



Republic of the Philippines
Province of Guimaras

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE HONORABLE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF GUIMARAS HELD AT THE SP SESSION HALL, PROVINCIAL CAPITOL ON DECEMBER 23, 2015.

PRESENT:

Hon. Cyril C. Beltran	-	SP Member Majority Floor Leader
Hon David G. Gano	-	SP Member/Temporary Presiding Officer
Hon. John Edward G. Gando	-	SP Member
Hon. Josefina G. de la Cruz	-	SP Member
Hon. Dan Elby C. Habaña	-	SP Member
Hon. Diosdado G. Gonzaga	-	SP Member
Hon. Rex G. Fernandez	-	SP Member
Hon. Nelly S. Rentoy	-	Ex-Officio Member (PCL Fed. President)
Hon. Fred C. Gamayao	-	Ex-Officio Member (LNB President)

OFFICIAL BUSINESS:

N o n e

ABSENT:

Hon. Vicente B. de Asis	-	Vice Governor
Hon. Roy P. Habaña	-	SP Member

ORDINANCE NO. 2015-007

AN ORDINANCE KNOWN AND CITED AS THE GUIMARAS CHILDREN'S CODE AS AMENDED

Article 1

TITLE, SCOPE, PURPOSE, DEFINITION OF TERMS

Section 1. Title- This ordinance shall be known and cited as the "2015 Guimaras Children's Code."

Section 2. Declaration of Policy and Principles - The Provincial Government recognizes the vital role of children in nation building hence, it shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth, patriotism and nationalism, and encourage their involvement in public and civic affairs.

It recognizes that children have the rights as provided in the United Nations Convention on the Rights of the Child and other laws.

It recognizes the importance of effectively promoting, fully enhancing, and institutionalizing the survival, development, participation and protection rights of children within the framework of advancing their general welfare in furtherance of integrated sustainable and equitable development.

It believes in a holistic protection and development of all children through a strong partnership between and among government agencies, NGOs and the private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity and teamwork.

Section 3. Purposes - This Code is enacted with the following purposes:

- To ensure the protection of children against all forms of abuse and exploitation;
- To advocate for children's rights and promote their welfare and development;
- To ensure that children's rights are given priority attention both in government and civil society;

- d. To improve the quality of life of Guimaras children, enabling them to fully develop their potentials and participate in community life and nation building;
- e. To provide equal opportunity to children, male or female to benefit from the health education and other basic services for their full growth.

Section 4. Duties and Responsibilities of the Provincial Government - it is the duty of the Provincial Government to defend the right of children to assistance including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

In accordance with the United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a State Party, the Provincial Government of Guimaras shall:

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

Section 5. Definitions of Terms - The following terms used in this Ordinance shall be defined as follows:

- a. "Child" refers to a male or female below 18 years of age or older but unable to fully take care of oneself.
- b. "Child abuse" refers to the maltreatment, whether habitual or not, of the child which **includes but not limited to** the following:
 - 1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - 2. Any act by deeds or which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - 3. Unreasonable deprivation of his or her basic needs for survival, such as food, and shelter or;
 - 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in his or her permanent incapacity or death.
- c. "Special Concerns" are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
 - 1. Working under conditions hazardous to life **including but not limited to the ff:** safety and morals which unduly interfere with their normal development.

2. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 3. Being children of indigenous peoples and/or living under conditions of extreme poverty or in an area which is under developed and/or lack or has inadequate access to basic services needed for a good quality of life;
 4. Being a victim of a human-made or natural disaster or calamity; or
 5. Analogous circumstances which endanger the life, safety or normal development of children.
- d. "Day Care" is the provision of substitute parental care and stimulating activities for the total development of children **three to four (3-4) years** old when their parents are unable to take care of them during part of the day because of work and some other situation.
- e. "Day Care Center" is a facility where day care services are provided by an accredited Day Care Worker, particularly for children, in the **three to four (3-4) year** age bracket.
- f. "Diversion" shall refer to an alternative child-appropriate process of determining the responsibility and treatment of a child in conflict with the law, on the basis of the child's social, cultural, economic, psychological or educational background without resorting to formal court proceedings.
- g. *Barangay-Based Institutions (BBIs)* - are special bodies organized to take charge of some specific concerns or issues affecting the community to include but not limited to: Barangay Development Council, Barangay Council for the Protection of Children, Barangay Peace and Order Committee, Barangay Nutrition Council, Barangay Anti- Drug Abuse Council, Barangay Tanod, LuponTagapamayapa, Barangay Disaster Risk Reduction and Management Committee, and Barangay Solid Waste Management Committee.
- h. "Diversion Programs" shall refer to programs that the child in conflict with law is required to undergo after being found responsible for an offense, without resorting to formal court proceedings.
- i. "Community-Based Programs" shall refer to the programs provided in a community setting, developed for the purposes of intervention, diversion and rehabilitation of the child in conflict with law which are intended for the purpose of reintegrating the child into the family and or the community.
- j. "Intervention" generally refers to programmatic approaches or systematic social protection program for children that are designed and intended to:
1. promote the physical well being of the children;
 2. Avert or prevent juvenile delinquency from occurring;
 3. Stop or prevent children from re offending.
- k. "KatarungangPambarangay" shall refer to Sec. 408-422 of the Local Government Code of 1991 which is also known as the KatarungangPambarangay Law.
- l. "Children with disabilities" or "children with special needs" are children with either physical or mental infirmities whether congenital or acquired after birth.
- m. "Indecent Shows", shall refer to materials that depict or describe sexual or excretory organs or activities in terms patently offensive as measured by contemporary community standards for the broadcast medium **or are shows which include nude or other provocative gestures which further project and exhibit women and men as sex-objects.**
- n. "Indigenous Games", are traditional games commonly played by children, usually using native materials or instruments.

- o. "Quick Response Team" shall refer to a mechanism composed of trained persons to provide immediate, identifiable action to the child victim.
- p. "Extended Family" shall refer as a group of relatives, such as those of three generations, who live in close geographic proximity rather than under the same roof.
- q. "Pre-Marriage Counseling Session", shall refer to a learning activity designed for engaged couples as a requirement for getting their marriage license. r. "Video Console Machines" shall refer to an interactive entertainment computer or customized computer system that produces a video display signal which can be used with a display device (a television, monitor, etc.) to display a video game. It is also used to distinguish a machine designed for people to buy and use primarily for playing video games on a TV.
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- s. "Indigenous Peoples" shall refer to ethnic minorities who have been marginalized as their historical territories became part of a state.
- t. "Children in Conflict with the Law (CICL)" refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- u. Children at Risk (CAR) refers to children who are vulnerable or at-risk of behaving in a way that can harm themselves or others, or vulnerable and at risk of being pushed and exploited to come into conflict with the law because of personal, family and social circumstances, such as, but not limited to the following:
1. Being abused by any person through sexual, physical, psychological, mental, economic, or any other means, and the parents or guardians refuse, are unwilling, or unable to provide protection for the child;
 2. Being exploited sexually or economically;
 3. Being abandoned or neglected, and after diligent search and inquiry, the parents or guardians cannot be found;
 - a. Coming from a dysfunctional or broken family being without a parent or guardian;
 - b. Being out of school youth;
 - c. Being street child;
 - d. Being a member of a gang;
 - e. Living in a community with a high level of criminality or drug abuse; and
 - f. Living in situations of armed conflict.
- v. "Offense" shall refer to any act or omission whether punishable under special laws or revised penal code.
- w. "Children Organization" shall refer to any club, organization or association of children below eighteen years of which is directly or indirectly involved in carrying out children welfare programs and activities.
- x. "Youth Organization" shall refer to any club, organization or association of individuals below twenty-one years of age years of which is directly or indirectly involved in carrying out child or youth welfare programs and activities.
- y. "PYAP" - Pag-asa Youth Movement of the Philippines.

Article 2

RIGHTS AND RESPONSIBILITIES OF THE CHILD

Section 6. *Rights of the Child* – Survival/Protection/Development/ Participation (Category)

- a. Every child shall possess and enjoy the following rights which are classified into "survival", "development", "protection" and "participation rights".
- b. Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, political antecedents, and other factors, these rights categorically expounded as follows:
 1. *Survival rights* ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:
 - a. Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception;
 - b. Every child has the right to a wholesome family life that will provide him or her with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home;
 - c. Every child has the right to a balanced diet, adequate clothing, safe shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
 2. *Development rights* refer to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights:
 - a. Every child has the right to a well-rounded development of her or his personality to the end that he or she may become a happy, useful and active member of society specifically;
 1. The gifted child shall be given the opportunity and encouragement to develop her or his special talents;
 2. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 3. The physically and mentally disabled child known also as special child shall be given treatment, education and care required by her or his particular condition;
 - b. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
 - c. Every child has the right to grow up as a free individual and with the determination to contribute her or his share in the building of a better world;
 - d. Every child has the right to education. Elementary and Secondary Education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:

1. The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 2. The preparation of the child for responsible adult life in a free society;
 3. The development of respect for the child's parents, her or his cultural identity, language and values, religion and the cultural background and values of others;
 4. The development of respect for the natural environment;
- e. Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of her or his leisure hours.
- f. Every child has the right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.
3. *Protection rights* cover those rights of protecting the child from all forms of abuse and discrimination such as protection from cruelty, torture, separation from family, abuse in the justice and penal system, child labor, drug abuse, verbal and sexual abuse and exploitation.
4. *Participation rights* refer to the child's rights to participate in matters that affect him or her most by providing all appropriate venues can express his or her opinion freely and to have these opinion taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights:
- a. Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
 - b. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
 - c. Every child has the right to seek, receive, and impart any information and ideas appropriate for his/her age;
 - d. Every child has the right to express his or her opinion freely and to have these opinion taken into account in any matter or procedure affecting him or her;
 - e. Every child has the right to a privacy and shall be protected against unlawful interference with such privacy in the family, home or correspondence and to unlawful acts against his or her honor or reputation.

