live in a community free from discrimination to cultivate his / her desirable traits and attributes;
- (i) Every child has the right to free, accessible, and quality education that can lead to the preservation and enhancement of the inherent dignity of the human person;
- (j) Every child has the right to eat healthy, nutritious, and safe food to ensure the advancement of his/ her physical well-being;
- (k) Every child has the right to be protected against child prostitution, sexual abuse, and other abusive conditions that would seriously impede or even eliminate his / her abilities to enjoy play, recreation, and participation in cultural life and the arts;
- (l) Every child has the right to be loved, cared for, and be nurtured by their family for the total development of his / her well-being;
- (m) Every child has the right to express his / her opinion freely and to have them taken into account in any matter or procedure affecting him / her;
- (n) Every child has a right to a standard of living adequate to meet his/her physical and mental needs;
- (o) Every child has the right to exercise his / her freedom to choose his / her friends, as well as to join social, cultural, sporting, and other similar organizations;
- (p) Every child has the right to freely showcase his / her talents and skills, free from discrimination and judgment;
- (q) Every child has the right to stimulate his / her own interest in civic affairs;
- (r) Every child has the right to freely engage with his / her peers and to have the avenue to create and transmit their own language, games, and cultural knowledge;
- (s) Every child has the right to be guided by his / her parents on any matter affecting his or her development in order to strengthen his or her character and well-being; and
- (t) Every child has the right to quality, affordable, adequate, comprehensive, and physically-accessible health the government that is guaranteed for all on an equitable basis.

SECTION 6. RESPONSIBILITIES OF THE CHILD. All children of the Municipality of Pilar shall have the following responsibilities:

- (a) A child has to follow the Constitution and the laws enacted by Congress and local government units to ensure an orderly community, and to contribute in preserving the institutions and principles of democracy;
- (b) A child has to obey and respect his or her parents and guardians, as well as his or her brother/s or sister/s, teachers, persons in authority, relatives and elders;
- (c) A child has to do his or her best to lead an upright and virtuous life in accordance with religion and the teachings of the elders and mentors;

- (d) A child has to fully cooperate with his or her parents in strengthening the family;
- (e) A child has to extend to his or her brother/s or sister/s his or her love, thoughtfulness and helpfulness with them to keep the family harmonious and united;
- (f) A child has to respect elders, customs and traditions, and the community;
- (g) A child has to actively participate in civic affairs and in the promotion of general welfare; and
- (h) A child has to maintain the orderliness and cleanliness of a place to maintain a healthy environment.

SECTION 7. PRIMARY RIGHT OF PARENTS. Parents shall have the right to the company of their children in relation to all other persons or institutions dealing with the child's development, the primary right and obligation to provide for their upbringing.

SECTION 8. GENERAL DUTIES OF PARENTS. Parents shall have the following general duties toward their children:

- (a) To give their child affection, companionship and, understanding;
- (b) To extend to their child the benefits of moral guidance, self-discipline, and religious instruction;
- (c) To supervise their child's activities including his or her recreation;
- (d) To inculcate in their child the value of industry, thriftiness, and self-reliance;
- (e) To stimulate their child's interest in civic affairs, teach him or her the duties of citizenship and develop his or her commitment to his or her country;
- (f) To advise their child properly on matters affecting his or her development and well-being;
- (g) To always set a good example;
- (h) To provide their child with **adequate support**;
- (i) To administer the child's property if the child has any, according to the child's best interests, subject to pertinent provisions of the Family Code of the Philippines;
- (j) To ensure that their children are able to access all health services provided by the government;
- (k) To have their child immediately registered after birth and give their child a name; and
- (l) To rear their child responsibly and **provide quality education**.

