

REPUBLIKA NG PILIPINAS
TANGGAPAN NG SANGGUNIANG PANLUNGSOD
LUNGSOD NG BAKOLOD
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CITY ORDINANCE NO. 08-15-751
July 29, 2015

AN ORDINANCE PROVIDING FOR A COMPREHENSIVE CHILDREN'S CODE IN THE CITY OF BACOLOD.

WHEREAS, the United Nations Convention on the Rights of the Child which the Philippines signed and ratified recognizes that all children have the right to survival, development, protection and participation;

WHEREAS, pursuant to Child 21 and the child-friendly movement, local government units commit to deliver four gifts to children: (1.) Local Development Plan for Children; (2.) Local Investment Plan for Children; (3.) Local Code on Children; and (4.) Local State of Children Report;

WHEREAS, in the year 2000, the United Nations hosted the Millennium Summit where the member countries committed to the eight-point Millennium Development Goals (MDG), a set of time-bound, concrete and specific goals to reduce extreme poverty, illiteracy and disease by 2014, six (6) of which are directly related to children;

WHEREAS, following the adoption of the MDG, the United Nations convened the UN General Assembly Special Session on Children in May 2001, where the World Fit for Children was drafted and adopted, which contained a declaration of four (4) priority objectives for the world's children, i.e. promoting healthy life; providing quality education; protection from violence, abuse, and exploitation; and combating HIV/AIDS;

WHEREAS, new national laws affecting children have been enacted, including the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208), An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child Amending for this Purpose Republic Act No. 7610 (Republic Act No. 9231), the Anti-Violence Against Women and their Children Act of 2004 (Republic Act No. 9262), the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) and the Anti-Child Pornography Act (Republic Act No. 9775), among others;

WHEREAS, there is a need to localize and strengthen the implementation of the aforesaid national laws as well as enhance, rationalize and make existing ordinances on children more responsive to the ever changing times, such as City Ordinance No. 378 otherwise known as the "Child, Youth and Family Welfare And Development Code Of Bacolod City and such other ordinances on and/or for children;

8

WHEREAS, there is a need to codify numerous ordinances relating to children's rights and welfare;

WHEREAS, there is a need to coordinate the various existing government agencies and non-government organizations (NGOs) in providing services for children in Bacolod City;

WHEREAS, in light of the developments, current issues, persistent problems and emerging concerns involving and affecting children, there is a need to strengthen local legislation to ensure a child-friendly Bacolod City.

NOW, THEREFORE, be it enacted by the Sangguniang Panlungsod in session assembled, that:

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1. TITLE. This Ordinance shall be known as "**THE BACOLOD CITY CHILDRENS CODE OF 2015.**"

ARTICLE 2. DECLARATION OF POLICIES AND PRINCIPLES. Pursuant to International Laws, Constitution and other relevant laws, it is hereby declared that the Bacolod City government shall adapt the following policies and principles:

1. It recognizes the inherent rights of the child to survival, development, protection, and participation in accordance with the United Nations Convention on the Rights of the Child and the relevant Philippine Laws on children. As such, the City adopts the following core principles of the U.N. Convention and shall uphold the same principles in all matters concerning or affecting children;
 - a. Non-discrimination – The rights of the child shall be respected without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status;
 - b. Best interest of the child – in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be the paramount consideration;
 - c. Survival and development – Every child has the inherent right to life, and the survival and development of the child shall be ensured to the maximum extent possible; and
 - d. Respect for the views of the child- Any child capable of forming a view has the right to express such views freely in all matters affecting him or her and the child's views shall be given due weight in accordance with age and maturity.

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


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

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

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

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

ARTICLE 3. PURPOSES. This code is enacted with the following purposes.