Section 7. Responsibilities of the Child - Every child, regardless of his or her circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a. Strive to live an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and a bidding of a clean conscience;
- b. Love, respect and obey his or her parents and cooperate with them in the strengthening of the family;
- c. Extend to his or her brothers or sisters love, thoughtfulness, and helpfulness, and endeavor with them, to keep the family harmonious and united;

- d. Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society;
- e. Respect not only his or her elders but also the customs and traditions of his or her people, the memories of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;
- f. Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

Article 3 ROLES AND FUNCTIONS OF VARIOUS SECTORS AND INSTITUTIONS

Section 8. *The Family.*—The Family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. Child friendly initiatives shall be started in the homes by making it child-friendly. Up-bringing of children by their parents shall be anchored on providing opportunities to meet their four basic rights

Section 9. *Primary Responsibility 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.

Section 10. *Rights under the Family Code.*— Parents shall continue to exercise the rights mentioned in Article 209 to 237 of the Family Code over the person and property of their children.

Section 11. *Rights to Discipline Children.* — Parents have the rights 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, suggestions and admonitions.

Section 12. *General Duties of Parents.*— Parents shall have the following general duties toward their children:

- a. To give them affection, companionship and understanding;
- b. To provide them the opportunity to avail the **Early Childhood Education (ECE);**
- c. To provide them the opportunity to attain the **K-12 (Kinder to Grade 12) basic education program;**
- d. To extend to them the benefits of moral guidance, self-discipline and religious instruction;
- e. To supervise their activities, including their recreation;
- f. To inculcate in them the value of industry, thrift and self-reliance;
- g. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- h. To advise them properly on any matter affecting their development and well-being;
- i. To always set a good example and act as good models for their children;
- j. To provide them with adequate support, as defined in Article 194 of the Family Code; and

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- k. To administer their property, if any, according to their best interest, subject to the provisions of the New Family Code and other existing Laws for the Protection of Children.
- l. To provide them adequate, safe and nutritious food for a healthy and productive life.

Section 13. Separation of Children from their Families.— The parents shall have the responsibility to the company of their children and, in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

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, arrangement shall be made for appropriate alternative family care or institutional placement, **with proper attention given** to the desirability or continuity in children's upbringing of their own physical or cultural **setting**.

A Child who is separated from his/her family owing to *force majeure* may be entrusted or live with his/her extended families, relatives and community institutions after proper assessment has been made 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 14. Role of Mothers/Women - Women in their various roles play a critical role in the well being of children. Efforts for the enhancement of women's/mother's status and their roles in development must begin with girl children. The enhancement of the status of women/mother 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 mother/women for their various roles, equal opportunity shall be provided for the girl children for them to benefit from the health, nutrition, education and other basic services for their full growth.

Mothers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

Section 15. Role of Fathers/Men - Fathers and or men play a vital role in their children's lives. Policies and legislations shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

Equal opportunity shall be provided the boy children for them to benefit from the health, nutrition, education and other basic services for their full growth.

Section 16 – Role of the Community – to take an active part in the prevention of abuse among children; provide an atmosphere conducive to the growth, development, protection and rehabilitation.

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

1. Ensure that teachers and school personnel promote child rights/responsibilities her or his needs, child centered learning and active learning method.
2. Set up a program to ensure a Teacher-Pupils/Students ratio of 1:45 , and 1:1 ratio for chairs and textbooks.
3. Ensure that local schools have the basic amenities (i.e. water, sanitation and hygiene facilities).

4. Provide access to school libraries, suggestion box and instructional materials.
5. Initiate actions to ensure that all elementary and high school going age population are in school in coordination with the LCPCs.
6. Ensure that the achievement level of pupils shall be within the expected level prescribed by the DepEd and the CHED.
7. Facilitate access of Out of School Children to Alternative Education.
8. Involve pupil/student leaders in the formulation of school improvement plan and allow them to participate in LCPC activities officially communicated to school authorities including but not limited to the formulation of the LCPC plan for children.
9. Ensure that immediate referral and communication to the proper agency are made identification of Children at Risk (CAR) as defined in this code.

b. Role of the Mass Media - The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced responsible approach.

Special attention should be given to effective anti-drug awareness campaigns, anti-smoking, use of alcoholic drinks and juvenile delinquency prevention.

c. Role of the Pillars of Justice System - Administration of justice, courts, prosecutors and other judiciary personnel shall ensure that the rights of children are protected and promoted at all times.

They shall conduct programs and activities geared towards enhancing children's rights.

d. Role of Local Government Units - The Local Government Units (LGUs) shall come up with comprehensive plans/programs for children and appropriate funds for their implementation. It shall formulate ordinances that shall protect children's rights through strengthening and institutionalization of the following local bodies:

- **Local Councils for the Protection of Children** - These councils in addition to their existing duties and functions as provided in MC No. 2008-126, dated August 21, 2008 subject of which is "Revised Guidelines in Monitoring the Functionality of the Local Council for the Protection of Children (LCPC) at all Levels and for other Purposes, shall coordinate with and assist their corresponding LGUs in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs with the involvement of children representatives and other Youth Organizations.

- **Sangguniang Kabataan and Other Youth Organization** - The Sangguniang Kabataan (SK) and other Youth Organization shall devote its annual budget to development programs and projects for children and the youth as established under the Local Government Code shall, in addition to its powers and functions, actively involved itself in the formulation and implementation of plans, prevention and protection programs, and other activities in the community. It shall coordinate with the local councils for the protection of children for this purpose.

- **Local Sanggunian**

1. Be able to pass/enact legislations that are consistent with child- friendly commitments
2. Ensure that budgetary allocations for activities catering to children's needs are provided to.

- **Barangay—Based Institutions (BBIs)**

1. Be trained on national laws and local ordinances for children regarding their roles and responsibilities in the handling cases of children victims and offenders.
2. Develop a monitoring system to track down the increase/decrease of cases pertaining to children offenders and those victimized.
3. Initiate and Implement plans and programs pertaining to the welfare of children.

- **Local Health Units**

1. Train volunteers on child-friendly commitments in health
2. Provide basic resources for health management and servicedelivery such as weighing scale, thermometers, BP apparatus, basic supplies for growth monitoring and health information materials, micronutrients, iodized salt and immunization with the assistance of the Barangay Council for the Protection of Children.
3. Have an updated data on children, on pregnant & lactating mothers and other health related information.
4. Set up health and nutrition post for cluster of households
5. situated in the geographically isolated disadvantage area to serve as an extension center of the barangay health station.
6. Provide basic health and nutrition services in consonance with DOH guidelines and standards.
7. Coordinate with the Department of Education to advocate for children's right to health including but not limited to the provision of appropriate information on the prevention of STI, HIV and AIDS and other emerging and re-emerging diseases.
8. Facilitate accreditation and monitor functionality of birthing facilities.

e. **Role of the Local Church** – The Local Churches are encouraged to support the LGUs in the promotion of Children's Rights and Responsibilities and ensure that children experience God's love, feel welcomed and participate in activities and opportunities to allow them to grow in their faith.

f. **Role of the Transport Sector**– Transportation plays a vital role in the lives of our children. Thus, the Transport Sector shall support the LGU in the promotion of children's rights and shall take the responsibility to provide efficient and above all safe transportation for all especially the children.

g. **Role of the Business Sector** - Business can make an invaluable contribution to the development and protection of children's rights. Children are affected by business as consumers, hence, the business sector shall support the LGU in the promotion of children's rights as provided under R.A. 9231 otherwise known as "Elimination of Worst Form of Child Labor (Anti-Child labor Act)" and must respect such rights in all their activities and business undertakings.

Article 4

PLANS AND PROGRAMS FOR CHILDREN

Section 17. Comprehensive Plan for Children - The province, municipalities and barangays shall formulate and regularly update a three-year comprehensive plan for children. It shall be integrated in the LGU development and investment plans and programs. It shall cover the four categories of children's rights, namely: survival, protection, development and participation. It shall emphasize prevention from children's rights violations to include child abuse, trafficking, employment of minors, pornography, juvenile delinquency, drug addiction, smoking and other emerging issues affecting children.

