



Republic of the Philippines
Province of Cavite
City of Bacoor

SANGGUNIANG PANLUNGSOD OF THE CITY OF BACOR

CITY ORDINANCE NO. CO 2-2016

Series of 2016

CHILD DEVELOPMENT AND PROTECTION CODE OF THE CITY OF BACOR

(formerly known as "THE BACOR CHILDREN'S CODE")



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PRESENT:

HON. CATHERINE S. EVARISTO City Vice Mayor/Presiding Officer

DISTRICT I MEMBERS:

Hon. Edwin G. Gawaran	City Councilor
Hon. Rowena Bautista-Mendiola	City Councilor
Hon. Reynaldo M. Fabian	City Councilor
Hon. Venus D. De Castro	City Councilor

DISTRICT II MEMBERS:

Hon. Reynaldo D. Palabrica	President Pro-Tempore/ City Councilor
Hon. Hernando C. Gutierrez	City Councilor
Hon. Gaudencio P. Nolasco	City Councilor
Hon. Bayani M. De Leon	City Councilor
Hon. Leandro A. De Leon	City Councilor
Hon. Robert R. Javier	City Councilor

CITY ORDINANCE NO. CO 2-2016

Series of 2016

AN ORDINANCE INSTITUTIONALIZING THE VARIOUS POLICIES TO BE IMPLEMENTED BY THE CITY OF BACOR PROTECTING THE RIGHTS OF THE CHILDREN AND MINORS, ENHANCING PARENTAL RESPONSIBILITY, REVISING CITY ORDINANCE NO, 4-A-S-2008 (THE "BACOR CHILDREN'S CODE"), AND PROVIDING PENALTIES FOR VIOLATIONS HEREOF.

Authored by:

Hon. Catherine S. Evaristo
and
Atty. Khalid A. Atega, Jr.

Sponsored by:

Hon. Edwin G. Gawaran, Hon. Rowena Bautista-Mendiola, Hon. Reynaldo M. Fabian, Hon. Venus D. De Castro, Hon. Reynaldo D. Palabrica, Hon. Hernando C. Gutierrez, Hon. Gaudencio P. Nolasco, Hon. Bayani M. De Leon, Hon. Leandro A. De Leon, and Hon. Robert R. Javier

WHEREAS, Republic Act No. 7610 (otherwise known as the “**Special Protection of Children Against Abuse, Exploitation and Discrimination Act**”) specifically prohibits the abuse, exploitation, and discrimination of children and minors while ascribing greater responsibility upon parents for the care of their children.

WHEREAS, while the said law appears explicit, it has some legal loopholes being exploited by criminal syndicates engaged in the systematic abuse of children. Moreover, the government policies to be implemented in order to abate cases of child abuse are disjointed which hampers the ability of the city government to implement the same.

WHEREAS, City Ordinance No. 4A-S-2008 (also known as the “*Bacoor Children’s Code*”) needs to be revised due to the conversion of Bacoor into a city by virtue of Republic Act No. 10160 and in order to meet various challenges confronting various sectors of the City with regard the care, safety, and welfare of children.

NOW THEREFORE, be it ordained by the Sangguniang Panlungsod of the City of Bacoor, Cavite in regular session duly assembled that:

Article I PRELIMINARY PROVISIONS

Section 1. Short Title. -- This Ordinance shall be known and cited as the “**Child Development and Protection Code of the City of Bacoor**”. It shall be referred to hereafter as “the Code”.

Section 2. Repeal Clause.-- All existing Ordinances, Resolutions, Implementing Rules and Regulations (IRR) and Executive Orders that are in conflict with, or that duplicates this Code or any of its provisions are hereby repealed and/or modified accordingly.

Section 3. Separability Clause.-- If any provision of this Code or the application thereof to any person or circumstance is held invalid, the remainder of this ordinance, and the application of such provision to other persons or circumstances, shall not be affected thereby.

If any court of competent jurisdiction adjudges any part or provision of this Code --or the application hereof to any person or circumstances -- invalid, such judgment shall be limited in its application to the part, provision or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity and continued enforcement of any other parts of provisions of this Code or the application of them to other persons or circumstances.

Section 4. Rules on Interpretation. -- In case a conflict in the interpretation hereof arises between the English version of this ordinance and its Filipino translation, the provisions of this Code and its annexes appearing in English shall prevail.

The following rules shall be observed in the interpretation of this Code:

4.1. Words used in singular also include the plural. The reverse is also true;

4.2. Words used in the present tense shall also include the past tense. The reverse is also true;

4.3. The words "*must*", "*shall*", "*will*" and "*may not*" as used in this Code are mandatory;

4.4. The word "*may*" is permissive while "*should*" is advisory and not mandatory or required;

4.5. When used with numbers, "*Up to X*," "*not more than X*" and "*a maximum of X*" all include X;

4.6. Words or phrases not defined herein shall be interpreted in the context it was used in this Code and in consideration of the reason why the Sangguniang Panlungsod used the said terms;

4.7. In interpreting words and phrases not defined herein, the meaning of the said terms as popularly understood at the time the Code was approved shall be used;

4.8. Any word, phrase, or term not enumerated above but used in this Code shall be interpreted by taking into account the context in which it was used, its meaning as popularly understood, or its definition in either Black Law Dictionary or in the 2014 edition of Merriam -Webster Dictionary; and

4.9. Unless otherwise specified, any reference to the male gender in any provision of this Code shall also include the female gender and vice versa.

Section 5. Construction. -- This Code shall be liberally construed to carry out the policies embodied herein. In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the protection of children and shall be construed to achieve the purposes for which this Code was adopted.

This Code is intended to interfere with, abrogate, and annul any other ordinance, rule, order, memorandum, or guideline prevailing in the City of Bacoor prior to its approval. Where any provision of this Code imposes restrictions different from those imposed under other provisions of this Code, the provision that is more restrictive or that imposes higher standards shall control.

Section 6. Due Process Requirements. The rudimentary requirements of procedural and administrative due process shall be strictly observed prior to the imposition of any of the penalties specified hereunder. Thus, the City Mayor and City Social Welfare and Development Officer and all other city employees under them shall ensure that persons against whom the said penalties is intended to be imposed shall be:

- (a) Notified in writing of the acts committed or not committed that constitutes a violation of this Code;
- (b) Given at least 24 hours from receipt of the notice within which to comply with the particular provision of the Code that was allegedly violated;
- (c) Exempted from facing criminal prosecution after the suspected offender voluntarily pays the corresponding fine for the offense allegedly committed; and
- (d) Allowed to defend himself in a proper court of law before the imposition of any fine in case the suspected offender chooses to challenge the allegations against him.

Section 7. Effectivity.-- This Code shall take effect immediately after its posting on the bulletin board of all the barangays of the City of Bacoor and upon its publication at least once in a newspaper of general circulation in the Province of Cavite.

Section 8. Dissemination.-- Let copies of this Code be sent to the Office of the City Mayor, to all of the barangays of the City of Bacoor, and to all government departments, agencies, and offices concerned.

Section 9. Sunset Review. -- The Sangguniang Panlungsod shall automatically review this Code once every three (3) years after its approval to determine its effectiveness.

Article II
GENERAL PROVISIONS

Section 10. Definition of Terms. – The following terms as used in this Code shall be known as follows:

(a) "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;

(b) "Child abuse" refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

(1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

(2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being such as but not limited to engaging in mendicancy, prostitution, or sidewalk vending;

(3) Unreasonable deprivation of his basic needs for survival, such as food, clothing, and shelter; or

(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.