- a. To ensure the protection of children against all forms of abuse and exploitation.
 - b. To advocate for children's rights and promote their welfare and development.
 - c. To ensure that children's right are given priority attention both in government and civil society.
 - d. To improve the quality of life of children enabling them to fully develop their potentials and participate in community life and nation building.
 - e. To provide mechanisms to address violations that amount to abuse of the child or children.
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ARTICLE 4. DEFINITION OF TERMS. The definition of terms as provided for by pertinent laws are hereby adapted, to wit:




- a. Child – a person below eighteen (18) years of age or over but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- b. Child abuse – refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - 1. Physical and psychological abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - 2. Any act by deeds or words and dignity of a child as human being is affected adversely;
 - 3. Unreasonable deprivation of his/her basic needs 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/her permanent incapacity or death.
- c. Abandoned child – a child who has no proper parental care or guardianship, or whose parent(s) have deserted him/her for a period of at least three (3) continuous months, which includes a foundling.
- d. Neglected child – a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:
 - 1. There is physical neglect when the child is malnourished, ill-clad, and without proper shelter. A child is unattended when left by himself/herself without proper provisions and/or without proper supervision.
 - 2. There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in moral danger, or exposed to gambling, prostitution and other vices,
- e. Child labor – refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental or psychological development.

f. Worst forms of child labor – refers to :

1. *All forms of slavery, as defined under the "Anti-Trafficking in Persons Act of 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflicts;*
2. *The use, procuring or offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances;*
3. *The use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or*
4. *Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children.*

g. Child trafficking - refers to the recruitment, transportation, transfer or harboring, or receipt of children with or without their consent or knowledge, within or across national borders for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of children or other forms of sexual exploitation, forced labor or services, slavery, servitude, removal or sale of organs, and engagement in armed activities.

h. Children at risk – a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:

1. *Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;*
 2. *Being exploited including sexually or economically;*
 3. *Being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;*
 4. *Coming from a dysfunctional or broken family or without a parent or guardian;*
 5. *Being out of school;*
 6. *Being street child;*
 7. *Being a member of a gang;*
 8. *Living in a community with a high level of criminality or drug abuse; and*
 9. *Living in situation of armed conflict.*
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- i. Children in conflict with the law (CICL) – children who are alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- j. Children with disabilities – children who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with other.
- k. Court appointed special advocates/guardians ad litem – a person appointed by the court to protect the best interest of the child where a case is pending involving a child who is a victim of, accused of, or a witness to a crime, or a child who is a witness in non-criminal proceedings.
- l. Early Childhood Care and Development (ECCD) Program – the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development. These programs include:
 - 1. *Center-based programs which are services at the community level undertaken in a center, school or in the workplace such as the Day Care Services established under Republic Act No. 6972, public and private pre-schools, kindergarten or school-based program, community or church-based early childhood education programs initiated by non-government organizations or people's organizations, workplace-related child care and education programs, child minding centers, health centers and stations; and*
 - 2. *Home-based programs which are services at the family level undertaken at home or in the neighborhood such as neighborhood-based play group, Parent Effectiveness Service, family day care programs or child-minding homes, parent education and home visiting programs.*
- m. Gender equality – the principle recognizing that all human beings are free and equal in dignity and right, and asserting the equality of men and women/boys and girls and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development.
- n. Inter-generation responsibility – the principle of holding the natural resources in trust for future generations such that every generation has a responsibility to the next to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful ecology.
- o. Parent education – the various formal and alternative means of providing parents with information, skills and support system to assist them in their roles as their children's primary caregivers and educators. These include public and private parent education programs linked to center, home and media-based child care and education programs.

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- p. Pornography – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
- q. Prostitution – refers to any act, transaction, scheme, or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- r. Sexual exploitation – refers to participation by a child in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage and fraud or through abuse of the child's vulnerability.
- s. Right to survival – the child's inherent right to life and to the needs that are most basic to existence, 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.
- t. Right to development – the child's right to education and to develop his or her personality, talents, and mental and physical abilities to the fullest extent, participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure.
- u. Right to protection – the child's right to be protected from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions prejudicial to his or her development.
- v. Right to participation – the child's right to participate in all matters that affect him or her by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account; involvement in decision-making; freedom of association and peaceful assembly.

CHAPTER 2

RESPONSILITIES AND DUTIES OF DIFFERENT SECTORS

ARTICLE 5. RESPONSIBILITIES OF THE CHILD. Every child, regardless of the circumstances of his birth, sex, religion, social status, political antecedents and other factors shall:

- a. Strive to leave an upright and virtuous life in accordance with the tenets of his religion, the teachings of his or her elders and mentor, and the biddings 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 and sisters his or her 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 potential for services, particularly by undergoing a formal education suited to the child's 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 our people, the memory of our heroes, the duly constituted authorities, the laws of our country and the principles and institution of democracy;
- f. Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind 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 aspirations for programs and prosperity and the furtherance of world peace.