Section 18. Process in Formulating Comprehensive Children's Plans/Programs - The process in coming up with Comprehensive Children's Plans/Programs shall be participatory and consultative. The LGU in coordination with the local council for the protection of children, shall call on all sectors concerned particularly child-focused institutions, CSOs (NGOs/People's Organizations), youth organizations, children's organizations, local churches, educational institutions and government agencies involved with children concerns to participate in the planning process.

Section 19. Periodic Review and Assessment of the Comprehensive Children's Plans/Programs - The Comprehensive Children's Plans/Programs shall be reviewed and assessed yearly or as need arises by the LGUs in coordination with the Local Councils for the Protection of Children (LCPC). The plans/programs may be modified accordingly.

Section 20. The Community Approach - The community approach shall be given special attention in the comprehensive plans/programs for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community-based services such as: Disaster Risk Reduction and Management, and programs which respond to the special needs, problems, interests and concerns of young persons.

Appropriate counseling and guidance to children and their families shall be provided. Wholesome recreations shall be accorded to children.

Section 21. Prevention Programs - Prevention programs which shall be an important component of the Comprehensive Children's Plans/Programs to be implemented by the LGUs through the local councils for the protection of children, schools, youth organizations and other concerned agencies, shall:



- a. Enact measures to promote social justice and equal opportunity; tackle perceived root causes of children's rights violations such as poverty and other forms of marginalization;
- b. Formulate and implement measures to assist children who are identified as being more particularly at risk such as those parents who are themselves in special difficulty or are not caring appropriately for them;
- c. Provide schemes to avoid and prevent children's rights violations from happening again.

Official intervention should be pursued primarily in the overall interest of the children and guided by fairness and equity.


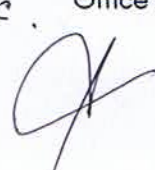




Article 5 Other Proactive Programs

Section 22. Life Skills Education

1. Parenting

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- a. Life Skills Education shall be integrated into the curriculum of all secondary school level and Alternative Learning System (ALS) in Guimaras in collaboration with DepEd, and in the modules of youth development sessions.
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Section 23. Parenting Education

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- a. Applicants for Marriage License shall be required to attend/participate in Pre-Marriage Counseling, among other requirements, prior to the issuance of a marriage license by the Office of the Local Civil Registrar.
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- **Barangay—Based Institutions (BBIs)**

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2. Develop a monitoring system to track down the increase/decrease of cases pertaining to children offenders and those victimized.
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3. Have an updated data on children, on pregnant & lactating mothers and other health related information.
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5. situated in the geographically isolated disadvantage area to serve as an extension center of the barangay health station.
6. Provide basic health and nutrition services in consonance with DOH guidelines and standards.
7. Coordinate with the Department of Education to advocate for children's right to health including but not limited to the provision of appropriate information on the prevention of STI, HIV and AIDS and other emerging and re-emerging diseases.
8. Facilitate accreditation and monitor functionality of birthing facilities.

e. **Role of the Local Church** – The Local Churches are encouraged to support the LGUs in the promotion of Children's Rights and Responsibilities and ensure that children experience God's love, feel welcomed and participate in activities and opportunities to allow them to grow in their faith.

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g. **Role of the Business Sector** - Business can make an invaluable contribution to the development and protection of children's rights. Children are affected by business as consumers, hence, the business sector shall support the LGU in the promotion of children's rights as provided under R.A. 9231 otherwise known as "Elimination of Worst Form of Child Labor (Anti-Child labor Act)" and must respect such rights in all their activities and business undertakings.

Article 4

PLANS AND PROGRAMS FOR CHILDREN

Section 17. Comprehensive Plan for Children - The province, municipalities and barangays shall formulate and regularly update a three-year comprehensive plan for children. It shall be integrated in the LGU development and investment plans and programs. It shall cover the four categories of children's rights, namely: survival, protection, development and participation. It shall emphasize prevention from children's rights violations to include child abuse, trafficking, employment of minors, pornography, juvenile delinquency, drug addiction, smoking and other emerging issues affecting children.

Section 18. *Process in Formulating Comprehensive Children's Plans/Programs* - The process in coming up with Comprehensive Children's Plans/Programs shall be participatory and consultative. The LGU in coordination with the local council for the protection of children, shall call on all sectors concerned particularly child-focused institutions, CSOs (NGOs/People's Organizations), youth organizations, children's organizations, local churches, educational institutions and government agencies involved with children concerns to participate in the planning process.

Section 19. *Periodic Review and Assessment of the Comprehensive Children's Plans/Programs*- The Comprehensive Children's Plans/Programs shall be reviewed and assessed yearly or as need arises by the LGUs in coordination with the Local Councils for the Protection of Children (LCPC). The plans/programs may be modified accordingly.

Section 20. *The Community Approach* - The community approach shall be given special attention in the comprehensive plans/programs for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community-based services such as: Disaster Risk Reduction and Management, and programs which respond to the special needs, problems, interests and concerns of young persons.

Appropriate counseling and guidance to children and their families shall be provided. Wholesome recreations shall be accorded to children.

Section 21. *Prevention Programs* - Prevention programs which shall be an important component of the Comprehensive Children's Plans/Programs to be implemented by the LGUs through the local councils for the protection of children, schools, youth organizations and other concerned agencies, shall:

- a. Enact measures to promote social justice and equal opportunity; tackle perceived root causes of children's rights violations such as poverty and other forms of marginalization;
- b. Formulate and implement measures to assist children who are identified as being more particularly at risk such as those parents who are themselves in special difficulty or are not caring appropriately for them;
- c. Provide schemes to avoid and prevent children's rights violations from happening again.

Official intervention should be pursued primarily in the overall interest of the children and guided by fairness and equity.

Article 5 Other Proactive Programs

Section 22. *Life Skills Education*

1. Parenting

- for*
- a. Life Skills Education shall be integrated into the curriculum of all secondary school level and Alternative Learning System (ALS) in Guimaras in collaboration with DepEd, and in the modules of youth development sessions.

Section 23. *Parenting Education*

- a. Applicants for Marriage License shall be required to attend/participate in Pre-Marriage Counseling, among other requirements, prior to the issuance of a marriage license by the Office of the Local Civil Registrar.
- for*

- b. As a follow-up to the Pre-Marriage Counseling, parents/guardians shall also be required to participate in the succeeding Parenting Education/Family Development Sessions.
- c. Parenting Education shall also be incorporated in Parent Teachers Association (PTA) activities for the school year in the elementary and high school levels.

The Local Councils for the Protection of Children and the Social Welfare and Development Offices shall ensure that the designed and appropriate modules are followed in the implementation of the above mentioned sessions.

2. Health Care

Section 24. Primary Health Care- The Provincial Government of Guimaras through the Provincial Health Office and the Provincial Nutrition Committee shall ensure the implementation of health and nutrition programs for children.

Section 25. Promotion of Primary Health Care Programs - The municipal health units and barangay health stations shall implement the primary health care program. In every barangay, there shall be appointed trained barangay health workers (BHW) and barangay nutrition scholar/s (BNS) to monitor children's health at the barangay level under the technical supervision of the Rural Health Midwife. BHWs and BNS shall be provided with appropriate health insurance and other benefits by the LGUs by way of a cost sharing scheme. Each Municipal Health Unit shall have Basic Emergency Obstetrics and Newborn Care (BEmONC) accredited facility.

To further ensure the implementation of this section, the Provincial Government of Guimaras shall take appropriate measures:

- a. To combat diseases and malnutrition within the framework of primary health care through application of readily available technology and by ensuring the availability of adequate nutritious foods and potable drinking water, taking into consideration the dangers and risks of environmental pollution, climate change and infectious diseases.

Note: where can we add the concerns on: child injury secondary to risks factors such as road injuries, burns, falls, poisoning, etc., immunization against childhood diseases, health data banking? Coordinate with ma'am Bebot.

- b. To strengthen Parenting Education Program which includes gender-responsive sessions on reproductive health, child health and child rearing practices of the Filipino;
- c. To monitor the full implementation of the Milk Code of the Philippines and advocate for exclusive breastfeeding of babies up to at least six months old;
- d. To conduct massive information and education on Infant and Young Child Feeding (IYCF) and Maternal, Newborn and Child Health Nutrition (MNCHN) utilizing existing reference materials. In collaboration with DepEd, the information on IYCF shall be an integral part of related school subjects.
- e. To support the Municipal Government in pursuing the accreditation and sustainability of operation of the RHUs as BEmONC Facilities, and the upgrading of identified Barangay Health Stations in strategic areas as Birthing Facilities.

Section 26. Barangay Health Stations - Barangay Health Station with the assistance of local government units shall provide basic resources for health management and service delivery such as weighing scale, thermometer, BP apparatus, basic supplies for growth monitoring health information materials, micronutrients supplements, oresol, drugs for deworming, immunization and potassium iodate for salt iodization, and promotion of environmental sanitation.

Section 27. Health and Nutrition Posts - Health and Nutrition Post shall be established *as an extension of Barangay Health Stations specifically in barangays with hard to reach sitios.*

Section 28. Child and Gender Sensitivity Training for Health Workers - All provincial, municipal and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by appropriate agency and/or by trained personnel by LGUs and other recognized institutions.