(c) "Circumstances which gravely threaten or endanger the survival and normal development of children" include, but are not limited to, the following;

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

(2) Working under conditions hazardous to life, safety and/or health that unduly interfere with their normal development;

(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;

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

(5) Being a victim of a man-made or natural disaster or calamity; or

(6) Circumstances analogous to those above stated that endanger the life, safety or normal development of children.

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

(1) **Child prostitution, exposure to printed or Internet pornography, engaging in cybersex** (refers to any activity in which people become sexually excited by sending messages about sex to each other over the Internet or through the use of text messages, photos, emails using a cellular phone, tablet, or any similar device), **cyber voyeurism** (refers to any act of taking photo or video coverage of a person or group of persons performing sexual act or any similar activity or of capturing an image of the private area of a person or persons without the latter's consent, under circumstances in which such person/s has/have a reasonable expectation of privacy, or the act of selling, copying, reproducing, broadcasting, sharing, showing or exhibiting the photo or video coverage or recordings of such sexual act or similar activity through VCD/DVD, internet, cellular phones and similar means or device without the written consent of the person/s involved, notwithstanding that consent to record or take photo or video coverage of same was given by such person's as defined under Republic Act No. 9995) **cyber-bullying** (refers to the use of the Internet or any electronic device or gadget to harm or harass other people in a deliberate, repeated, and hostile manner that may include but shall not be limited to posting rumors or gossips about a person in the internet bringing about hatred in other's minds; or it may go to the extent of personally identifying victims and publishing materials severely defaming and humiliating them), and **other forms of physical, emotional, psychological, or sexual abuse;**

(2) Child trafficking (refers to the recruitment, transportation, transfer or harboring, or receipt of children with or without the victim's consent or knowledge, within or across the borders of the City of Bacoor 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.

(3) Obscene publications such as but not limited to age inappropriate novels, magazines, comics, or articles and indecent shows. A publication is considered “obscene” if – taking the publication as a whole—it tends to deprave or corrupt a significant number of persons who are likely, having regard to relevant circumstances, to read, see or hear the matter contained or embodied in it. Indecent shows refer to public exhibitions on stage, television, computers, tablets, or cellular phones that tend to offend generally accepted standards of morality or good taste such as but not limited to [a] pornographic films, [b] lewd dance performances, fashion shows, or plays where the performers are naked, or [c] other public exhibitions where vulgar, discriminatory, or demeaning language directed against a person, race, or religion is being made.

(4) Other acts of abuses; and

(5) Circumstances that threaten or endanger the survival and normal development of children.

(e) “Day Care” is the provision of substitute parental care and stimulating activities for the total development of children zero to five (0-5) years old when their parents are unable to take care of them during part of the day because of work and other justifiable reason.

(f) “Day Care Center” is a facility where an accredited day care worker particularly for children in the three-to-five (3-5) year age bracket provides day care services.

(g) “Diversion” shall refer to an alternative child-appropriate process of determining a juvenile’s responsibility for an alleged offense, as well as in determining the measures, if any, to be undertaken by the juvenile and other persons without resorting to formal court adjudication.

(h) “ Diversion Programs” shall refer to programs that juveniles are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.

(i) “ Community Reintegration Programs” shall refer to the programs established for the purpose of rehabilitation and preparing the child for reintegration into the community.

(j) “Katarungang Pambarangay” shall refer to Section 408-422 of the Local Government Code of 1991 which is commonly known as the “

Katarungang Pambarangay Law”.

(k) “Specially-abled Children, “ “ Children with Disabilities” “ Children with Special Needs” are children with either physical or mental infirmities, whether congenital or acquired after birth.

Article III RIGHTS AND OBLIGATIONS OF THE CHILD

Section 11. Rights of the Child. - Every child residing in the City of Bacoor shall be entitled to the rights herein set forth without distinction as to legitimacy, filiation, gender, sexual preference, economic or social status, religion, political antecedence, and other factors. Every child residing in the City of Bacoor shall possess the following rights which are classified into survival, development, protection, and participation rights.

Section 12. Survival Rights of the Child. Survival rights ensure the child’s inherent right to life and to the needs that are most basic to existence such as but not limited to the following:

- [1] The right to be born well, endowed with the dignity and work of a human being from the moment of his or her conception;
- [2] the right to a wholesome family life that will provide him or her with love, care, and understanding, guidance and counseling, and moral and material security;
- [3] In the case of dependent or abandoned children, the right to be provided with the nearest substitute of a home by the city government, and
- [4] 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.

Section 13. Development Rights of the Child. “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 of every child residing in the City of Bacoor:

[1] The right to a well-grounded development of her or his personality to the end that she or he may become a happy, useful, and active member of society specifically:

- (i). The specially-abled child shall be given the opportunity and encouragement by the City of

Bacoor to develop her or his special talents by being given access to special schools or activities tailored to hone his/her talents to be developed or established by the city government or by the private sector under the regulatory powers of the State;

(ii). The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care to be provided by the City of Bacoor or by private entities under the supervision of the City Social Welfare and Development Office, by the City Health Office, or by the appropriate national agency;

(iii) The physically or mentally disabled child shall be given treatment, education and care required by her or by his particular condition to be provided by the City of Bacoor or by private entities under the supervision of the City Social Welfare and Development Office, by the City Health Office, or by the appropriate national agency;

(iv) The right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;

(v) 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 of a better world;

[2] Every child residing in the City of Bacoor has the right to compulsory primary education and to readily accessible higher education.

[3] Every child residing in the City of Bacoor has the right to full opportunities for safe and wholesome recreational activities.

[4] Every child residing in the City of Bacoor has the right to live in a community that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.

Section 14. Protection Rights of the Child. "Protection Rights" are those rights protecting the child from all forms of abuse 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, and exploitation. Every child residing in the City of Bacoor has the following protection rights:

[1] Demand the opportunity to be heard in any quasi-judicial and/or administrative proceedings affecting him or her in the barangay where he/she resides or in the school that he/she attends;

[2] Demand that he/she be accompanied by his parents or guardians, or to be represented by a counsel of his own choosing in any quasi-judicial and/or administrative proceedings affecting him or her in the barangay where he/she resides or in the school that he/she attends. **PROVIDED that** if the child cannot afford to pay for the services of counsel or does not know an attorney or does not know how to engage the services of a counsel – the City Social Welfare and Development Office shall provide a counsel to protect the child at the expense of the city government;

[3] Demand to be taken into custody by the City Social Welfare and Development Office or by the Philippine National Police where his/her safety or well-being requires such custody. **PROVIDED that** if the child is incapable of making such a demand, or is being prevented from making such a demand, or does not know how to make such a demand – the City Social Welfare and Development Office is hereby empowered to take custody of the child even without any request from the child or from his parents/guardians. **PROVIDED further that** the said office may only exercise the power herein granted to the CSWDO if its Head has reasonable basis to believe that the child is in danger or might be in danger;

[4] Free medical treatment or checkup when he/she becomes a victim of abuse and to demand that the cost of such treatment be paid by the person/s who subjected him/her to such abuse upon order of a c;

[5] Demand that his/her cellphone, gadgets, and other effects not be opened or accessed without the written consent and in the presence of his guardians or parents;

[6] Right against self-incrimination;

[7] Right to refuse to give teachers and other adults access to his cellphone or other gadgets that may result in the violation of his right against self-incrimination;

[8] Right against being subjected to cruel and unusual punishment or to punishments that would diminish his dignity or that would humiliate him;

[9] Right to question the teachings of his elders and teachers in a respectful manner; and

[10] Any other right or privilege granted to him by law, ordinance, regulation, or international treaty by virtue of his being a child.