ARTICLE 6. PRIMARY RIGHT OF PARENTS. The parents shall have the right to the company of their children and in relation to all other persons or institutions dealing with the child's development, the primary right and obligation to provide for their upbringing.

ARTICLE 7. GENERAL DUTIES OF PARENTS. Parents shall have the following general duties toward their children;

- (a) To give their child affection, companionship and understanding;
- (b) To extend to their child the benefits of moral guidance, self-discipline and religious instruction;
- (c) To supervise their child's activities, including his recreation;
- (d) To inculcate in their child the value of industry, thrift and self-reliance;
- (e) To stimulate their child's interest in civic affairs, teach him or her the duties of citizenship and develop his or her commitment to his or her country;
- (f) To advise their child properly on any matter affecting his or her development and well-being;
- (g) To always set a good example;

- (h) To provide their child with adequate support;
- (i) To administer their child's property, if any, according to the child's best interests, subject to the pertinent provisions of the Family Code;
- (j) To ensure that their children are able to access all health services provided by government;
- (k) To have their child immediately registered after birth and give their child a name; and
- (l) To rear their child responsibly, provide quality education and send them to school, subject to certain exceptions allowed by law.

ARTICLE 8. GENERAL DUTIES OF THE COMMUNITY. To ensure the full enjoyment of the right of every child to live in a society that offers or guarantees him or her safety, health, good moral environment and facilities for his or her wholesome growth and development, it shall be the duty of the community to:

- (a) Bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental and spiritual well-being;
 - (b) Help institutions of learning, whether public or private, achieve the fundamental objectives of education;
 - (c) Organize or encourage movements and activities for the furtherance of the interests of children and youth;
 - (d) Promote the establishment and maintenance of adequately equipped playgrounds, parks and other recreational facilities;
 - (e) Support parent education programs by encouraging its members to attend and actively participate therein;
 - (f) Assist the City in addressing issues relating to children-in-conflict with the law and design and implement preventive programs;
 - (g) Aid in carrying out special projects for the betterment of children in the remote areas or belonging to cultural minorities or those who are out of school; and
 - (h) Cooperate with private and public child welfare agencies in providing care, training and protection to destitute, abandoned, neglected, abused, disabled children-at-risk.
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CHAPTER 3

RIGHTS OF THE CHILD

RIGHT TO SURVIVAL



ARTICLE 9. BIRTH REGISTRATION. The Bacolod City government shall establish a system to ensure the 100% registration of births in Bacolod City to guarantee the right of the child to identity.

ARTICLE 10. EARLY CHILDHOOD CARE AND DEVELOPMENT. The Bacolod City government shall promote the care of 0-6 years old children through the Early Childhood Care and Development Program.

ARTICLE 11. CHILD CARE AND MATERNAL HEALTH. Every barangay shall improve the health status of pregnant women, mothers and children consistent with ECCD policies and programs, with the goal that:

- (a) All infants are exclusively breastfed up to about 6 months;
- (b) All infants undergo newborn screening within 24-48 hours from birth;
- (c) All children are fully immunized against diseases for which vaccines have been developed for administration to children up to 6 years old, including tuberculosis, diphtheria/pertussis/tetanus, polio, tetanus, hepatitis B and measles;
- (d) All children 0-2 years old are weighed monthly;
- (e) All children are well-nourished and mothers with underweight children undergo a Nutrition Education Program;
- (f) All mothers undergo pre-natal and post-natal programs, which shall include at least four complete pre-natal check-ups, immunization against tetanus, sufficient doses of Vitamin A and iron for pregnant/lactating mothers and emergency obstetric care to pregnant women who are at risk;
- (g) All birth deliveries are facility-based and attended by skilled birth personnel; and
- (h) All HIV-exposed newborns and HIV-positive mothers are identified and receive enhanced case follow-up, care and support.