Section 29. Child and Family-Friendly Hospitals in the Province - In compliance with DOH AD No. 2009-0026 Hospital in the Province shall set up child friendly facilities such as but not limited to the following:

- a. Breast Feeding Room
- b. Rooming In of Infants
- c. Newborn Screening and Immunization
- d. Mental Health Unit
- e. Pediatric Care Unit
- f. Women and Child Protection Unit
- g. STI/HIV and AIDS
- h. Blood Station

To further ensure the implementation of this section, the province shall establish and reinforce policies on the following: a) Breastfeeding Room ; b. Women's and Child Protection Unit; c. Mental Health Unit; d. STI/HIV and AIDS unit; e. Other Pediatric Care Units; f. Rooming-In of infants; g. Newborn Screening; h. Newborn Immunization

Section 30. Program for Children with Special Needs - The Provincial Government of Guimaras in coordination with the Municipal and Barangay Governance shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the province as basis for a more systematic coordination of services (health, nutrition and education) for children with special needs.

Revive Community-Based Community Rehabilitation Service (CBRS). The Stimulation and Therapeutic Activity Center (STAC) or Rehabilitation Center shall be provided with the needed financial and personnel support to ensure that children with disabilities are provided with needed therapy. Children with special needs should be provided with Alternative Education while they are in the STAC. Local Government Units shall utilize the 5% budget allocation for Persons With Disability/Children with special needs to include support to educational support operation.

Section 31. Training Program for Educators, Health Professionals, Parents and Other Service Providers for Children with Special Needs - A training program shall form part of the priority of the Provincial Government of Guimaras.

3. Under Six Program

Section 32. Under Six Program- The Provincial Government of Guimaras 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 and registration of births shall be the responsibility of the respective Barangay.
- b) Completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children based on age targets for immunization.
- c) Growth Monitoring and Promotion- every newborn child should have an ECCD Card to be filled-up by the health personnel. 0-23 months old children are being weighed monthly and 24-71 months old are weighed quarterly for growth monitoring. The result of the weighing should be plotted in the ECCD Card. From these record one will be able to know if the child is growing well or not. Underweight children 0-71 months old should be weighed monthly in order to monitor their growth.

- d) **Provision of proper prenatal care for pregnant mothers to ensure the delivery of healthy infant which will eliminate or minimize risks of maternal and neonatal complications and deaths.**

Section 33. Establishment of Day Care Centers - Pursuant to Republic Act 6972 or the Barangay Level Total Development and Protection of Children Act, Day Care Centers shall be established in every barangay in the Province and located outside of the hazard prone area. The numbers of such centers shall be determined by the respective Municipal and Barangay Councils for the Protection of Children in coordination with their respective social welfare offices.

Section 34. Importance of Day Care Service - Day Care Service addresses the needs in the crucial stages of a child's growth. By the age of **four (4)**, 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 would significantly affect his/her learning capacity, personal and social interaction into adulthood.

While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental and social needs, day care service aims to supplement the inability of some parents to provide their children with 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;
- f. Be protected from all forms of neglect, abuse, cruelty and exploitation.

Section 35. Child Minding Centers or Center-Based Infant Care Centers - Government and non-government owned and controlled corporations shall provide day care services for their employees children ages 0-3 years old pursuant to Executive Order No. 340. The child-minding center shall be located near the work place. This center shall be manned by an accredited day care worker.

Section 36. Establishment of Supervise Neighborhood Play /Home-based and other ECCD Learning Centers/Services - Community-based organizations can help mobilize resources to complement the efforts of LGU's in establishing SNP Centers in their communities, under the supervision of the Municipal Social Welfare and Development Office (MSWDO). In this way, more children needing attention can be reached.

Section 37. Day Care Workers, Supervised Neighborhood Play/Home Based Workers and Support Group

- a. The Barangay concerned shall provide for the Day Care and Supervised Neighborhood Play/Home Based Workers honorarium.
- b. **The P/MLGU shall provide additional incentive based on the performance of the DCW as determined by the Provincial Accreditation Team.**
- c. The Provincial and Municipal Social Welfare and Development Office (P/MSWDO) shall provide continuing technical assistance to the DCW.

A Day Care Parents Support Group shall be organized in every day Care Center to provide support to the DCW, such as but not limited to the following:

- a. mobilization of resources for the improvement of the center;
- b. provision or preparation of learning materials and playground facilities;
- c. gardening and supplemental feeding.

Article 6
Recreational and Cultural Programs

Section 38. *Barangay Level Recreational and Cultural Facilities and Program for Children*

- A barangay level program for the revival of indigenous games and pastimes shall be installed. Research and documentation of indigenous games and pastimes shall be undertaken by the Guimaras Heritage **Culture and Arts Council** of the Province of Guimaras. Every barangay in the Province shall allocate space for recreational facilities appropriate for different age groups. A year-round cultural program appropriate for different groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the local government units.

Presentations during celebrations and other programs and activities shall be screened by the **Barangay Officials and BCPC to ensure the promotion of wholesome entertainment and promoting indigenous games, folk dances, traditional songs and poetry, positive family values, The Guimaras Heritage, Culture and Arts Council (GHCAC) shall help in terms of cultural shows to be presented in the programs undertaken by the province.** Indecent shows and costumes and other activities contrary to public moral shall be **prohibited.**

Section 39. *Local Children's Arts, Culture and Literature* - In support of the thrust for the socio-cultural development of children in the Province. Children shall be encouraged to participate in trainings for development of their skills in arts and literature. Localization and indigenization of local culture should be integrated in all learning areas in the Department of Education.

Section 40. *Other Child-Friendly Facilities* - Local Government Units in partnership with Civic Society Organizations (CSOs) (NGOs, POs) and private sectors are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, knowledge center, museums, parks and playground for children and health and nutrition posts.

Section 41. *Other Child-Friendly Facilities* - In keeping with the mandate of Republic Act No. 10661, signed on May 29, 2015 declaring November of every year as "National Children's Month", the Local Councils for the Protection of Children shall conduct child-focused activities for the month promoting the rights and responsibilities of Filipino children as well as the obligations of the people and the institutions responsible in ensuring the well-being of Filipino children. The declaration of "National Children's Month" commemorates the adoption of the Convention on the Rights of Child by the United Nations General Assembly on 20 November 1989, and seeks to instill its significance in Filipino Consciousness. Pursuant to the observance of National Children's Month, the Local Councils for the Protection of Children at the Municipal and Barangay levels are mandated to observe Children's Day with activities highlighting the rights, roles and responsibilities of children. The Department of Education, Schools Division of Guimaras may coordinate with the BCPC/MCPC in conducting activities involving school children from Public and Private Schools within the locality in the celebration of the Children's Day.

Section 42. *Guimaras Children's Day shall be celebrated in a working day* within the last week of November of every year to honor Guimarasnon Children and to emphasize the importance of their role within the family and within society, the Provincial Council for the Protection of Children shall prepare and implement program of activities highlighting the rights, roles and responsibilities of children. The delivery of the State of the Children's Report by the Local Chief Executive shall form part of the program of activities.

CRISIS INTERVENTION PROGRAM

Section 43. *Functionality of Center for Children and Women* -The Provincial Center for Children and Women having been established and made operational in consonance with Republic Act 8505 and other Special Laws on the protection of Children and women shall be sustained to augment the Crisis intervention services provided by municipality.

Section 44. Functions of the Center for Children and Women - The Center for Children and Women shall have the following functions:

- a. Provide protective custody/temporary shelter, counseling and other services to abused children and women;
- b. Network with government agencies and non-government organizations for the provision of medical, psycho-social, spiritual guidance, legal services and further interventions necessary in restoring/building the self-esteem of its clients.
- c. Encourage and build the capacities of abused children and women to come into open to accord them the necessary intervention;
- d. Recommend to other concerned Local Government Agencies for skills training and livelihood assistance.
- e. Coordinate with the Municipal Social Welfare and Development Office in the conduct of case conference in preparation for their reintegration with their family and the community.
- f. Facilitate the turn over of minor clients to their immediate family.
- g. To conduct a province-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women;
- h. To link up with provincial 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.
- i. The barangay officials and **their (BCPC), may call upon VAWC Desk Officer** when there is an abused, neglected and exploited child who needs to be rescued from an **unbearable situation**;

Section 45. Management and Operation of the Center

- a. The center shall be under the supervision of the Provincial Social Welfare and Development Office;
- b. The Provincial Government shall tap the assistance of the Local PNP in the provision of security to the client and the center personnel.
- c. The Provincial Social Welfare and Development Office shall recommend necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center to the Provincial Council of the Protection of Children for adoption.
- d. The PCPC shall monitor the operation of the center for children

Section 46. Budget Allocation for the Center for Children and Women Operations and Maintenance - The Provincial Government of Guimaras shall provide funding for the maintenance and continued operations of the center for the children and women by appropriating specific funds which shall form part of the PSWDO's annual appropriation.