Section 15. Participation Rights of the Child. Participation rights refer to the child's right to participate in matters that affect him or her most 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 and a consultative process, freedom of association and peaceful assembly either directly, or through a representative or an appropriate body in a manner consistent with the procedural rules of national law;

a) Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;

b) Every child has the right to freedom of speech. This right shall include freedom to seek, receive and impart information and ideas. As such, all private and public high schools in the City of Bacoor shall be required to organize student publications within their schools subject to the pertinent provisions of Republic Act No. 7079 (the Campus Journalism Act of 1991) and debate clubs subject to the Asian parliamentary rules of debate and/or the British parliamentary rules of debate;

c) Every child has the right to express his or her opinions freely and to have this opinions taken into account in any matter of procedure affecting him or her; and

d) Every child has the right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, including the use of his cellphone and other gadgets before, after, or

in between classes and to unlawful attacks against his or her honor and reputation.

Section 16. Responsibilities of the Child. Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

1. Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the requirements of the law, and the bidding of a clean conscience;
2. Love, respect and obey his or her parents, kin or guardians, and cooperate with them in the strengthening of the family;
3. Extend to his or her siblings and kin love, thoughtfulness, 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 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 the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership and shaping the nation's future; and
7. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nation in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

Article IV ROLES AND FUNCTIONS OF VARIOUS SECTORS

Section 17. The Family. - The family is the central unit responsible for the primary socialization of children that is important in the prevention of children's rights violation. The City Government shall fund and implement such projects, plans, and programs that will preserve the integrity of the family, including the extended family. Such projects, plans, and programs shall be included in the city government's annual and supplemental budgets.

Section 18. Primary Rights of Parents. – The family has the 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 have the right to the company of their children and, in relation to all other persons or institution dealing with children's development, the primary right and obligation to provide for their upbringing.

Section 19. 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. Parents may require from their children obedience to just and reasonable rules, suggestion and admonitions.

Section 20. Free counseling of parents on effective ways of disciplining a child. - The City Social Welfare and Development Office shall develop a program that will give free counseling to parents on effective ways of disciplining a child. The said program shall be developed in conjunction with parenting experts, child psychologists, educators, and other experts in the fields of child development, child abuse, and juvenile delinquency. The said program shall be developed within one (1) year following the date of effectivity of this Code and shall be submitted to the City Child Protection Council for approval.

Section 21. General duties of Parents. - Parents shall have 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, thrift 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;
9. To administer their property, if any, according to their best interest, subject to the provisions of Article 225 to 227 of the Family Code; and
10. Such other duties that would redound to the strengthening of the family and the physical, emotional, mental, and moral well-being of the child.

Section 22. 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, the City Social Welfare and Development Office and the other departments and units of the city government shall make the necessary arrangements for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children 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 23. Role of Women. - Women 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 in their various roles, equal opportunity shall be provided for the children of female gender, for them to benefit from the health, nutrition, education and other basic services for their full growth.

Section 24. Role of Fathers. - Fathers play a vital role in their children's lives. Policies and legislations shall be enacted and programs shall be designed 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 model. Equal opportunity shall be provided to the children of male gender for them to benefit from the health, nutrition, and other basic services for their full growth.

Section 25. Role of Sangguniang Kabataan. – The Sangguniang Kabataan (SK) as established under the Local Government Code of 1991 and pursuant to the relevant provisions of Republic Act No. 10742 (the "SK Reform Act of 2015") shall, in addition to its powers and functions actively involve itself in the formulation and

implementation of prevention and protection programs in the community. It shall coordinate with the barangay councils for the welfare of children for this purpose.

It is encouraged that the SK shall devote at least 50% of its annual budget to prevention programs for the youth.

Section 26. Additional Duties of the City Social Welfare and Development Office. -- Aside from the duties and responsibilities reposed upon the CSWDO by law, ordinance and various government regulations, the said Office shall also perform the following duties:

26.1. Defend children from any form of abuse by filing the necessary legal action against any person or institution that violates the rights of the child as embodied in Section 10 of this Code, in other ordinances, and in various pertinent laws and regulations;

26.2. File the necessary action in a court of law to restrain any person or institution in performing any activity that hinders the development of children, endangers a child, or that imperils the values and morals of children;

26.3. Administer, manage and supervise any and all facilities owned by the city government designed to protect or rehabilitate children at risk or children in conflict with the law;

26.4. Propose such plans and programs to the Sangguniang Panlungsod as may be needed to promote the welfare of the child;

26.5. Visit any home, office, establishment, or office where the rights of children are being violated and undertake the appropriate actions to stop such violations and protect children;

26.6. Ask for assistance from police or barangay authorities to enforce the rights of a child or to protect a child from abuse; and

26.7. Such other duties that would redound to the benefit and protection of any child residing in, working at, passing through, or visiting the City of Bacoor.

Article V PROGRAMS AND SERVICES FOR CHILDREN

Section 27. The Batang Bacoor Development Plan. – The Batang Bacoor Development Plan (the “Plan”) is the comprehensive program of the City of Bacoor for the development of every child residing in the City. It was developed based on the belief that it takes an entire community to raise a child. The various projects and programs embodied herein shall be funded annually by the city government and shall be continuing in nature such that they shall be

implemented and funded every year unless the same are amended, revised, discontinued, or revoked by the Sangguniang Panlungsod as recommended by the City Council for the Protection of Children.

Section 28. Various Programs under the Batang Bacoor Development Plan. – In addition to programs mandated to be implemented by the city government pursuant to various orders of the DSWD, the following programs shall be annually funded by the city government pursuant to the Batang Bacoor Development Program and shall be implemented in coordination with the DepEd, the DSWD, and other government agencies concerned:

- 29.1. The “Batang Masaya Program”;
- 29.2. The “Sen. Raul Roco Campus Journalism Cup”; and
- 29.3. The “Bacoor Inter-Schools Debate Championships”.

Section 29. Identification of Projects and Programs. The City Social Welfare and Development Office, in consultation with the City Council for the Protection of Children, identified the projects and programs appearing hereunder. As such, the said projects and programs shall be enforced and implemented by all city and barangay officials and employees required to do so under this Code.

Section 30. The Batang Masaya Program. – The Batang Masaya Program aims to achieve the following:

- 30.1. Promote physical activity among children by encouraging them to play traditional Filipino games within their neighborhoods in places especially devoted by the barangay for such activities;
- 30.2. Enhance the sense of identity of children by familiarizing them with Filipino culture through the learning of traditional games;
- 30.3. Improving the sense of community of various barangays by (a) requiring parents, barangay officials, and other sectors of the community to join hands in providing a safe play environment for children, and (b) encouraging adults to take part in playing traditional games;
- 30.4. Weaning children away from the clutches of criminality by providing them fun yet inexpensive outlets for their youthful exuberance; and
- 30.5. Provide sports activities that barangays can implement on annually at minimal cost to the city government compared to mainstream sports such as basketball and volleyball while inculcating positive values.

All barangays in the City of Bacoor are hereby mandated to provide areas within their respective territorial jurisdictions where the said traditional games can be played safely. Members of the community shall be encouraged by the Punong Barangay to act as umpires, coaches, or safety officers on a rotating basis during the playing of the said games.

The CSWDO shall formulate the guidelines for the holding of an inter-barangay Batang Masaya Championships that shall be open for all children aged six to twelve. Only traditional games such as *taguan*, *tumbang preso*, *luksong baka*, *patintero* and the like shall be played in the said games and each barangay shall be represented by their respective teams who shall be chosen based on a criteria agreed upon by a five-member Council of Elders appointed by the Punong Barangay of each barangay. The said competition shall be held every Saturday of October in observance of the National Children's Day, which is held every 17th day of October.

The administrators of public and private schools are likewise mandated to provide places within the premises of their respective schools where traditional Filipino games can be played safely. Physical education classes of elementary students shall include instructions on how to play the various traditional Filipino games such as *patintero*, *habulan*, *taguan*, *tumbang preso*, and the like in coordination with the CSWDO and the DepEd.