SECTION 9. GENERAL DUTIES OF THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)

–The Barangay Council for the Protection of Children (BCPC) shall ensure the full enjoyment of the right of every child to live in a society that offers or guarantees him or her safety, health, good moral environment, and facilities for his or her wholesome growth and development. It shall be the duty of the Barangay to:

- (a) Bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental, and spiritual well-being;
- (b) Help institutions of learning, whether public or private, achieve the fundamental objectives of education;
- (c) Organize or encourage movements and activities for the furtherance of the interests of the children and youth;
- (d) Promote the establishment and maintenance of adequately equipped playgrounds, parks, and other recreational facilities;
- (e) Support parent education programs by encouraging its members to attend and actively participate therein;
- (f) Assist the Municipality in addressing issues relating to children in conflict with the law and design and implement preventive programs;
- (g) Aid in carrying out special projects for the betterment of children in the remote areas or belonging to cultural minorities or those who are out of school; and
- (h) Cooperate with private and public child welfare agencies in providing care, training, and protection to destitute, abandoned, neglected, abused children, as well as children with disabilities and children-at-risk.
- (i) Regular allocation of funds for the development of children's park or center.

SECTION 10. GENERAL DUTIES OF THE LOCAL GOVERNMENT. The Local Government of Pilar shall have the following primary functions:

- (a) Ensure implementation of this Ordinance; and
- (b) **FUNDING ALLOCATION.** There will be an allocation of 1% of General Fund for programs, projects, activities on children which will be streamlined to concerned LGU-offices in charge of implementation of such programs, projects, activities such as MSWDO, Health, etc. LGU-Pilar will ensure fund allocation to implement this Ordinance, in accordance with existing laws;

SECTION 11. RULES OF CONSTRUCTION. Any provision of this Code which may be ambiguous or vague shall be reasonably construed in a manner that gives effect to the purpose for which this Code or the specific provision has been enacted and in accordance with the best interests of the child.

**ARTICLE II
THE RIGHT TO SURVIVAL**

SECTION 12. FRAMEWORK. The development and survival of children are determined by both external and internal factors. It shall be the shared responsibility of the parents, siblings, and relatives, on one hand, and the State, civil society, and community, on the other, to provide the necessary environment, support, assistance and other initiatives to make children responsive and productive members of the society.

SECTION 13. ROLES AND FUNCTIONS OF THE LOCAL GOVERNMENT. The Local Government Unit of Pilar, representing the State, shall ensure to 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 civil society and the community to reinforce and strengthen initiatives for the general welfare of children.

SECTION 14. BIRTH REGISTRATION. The Municipality of Pilar shall establish a comprehensive system to register all births and monitor the registration in order to ensure the right of the child to have a name and nationality.

SECTION 15. EARLY CHILD CARE PROGRAM. The Municipality of Pilar shall develop programs that will advance the health of pregnant women, mothers and children with the goal to:

- (a) Ensure the complete immunization series of children ages 0-5 years old in preventing tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other diseases;
- (b) Maintain growth and nutritional monitoring among pre-schooler and school children, and provide nutritional feeding and supervision of nutritional intake at home;
- (c) Establish a center that will serve as the sanctuary for abused, neglected or exploited children, and provide shelter to children in urgent need of protection from imminent danger, cruelty and abuse. The center shall also conduct rescue operations of children in clear danger, in cooperation with the law enforcement agencies when the situation requires;
- (d) Maintain the monitoring of registration of births and complete the immunization series for the prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis, and such other diseases for which vaccines have been developed for the administration to children up to five years of age; and
- (e) Ensure provision of quality pre-natal to post-natal services to pregnant and lactating women.

SECTION 16. PRIMARY CHILD HEALTH CARE. To ensure that the implementation of the Primary Health Care Program gives specific emphasis on children's health, the following strategies shall be pursued:

- (a) Apply readily available technology and provide adequate nutritious food and safe drinking water in connection with the health programs intended for the children;
- (b) Establish a comprehensive Parent's Orientation Development Program, which includes courses on reproductive and sexual health, child health, breastfeeding, and child rearing practices in the context of Filipino culture; and

(c) Every barangay shall formulate a Barangay Plan of Action for Nutrition (BPAN) in accordance with the Philippine Plan of Action for Nutrition (PPAN).

(d) Encourage establishment of barangay health center.

