*Republic of the Philippines*
PROVINCE OF LEYTE
**City of Baybay**
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# Office of the Sangguniang Panlungsod

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**MINUTES OF THE 13TH REGULAR SESSION OF THE SANGGUNIANG PANLUNGSOD OF BAYBAY CITY, LEYTE HELD ON APRIL 13, 2015 AT THE SP SESSION HALL, BAYBAY CITY, LEYTE.**

**Ordinance No. 05**
**Series 2015**

## AN ORDINANCE ENACTING THE BAYBAY CITY'S CHILDREN CODE OF 2015

***Sponsored by Councilor TERESITA J. VELOSO***

**WHEREAS**, by accepting the United Nations Convention on the Rights of the Child, the country committed itself to undertake all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

**WHEREAS**, with the ratification, the Philippines was entrusted with the mission to undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the Convention.

**WHEREAS**, the Philippines formulated its vision for children and articulated a roadmap for child protection and development in The Philippine National Strategic Framework for Plan Development for Children (2000-2025) or Child 21.

**WHEREAS**, new national laws affecting children have been enacted, including, among others, the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208), An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child (Republic Act No. 9231), the Anti-Violence Against Women and their Children Act of 2004 (Republic Act No. 9262), the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) and the Anti-Child Pornography Act (Republic Act No. 9775) and the Anti-Bullying Act of 2013 (Republic Act No. 10627).

**WHEREAS**, in response to the challenge posed by the national government and in its desire to protect the rights of the children within its jurisdiction, the Baybay City Council enacted, among others, the following ordinances to safeguard the interests of the children:

a. Ordinance No. 005, S. 2013 (An Ordinance Regulating the Operation of Video and Computer Games in the City of Baybay)

b. Ordinance No. 006, S. 2008 (An Ordinance Instituting the Comprehensive Drug Ordinance of the City of Baybay, Amending the Anti-Illegal Drugs Ordinance of 2003)

c. Ordinance No. 05, S. 2002 (An Ordinance Prohibiting Any Person from Sniffing Rugby, Solvents or Similar Substance and Regulating the Sale of Said Substance in All Business Establishments in Baybay, Leyte)

d. Ordinance No. 004, S. 2001 (An Ordinance Regulating the Time of Dispensing and/or Selling of Liquor, Wine and Other Alcoholic Drinks and Providing Penalties for Violation Thereof)

e. Ordinance No. 99-004 (An Ordinance Prohibiting the Smoking of Cigarettes, Cigar, Pipe or Tobacco Inside Public Building and Places, and Inside Public Utility Vehicles and Tricycles for Hire in the Municipality of Baybay, Leyte and Providing the Penalties for the Violation Thereof)

**WHEREAS**, in recognition of and building on the achievements of ordinances affecting the different aspects of the development of children as well as their general welfare, and in light of the developments, current issues, persistent problems and emerging concerns on children, there is a need to compile and strengthen local legislations to ensure a child-friendly Baybay City.

**NOW THEREFORE,** be it ordained by the Sangguniang Panlungsod of Baybay City, Leyte, that:

## ARTICLE I:
## GENERAL PROVISIONS

**Section 1. Title.** – This ordinance shall be known and cited as the "THE BAYBAY CITY'S CHILDREN CODE OF 2015".

**Section 2. Policies, Principles and Purposes.—**

**A. Declaration of Policies 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 social well-being. It shall inculcate in the youth patriotism and nationalism and encourage their involvement in public and civic affairs. It also recognizes the rights of children under the United Nations Convention on the Rights of the Child and the national laws of this country.

The City Government of Baybay, Leyte 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 a holistic protection and development of all children through a strong partnership between and among government agencies, non-government organizations (NGOs) and the private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork. It is hereby declared that it shall adopt the following policies and principles:

1. It recognizes the inherent rights of the child to survival, development, protection, and participation in accordance with the United Nations Convention on the Rights of the Child and the relevant Philippine laws on children. As such, the City Government of Baybay, Leyte adopts the following core principles of the U.N. Convention and shall uphold the same principles in all matters concerning or affecting children:

1.1 Non-Discrimination. – The rights of the child shall be respected without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, gender, language, religion, political or other opinion, national, ethic or social origin, property, disability, birth, or other status;

1.2 Survival and development – Every child has the inherent right to life, and the survival and development of the child shall be insured to the maximum extent possible; and

1.3 Respect for the views of the child – Any child capable of forming a view has the right to express such views freely in all matters affecting him or her, and the child's views shall be given due weight in accordance with age and maturity.