The prizes to be won by the competing teams shall consist of a cash award, which shall be used by the barangay council concerned for the beautification or improvement of their barangay and individual cash prizes for the members of the winning teams. Such prizes shall be taken from the available funds of the city government.

Each barangay that shall participate in the said competitions shall be prohibited from spending lavishly on uniforms, streamers, or prizes so as not to teach the participants the evils of materialism at such an early age. Moreover, the Punong Barangay shall be required to stress to the participants that they are participating in the competition for the benefit of their community and not just for the sake of winning.

Any act of cheating done with the knowledge or participation of any barangay official or employee or by any government employee in the conduct of the said games or competition shall be considered an act of dishonesty punishable with the

appropriate disciplinary action pursuant to pertinent civil service rules.

Section 31. The Sen. Raul Roco Campus Journalism Cup Program. – Named after the late principal author of Republic Act No. 7079 (the Campus Journalism Act of 1991) who was also a campus journalist during his younger days, the Sen. Raul Roco Campus Journalism Cup shall provide a venue where budding campus journalists in all private and public elementary and high schools will learn the rudiments of journalism and enhance their ability not only to express themselves but to also voice out the concerns of their contemporaries. This program shall complement the existing journalism related curriculum of the DepEd and shall make it mandatory for private schools to adopt journalism classes in their school curriculum. The City Government shall provide financial assistance to all public schools that has an existing journalism curriculum and shall finance the annual holding of the said Cup. The DepEd (Bacoor City Division), the CSWDO, and the Office of the City Mayor shall formulate the implementing guidelines for the said competition.

Section 32. The Bacoor City Inter-Schools Debate Championships. The Bacoor City Inter-Schools Debate Championships shall be an annual competition open to all private and public high schools. The city government shall fund the said competition. The owners and/or administrators of all schools operating within the City of Bacoor shall be required to actively support the said competition by opening debate clubs within their respective schools. The DepEd shall make it mandatory for all schools operating within the City of Bacoor to adopt debating clubs in their respective institutions with the aim of achieving the following:

32.1. Improve the communication and reasoning skills of students;

32.2. Teach the youth on how to disagree with each other without resorting to violence;

32.3. Train the youth to be more abreast with local and international current events;

32.4. Bridge the communication gap separating students of public schools and private schools;

32.5. Train the youth on how to become effective communicators and public speakers; and

32.6. Train the participants on how to become critical thinkers.

Section 33. The Community Approach. – The CSWDO shall promote community involvement in addressing community- wide issues and improving the overall environment of the neighborhood in order to prevent violation 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, interest and concerns of young persons and which offer appropriate counseling and guidance to children and their families should be developed or strengthened where they exist.

Section 34. Periodic Assessment of the Batang Bacoor Development Program.- The Batang Bacoor Development Program shall be reviewed and assessed yearly by the City Government of Bacoor in coordination with the local councils for the welfare of children. The programs shall be reviewed by the City Council for the welfare of children as to their effectivity in preventing children's rights violations based on the indicators identified in the programs may be modified accordingly.

Section 35. Prevention Programs. – Prevention programs shall be an important component of the Batang Bacoor Development Program to be implemented primarily by the CSWDO through the local councils of children, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

- a. Primary prevention- general measures to promote social justice and equal opportunity that tackle perceived root causes of children's right violations shall as poverty and other forms of marginalization;
- b. Secondary prevention – measures to assist children who are identified as being more particularly at risk such as those whose parents are they in special difficulty or are not caring appropriately for them;
- c. Tertiary prevention – schemes to avoid and prevent children's right violations from happening again.

In all three levels of prevention, official intervention should be pursued primarily in the overall interest of the young person and guided by fairness and equity.

Section 36. Other Proactive Programs.

§36.1. Primary Health Care. – The City Government of Bacoor shall implement primary health care and nutrition programs for children in coordination with the City Health Office and the Office of the City Social Welfare and Development.

§36.2. Promotion of Primary Health Care Programs. – The barangay health centers shall implement the primary health care programs. Each barangay center shall designate a barangay child health officer to monitor children's health in the barangay level, with a salary commensurate to the task assigned. To further ensure the implementation of this section, the City Government of Bacoor shall take the following measures:

- (a) To combat disease and malnutrition within the framework of primary health care through the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollutants;
- (b) To establish a comprehensive Parents Orientations Development Program which includes gender-responsive courses on reproductive health, child help and child-rearing practices in the context of Filipino psychology;
- (c) To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms which violate such code;
- (d) To conduct massive information and education on breastfeeding utilizing existing reference materials for effective breastfeeding education program. Integrating information on breastfeeding shall be integral part of all school curriculums; and
- (e) To require all commercial and industrial establishments to construct breastfeeding rooms in their respective premises.

§36.3. Child and Gender Sensitivity Training for Health Workers.

- All City and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the City Council for the Welfare of Children. Failure to attend such training seminars shall be considered an act of insubordination that is punishable with the appropriate disciplinary action.

§36.4. Child-and Family- Friendly Hospitals in Bacoor City. - All hospitals in the City of Bacoor shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanism and gadgets. They shall also not deny husbands/partners inside the delivery room during delivery of their wives-partners. Newly-born children shall be discharged from hospitals even if their parents have not yet paid their hospital bills in full by simply requiring such parents or guardians to execute duly notarized promissory notes.

§36.5. Program for Children with Special Needs. - The City Government of Bacoor shall make a periodic child-focused and

child-specific comprehensive survey on children with disabilities in the City as basis for a more systematic coordination of services (health, nutrition and education) for children's special needs. The said survey shall be conducted by the CSWDO twice a year in coordination with the Population Commission Office of the City of Bacoor. The said offices shall submit the results of the said survey to the Office of the City Mayor, the City Council, and the DSWD.

§36.6. Educators and Health Professionals Training for the Special Programs with Children's with Special Needs. - A training program for educators and health professionals handling children with disabilities and special needs shall be undertaken by the CSWDO every year in cooperation with the private sector and the DepEd. Attendance in the said training programs shall be mandatory and failure to attend the same without just cause shall be considered a violation of this Section.

Section 37. The Under Six Program. The City of Bacoor shall implement a program for the benefit of children aged six years old and below subject to the following:

§37.1. The Under Six Program Framework. - The City Government of Bacoor shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall include the following:

- a. Monitoring of registration of births and the completion of the immunization series for the prevention of tuberculosis, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;
- b. The barangay officials and their barangay-level support systems may call upon law enforcement agencies when there is an abused, neglected and exploited child who needs to be rescued from an unbearable home situation;
- c. A Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will eliminate or minimize risk to mother and child; provided, that high-risk mothers shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care; Provided further that, *hilots* (traditional birth attendants) and barangay health workers are provided the needed basic training for normal delivery and are trained to recognize high-risk

pregnancies which should be referred to competent obstetrical and pediatric medical care;

- d. A barangay level network of assistance from among the adults of the community for the total development and protection of children;
- e. Unstructured combined with structured learning exercises for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child; and
- f. A pool of trained day care or child development workers with an upgraded salary scheme commensurate to the tasks assigned to them.

Section 38. Setting Up of Population-Based Day Care Centers. –

Pursuant to the provisions of Republic Act 6972 (the Barangay-Level Total Development and Protection of Children Act), day care centers shall be set up in every barangay in the City of Bacoor. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the CSWDO. Funding for the construction of the said centers shall be taken from the available funds of the barangay concerned or that of the city government. The City Engineer is hereby mandated to design and construct the said centers based on the recommendations of the City Health Office, the CSWDO, and the City Mayor.