SECTION 17. PROGRAM FOR CHILDREN WITH SPECIAL NEEDS. The Municipality of Pilar shall make a periodic child-focused and child-specific comprehensive coordination of services (health, nutrition, and education) for children with special needs.

SECTION 18. DECLARATION OF CHILD-FRIENDLY HOSPITAL AND OTHER HEALTH FACILITIES. The Municipality of Pilar shall determine the standard for declaring child-friendly hospitals and other health care facilities in the implementing rules and regulations. Subsequently, it shall declare that all hospitals and other health care facilities as a child-friendly hospital and other health facilities after compliance. All hospitals and other health facilities in the municipality are required to setup child-friendly units like rooming-in facilities and pediatric-appropriate mechanisms and gadgets. They shall not deny husbands or partners access inside the delivery room during delivery of their wives or partners. The declaration of meeting child-friendly standards shall be a prerequisite for application or renewal of business permit.

ARTICLE III THE RIGHT TO DEVELOPMENT

SECTION 19. SETTING UP OF DAY CARE CENTER. Pursuant to Republic Act No. 6972, or the Barangay-level Total Development and Protection of Children Act, day care centers shall be set up in every barangay in the municipality. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the Municipal Council for the Protection of Children in coordination with the Municipal Social Welfare and Development Office. While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental, and social needs, day care services aim to supplement the parents' efforts 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) Develop mental, intellectual, verbal and psychomotor skills;
- (e) Develop strong spiritual, socio-cultural and nationalistic values as well as positive attitudes toward the family, community, and society in general; and
- (f) Be protected from all forms of neglect, abuse, cruelty, and exploitation

SECTION 20. DAY CARE WORKER AND SUPPORT GROUP.

(a) The Municipal Local Government Unit (MLGU) and Barangay Local Government Units (BLGU) shall pay for the Day Care Workers' (DCW) allowances. The DSWD shall provide continuing technical assistance to the day care center.

- (b) A community volunteer parents group shall be organized to be an effective support group to the day care center. The volunteer group shall help mobilize resources for the improvement of the day care center, acquisition of more learning materials and play equipment, and other support activities.

SECTION 21. INVESTMENT IN EDUCATORS AND HEALTH PROFESSIONAL TRAINING PROGRAMME ON A SPECIAL PROGRAMME FOR DIFFERENTLY-ABLED CHILDREN. A training program for educators and health professionals who handle programs for differently-abled children shall form part of the priority of the Municipality of Pilar.

SECTION 22. SPECIAL FOCUS ON DIFFERENTLY-ABLED CHILDREN. The Municipality of Pilar shall give special 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 municipality will make a periodic comprehensive survey on differently-abled children, which shall serve as basis for the programs and projects intended for their development.

SECTION 23. BARANGAY LEVEL RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM. A barangay-level program for the revival of indigenous games that reflect the cultural diversity in Pilar shall be established. The Municipality of Pilar shall allocate space for recreation and provide recreational facilities appropriate for the children's age group and gender. These shall be designed and formed based on cultural diversity.

SECTION 24. ADVOCACY PROGRAM FOR LOCAL CHILDREN'S LITERATURE. The Municipality of Pilar shall launch a program that will aim to popularize local children's literature focusing on values formation in touch with the Bicolano culture. The Municipality of Pilar shall mobilize writers for this purpose and invest in the production of literature and other relevant materials for children.

SECTION 25. PARENTING ORIENTATION COURSE

- (a) Marriage license applicants shall be required to attend the Parenting Orientation Course, among other requirements, prior to the issuance of a marriage license by the Local Civil Registrar. This course shall become an integral part of existing Family Training Seminar on Reproductive Course Council, in close coordination with the Local Health Office and the Civil Registry Office.
- (b) Modules for this course shall follow the modules from Population Commission.

**ARTICLE IV
THE RIGHT TO PROTECTION**

SECTION 26. RIGHT TO PROTECTION AGAINST ALL FORMS OF ABUSE.

Every child of the Municipality of Pilar has the right to protection against physical, mental, sexual, psychological, or emotional abuse, violence, injury, or maltreatment.