2. It is committed to provide quality service which will make the City an enabling environment for children to grow and develop their full potential at every stage of development and where children are protected by a responsive government from all forms of abuse, neglect, cruelty, exploitation, discrimination, and other conditions prejudicial to their development;

3. It shall uphold the sanctity of family life and to protect and strengthen the family as a basic autonomous social institution; to equally protect the life of the mother and the child; and to support the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character;

4. It shall establish and integrate affirmative action as a strategy and gender equality as a framework in planning and implementing the City's budget, programs, services and activities with full recognition of the special needs of girls and of children with disabilities;

5. It shall uphold the principle of inter-generational responsibility such that every generation shall recognize its responsibility to the next generations to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful ecology for the children of all generations; and

6. It shall pursue and strengthen its community approach to uphold the rights of the child through the Baybay City Council for the Protection of Children and the Barangay Council for the Protection of Children in partnership with key stakeholders, including, but not limited to, families, local communities, non-government organizations, civil society organizations, church, private organizations, schools, local government units, national government, mass media and children.

**B. Purposes.** – This code is enacted with the following purposes:

1. To ensure the protection of children against all forms of abuse and exploitation;

2. To advocate for children's rights and promote their welfare and development;

3. To ensure that children's rights are given priority attention by the government, business, and civil society;

4. To improve the quality of life of Baybayanon children enabling them to fully develop their potentials and participate in community life and nation building.

**Section 3. Definition of Terms.** — The terms used in this Code shall have the following meaning:

1. "Bail" refers to the security given for the release of the person in custody of the law, furnished by him/her or a bondsman, to guarantee his/her appearance before any court. Bail may be given in the form of corporate security, property bond, cash deposit, or recognizance.

2. "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.

3. "Children" 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;

4. "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

    4.1 Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

    4.2 Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

    4.3 Unreasonable deprivation of his basic needs for survival, such as food and shelter; or

    4.4 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.

5. "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:

    5.1 Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;

    5.2 Being exploited including sexually or economically;

5.3 Being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
5.4 Coming from a dysfunctional or broken family or without a parent or guardian;

5.5 Being out of school;

5.6 Being a street child;

5.7 Being a member of a gang;

5.8 Living in a community with a high level of criminality or drug abuse; and

5.9 Living in situations of armed conflict.

6. "Child in Conflict with the Law" refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.

7. "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.

8. "Court" refers to a family court or, in places where there are no family courts, any regional trial court.

9. "Circumstances which gravely threaten or endanger the survival and normal development of children" include, but are not limited to, the following:

9.1 Being in a community where there is armed conflict or being affected by armed conflict-related activities;

9.2 Working under conditions hazardous to life, safety and normal which unduly interfere with their normal development;

9.3 Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life;

9.4 Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;

9.5 Being a victim of a man-made or natural disaster or calamity; or

9.6 Circumstances analogous to those abovementioned which endanger the life, safety or normal development of children.

10. "Comprehensive program against child abuse, exploitation and discrimination" refers to the coordinated program of services and facilities to protect children against:

    10.1 Child Prostitution and other sexual abuse;

    10.2 Child trafficking;

    10.3 Obscene publications and indecent shows;

    10.4 Other acts of abuses; and

    10.5 Circumstances which threaten or endanger the survival and normal development of children.

11. "Deprivation of Liberty" refers to any form of detention or imprisonment, or to the placement of a child in conflict with the law in a public or private custodial setting, from which the child in conflict with the law is not permitted to leave at will by order of any judicial or administrative authority.

12. "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.

13. "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.

14. "Initial Contact With-the Child" refers to the apprehension or taking into custody of a child in conflict with the law by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law receives a subpoena under Section 3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law under immediate custody.

15. "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.

16. "Juvenile Justice and Welfare System" refers to a system dealing with children at risk and children in conflict with the law, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, re-integration and aftercare to ensure their normal growth and development.

17. "Law Enforcement Officer" refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a Barangay Tanod.

18. "Offense" refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.

19. "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 private parts of a person's body for sexual purposes.

20. "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.

21. "Recognizance" refers to an undertaking in lieu of a bond assumed by a parent or custodian who shall be responsible for the appearance in court of the child in conflict with the law, when required.

22. "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.

23. "Safe place or shelter" refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purposes of this Code or any other suitable place the resident of which is willing temporarily to receive the child.