A Center for Children and Women shall be established and made operational in every municipality, and sustained at the Provincial level in consonance with the existing National laws on the protection on Children and Women. These special laws include Republic Act No. 7610 mandating the protection against child abuse, exploitation and discrimination; Republic Act 9208 otherwise known as Trafficking in Persons; Republic Act 8505 mandating the establishment of a crisis center in LGU; Republic Act 9262 otherwise known as Anti-Violence against Women and their Children and Republic Act 8353 otherwise known as Anti-Rape Law. authorizing the appropriation of funds thereof.

Article 7
SPECIAL CONCERNS

A. Prohibited Acts

Section 47. 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 prohibited;

- a. *Illegal Recruitment* - any person who recruits other persons for work **without securing Barangay Clearance** from the Office of the Punong Barangay in the place of recruitment with an understanding **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 for the purpose of transporting the minors to another place without any **clearance/permit from the Punong Barangay or authorized agency**.

- b. *Peonage of Children* - Offering a child or the services of a child as payment for the debt or in exchange for a favor, such as but not limited to:
1. Working in agricultural industries like rice and corn plantations or farms;
 2. Working as house helpers.
- c. *Pre-arrangement for Marriage* - Pre-arrangement (buya) made by parents or guardians to marry off their children or wards. One manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other **without the knowledge of both minor**;
- d. *Using girl children 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 and **non-formal Education**
- f. *Discrimination of Illegitimate Children* - For schools to discriminate illegitimate children as follows but not limited to following:
1. Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;
 2. Requiring the marriage contract of parents as a requirement for enrollment of the child;
- g. *Expulsion by Reason of Pregnancy* - For schools to impose 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, but not limited to the following:
1. Ordering or directing a child to kneel on salt;
 2. Placing a child inside a sack and/or hanging him/her;
 3. Shaving the head of the child;
 4. Harsh whipping of the child with the tail of a stingray (pagi), stick, belt and other similar objects;
 5. Stripping the child of his/her clothes;
 6. Locking up the child in a cabinet or aparador or any closed structure;
 7. Tying up the child or otherwise detaining him/her;

8. Throwing objects such as but not limited to erasers, chalk and notebooks at the child;
 9. Pulling the hair **and/or pinching** the child;
 10. Making the child stand under the heat of the sun;
 11. Exposing the child to be bitten by ants.
 12. **Labeling and other forms of verbal abuse so as to degrade the child.**
 13. **Threatening the child physically or verbally.**
- k. **Pushing/Enticing Minors to Live-in Arrangements** - It shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration;
- l. **Sexual Exploitation of Minors** - Sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered *prima facie* evidence of sexual exploitation;
- m. **Entry, Selling, Distribution and Posting of Pornographic Materials** - The Local Councils for the Protection of Children/local law enforcers shall monitor and prevent the entry of pornographic materials. It shall be unlawful for any person to sell, or **post them anywhere** and distribute such materials to children.
- n. **Selling Liquor, Cigarettes, Rugby and Other Addicting Substances to a Child** - It shall be unlawful for any person to sell liquor, cigarettes, rugby or any addicting substance to a child.
- o. **Smoking in Public Places and Conveyances-** Smoking in any **public places and conveyances** shall be prohibited.
- P. **Gambling-any form of act involving money is prohibited such as but not limited to: Cock-fighting, "upasdamang", "taksi", card games, billards/pool.**

The above acts which are likewise punishable in RA 7610 or the Anti-Child Abuse Act, RA 7658 on Child Labor, The Revised Penal Code, or other pertinent national laws shall be penalized as provided hereunder. Acts or omission not falling under said laws shall be penalized by imprisonment of six (6) months and/or a fine of not more than Five Thousand Pesos (P5,000.00) or both at the discretion of the court.

B. Regulating Exposure to New Technology

Section 48. **Regulating Children's Exposure to Commercial Video and Billiard Games**

1. No video **console machines**, "**pool**" and billiard hall shall be allowed to operate within a radius of two hundred (200) meters from an educational institution.
2. No minors are allowed to play video **console machines**, **pool** and billiard **games** between seven o'clock in the morning (7:00 A.M) and four o'clock in the afternoon (4:00 P.M) during class days and beyond seven o'clock (7:00 P.M) in the evening.
3. Violation of the provisions this Ordinance shall subject the owner/operator to a fine of :
First Offense - P2,000.00
Second Offense - P5,000.00 and one (1) month suspension
Third Offense - Confiscation of video game equipment, closure of establishment and cancellation of the business permit of said establishments and a fine of Five Thousand (P5,000.00) shall constitute the penalty for the third offense upon the discretion of the court.

Section 49. *Regulating Children's Exposure to Internet Café's*- No Internet café's shall be allowed to operate within a radius of one hundred (100) meters from an educational institution

- Pornographic viewing is strictly prohibited
- All business operators are required to attend orientation relative to the provisions of the Children's Code prior to the issuance of permit.

- Internet cafes catering to children during school days from seven o'clock in the morning (7:00 AM) to five in the afternoon (5:00 PM) and beyond seven in the evening (7:00 PM), except for educational purpose(s).

Violation of this provision shall subject the owner/operator to following penalties:

First Offense - P2,000.00 and suspension of business permit for fifteen (15) days

Second Offense - P5,000.00 and one (1) month suspension of the same

Third Offense - Confiscation of all computer units and cancelation of the business permit of said establishments

Section 50. *Curfew on Minors* Provincial Ordinance No. 2014-01 Series of 2014 provides among others that:

No minor shall be allowed to wander loiter stroll or standby in public places, commercial establishments, recreation centers, vessels, uninhabited/abandoned places, streets alleys, passage ways or any other area outside the vicinity of his/her residence from 10:00 o'clock in the evening (10:00 pm) until 5:00 o'clock in the morning (5:00 am) the day following.

Minors shall likewise not be allowed to make or earn a living by selling goods or perform any other form of labor during the curfew hours.

Minors caught violating this ordinance shall be rescued and brought to the Punong Barangay or nearest PNP Station whichever is more practicable not for the purpose of detention but only for protective custody until 5:00 o'clock in the morning.

The Punong Barangay or PNP personnel concerned shall take effect to immediately locate and inform the parents or the guardian of the minor. The Punong Barangay or the PNP personnel shall be guided by his best judgment taking into consideration the best interest of the said minor. The said minor or his guardian or parents shall undergo the necessary counseling to be conducted by the concerned Municipal Social Welfare and Development Officer (MSWDO). No fine or penalty shall be imposed against the rescued minor.

C. Children of Indigenous Peoples

Section 51. *Rights of Children of Indigenous Peoples*

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

b. The Provincial Council for the Protection of Children in coordination with the Schools Division of Guimaras shall develop and institute an alternative system of education for children of indigenous peoples which is culture-specific and relevant to their needs.

- c. The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous peoples are given equal attention in the delivery of health and nutrition services.

Indigenous health practices shall be respected and recognized **provided it will not endanger the life of the person.**

- d. Children of indigenous peoples shall not be subjected to any form of discrimination.
- e. The National Council for Indigenous People in Guimaras (NCIP) shall coordinate with the Provincial Government in matters concerning the welfare of indigenous children.

D. Children in Conflict with the Law (CICL)

Section 52. Rights of CICL - Pursuant to Rule 8 of the Revised Implementing Rules and Regulations of RA 9344 as amended by RA 10630, otherwise known as Juvenile Justice and Welfare Act, every child in conflict with the law shall have the following rights, including but not limited to:

- a) The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) The right not to be imposed upon a sentence of capital punishment or life imprisonment, without the possibility of release
- (c) The right not to be deprived, unlawfully or arbitrarily of his or her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- (d) The right to be treated humanely and respect for the inherent dignity of the person, and in a manner which takes into account the needs of a person appropriate to his or her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. The CICL shall be conveyed separately from adult offenders to or from court.

The CICL shall await hearing of his or her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

- (e) The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of liberty before a Court or other competent, independent and impartial authority, and the right to a prompt decision in such action;
- (f) The right to bail Court Rule on the Examination of a Child Witness;
- (h) The right to privacy to be fully respected and protected at all stages of the proceedings;
- (i) The right to diversion, if the child is qualified and voluntarily avails of the same;
- (j) The right to receive judgment, where the penalty is proportionate to the gravity of the offense, and where the CICL's best interest, the rights of the victim and the needs of society, are all taken into consideration by the Court, consistent with the principle of restorative justice;
- (k) The right to have restrictions on personal liberty limited to a minimum, and where discretion is given by law to the Judge to determine whether to impose a fine or a term of imprisonment, the imposition of a fine shall be preferred as the more appropriate penalty;

- (l) In general, the right to automatic suspension of sentence;
- (m) The right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- (n) The right to be free from liability for perjury, concealment or misrepresentation; and (o) Other rights, as provided for under existing laws, rules and regulations. The State further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or the "Beijing Rules," the United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines," and the United Nations Rules for the Protection of Juveniles Deprived of Liberty. These rights of children in conflict with the law shall serve as guiding principles in the administration of the Juvenile Justice and Welfare System.