SECTION 27. RIGHT TO PROTECTION AGAINST CHILD PROSTITUTION AND OTHER SEXUAL ABUSE.

The Municipality of Pilar shall exert all efforts to protect the rights of children from being exploited in prostitution and other sexual abuse. Children, whether male or female, who for money, profit or any other consideration or due to the coercion or influence of any adult, syndicate or groups, subjected to sexual abuse, intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

SECTION 28. RIGHT TO PROTECTION AGAINST NEGLECT AND ABANDONMENT. Every child of the Municipality of Pilar has the right to **quality care** from his or her parents or legal guardians, and to be protected against their neglect, maltreatment, and abandonment.

SECTION 29. RIGHT TO BE PROTECTED FROM DRUGS, CIGARETTE, LIQUOR, INTOXICATING BEVERAGES, AND OTHER ADDICTIVE SUBSTANCES. All establishments selling liquor or cigarette shall be required to post notices or warning signs about the ban on selling of liquor and cigarettes to minors. It is understood that compliance with the ban and compliance with the posting of the notice is a condition for the approval or renewal of their business permit.

SECTION 30. RIGHT TO PROTECTION OF THE WORKING CHILD. Every child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or will interfere with the child's health or physical, mental, spiritual, moral, or social development, in relation to Republic Act No. 7658, as amended by Republic Act No. 9231.

SECTION 31. RIGHT OF CHILDREN IN CONFLICT WITH THE LAW (CICL). Every child, who comes in conflict with the law, shall be entitled to the following rights:

- (a) To be treated with dignity and in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedom of others;
- (b) To be presumed innocent until proven guilty according to law;
- (c) To have the free assistance of an interpreter if the child cannot understand or speak the language or dialect used;
- (d) To be informed of his/her rights under UNCRC and other international instruments, the 1987 Philippine Constitution, in relation to Children in Conflict with the Law, Republic Act No. 7438, Republic Act No. 8493, Presidential Decree No. 603, and the Rules and Regulations on the Apprehension, Investigation, Prosecution and Rehabilitation of Youth Offenders; and
- (e) To have separate detention facilities solely for Children in Conflict with the Law.

SECTION 32. STREET CHILDREN. Street children (children of the street and completely abandoned children) shall be turned over to the Municipal Social Welfare Development Office (MSWDO) where they shall be provided care and treatment. They shall later be turned over to appropriate child-care institutions. Should the street child have parents, the parents shall be referred to MSWDO for appropriate intervention before custody of the child is again given to them.

SECTION 33. FOSTER HOMES. The Municipality of Pilar shall establish a foster home that will care for the neglected or abandoned children, once funds have been appropriated for the purpose. Street children shall be temporarily housed in the foster home until such time the parents or guardian of the child shall have been located and properly counselled.

SECTION 34. CHILDREN WITH SPECIAL NEEDS. The Municipality of Pilar shall enact measures for the special treatment of children with special needs. A survey shall be conducted in order to determine the number of children with special needs within the Municipality. Special programs that may be provided by the municipality shall be developed in order to address the special needs of the children with special needs.

SECTION 35. PROTECTION FROM CHILD TRAFFICKING. – Pursuant to R.A. 9208 as amended by R.A. 10364, the Municipality of Pilar shall adopt measures that shall aim to curb child trafficking as well as provide treatment and care for trafficked children. These measures shall be in consonance with the Child Protection Policy.

SECTION 36. POSTING OF NOTICES AGAINST CHILD ABUSE. All establishments, such as hotels, motels, inns, resorts, nightclubs, and similar establishments shall be required to post and implement notices against child abuse as requisite to renewal or approval of their business permit.

SECTION 37. REGULATION ON CHILDREN'S EXPOSURE TO INTERNET AND VIDEO GAMES. Commercial establishments which engage in internet and video game services are prohibited from allowing entry to school children during school days, during school hours except with the permission of the teachers or the parents. They shall likewise be required to post notices of this ban.