24. "Sexual Exploitation" refers to participation by a child in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt, bondage, fraud or through abuse of child's vulnerability.

25. "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.

26. "Youth Detention Home" refers to a 24-hour child-caring institution managed by accredited local government units (LGUs) and licensed and/or accredited nongovernment organizations (NGOs) providing short-term residential care for children in conflict with the law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

27. "Youth Rehabilitation Center" refers to a 24-hour residential care facility managed by the Department of Social Welfare and Development (DSWD), LGUs, licensed and/or accredited NGOs monitored by the DSWD, which provides care, treatment and rehabilitation services for children in conflict with the law. Rehabilitation services are provided

under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals. Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.

28. "Victimless Crimes" refers to offenses where there is no private offended party.

29. "Violence against children" refers to any act or a series of acts committed by any person against a child which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

    29.1 "Physical Violence" refers to acts that include bodily or physical harm;

    29.2 "Sexual violence" refers to an act which is sexual in nature, committed against a child. It includes, but is not limited to:

        a) Rape, sexual harassment, acts of lasciviousness, treating a child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the child to do indecent acts and/or make films thereof;

        b) Acts causing or attempting to cause the child to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;

        c) Prostituting the child.

30. "Psychological violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the child such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, and repeated verbal abuse. It includes causing or allowing the child to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets.

**Section 4. Implementation and Interpretation of the provisions of the Code in Favor of 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. The City Government of Baybay, Leyte shall ensure the participation of children in program and policy

formulation and implementation affecting their rights under international agreements and national and local laws.

**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 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:

1. 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 the maximum extent of its available resources and, where needed, within the framework of international cooperation;

2. Ensure to the maximum extent possible the survival, development, protection and participation rights of the child;

3. Take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person/s who has the care of the child;

4. Assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity;

5. 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 children.

## ARTICLE II:
## RIGHTS AND OBLIGATIONS OF THE CHILD

**Section 1. Rights of the Child.** –

1. 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, ethnic or social origin, property, disability, paternity and filiation, birth or other status.

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

    2.1 "Survival rights" ensure the child's inherent right to life and to the needs that are most basic to their existence, the rights 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 a human being from the moment 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 a home;

c. Every child has the right to a balanced diet, adequate, clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

2.2 "Development rights" refer to the rights of a child to education to develop her or his personality, talents and 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:

a.1 The gifted child shall be given the opportunity and encouragement to develop her or his special talents;

a.2 The emotionally disturbed or socially maladjusted child shall be given treatment and competent care;

a.3 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 morality and rectitude for the enrichment and the strengthening 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 a 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:

d.1 The development of the child's personality, talents and mental and physical abilities to the fullest extent;

d.2 The preparation of the child for responsible adult life in a free society;

d.3 The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of others;

d.4 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 hours.

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/her health and the cultivation of her or his desirable traits and attributes.

2.3 "Protection rights" cover those rights protecting the child from all forms of abuses and 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.

2.4 "Participation rights" refer 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 assembly. The following are the participation rights:

a. Every child has the right to be provided 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 impart information and ideas of all kinds;

d. Every child has the right to express his or her opinions freely and to 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, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.

**Section 2. Responsibilities of a Child.** – Every child shall:

1. 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;

2. Love, respect and obey his or her parents, and cooperative with them in the strengthening of the family;

3. Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;

4. Exert 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 an asset to himself or herself and to society;

5. Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;

6. 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;

7. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations 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 1. 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. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

**Section 2. 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 persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

**Section 3. Rights under the Family Code.** – Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family code over the person and property of their children.

**Section 4. Right to Discipline Children.** – Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this Code and other pertinent national laws. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

**Section 5. General Duties of Parents.** – Parents shall the following general duties toward their children:

1. To give them affection, companionship and understanding;

2. To extend to them the benefits of moral guidance, self-discipline and religious instruction;

3. To supervise their activities, including their recreation;

4. To inculcate in them the value of industry, prudence and self-reliance;

5. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;

6. To advise them properly on any matter affecting their development and well-being;

7. To always set a good example;

8. To provide them with adequate support, as defined in Article 194 of the Family Code; and

9. 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 6. 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 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, displaced and abandoned children. Efforts must be made to ensure that no child is treated as an outcast of society.

**Section 7. 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 8. 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 9. 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 10. 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 11. 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 12. Role of the Local Government Unit.** – The City Government of Baybay, Leyte shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation.