Section 53. System of Diversion - A system of diversion is hereby established wherein CICL shall as much as possible be referred to alternative measures without undergoing court proceedings. Diversion shall be applied to a child or youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

Section 54. Levels of Diversion - Diversion shall be conducted in accordance with the provision of Republic Act 9344 otherwise known as Juvenile Justice Welfare Act: in Section 23: Children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions herein- provided:

- (a) Where the imposable penalty for the crime committed & is not more than six (6) years imprisonment, the Law enforcement officer or Punong Barangay with the assistance of the local social welfare and development officer or other members of the LCPC shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities.
- (b) In victimless crimes where the imposable penalty is not more than six (6) years imprisonment, the local social welfare and development officer shall meet with the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with the BCPC;
- (c) Where the imposable penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be resorted to only by the court. *SEC. 24. Stages Where Diversion May be Conducted.*— Diversion may be conducted at the Katarungang Pambarangay, the police investigation or the inquest or preliminary investigation stage and at all levels and phases of the proceedings including judicial level.

SEC. 55. Kinds of Diversion Programs.— The diversion program shall include adequate socio-cultural and psychological responses and services for the child. At the different stages where diversion may be resorted to, the following. Diversion programs may be agreed upon, such as, but not limited to:

- (a) At the level of the Punong Barangay:
- (1) Restitution of property;
 - (2) Reparation of the damage caused;
 - (3) Indemnification for consequential damages;
 - (4) Written or oral apology;
 - (5) Care, guidance and supervision orders;
 - (6) Counseling for the child in conflict with the law and the child's family;

- (7) Attendance in trainings, seminars and lectures on:
 - (i) anger management skills;
 - (ii) problem solving and/or conflict resolution skills;
 - (iii) values formation; and
 - (iv) other skills which will aid the child in dealing with situations which can lead to repetition of the offense;
- (8) Participation in available community-based programs, including community service; or
- (9) Participation in education, vocation and life skills programs.

(b) At the level of the law enforcement officer and the prosecutor:

- (1) Diversion programs specified under paragraphs (a.1) to (a.9) herein;
- (2) and Confiscation and forfeiture of the proceeds or instruments of the crime;

(c) At the level of the appropriate court

- (1) Diversion programs specified under paragraphs (a) and (b) above;
- (2) Written or oral reprimand or citation;
- (3) Payment of the cost of the proceedings; or
- (4) Institutional care and custody.

Section 56. Duty to Inform Child of His/Her Offense - The competent authorities are duty-bound to explain to the minor in language known and understood by her/him the consequences of her/his acts and/or omission. The minor's responsibility for the commission of any offense shall be explained to her/him with a view towards counseling and rehabilitating her/him, and avoiding her/his contact with the criminal justice system and indemnifying the victim/s if there be any.

Section 57. 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 minors 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 58. Termination of Case - If the competent authorities determined 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 **with the assistance of a lawyer.**

Section 59. Confession or Admission of Offense - If the child voluntarily admits or confess to the commission of the offense charged, the competent authorities shall decide on the diversion programs to be undertaken by the child. Any admission or confession of the child shall be signed by the child and countersigned by the parents or legal guardian, and any of the following in the following order: Local Social Welfare and Development Officer, the nearest relative, member of a child-focused group, religious group, or a member of the Barangay Council for the Protection of the 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 offenses as well as the penalties imposed therefore.

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

Section 60. Prohibition Against Labeling - In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities shall refrain from branding or labeling minors as young criminals, juvenile delinquents, 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 **administratively** liable.

Section 61. Prohibited Acts Against CICL - Any and all acts 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. Authorities 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;

- a. Authorities 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;
- b. 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;
- c. No minors shall likewise be made subject to involuntary servitude in any and all forms under any and all instances by their arresting officers and/or custodian's. Designating and/or compelling minors to act and serve as errand boys/girls, cleaners, or helper is also prohibited.

Any violation of the offender to the minor shall be penalized:

First Offense	-	a fine of One Thousand Pesos
Second Offense	-	a fine of Three Thousand Pesos
Third Offense	-	a fine of Five Thousand Pesos

However, if these violations are likewise penalized in any national law, the penalty imposed in such national law shall be followed.

Section 62. 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 for the rehabilitation and reintegration of the child shall be formulated with the cooperation of the complainant and the child.

- a. **Section 63. Factors in Determining Diversion Programs**-In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- a. The nature and circumstances of the offense charged;
- b. The frequency and the severity of its occurrence;
- c. The circumstances of the child (e.g. age, maturity, intelligence, etc.);

- d. The influence of the family and environment on the growth of the child;
- e. The reparation for the injury to the victim;
- f. The weight of the evidence against the child; and
- g. The safety of the community
- h. best interest and welfare of the child

Section 64. Criteria for Formulating Diversion Program - 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 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; and
- d. The availability of community-based programs for rehabilitation and re-integration of the child.

Section 65. 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 the damage 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 the family;
- k. Trainings, seminars, lectures on: (a) anger management which skills 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 66. Criteria of Community-Based Programs - Every province and municipality shall establish programs, through the Local Government Unit, that will focus on the rehabilitation and reintegration of the child. All programs shall meet the following criteria:

- a. Its primary purpose shall be the rehabilitation and reintegration of the child;
- b. Referral to such programs shall need the consent of the child and the parents or legal guardian/s;
- c. The participation of other child-centered agencies, religious, civic and other organizations will be allowed.

Section 67. Community-Based Programs- Community Based Programs shall consist of, but shall not be limited to the following:

- a. Community activities;
- b. Membership in civic and/or religious organizations.

Section 68. Conditions for Diversion Program -In all cases where a child is required to undergo a diversion program, the following condition shall be mandatory:

- a. A Contract of Diversion containing the diversion programs to be undergone by the child shall be signed by the authority concerned and the child **as provided by RA 9344**;
- b. The child shall present himself or herself to the competent authorities that imposed the diversion program at least once a month for reporting and review of the effectiveness of the program;
- c. The child shall cooperate and faithfully comply with the conditions in the contract;
- d. The child shall permit the competent authorities and/or the Local Social Welfare and Development Officer to visit the child's home;
- e. The child and other parties concerned shall **satisfy/assure** other conditions related to the diversion program as long as such conditions are not contrary to law, morals and good customs. Such other conditions shall be considered void and shall not affect the conditions that are validly agreed upon and written in the contract of diversion.

Section 69. BCPC Roles on Diversion. Pursuant to the Revised Implementing Rules and Regulations of RA 9344 as amended by RA 10630, otherwise known as Juvenile Justice and Welfare Act., that the diversion program at the barangay level shall be formulated and supervised by the Punong Barangay with the assistance of the BCPC members.

As a form of monitoring, the members of the BCPC and the community volunteers to be designated by the BCPC may conduct house visits with the child and his/parents or guardian to track the child's compliance with the contract of diversion and the child's performance of the diversion program.

Section 70. Training of BCPC- Pursuant to DILG MC 2002-121, the BCPC shall conduct capability building projects to increase knowledge and skills in the handling of children's program.

Section 71. Assistance of Child by Parents - any agreement resulting in barangay conciliation shall also be signed by the child with the assistance of any of the following in the following order: the parent/s, legal guardian, Local Social Welfare and Development Officer, a relative, a member of child-focused group, or a member of the Barangay Council for the Protection of Children concerned. Otherwise, such document shall be null and void.

Section 72. Referral to Diversion Program- In the process of conciliation, the Lupon or the Pangkatag Tagapagkasundo as the case may be shall encourage the inclusion of community service program or other forms of diversion to be included in the settlement.

Section 73. Designation of Officer or Unit to Handle Cases Involving CICL- The Philippine National Police shall designate Women and Children Protection Desk (WCPD) to handle cases involving CICL.

After the initial **inquiry/investigation**, if the offense does not fall under the Katarungang Pambarangay as provided under **Section 55**, the WCPD shall conduct further investigation of the child pursuant to Section 25 of RA 7610 or the Anti-Child Abuse Act, otherwise it shall refer the case to the Barangay Council for the Protection of Children.

Section 74. Manner of Investigation -The responding officer should exercise due diligence and sensitivity in attending to a child who commits an offense or violates a law.

First, if the child's offense is light, the responding officer should:

- a. Give the child friendly "payo" or a simple warning not to repeat the act/s he/she has committed;
- b. Call the unoffending parents or guardians for their proper intervention in the treatment of the child; or
- c. Refer the child directly to the barangay for proper disposition. (Counseling, community service and others)

Second, if the child's offense is less serious or serious, with or without victims, the responding officer should:

- a. Take the child into police custody;
- b. Refer the child to the Women and Children's Protection Desk (WCPD) Officer or other qualified investigator of CICL cases for proper disposition; and
- c. Exhaust all possible means to locate and notify the child's parent's/ guardian's as well as the social worker for the case management of the child, in cooperation with WCPD Officer.

Third, All cases the responding officer should take down the facts of the case in her/his tickler.