All Children may be allowed to play video games, machines and other similar equipment at commercial establishments only during weekends Saturday, Sundays and non-school days from 8:00 AM to 10:00 PM; *Provided that*, children under 10 years old may be allowed to play such games during weekdays but for research purposes only, Saturdays, Sunday or non-school days when accompanied by a parent or a responsible adult from 8:00 AM to 10:00 p.m. while children ten (10) years or over but below eighteen (18) years old need not be chaperoned; *Provided further*, that all children are prohibited from playing violent and/or visiting pornographic sites under any and all circumstances.

In consonance with the existing municipal ordinance and pursuant to Republic Act No. 9775, or the Anti-Child Pornography Act of 2009, the Municipality of Pilar shall monitor and regulate the establishment and operation of internet cafes, kiosks, and similar establishments located within its jurisdiction in order to prevent violation of the provisions of Republic Act No. 9775. This ordinance and/or Republic Act No. 9775 shall be the basis for closure of the establishment who have violated the provision/s thereof.

SECTION 38. ANTI-LOITERING HOURS. All children shall be prohibited from loitering around the Municipality of Pilar and staying out of their houses from 10:00 PM to 4:00 AM, without being accompanied by their parents, legal guardian, or a responsible adult. Children and their parents or legal guardian found violating this provision shall be referred to MSWDO for proper intervention.

ARTICLE V THE RIGHT TO PARTICIPATION

SECTION 39. PARTICIPATION RIGHTS IN DECISION-MAKING PROCESSES. Children shall be heard in their family, school, community, or their organization or institution without any form of discrimination. Every child has the right to express his or her opinion freely in any matter or procedure affecting the child and to have such opinion taken into account. It shall be the responsibility of the adults to provide opportunities for children to express their views, obtain information, and make their ideas known.

SECTION 40. PARTICIPATION IN POLICY-MAKING & IMPLEMENTATION. The Municipality of Pilar shall establish a mechanism for the meaningful participation by children in decision-making processes on issues that directly affect them. It shall, in particular:

- (a) Ensure that children participate in designing and implementing the LGU's Local Development Plan for Children; and
- (b) Include at least one (1) child advocate in the Municipal and Barangay Council for the Protection of Children and the Gender and Development Council. The child representative shall preferably be the president of student council.

SECTION 41. ESTABLISHMENT AND STRENGTHENING OF CHILDREN'S GROUPS OR ORGANIZATIONS. The Municipality of Pilar shall facilitate the process of leadership development and formation of children's groups consisting of children from different sectors. It shall strengthen such groups or organizations through technical assistance, funding, and other forms of support.

SECTION 42. ANNUAL CHILDREN'S CONGRESS. The Municipality of Pilar shall conduct the annual Children's Congress every October in celebration of children's month, which shall be planned and implemented with the participation of children. Participants in the Congress shall include children and parents, and representatives from the Municipal Council for the Protection of Children – Pilar, the Barangay Council for the Protection of Children, civil society organizations, faith-based groups, non-government organizations, people's organizations, and schools. Adequate funding shall be allocated for this purpose.

ARTICLE VI MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN

SECTION 43. MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN – PILAR. The Municipal Council for the Protection of Children of the Municipality of Pilar (MCPC-Pilar) shall be reconstituted in accordance with Executive Order No. 14, series of 2013, with the Municipal Mayor as ex-officio Chairperson. The members of the Council are as follows:

- (a) Sangguniang Bayan Member
- (b) President, Sangguniang Kabataan Federation
- (c) President, Liga ng mga Barangay
- (d) Municipal Social Welfare and Development Officer (MSWDO)
- (e) Municipal Local Government Operations Officer (MLGOO)
- (f) Municipal Planning and Development Coordinator (MPDC)
- (g) Municipal Budget Officer (MBO)
- (h) Municipal Health Officer (MHO)
- (i) Municipal Treasurer
- (j) Chief of Police, Municipal Police District
- (k) Women's Desk, Philippine National Police – Pilar
- (l) Public Schools District Supervisor Pilar District
- (m) Non- Government Organization Representative(s)
- (n) Child Representative