**Section 13. Role of the City Council for the Protection of Children (CCPC).** – 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 14.** Role of the Sangguniang Panlungsod Committee on Women and Family. – The Sangguniang Panlungsod Committee on Women and Family shall actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the CCPC for this purpose.

## ARTICLE IV:
## PROGRAMS AND SERVICES FOR CHILDREN

**Section 1. Comprehensive Program for Children.** – The City Government of Baybay, Leyte 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 2. 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 3. Process in Formulating Comprehensive Children's Programs.** – The process in coming up with Comprehensive Children's Programs shall be participatory and consultative. The City Government of Baybay, Leyte, in coordination with the local council for the protection of children, shall call on all sectors concerned, particularly child-focused institutions, NGOs, people's organizations, youth organizations, children's council, educational institutions and government agencies involved with children's concerns like the City Social Welfare and Development Office (CSWDO), City Health Office (CHO), Philippine National Police (PNP), Sangguniang Panlungsod (SP), and the Department of Education (DepEd) among other government agencies to participate in the planning process. The City Government of Baybay, Leyte 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 4. Periodic Review and Assessment of the Comprehensive Children's Programs.** – The Comprehensive Children's Programs shall be reviewed and assessed yearly by the City Government of Baybay, Leyte in coordination with the City Council for the Protection of Children.

**Section 5. Prevention Programs.** – Prevention programs shall be an important component of the Comprehensive Children's Programs to be implemented through the City Council for the Protection of Children (CCPC), schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

1. 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;

2. 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;

3. Tertiary prevention – schemes to avoid and prevent 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.

**Section 6. Other Proactive Programs**

1. Parenting Orientation Courses

    1.1 Parenting Orientation Courses shall be integrated into the curriculum of all high schools in Baybay City, Leyte subject to DepEd rules and regulations.

    1.2 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.

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

3.2 Population-Based day Care Center Setting Up. – Pursuant to Republic Act 6972 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 supplement 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. Develop mental, 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.

3.3 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.

3.4 Day Care Worker and Support Group. –

a. The City Government of Baybay, Leyte 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.

4. Recreational and Cultural Programs

4.1 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 City Government of Baybay, Leyte. Every barangay in the city shall allocate space for recreational facilities appropriate for different age groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the barangays and the city.

4.2 Local Children Literature. – In support of the thrust for the socio-cultural development of children in Baybay City, Leyte, the city government shall invest in the promotion and production of local literature for children and other relevant educational materials.

4.3 Other-Child Friendly Activities. – Baybay City, Leyte in partnership with NGOs and civic organizations are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playgrounds.

4.4 Children's Month and Children's Day Celebration

a. 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 CCPC of Baybay City, Leyte 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.

b. October 17 of Every Year, as National Children's Day. – Pursuant to Presidential Proclamation No. 74 dated October 16, 1992 declaring the 17th 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, roles and responsibilities of children.

**Section 7. Crisis Intervention Programs**

1. **Establishment and Rationale of the Crisis Intervention Center** – In recognition of the special need for protection, assistance 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 funds therefore, a crisis intervention center shall be established in Baybay City, Leyte, services of the center

shall not be limited to abused children but shall equally cater to the other vulnerable sectors of society particularly women.

**1.1** 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 are 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 a 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.

**1.2** Organizational Structure, Management and Operations of the Center.

a. The CCPC will formulate the organizational structure of the center depending on the need for its services;

b. The member agencies of the CCPC and other national agencies and NGOs 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 CSWDO;

d. The CSWDO and the CCPC, in coordination with LGUs concerned, shall issue the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

2. **Budget Allocation for the Crisis Intervention Center Operations and Maintenance.** – The City Government of Baybay, Leyte shall provide support for the construction, maintenance and continued operations of the crisis intervention center by appropriating specific funds which shall form part of the CSWDO annual appropriation.

## ARTICLE V:
## SPECIAL CONCERNS

**Section 1. 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:

1. 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 an 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.

2. Peonage of children – Offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:

    2.1 Working in agricultural industries like rice and corn plantations or farms;

    2.2 Working as house helpers.

3. Pre-arrangement of Marriage – Pre-arrangement 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;

4. Using Girls as Commodities in Benefit Dances – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers;

5. Discrimination of Girl Children – Discrimination of girl children by prohibiting and depriving them of formal education;

6. Discrimination of Illegitimate Children – It is unlawful for schools to discriminate illegitimate children as follows but not limited to the following:

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

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

7. 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;

8. Refusal to Allow a 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;

9. Refusal to Issue Clearances by Reason of Pregnancy – For schools to refuse to issue clearances to a child by reason of pregnancy.