Procedure for taking the child into custody

1. Properly identify yourself and present Identification to the child.
2. Immediately notify the child parents/guardians, LSWDO within 8 hours after apprehension.
3. Explain to the child in simple language the reason for placing him/her under custody.
4. Her/his constitutional rights.
5. Immediately starts the determination of the age of the child.
6. Take the child immediately to the proper medical and health officer for a thorough physical and mental examination.
7. Turn-over the child to the LSWDO or other accredited non-government organizations immediately but not later than eight (8) hours after apprehension.
8. However, if the child is found to be below the age of criminal responsibility, the law enforcer shall immediately release the child to the parents. Despite the release, investigation shall continue.

A child sensitive manner of investigation shall be observed. The taking of the sworn statement of the child shall be conducted in the presence of the following: (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office; (2) the child's parents, guardian, or nearest relative, as the case may be; and (3) the local social welfare and development officer. In the absence of the child's parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

After the initial investigation, the local social worker conducting the same may do either of the following:

- (a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and
- (b) If the child is above fifteen (15) years old but below eighteen (18) and who acted with discernment, proceed to diversion. 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 of paramount consideration during the custodial investigation.

Section 75. Right of the CICL to Counsel- From custodial investigation and throughout the proceedings, the CICL shall have the right to be represented by a Counsel. The arresting officer, prosecutor or judge shall ensure that the CICL is represented by a Counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance by a Counsel shall be null and void.

Section 76. 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 the legal guardian who shall be responsible for the presence of the child during the diversion proceedings.

In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Welfare 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 77. 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 CICL shall not be used in adult proceedings in subsequent cases involving the same.

Section 78. Care and Maintenance of CICL - The parents or other person 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 or the institution maintaining such facility.

Note: integrate with duplicate section

Section 79. All Proceedings to be conducted in the Best Interest of the Child - Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation and interpretation of the provisions of this Code shall be resolved taking into consideration the best interest of the child.

Section 80. Participation of the Child - All proceedings before any authority shall be conducted in a manner, which allows children to participate and to express themselves freely. Participation of children in a program and policy formulation and implementation related with children's concerns shall be ensured by the concerned Government or Local Government Unit (LGU).

Section 81. Protection for Children - Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of R.A. 7610 or the Anti Child Abuse Act

Article 8
IMPLEMENTING MECHANISMS

Republic Act 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) provides for stronger deterrence and special protection against child abuse, exploitation and discrimination, and its corresponding penalties shall formulate.

Further Article 359 and 360 of the Civil Code of the Philippines provides that "the government shall establish Council for the Protection of Children."

Likewise, Article 87 of the Presidential Decree (PD) 603 (Children and Youth Welfare Code) states that "every Barangay Council shall encourage the organization of a Local Council for the Protection of Children (CWC) in drawing and implementing plans for the promotion of child and youth welfare."

R.A 8980 otherwise known as an act promulgating a comprehensive policy and national system for Early Childhood Care and Development (ECCD), providing funds therefor and for other purposes.

R.A. 10410 otherwise known as an act recognizing the age from zero to eight years as the first crucial stage of educational development and strengthening the Early Childhood care and development system, appropriating funds therefor and for other purposes.

Recently, RA 9344 otherwise known as the Juvenile Justice and welfare act of 2006 as amended by RA 10630.

Since the LCPC and ECCDCC have the same objectives both shall function as one to avoid confusion and duplication of similar councils/committees in the LGU.

In view thereof, all Local Chief Executives (LCEs) are hereby enjoined to organize/reorganize and make functional the Municipal and Barangay Councils for the Protection of Children (M/BCPCs) and take the lead in the implementation of all children's programs in their respective localities. The councils shall be fully harnessed for the efficient and effective implementation of all the major areas of concern for children.

A. COMPOSITION AND FUNCTION OF LCPC/ECCD COORDINATING COMMITTEES AT ALL LEVELS:

1.0 PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN (PCPC)

1.1 Composition

- | | |
|-------------|--|
| Chairperson | - Provincial Governor |
| Co-chair | - (optional) |
| Members | - Sangguniang Panlalawigan Member (Chairperson, Committee in Women and Family) |
| | - DILG Provincial Director |
| | - Provincial Social Welfare & Development Officer |

- Provincial Labor & Development Officer (PESO)
- Division Superintendent of DepEd
- Provincial Planning & Development Coordinator
- Provincial Budget Officer
- Provincial Prosecutor
- Provincial Health Officer
- Provincial PNP Director
- Provincial Commander, AFP
- Provincial Treasurer
- President, League of Municipalities
- Provincial SK Federation President
- Provincial Nutrition Officer
- Child Representative
- At least three (3) representatives of non-government organizations (NGO), two (2) of whom are appointed by the Committee handling ECCD Programs and one (1) from the trade/labor union sector.

The Provincial Governor may designate any of his/her members as co-chair.


1.2 Functions:

1. Formulate plans, programs and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children below 18 years old;
2. Prepare Annual Work and Financial Plan (AWFP) for children and recommend appropriation to the Sanggunian;
3. Provide coordinative linkage with other agencies and institution in the planning, monitoring and evaluation of plans for children;
4. Provide technical assistance and recommend financial support to the Municipal and Barangay Council for the Protection of Children;
5. Establish and maintain database on children in the Province;
6. Recommend local legislation promoting child survival, protection, participation and development, especially on the quality of television shows and media prints and coverage, which are determined to children, and with appropriate funding support;
7. Conduct capability building programs to enhance knowledge and skills in handling children's program;
8. Monitor and evaluate the implementation of the program and submit quarterly status reports to the Regional Committee for the Welfare of Children (RCWC);
9. Perform such other functions as provided for in the ECCD and other child related laws.

2.0. THE MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN (MCPC)

2.1 Composition

- Chairperson - Municipal Mayor
- Co-chair -
- Members
- Sangguniang Pambayan Member
Chairperson, Committee on Women and Family
 - DILG Municipal Field Officer
 - District Supervisor of DepEd
 - Local Labor & Employment Officer
 - Municipal Planning & Development Coordinator
 - Municipal Budget Officer
 - Municipal Health Officer
 - Municipal Social Welfare & Development Officer
 - Municipal Nutrition Officer
 - Municipal PNP Director
 - Municipal Treasurer
 - Municipal Liga ng mga Barangay President
 - Municipal SK Federation President
 - Parent-Teachers Association (PTA) President
 - Child Representative
 - Representative from the Local Church
 - At least three (3) representative of non-government organizations (NGOs), two (2) of whom are appointed by the committee handling ECCD Programs and one (1) from trade/labor union sector.

 The Municipal Mayor may designate any of his/her members as co-chair

2.2 Functions:

1. Formulate plans, programs and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
2. Prepare AWWP for children and recommend appropriate to the Sanggunian;
3. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
4. Provide technical assistance and recommend financial support to the Barangay Council for the Protection of children;
5. Establish and maintain database on children in their municipality;
6. Foster education of every child;
7. Advocate for the establishment and maintenance of playgrounds, day care center and other facilities necessary for child and youth development;
8. Recommend local legislations promoting child survival, protection, participation and development, especially on the quality of television shows, media prints and coverage, which are detrimental to children, and with appropriate funding support;
9. Assist children in need of special protection and refer cases filed against child abusers to proper agencies/institution;
10. Conduct capability building program to enhance knowledge and skills in handling children's program;
11. Document barangay best practices on children;
12. Monitor and evaluate the implementation of the program and submit quarterly reports to PCPC;
13. Perform such other functions as provided for in the ECCD and other child related laws.

3.0 THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)

3.1 Composition:

Members of BCPC shall elect from among themselves the co-chair

3.2 Functions;

1. Foster education of every child;

Chairperson	- Punong Barangay
Co-chair	- (optional)
Members	- Barangay Kagawad (Chairperson on Women and Family
	- Barangay Nutrition Scholar
	- Barangay Day Care Worker
	- Barangay Health Nurse/ Midwife
	- Barangay Health Worker
	- DepEd Principal/Teacher-in-Charge
	- Chief Tanod
	- SK Chairperson
	- Children's Representative
	- Representative from the Local Church

- PTA President or his representative
- NGO/PO Representative
- Others

2. Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice;
3. Adopt measures for the health of the children;
4. Conduct capability building projects to increase knowledge and skills in handling children's program;
5. Encourage the proper performance of the duties and responsibilities of parents, and provide learning opportunities on the adequate rearing of children and positive parent-child relationship;
6. Promote wholesome entertainment in the community especially in movie houses;
7. Prepare AWFP for children and recommend appropriations to the Sanggunian;
8. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
9. Establish and maintain database on children in the barangay;
10. Advocate for the establishment and maintenance of playgrounds, day care centers and other facilities necessary for child and youth development;
11. Advocate for the passage of barangay resolutions/ordinances responsive to child-related issues and concerns and ensure the inclusion of children's program in the executive agenda;
12. Protect and assist children in need of special protection (e.g. abandoned, maltreated & dependents) and refer cases filed against child abusers to proper agencies/institutions;
13. Monitor situational reports on children and prepare quarterly updates including the implementation of children's program and make recommendations to the Municipal CPC for consideration and nationwide application;
14. Perform such other functions and other child related laws especially in matters of child and parent education, health, entertainment, etc.