SECTION 44. FUNCTIONS AND RESPONSIBILITIES. Pursuant to DILG MC No. 2002-121 dated August 5, 2002, the MCPC-Pilar shall have the following duties and responsibilities:

- (a) Formulate plans, programs, and policies for children that are gender-fair, culturally-relevant, and responsive to the needs of diverse groups of children;
- (b) Prepare annual work and financial plans for children and recommend appropriation to the Sanggunian;

- (c) Provide coordinative linkages with other agencies and institutions in the planning, monitoring, and evaluation of plans for children;
- (d) Provide technical assistance and recommend financial support to the Barangay Councils for the Protection of Children;
- (e) Establish and maintain a database of children in the Municipality;
- (f) Foster education of every child;
- (g) Advocate for the establishment and maintenance of playgrounds, day care centers, and other facilities necessary for child and youth development;
- (h) Recommend local legislation promoting child survival, protection, participation, and development, especially on the quality of television shows, print media, and media coverage, which are detrimental to children, as well as appropriate funding support for such purpose;
- (i) Assist children in need of special protection and refer cases filed against child abusers to proper agencies/institutions;
- (j) Conduct capability building programs for stakeholders to enhance their knowledge and skills in programming for children;
- (k) Document capacity building programs on programming for children;
- (l) Monitor and evaluate the implementation of children's programs and submit quarterly status reports to the Provincial Council for the Protection of children; and
- (m) Perform such other duties and functions as provided for in the Early Childhood Care and Development Law and other related laws relating to children.

SECTION 45. MEETINGS AND QUORUM. The MCPC shall meet at least once in every quarter. A simple majority of the members as herein identified shall constitute a quorum. In the absence of the Chairperson, the members present constituting a quorum shall elect from among themselves who shall be the temporary presiding officer.

SECTION 46. SECRETARIAT. The permanent secretariat of the Council shall be the Municipal Social Welfare Development Office.

ARTICLE VII FINAL PROVISIONS

SECTION 47-PENALTY CLAUSE.

Violation/s of the provision/s of RA 9775 or the Anti-Child Pornography Act of 2009 shall be penalized in accordance with its penal provision while violation/s of the provisions of this ordinance shall be meted out with the following penalties:

First offense: Fine of One Thousand Five Hundred Pesos (PhP1,500) plus warning;

2nd offense- Fine of Two Thousand Pesos (PhP2,000.00) plus 2nd and last warning

3rd offense or more - Fine of Two Thousand Five Hundred Pesos (PhP2,500.00) plus cancellation or revocation of permits and licenses and imprisonment of not more than 6 months upon the discretion of the Court.

SECTION 47. IMPLEMENTING RULES AND REGULATIONS. Within 100 days from the approval of this Code, the MCPC-Pilar shall formulate and issue the appropriate rules and regulations necessary for the effective and efficient implementation of any and all provisions of this Code.

SECTION 48. SEPARABILITY CLAUSE. If, for any reason, any section or provision of this Act is declared unconstitutional or invalid by the Supreme Court, the other sections or provisions hereof not affected by such declaration shall remain in force and effect.

SECTION 49. REPEALING CLAUSE. All ordinances, rules and regulations or arts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 50. EFFECTIVITY. This Act shall take effect after fifteen (15) days from its publication in at least two (2) local newspapers of general circulation and after it has been posted publicly in at least three (3) conspicuous places in the municipality.

UNANIMOUSLY APPROVED. OCTOBER 27, 2014, PILAR, SORSOGON.
XX

LIEZL A. MILLANO
Municipal Councilor/
Presiding Officer Pro-Tempore

SANGGUNIANG BAYAN MEMBERS:

FRANCIS M. GACOSTA

TELESFORO G. ABOGADO JR.

RAMON L. TEE

AMBROSIO P. MANANES

ARTHUR JOHN S. GARCHITORENA

MARLYN L. ROMO

SERGIO B. REYES, JR.

Attested by:

FRANCES MARIE L. BOTIN
Secretary to the Sangguniang Bayan