10. 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 whipping 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. Tying 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 children 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 CCPC 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 substance 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 R.A. 7610 or the Anti-Child Abuse Act, R.A. 7658 or the Anti-Child Labor Act, 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 of one (1) year and a fine of not more than One Thousand Pesos (P1, 000.00).

p. Bullying on school grounds; property immediately adjacent to school grounds; at school-sponsored or school-related activities, functions or programs whether on or off school grounds; at school bus stops; on school buses or other vehicles owned, leased or used by a school; or through the use of technology or an electronic device owned, leased or used by a school;

q. Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and

r. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying;

The acts mentioned in sub-paragraphs q, r and s, which are likewise punishable in RA 10627, otherwise known as the "Anti-Bullying Act of 2013" and its Implementing Rules and Regulations, shall be penalized hereunder.

**B. Control on Exposure to New Technology**

**Section 50. 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 51. 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 of 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.

**C. Children in Situations of Armed Conflict**

**Section 52. Protection for Children.** – Children in situations 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.

**Section 53. 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 Philippine 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 judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;

k. The right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;

l. In general, the right to automatic suspension of sentence;

m. The right to probation as an alternative to imprisonment, if qualified under the Probation Law;

n. The right to be free from liability for perjury, concealment or misrepresentation; and

o. Other rights as provided for under existing laws, rules and regulations. The City further adopts the provisions 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 54. Intervention and Diversion Programs.** – Intervention and Diversion Programs 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 56. 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 CICLs.

## ARTICLE VI:
## IMPLEMENTING MECHANISMS

### A. City Council for the Protection of Children (CCPC)

**Section 55. City Council for the Protection of Children (CCPC)** – The Local Chief Executive, through and Order, shall create a council for children known as the City Council for the Protection of Children (CCPC) and coordinate with barangays 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 councils. The CCPC 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 56. Composition and Functions of the CCPC –**

1. The members of the CCPC shall include the following:

   Chairperson: City Mayor
   Members:
   1. Chairperson, Committee on Women and Family of the Sangguniang Panlungsod
   2. DILG City Field Officer

3. City Social Welfare and Development Officer
4. City Division Schools Superintendent of Department of Education
5. Local Labor and Employment Officer
6. City Planning and Development Officer
7. City Budget Officer
8. City Health Officer
9. City Nutrition Officer
10. City PNP Director
11. City Treasurer
12. ABC President
13. Representative, Parent-Teachers Association
14. Representative, Non-Government Organization
15. Representative, Non-Government Organization
16. Representative, Non-Government Organization

2. The CCPC shall have the following functions:

a) Serve as the primary agency to coordinate with and assist the LGU concerned for the adoption of the comprehensive Juvenile Intervention Program as provided in Rule 18 below, and to oversee its proper implementation;

b) Coordinate with and assist the LGUs in calling on all sectors concerned, particularly the child-focused institutions, NGO's, people's organizations, education institution and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs;

c) Coordinate with LGU's in the annual review and assessment of the comprehensive juvenile intervention programs;

d) Coordinate with and assist the concerned government agencies in the formulation and implementation of juvenile intervention and diversion programs in the community;

e) Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of juvenile intervention and diversion programs in the community;

f) Assist the Punong Barangay in conducting diversion proceedings in cases provided under Section 23(a) of the Act and Rule 43.b below;

g) Assist the City Social Welfare and Development Officer (CSWDO) in the development of the appropriate diversion program as provided under Section 23(b) of the Act;

h) Institute together with schools, youth organizations and other concerned agencies the community-based programs of juvenile justice and welfare initiated by LGUs

i) Conduct capability building programs to enhance knowledge and skill in handling children's program;

j) Establish and maintain database on children in the local government. Specifically, for the purpose of this Act, the CCPCs shall maintain a database of children in conflict with the law, which shall include the children who undergo intervention, diversion and rehabilitation programs and after-care support services;

k) Document best practice on juvenile intervention and prevention;

l) Advocate and recommend local legislations promoting child survival, protection, participation and development, especially on the quality of televisions shows and media prints and coverage, which are detrimental to children and with appropriate funding support;

m) Conduct an inventory of all NGOs serving children in conflict with the law and mobilize them as resources for the effective implementation of the Act;

n) Review existing policies of units providing services to the children in conflict with the law, determine the barriers to access to these services and take the necessary action to improve access to these services.