Section 39. Importance of Day Care Service. –

Day care service addresses the needs in the crucial stages of a child's growth. By the age of Five (5), a child's brain has already grown to 90 percent of its adult weight and much of the way he/she envisions and interacts with the world has been shaped. Thus, the child's formative years and the care that he/she gets during this period this period would significantly affect his/her learning capacity, personal and social interaction well into adulthood.

While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental and social needs, day care services aims to supplemental the inability of some parents to provide their children with the proper care and home environment.

Specifically, the Day Care Center aims to help the child:

- a. Become physically fit through proper care and nutrition;
- b. Develop self-confidence, self-statement 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; and
- f. Be protected from all forms of neglects, abuse, cruelty and exploitation.

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

Section 41. Day Care Worker and Support Group. The City/barangay shall pay for the day care workers (DCW) allowance and salary. The DSWD shall provide continuing technical assistance to the center. A Community Volunteer Parents Group shall be organized to be an effective support group to the center. The volunteer group shall help mobilized resources for the improvements of the center, acquisition of more learning materials and play equipment, and other support activities.

Section 42. Local Children’s Literature. - in support of the thrust for the socio-cultural development of children in the City of Bacoor, the City government shall invest in the promotion and production of local literature for children and other relevant educational materials.

Section 43. Other Child-Friendly Facilities. – The City of Bacoor in partnership with NGO’s 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.

Section 44. Mandatory Celebration of October as Children’s Month. – The month of October of every year is hereby mandated to be observed and celebrated 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 CSWDO, in coordination with the DepEd and other stakeholders, shall prepare programs in celebration of Children’s Month and shall conduct child-focused activities for the month promoting the right and responsibilities of Filipino children as well as the obligations of the people and institutions responsible in ensuring the well-being Filipino children.

Section 45. Mandatory Celebration of October 17 of Every Year as National Children’s Day. - The celebration and observance of the 17th day of every October as National Children’s Day is hereby made mandatory pursuant to Presidential Proclamation No. 74 dated

October 16, 1992 to honor Filipino children and to emphasize the importance of their role within the family and within society. The CSWDO, in coordination with the DepEd and other stakeholders, shall prepare programs in celebration of Children's Month and shall conduct child-focused activities for the month promoting the right and responsibilities of Filipino children as well as the obligations of the people and institutions responsible in ensuring the well-being Filipino children.

Section 46. Establishment and Rationale of the Crisis Intervention Center. – Crisis Intervention Centers (CIC) in strategic places within the City of Bacoor are hereby established pursuant to the relevant provisions of the 1987 Constitution, Republic Act No. 7610, and Republic Act 8505. The administration and operation of the CIC shall be the primary responsibility of the CSWDO in cooperation with the CHO. The services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sector of society particularly women. The CSWDO shall identify the ideal location where the CIC should be constructed as well as take an active role in the design and construction of the said facility pursuant to relevant guidelines of the DSWD.

Section 47. Objectives of the Crisis Intervention Center. – The Crisis Intervention Center shall have the following objectives:

- To provide temporary shelter and basic services to abused children and women;
- 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;
- 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;
- To provide life 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;
- To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities;
- To conduct a City-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination of the rights of children and women;
- To link up with various national 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; and
- Perform other functions that shall contribute to the development and protection of children and women.

Section 48. Organizational Structure, Management and Operations of the Center.

- a. The City Council for the Welfare of Children will formulate the organizational structure of the center depending on the need for its services;
- b. The member agencies of the City Council for the Welfare of Children and other national agencies and NGO's which have pledged support for the center will sign a Memorandum of Agreement for their commitment of service and/or resources to ensure the sustainability of the center's services;
- c. The center will be under the supervision of the Office of the City Social Welfare and Development;
- a. The Office of the City Social Welfare and Development and the City Council for the Welfare of Children, shall issue the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

Section 49. Budget Allocation for the Crisis Intervention Center Operations and Maintenance. – The City government of Bacoor 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 office of the CSWDO's annual appropriation.

**Article VI
SPECIAL CONCERNS**

Section 50. Prohibited Acts. – In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

- a. **Illegal Recruitment** – Any person who recruits other persons for work shall be required to register with and secure a permit from the Office of the Barangay Captain in the place of recruitment with an undertaking not to recruit children. There is a presumption of illegal trafficking when a person is found together with three or more minors not his/her relatives at the pier or port of exit or at various transport terminals including airports for the purpose of transporting the minors to another place without any written permit from the CSWDO duly signed by the parents or guardians of the children.
- b. **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:
 - (i) Working in agricultural industries like rice and corn plantations or farms; or

- (ii) Working as house helpers.
- c. **Pre- arrangement for marriage** – Pre-arrangement made by parents or guardians to marry of their children or wards. One manifestation of pre-arrangement maybe when two (2) families meet to seriously talk about the marriage of their children to each other;
- d. **Using Girls as Commodities in Benefit Dances** – Organizers of benefit dances, 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.
- e. **Discrimination of Girl Children** – Discrimination of girl children by prohibiting and depriving them of formal education;
- f. **Discrimination of illegitimate Children** – for schools to discriminate illegitimate children as follows but not limited to the following:
 - (i) Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;
 - (ii) Requiring the marriage contract of parents as a requirement for enrollment of the child;
- g. **Expulsion by Reason of Pregnancy** – 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 penalty which shall be made applicable to both the pregnant girl and her partner if he also enrolled in the same school;
- h. **Refusal to Graduate by Reason of Pregnancy** -- for schools to refuse to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;
- i. **Refusal to Issue Clearances by Reason of Pregnancy** – For schools to refuse to issue clearances to a child by reason of pregnancy;
- j. **Physical and Degrading Forms of Punishment** – Subjecting the child to physical and degrading forms of punishment such as, no limited to the following:
 - (i) Ordering or directing a child to kneel on salt;
 - (ii) Whipping
 - (iii) Stripping the child of his/her clothes;
 - (iv) Locking up the child
 - (v) Tying up the child or otherwise detaining him/her;

- (vi) Throwing objects at the child;
- (vii) Disciplinary spanking regardless of the severity of the physical force exerted, the tools used, or the reasons why such spanking was done;
- (viii) Subjecting the child to any form of cruel or unusual punishment that subjects the child to ridicule, harassment, or embarrassment;

- (ix) Detaining a child inside any room or restricting his movements by any physical means. PROVIDED that prohibiting a child from leaving his home due to the lateness of the hour, to preserve his own safety, or as a way of disciplining him shall not prohibited; and

- (x) Any act that diminishes the child's self-esteem by instilling shame, guilt, loss of trust or a sense of abandonment.

- 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 the public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation;

- m. ***Entry, Selling and Distribution of Pornographic Materials*** – The local councils for the welfare of children/local law enforcers shall monitor and prevent the entry of pornographic materials. It shall be unlawful for any person to sell and distribute such materials;

- n. ***Selling Liquor, Cigarettes, Rugby and other Addicting Substances to a Child and/or Directing Or Forcing Children To Buy Or Sell Liquor, Cigarettes, Rugby and other Addicting Substances*** – it shall be unlawful to any person to sell liquor, cigarette, rugby or any addicting substance to a child. It shall likewise be unlawful to direct children to buy or to sell liquor, cigarette, rugby or any addicting substance to a child or to adults.

- o. ***Smoking in Enclosed Places and Public Conveyances*** – Smoking in any enclosed place or public conveyance shall be prohibited.