4.0 SECRETARIAT

The Chairman of the Council shall designate the secretariat from any of the LGU operating units, which shall provide administrative and technical support services to their respective LCPC member agencies.

5.0 Quick Response Team- shall be organized under the direct supervision of the Office of the Governor (to be rephrase). Its composition, functions and funding will be spelled out in an executive order to ensure its functionality. It shall likewise be tasked to monitor and conduct surveillance on videoke and karaoke bars and similar places of entertainment.

6.0 MONITORING AND EVALUATION

To determine the functionality of the LCPCs at all levels and find out their accomplishments, including the implementation problems and issues, regular monitoring shall be conducted using the following reporting tools:

- a. Monitoring from 001 – to be accomplished by the BCPC, forms 002 – by the MCPC/CCPC and form 003 – by the PCPC;
- b. Accomplished Forms 001 shall be submitted to MCPC, 002 to the PCPC and 003 to the RSCWC who shall consolidate the PCPC reports and send to CWC Manila copy furnished the DILG Provincial and Regional Offices.
- c. Monitoring of the LCPC functionality shall be conducted annually, every 1st quarter of every year. The period to be assessed shall be the preceding year.
- d. An Inter-agency Monitoring Task Force (IMTF) shall be created in every level (Municipal/Provincial) to monitor and evaluate the functionality of the LCPC as provided in the DILG Memorandum Circular 2008-126 dated August 21, 2008.

7.0 ROLE OF THE DILG

The DILG shall oversee the organization and functionality of the LCPC and shall cause the wide information dissemination on this Circular in their respective areas of jurisdiction.

In order to strengthen the LCPCs, LCEs are encouraged to conduct Orientation/Training on LCPC/ECCD Laws and its Implementation, in coordination with the DILG.

Section 82. Local Councils for the Protection of Children -All LCEs are hereby enjoined to organize and institutionalize the Provincial, Municipal and Barangay Council for the Protection of Children.

Section 83. Representation of Non-Governmental Organizations in the Councils for Children -The Local Legislative Council shall invite/encourage NGOs with child-focused programs for membership in the children council for the protection of children, provided that these Non-Governmental Organizations are duly accredited by the Local Sanggunian concerned based on its criteria of accreditation.

Section 84. Internal Rules of the Councils for the Protection of Children – The Local Councils for the Protection of Children shall adopt their own Internal Rules of Procedures and Regulations to serve as guidelines for the members in the discharge of their official functions as the organization's structure, parliamentary procedure, order the meeting and quorums, discipline and such other rules that council may adopt.

Unit for Children's Concerns

Section 85. Unit for Children's Concerns.– There shall be a Unit for Children's Concerns under the Provincial Social Welfare and Development Office.

Section 86. Functions of the Unit for Children's Concerns.– The Unit for Children's Concerns shall:

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

Section 87. Coordination with the Unit for Children's Concerns– The Unit for Children's Concerns shall coordinate with the Local Government Units and other bodies whenever they are considering proposals and legislations or policies likely to affect children's lives.

Section 88. Reporting to RSCWC and Concerned Agencies.– The Unit for Children's Concerns shall submit report/s to the RSCWC and other concerned agencies.

Section 89. State Of the Children's Report (SOCR)– The Local Chief Executive (LCEs) at all levels are required to deliver State Of the Children's Report during their respective Children's Day celebration indicating the annual accomplishments and status of children.

Section 90. Consultations with LCPCs – Prior to the implementation of any national project by all national agencies, bureaus or offices, NGOs and Private Sectors affecting children, proper consultation with the LCPCs are required.

Children's Councils

Section 91. Creation of Children and Youth Organization -LCPCs are hereby enjoined to organize the Provincial, Municipal and Barangay children's organization in coordination with the Department of Education, NGOs and SangguniangKabataan (SK).

Section 92. Functions of the Children and Youth Organization:

1. To represent the issues and concerns affecting children and youth to LCPCs at all levels.
2. To spearhead and facilitate projects and activities that will help the children and youth through seminars, training, skills development and community outreach program.
3. Formulate and consolidate plans and projects that are to be implemented.
4. To set forth rules and regulations within the organizations.
5. Initiate allocation of funds for the projects envisioned by the children and youth.
6. Discuss issues and concerns and information for the Children and Youth.

Section 93. Child and Youth Representatives – Aside from the youth representative from the SangguniangKabataan, a seat/s shall be provided for a child representative in the Provincial, Municipal, and Barangay Councils for the Protection of Children coming from Children and Youth Organization as created under this Code to represent children below 18 years of age. The LCPCs should see to it that the child is able to genuinely participate in decision-making particularly in matters involving children's concerns.

Child and Youth Organizations shall be duly accredited by their respective LGU.

Article 9

COMPLAINTS, PROCEEDINGS & REPORTING

Section 94. Their shall be conducted the annual search for the most child friendly barangay, the indicators for evaluation shall be integrated in the Evaluation tool of the yearly search for Guimaras Good Governance Seal Program (3GSB).

Section 95. Persons Who may File a Complaint – Complaints on unlawful acts committed against children as enumerated herein may be filed by the following:

- a. Offended party;
- b. Parents or guardians;

- c. Ascendant or collateral relative within the third degree of consanguinity;
- d. Officer authorized by Law, Social Worker of the Department of Social Welfare and Development;
- e. Officer authorized by Law or Social Worker of the Local Social Welfare and Development Office;
- f. Punong Barangay ; or
- g. At least three (3) concerned responsible citizens residing in the community where the violation occurred.

Section 96. Protective Custody of the Child – The offended party shall be immediately placed under the protective custody of the Local Social Welfare and Development Office. In the regular performance of this function, the Local Social Welfare and Development Officer shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603. (immunity)

Section 97. 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 reported 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 violation of this Act which results in the moral degradation and suffering of the offended party.

Section 98. Reporting – A person who learns for facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, **LSWD Office ,WCPD** or to the LCPC concerned.

Section 99. Mandatory Reporting– The head of any public or private hospital, medical clinic and similar institution, as well as the attending physician 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 100. 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 works involve dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

Section 101. Failure to Report – Any individual mentioned in Section 99 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

Section 102. Immunity for Reporting – Any person who reports a case of child abuse shall be free from any civil or administrative liability arising there from.

Section 103. 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 **penalized** by imprisonment of six (6) months to one (1) year and/or a fine ranging from P1,000.00 to P5,000.00 **subject to the discretion of the court.**

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. Failure to comply with pertinent provisions of this Code by the concerned Local Chief Executive, members of legislative bodies and/or head of offices or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local Government Code and other pertinent laws.

Article 10

BUDGETARY APPROPRIATIONS

Section 104. Appropriation for Children's Program – The Local Government Units at all levels shall appropriate **at least 1% of the Internal Revenue Allotment (IRA)** fund as part of their annual budget for the implementation of programs purposely for children. The Provincial Government of Guimaras shall allocate funds necessary for the implementation of this code, training and orientation of stakeholders, and promotion of this Code to the general public.

Article 11

SEPARABILITY/APPLICABILITY/REPEALING/EFFECTIVITY CLAUSES

Section 105. Separability Clause.– If, for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 106. Applicability Clause.– All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the Province of Guimaras, municipalities and barangays, and to all persons, who may be subject to the provisions of this Code.

Section 107. Repealing Clause.– All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

Section 108. Effectivity Clause.– This Code shall take effect thirty (30) days after copies have been posted in three conspicuous places in the five municipalities of the province.

ENACTED this 23rd day of December 2015.

I hereby certify to the correctness of the foregoing ordinance which was duly enacted by the Sangguniang Panlalawigan of the Province of Guimaras during its regular session on December 23, 2015.


LORENA MINIERVA-ITUCAS

Secretary to the Sangguniang Panlalawigan

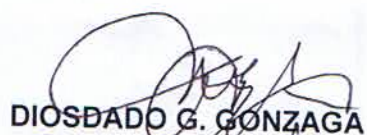
Concurred:


CYRIL C. BELTRAN
SP Member

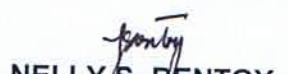

ATTY. JOHN EDWARD G. GANDO
SP Member



DAN ELBY C. HABANA
SP Member


JOSEFINA G. DE LA CRUZ
SP Member

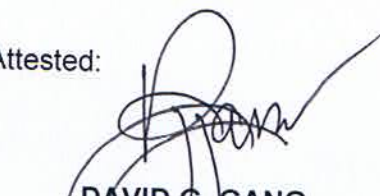

DIOSDADO G. GONZAGA
SP Member


REX G. FERNANDEZ
SP Member


NELLY S. RENTOY
Ex-Officio Member
(PCL Fed. President)


FRED C. GAMAYAO
Ex-Officio Member
(LNB Fed. President)

Attested:


DAVID G. GANO
SP Member
Temporary Presiding Officer

Approved:


SAMUEL T. SUMARIN, MD, MPH
Governor