**Section 57. Representation of Non-Governmental Organizations in the Councils for Children.** – The CCPC and BCPC 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 Sangguniang Panlungsod or the barangay council, as the case may be, based on its criteria of accreditation.

**Section 58. Internal Rules of the MCPC and BCPCs.** – The MCPC and BCPCs shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as 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 59. Creation of a Desk for Children's Concerns.** – There shall be created a Desk for Children's Concerns under the CSWDO.

**Section 60. Functions of the Desk for Children's Concerns.** – The Desk for Children's Concerns shall:

a. Act as Secretariat for the CCPC;

b. Oversee and coordinate the implementation of this Code; and

c. Be in charge of the day-to-day operations of CCPC.

**Section 61. Consultations with the Desk for Children's Concerns.-**The Desk for Children's Concerns shall be consulted by the City Government of Baybay, Leyte and other bodies whenever they are considering proposals to charge or repeal existing legislation likely to affect children's lives.

**Section 62. Child Impact Statements.** – The City is required to prepare "child impact statements" indicating the likely repercussions of proposed legislation or policy on children and submit these to the Desk for Children's Concerns.

**Section 63. Mandatory Consultations. -** 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 City Mayor and the Sangguniang Panlungsod shall be obtained after the holding of the public hearings on the matter and after consultation with the Desk for Children's Concerns.

## C. Mechanisms to Address Bullying

**Section 64.** In accordance with Section 4 of RA 10627, the school principal or any person who holds a comparable role shall be responsible for the implementation and oversight of policies intended to address bullying.

Any member of the school administration, student, parent or volunteer shall immediately report any instance of bullying or act of retaliation witnessed, or that has come to one's attention, to the school principal or school officer or person so designated by the principal to handle such issues, or both. Upon receipt of such a report, the school principal or the designated school officer or person shall promptly investigate. If it is determined that bullying or retaliation has occurred, the school principal or the designated school officer or person shall:

(a) Notify the law enforcement agency if the school principal or designee believes that criminal charges under the Revised Penal Code may be pursued against the perpetrator;

(b) Take appropriate disciplinary administrative action;

(c) Notify the parents or guardians of the perpetrator; and

(d) Notify the parents or guardians of the victim regarding the action taken to prevent any further acts of bullying or retaliation.

If an incident of bullying or retaliation involves students from more than one school, the school first informed of the bullying or retaliation shall promptly notify the appropriate administrator of the other school so that both may take appropriate action.

## ARTICLE VII:
## REMEDIAL MEASURES AND PENAL PROVISIONS

**Section 65. Persons 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 66. Protective Custody of the Child. -** The offended party shall be immediately placed under the protective custody of the CSWDO. In the regular performance of this function, the CSWD Officer shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Degree No. 603.

**Section 67. 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 68. 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 69. 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 70. Duty of Government Workers to Report.** – It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, and correction officers and other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

**Section 71. Failure to Report.** – Any individual mentioned in Section 106 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

**Section 72. 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 73. 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 six (6) months to one (1) year and/or a fine ranging from One Thousand Pesos (P1,000.00) to Three Thousand Pesos (P3,000.00). 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. 7658, 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 and pertinent laws.

## ARTICLE VIII:
## BUDGETARY APPROPRIATIONS

**Section 74. Budget Allocation.—** The City, 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 IX:
## SEPARABILITY/ APPLICABILTY/ REPEALING/EFFECTIVITY CLAUSES

**Section 75. 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 76. Applicability Clause. –** 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. This code shall apply to all the people within the territorial jurisdiction of the City of Baybay, Leyte.

**Section 77. Repealing Clause. –** All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions of this Code and hereby repealed or modified accordingly.

**Section 78. Effectivity 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 Baybay City, Leyte.

Enacted, April 13, 2015.

I HEREBY CERTIFY to the correctness of the foregoing ordinance which was duly adopted by the Sangguniang Panlungsod during its regular session held on April 13, 2015.

**DIVINA C. CAINTIC**
Acting SP Secretary

Attested and Certified
to be duly Adopted:

**MICHAEL L. CARI**
City Vice Mayor & Presiding Officer

Approved by Her Honor:

**CARMEN L. CARI**
City Mayor