- p. **Leaving Minor Children Alone and/or Unsupervised by a Responsible Adult.** -- The leaving of a minor child not older than 13 years old, or of a person who has the mental abilities equivalent to that of a child, alone and/or unsupervised by a responsible adult at home or at any place where their life or safety can potentially be at risk shall be prohibited in the City of Bacoor. A "responsible adult" may either be the parent/s, guardian/s, or older relative/s of the child or a person trained in taking care of the safety of children. An unsupervised child or person who qualifies under this provision whose safety is at risk may be rescued by the CSWDO, by barangay officials, or by police authorities or placed under the custody of a social worker assigned by the CSWDO even on the basis of a mere anonymous report. The death or injury of any child or person with the mental abilities equivalent to that of a child or the infliction of any damage by such person upon third persons while he/she were alone or unsupervised shall make his/her parents or guardians civilly liable for such death, injury, or damage.
- q. **Cheating during conduct of Batang Masaya Inter-Barangay Competitions.** Any act of cheating done with the knowledge or participation of any barangay official or employee or by any government employee in the conduct of the said games or competition shall be considered an act of dishonesty punishable with the appropriate disciplinary action pursuant to pertinent civil service rules.
- r. **Subjecting children to public ridicule or embarrassment.** Any act that subjects children to public ridicule or embarrassment such as when a child is forced to do something he does not wish to do, made to perform lewd dance moves, wear physically revealing clothes, or do non-age appropriate acts on a stage, public exhibition, party, or through the posting of videos or pictures documenting such acts on social networking sites or through the circulation of such videos or pictures through the internet or through the use of smart cellular phones and other similar or analogous technologies; and
- s. **Any act or omission similar or analogous to the foregoing.** Any act or omission similar or analogous to the foregoing that tends to harm the development of children shall likewise be prohibited herein.

The above acts which are likewise punishable in RA 7610 or the Child Abuse Act, RA 7658 on Child Labor, the Revised Penal Code or other pertinent national laws shall be penalized hereunder. Acts or omissions not falling under said laws shall be penalized by imprisonment of one (1) year and a fine of not more than Ten Thousand Pesos (P10,000.00).

Section 51. Regulation of Use of Video Games Arcades and Shops. – Except if a child is accompanied by his/her parent/s or guardian/s, no child shall be allowed to visit or enter any video games arcades and shops within the jurisdiction of the City of Bacoor from 9:00 A.M to 6:00 P.M., Mondays through Fridays, EXCEPT Saturdays, Sundays and public holidays in which video games arcades/shops can be open from morning till evening. **Provided that:** the manager, operator, supervisor, technician or any other employee of the said arcades and shops shall be held liable for violating this provision. **Provided further that:** the manager, supervisor, or any employee of the said arcades and shops are hereby empowered to refuse entry to any child even if accompanied by an adult who fails or who refuses to prove that he is the parent or guardian of the child.

Section 52. – Penalty. Operators, Managers, Cashiers, Technicians and other personnel involved in the operation of video games arcades and shops founds to be violating the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not less than Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of not less than one (1) month nor more than six (6) months, or both fine and imprisonment at the discretion of the court.

Section 53. Permanent Closure. – Any video games arcade and shop found to have violated Section 52 hereof and other provisions of this Code shall, upon its third violation, be permanently closed by the City government of Bacoor.

ARTICLE VII Rights of a Juvenile

Section 54. Rights of a Juvenile. – Pursuant to the UNCRC, every child alleged or accused of having infringed the penal law has the following minimum guarantees:

1. To be presumed innocent until proven guilty according to law;
2. To be informed promptly and directly of the charges against him or her, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
3. To have the matter determined without delay by a competent, independent and partial authority or judicial body in fair hearing according to law, in the presence of legal or

other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

4. Not to be compelled to give testimony or to confess guilt; to examine adverse witness and to obtain the participation of and examination of the witness on his or her behalf under condition of equality;
5. If considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
6. To have the free assistance of an interpreter if the child cannot understand or speak the language used; and
7. To have his or her privacy fully respected in all stages of the proceedings.

Section 55. System of Diversion. – a system of diversion is hereby established wherein juveniles shall as much possible be referred to alternative measures without undergoing court proceedings. Diversion shall apply to a child or youth as defined in this Code and subject to the conditions hereinafter provided. The CSWDO is hereby empowered to hold and spearhead such programs designed to teach public officials, educators, police and barangay officials, and other stakeholders on the various systems of diversion.

Section 56. Levels of Diversion. – Diversion shall be conducted at the barangay and police levels. The Lupong Tagapamayapa and the Child and Youth Relations Unit (CYRU) are the competent authorities to conduct diversion proceedings.

Section 57. Assignment of Child and Women Defenders to the CSWDO. To ensure that the various rights of juveniles, and of abused children or women are properly safeguarded, the city government shall create *plantilla* positions for lawyers who shall defend the rights of children and women. Such lawyers shall be assigned under the supervision and control of the CSWDO and shall only be tasked to defend the rights of children and women in all cases, investigations, or instances when such legal assistance is needed. **Provided that:** a separate ordinance creating the said positions and identifying their qualifications and functions should be approved by the Sangguniang Panlungsod before this Section can be implemented.

Section 58. Duty to Inform Child of His/Her Offense. – The competent authorities are duty-bound to explain to the minor in a language known and understood by her/him the consequences of her/his acts and/or omission. The minor's responsibility for the rehabilitating her/him, and avoiding her/his contact with the criminal justice system and indemnifying the victim/s if there be any.

Section 59. Indigenous Modes of Diversion. – Indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards shall be resorted to and encouraged. The minor's and her/his family's active participation in efforts towards conflict resolution shall be optimized. The family shall be held answerable as well as exercise parental care and supervision over the person of the minor;

Section 60. Termination of Case. – If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explained to both parties.

Section 61. Confession or Admission of Offense. – If the child voluntarily admits or confesses to the commission of the offense charged, the competent authorities shall decide on the diversion programs to be undertaken by the child. No admission shall be considered valid unless a legal counsel assigned to his/her case by the CSWDO assisted the child. The said legal assistance shall consist of a thorough yet simple explanation of the issues involved, a determination of the various facts surrounding the case, and a determination whether the said admission or confession was freely given or was a result of coercion exerted upon the child. After the legal counsel is able to perform the various forms of assistance mentioned above, the said legal counsel shall have the power to oppose any admission or confession made by a child that may prove harmful to the best interests of the child. The said legal assistance shall be given by the CSWDO to the child even without the request or permission of the child's parents or guardians.

Any admission or confession of the child shall be signed by the child and countersigned by the parents or legal guardian, the nearest relative, member of a child-focused group, religious group, or a member of the Barangay Council for the President of Children concerned. They shall see to it that the confession of the child is voluntarily executed.

If the child does not admit or confess to the commission of the offense and the weight of the evidence presented shows that the child conclusively committed the offense, the competent authorities shall endeavor to make the child realize his/her responsibility and obligation arising from the commission of the offense as well as the penalties imposed therefore. **Provided that** the legal counsel assigned to the child shall have the power and authority to defend the child during the said proceedings and file all pleadings necessary to protect the rights of the child.

During any stage of the diversion proceedings, any admission or confession of a child for an offense shall be inadmissible as

evidence against the child should the diversion proceedings fail. Neither shall the same be held to be admissible in evidence against the child before any proceeding.

Section 62. Prohibition Against Labeling. – In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquent, prostitutes, snatchers, rugby boys or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor's class or ethnic origins. The officer violating this provision shall be held administratively liable pursuant to the relevant provisions of law and civil service regulations.

Section 63. Prohibition against Identification of Child Victims. To protect the identity of children, all records pertaining to cases involving children shall be considered confidential such that any portion thereof cannot be shown, disclosed, shared, reproduced, or distributed without the written order of a competent court of law. In the reporting of any news involving cases where a child is the victim, or is among the victims, no information that may lead to the identification of such child shall be shown to the public. Any person who violates this provision shall be required, after hearing conducted by a court of law, to pay a fine of Five Thousand Pesos (PhP 5,000.00) with imprisonment of not less than six (6) months but not more than one (1) year.

Section 64. Prohibited Acts Against Youth Offenders. – Any and all acts and practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited.

Police and barangay officials and other employees or officials of the city government or of any government agency shall refrain from employing threats of whatever kind and nature and/or abusive, coercive and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by persons in authority, their representatives, or any other persons acting under them or in their behalf – such as cursing, beating, stripping and detaining minors in cells-shall be dealt with administratively and criminally;

Likewise, degrading, inhuman and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substances over their bodies, or forcing minors to walk around the community wearing signs which embarrass, humiliate, and degrade their personhood and dignity and which harm them psychologically, emotionally, spiritually, morally, and physically shall be prohibited;

No minor shall be made perform involuntary servitude in any and all forms under any and all instances. Designating and/or compelling minors to act and serve as errand boys/girls, cleaners, or helpers are also prohibited.

Any violation of this provision shall be penalized with six (6) months imprisonment and a fine of not more than Five Thousand Pesos (P5,000.00). However, if these violations are likewise penalized in any national law, the penalty imposed in such national shall be followed.

Section 65. Diversion Programs, When Proper. – Where the parties and/or the competent authorities decide that the child must undergo a diversion program, such a continuing program of the rehabilitation and reintegration of the complainant and the child.

Section 66. Factors in Determining Diversion Programs. – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

1. The nature and circumstances of the offense charged;
2. The frequency and the severity of its occurrence;
3. The character and reputation of the child;
 - a. The circumstances of the accused child (e.g. age, maturity, intelligence, etc.);
 - b. The influence of the family and environment on the growth of the child;
 - c. The emotional relief of the victim;
 - d. The weight of the evidence against the child; and,
 - e. The safety of the community.

Section 67. Criteria for Formulating Diversion Programs. – In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child:

- a. The child's feelings of remorse for the offense he or she committed;
- b. The parents or legal guardians ability to guide and supervise the child;
- c. The victim's views about the propriety of the measures to be imposed;
- d. The ability of the community-based programs for rehabilitation and re-integration of the child;

Section 68. Diversion Programs . – The diversion program shall include adequate socio-cultural and psychological responses and services for the child. Diversion programs can include, but are not limited to, the following;

- a. Written or oral reprimand or citation;
- b. Restitution of Property;
- c. Reparation of damaged caused;
- d. Indemnification of consequential damages;
- e. Confiscation and forfeiture of the proceeds or instruments of the crime;
- f. Fine;
- g. Payment of cost of the proceedings;
- h. Written or oral apology;
- i. Guidance and supervision orders;
- j. Counseling for the child and family;
- k. Trainings, seminars, lectures on: (a) anger management skills; (b) problem solving and/or conflict resolution skills; (c) Values formation; and (d) other skills which will aid the child to deal with situations which can lead to re-offending;
- l. Community-based programs available in the community;
- m. Institutional care and custody

Section 69. Designation of Officer or Unit to Handle Cases Involving Youth Offenders. – The Philippine National :Police shall designate a Child and Youth Relations Officer or Unit (CYRO or CYRU) to handle cases involving youth offenders. This maybe integrated with the present of Women and Children's desk or maybe a separate unit, depending on the conditions of the area.

Section 70. Manner of Investigation of a Juvenile. – A child shall only be investigated or his/her statement secured in the presence of any of the following in the following order: his/her parents/guardian , the nearest relative, member of a child-focused group, religious group, member of the Barangay Council for the Protection of Children concerned, or the local social welfare and development officer and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child, the parents or guardian.

If a counsel of his/her own choice cannot present the child, or if the CSWDO fails to assign a counsel to defend the child, the CYRU or the CYRO shall contact a member of the Public Attorney's Office to assist the child. Any confessions and admissions in violation of these rights are inadmissible as evidence against the child. In no case shall deceit, false promises, intimidation or harassment be employed against the child. Respect for the human rights of the

child, as provided by both international and Philippine laws, shall be paramount considerations during the custodial investigation.

Section 71. Diversion, When Proper. – Where there is no private offended party, or where the offended party and the child give consent to a diversion, the CYRU or CYRO consultation with the child's parents/guardian, the nearest relative, member of a child-focused group, member of a religious group, member of the Barangay Council for the Protection of Children concerned, or the local social welfare and development officer shall formulate a diversion program and refer the child to the appropriate agency for compliance of the program.

Section 72. Right of the Juvenile to Counsel. – From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by counsel. The arresting officer, prosecutor or judge shall ensure that the juvenile is represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding the assistant of the counsel shall be null and void.

Section 73. Custody and Supervision.—No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her or his case make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or legal guardians who shall responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardians, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Protection of Children, or the local social welfare and development officer. If necessary, the local social welfare and development officer in coordination with the DSWD may refer the child to the appropriate child-caring institution.

Section 74. Confidentiality of Proceedings and Records. – All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings. The competent authorities shall undertake all measures, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children and adopting a system of coding to conceal material information which will lead to the child's identity. Records of juvenile offenders shall not be used in adult proceeding in subsequent cases involving the same offenders.

Section 75. Care and Maintenance of Juveniles. – The parents or other persons liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case is institutionalization. The disposition shall include the proportion of support if such person is not capable of paying the whole amount and the rest shall be paid by the local government unit maintaining such a facility.

Section 76. Reintegration Programs. – The City shall implement reintegration programs for a juvenile who is released by the court. This is for the purpose of preparing the juvenile for reintegration to the community.

Article VIII REMEDIAL MEASURES AND PENAL PROVISIONS

Section 77. Persons Who May File a Complaint. – In accordance with existing laws, 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 Department of Social Welfare and Development;
- f. Barangay Chairperson; or
- g. At least three (3) concerned responsible citizens residing in the community where the violation occurred.

Section 78. Protective Custody of the Child. – The offended party shall be immediately placed under the protective custody of the CSWDO pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

Section 79. 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. It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized

publicity of any case of this Act which result in the moral degradation and suffering of the offended party.

Section 80. 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 CSWDO, to any barangay official, to any employee of the city government, or to the police.

Section 81. Mandatory Reporting. – The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report either orally or in writing, to the above-mentioned 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 82. 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, 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. The city government employee or official or the police officer who receives the said complaint is mandated to report the said complaint to the CSWDO or to the PNP within 48 hours after receiving the said complaint. Otherwise, the said employee or official shall be held liable for dereliction of duty and shall be meted with the appropriate penalty for the said offense.

Section 83. Immunity for Reporting. – Any person who, acting in good faith, report a case of child abuse shall be free from any civil or administrative liability arising there from. There shall be a presumption that any such person acted in good faith.

Section 84. Duty of the CSWDO to Implement the Code. The CSWDO is duty bound to implement all the provisions of this Code whenever applicable. The failure of any official or employee of the CSWDO to implement any provision of this Code—even if it did not result in the infliction of any harm to any child – shall result in his/her administrative liability which may include his suspension or termination from employment pursuant to pertinent laws and civil service regulations.

Section 85. 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 P2,500 to P5,000.00.

For first time offenders, in cases where the offender is the parent or teacher of the child or relatives within the fourth degree of 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 Session;
- d. Family Therapy;
- e. Participation in appropriate training courses.

For offenses punishable under R.A. 7610, 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.

Article IX MISCELLANEOUS PROVISIONS YOUTH ORGANIZATIONS

Section 86. Mandatory Registration of all Youth Organizations.

To help the City Government monitor and regulate the activities of youth organizations in Bacoor and take action in case of any untoward incident or misdemeanor involving any accredited youth organization and its members, such youth organizations are hereby mandated to register its name, office address, and membership roll with the CSWDO.

Section 87. Eligibility – An youth organizations are eligible for accreditation if:

- a. The organization and all of its members and officers are based or are resident of the City of Bacoor.
- b. The organization requires its members to be below 26 years old and/or its member are all under 26 years old.
- c. It is comprised of 20 or more members.
- d. It has been in existence for at least one (1) year.
- e. It has engaged in relevant activities and projects.
- f. The organization conducts regular meetings.
- g. It has an official adviser who oversees all group activities. The adviser should be over 26 years old, be an authority on the organization's basic thrust and its activities, and has good moral standing.

Section 88. Application Procedure – To apply for accreditation, the organization should:

- a. Accomplish an application form from the committee office.
- b. Submit an official contact number.
- c. Give a brief written history of its organization's thrust, rules and regulations, membership requirements, and basic activities.
- d. Present a roster of members and officers with their 2X2 pictures.
- e. Furnish a certificate of recommendation from their punong barangay.

Section 89. Duty to Renew- As duly recognized organizations, they should renew their membership every year and inform the City government about any organizational activity they plan to undertake.

Section 90. Penalty- Violation of any these rules or upon the discretion of the Committee and its members will result to the revocation of their accreditation or prohibit the accreditation of the organization.

Section 91. Curfew. The period from ten o'clock in the evening (10:00 p.m.) to four o'clock in the morning (4:00 a.m.) is hereby declared as "curfew hour" for minors all over the City of Bacoor. Minors apprehended for violating this provision shall be returned to their parents and/or guardians and the latter shall be required to pay a fine of P2,500.00.

Section 92. Regulated Acts. All minors shall be prohibited from loitering outside of his residential compound or premises and roam, wander, saunter around or loiter in any public roads, parks, plazas, or any public place in this City during the period of the curfew hours mentioned in the preceding section, unless otherwise exempted under the provision of this Article.

Section 93. Definitions. As used in this Article, the following terms shall have the following meanings:

1. Curfew Hours - refers to the period between ten o'clock in the evening (10:00 p.m.) and four o'clock in the morning (4:00 a.m.) when minors are not allowed to stay outside of their residential compound and premises.
2. Public Roads – refer to national, provincial, City or barangay roads or street, including alleys or callejons.

3. Public Place- refer to any place to which the public has access including parking lots; vacant private property not owned by the minor's parents or guardians; vacant property owned by the government, public cemeteries and such other places open to the public.

Section 94. Exemptions. This Article shall not apply in the following circumstances:


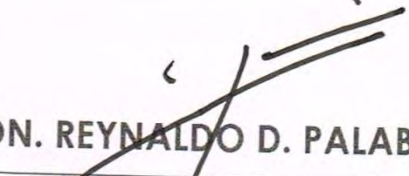
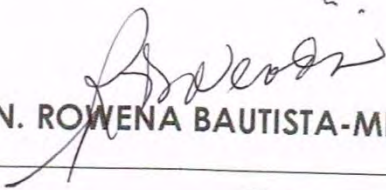
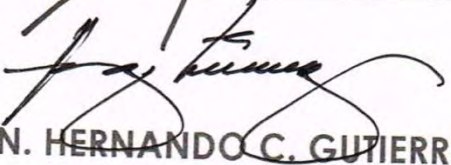

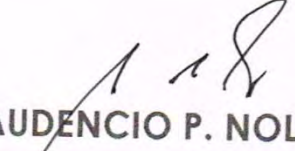
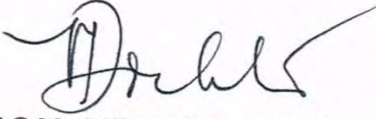


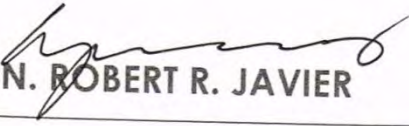
1. When his parents, guardian or adult in charge of his custody is accompanying the minor.
2. When the minor is engaged in lawful pursuit of livelihood or providing assistance in any lawful activity.
3. When the minor is going to, or coming from, scholastic functions like attending evening classes, commencement exercises, convocations, educational programs and similar activities.
4. When the minor is on an errand to save life or property like calling for the service of a physician, midwife, priest, police officers, fireman and other similar circumstances. Members of the Sangguniang Kabataan are exempted from the provisions of this Section but only if such members are engaged in the discharge of his/her official duties.
5. When the minor is going to, or coming from, any religious, social, civic or sports programs and similar activities.
6. When the minor is responding to emergency situations during the occurrence of natural or man-made calamities.
7. When the minor can show proof, or explain to the satisfaction of the apprehending officer, that he has just arrived from travel and is on his way home and similar circumstances.
8. One (1) day before and after Christmas Day, New Year's Day, Election Day and other similar events of public interest.
9. Two (2) days before and after the day of the City of Bacoor's "Fiesta" or the fiesta of the barangay where the minor resides.
10. When the minor has a "curfew pass" issued by the City Mayor or by the Punong Barangay concerned,
11. On such other dates or occasions when the Sangguniang Panlungsod decided, thru a resolution, to suspend the implementation of this Article.

Section 95. Rules and Regulations

1. If a minor is convicted for violation of this Article his parent or guardians of the person in charge of his custody if he has no parent or guardian, shall be responsible for the payment of the fine imposed herein.
2. Whenever a minor is apprehended for alleged violation of this Article, he shall be placed under temporary custody of the police officer on duty at the Police Headquarters but only for the remaining period of curfew hours and shall be released immediately thereafter without prejudice to the filing of the necessary charge before a Court of competent jurisdiction.
3. No person, natural or juridical, who has been granted Mayor's permit to operate a business or trader activity, shall admit. Or allow staying, in his establishment any minor during the period of curfew except when the minor is employed as helper or working therein, or a member of the family of the operator, manager or person in-charge of such establishment.
4. Additional rules and regulations shall be issued by the Chief, Philippine national Police in this City, for the proper implementation of this Article.
5. The Mayor or his authorized representative; the chief of the local PNP in this City or his authorized representative; and the Punong Barangay concerned are hereby authorized to issue the necessary "curfew pass". Provided that in the case of the Punong Barangay, the "curfew pass" he/she issued shall be valid only within his/her barangay.

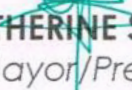
APPROVED this 1st day of February 2016 at the City of Bacoor, Cavite.

We hereby certify that we vote *IN FAVOR* of the foregoing Ordinance without any reservation on the date above written.

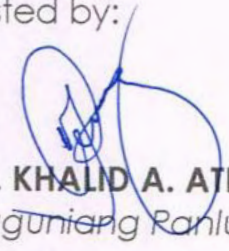
District One (Bacoor West)	District Two (Bacoor East)
 HON. EDWIN G. GAWARAN	 HON. REYNALDO D. PALABRICA
 HON. ROWENA BAUTISTA-MENDIOLA	 HON. HERNANDO C. GUTIERREZ
 HON. REYNALDO M. FABIAN	 HON. GAUDENCIO P. NOLASCO
 HON. VENUS D. DE CASTRO	 HON. BAYANI M. DE LEON
	 HON. LEANDRO A. DE LEON
	 HON. ROBERT R. JAVIER

I hereby certify that the contents of the foregoing Ordinance are true and correct and that it was duly passed in accordance with law.


Certified by:


HON. CATHERINE S. EVARISTO
City Vice Mayor/Presiding Officer

Attested by:


ATTY. KHALID A. ATEGA, JR.
Sangguniang Panlungsod Secretary

Approved by:


HON. STRIKE B. REVILLA, PhD
City Mayor *SR*

FEB 26 2016

Date of Approval