ARTICLE 12. CHILD-FRIENDLY HOSPITALS. All hospitals in Bacolod City shall set up child-friendly policies, services, and units to include rooming-in facilities and pediatric-appropriate mechanisms, equipment, tools and gadgets.



ARTICLE 13. BARANGAY HEALTH CENTER. All barangays shall establish and operate a Health Center certified as Sentrong Sigla, which shall implement the Primary Health Care Program. Each Barangay Health Center shall have a Barangay Child Health Officer who shall monitor child health in the barangay level.




The Bacolod City government, through the city Health Department, in particular, shall take appropriate measures:

- (a) To combat disease and malnutrition within the framework of primary health care, through the application of readily available technology and through the provision of adequate nutritious food and safe drinking water, taking into consideration the dangers and risks of environmental pollution.
- (b) To establish a comprehensive parents orientation development program which include courses on reproductive health, HIV/AIDS, child health and child rearing practices in the context of Filipino psychology.
- (c) To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breastfeeding edification program.
- (d) To conduct massive information and education on HIV/AIDS, especially among adolescent children.

ARTICLE 14. NUTRITION PROGRAM. The Bacolod City government shall promote good nutrition for all children and towards this end it shall establish and implement the following:

- (a) Community-based and in-school feeding program for children;
- (b) Nutrition education program for parents, which includes the promotion of the use of iodized salt in every household;
- (c) Breastfeeding program for nursing mothers to ensure that infants are exclusively breastfed up to 6 months;
- (d) Provision of adequate nutritious food and access to clean drinking water for all children, taking into consideration the dangers and risks of environmental pollution; and
- (e) Regulation of the sale of food in public and private elementary and high school levels to ensure that schools sell only nutritious food and beverage to children.

ARTICLE 15. INTEGRATED HEALTH SERVICE FOR CHILDREN WITH DISABILITIES. The Bacolod City shall provide an integrated health service for children with disabilities which shall include the prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling; early detection of disability and timely intervention to arrest disabling condition ; and medical treatment and rehabilitation. It shall also train its field health



personnel in early detection and intervention and in the provision of medical attention to children with disabilities.

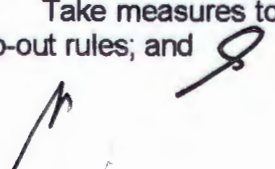
ARTICLE 16. CLEAN AND HEALTHY ENVIRONMENT. The Bacolod City government shall ensure the judicious disposition, utilization, management, renewal, and conservation of the City's natural resources for the full enjoyment of children and the generations yet unborn consistent with the principle of inter-generational responsibility and the precautionary principle, especially in dealing with toxic chemicals. It shall develop and implement programs and services towards this end, which shall include the following:

- (a) The creation of an urban garden in every barangay and public school;
- (b) Regulation of the use of non-biodegradable materials in schools and business establishments; and
- (c) Prohibition on the purchase, use and improper disposition or storage of mercury, lead and other toxic substances in all private and public schools in the elementary and high school levels.

ARTICLE 17. CLIMATE CHANGE ADAPTATION AND MITIGATION. The Bacolod City government shall consider the special needs of children in the formulation, planning, and implementation of its Local Climate Change Action Plan pursuant to Section 14 of Republic Act No. 9729 (The Climate Change Act of 2009). It shall coordinate with non-government organizations, the academe, people's organizations, the private and corporate sectors and other local stakeholders in the planning and implementation of its Local Climate Change Action Plan. It shall further capacitate the officials at the barangay level to identify issues concerning or affecting children and implement the most applicable solutions relevant to climate change adaptation and mitigation.

RIGHT TO DEVELOPMENT

ARTICLE 18. ACCESS TO QUALITY PRIMARY AND SECONDARY EDUCATION. The Bacolod City government recognizes the right of every child to education and with a view to achieving this right progressively and on the basis of equal opportunity, it shall, in particular:

- (a) Establish and maintain a system of free public education in the elementary and high school levels;
 - (b) Develop different forms of secondary education, including general and vocational education, make them available and accessible to all children;
 - (c) Take measures to encourage regular attendance at schools and the reduction of drop-out rates; and
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(d) Ensure that children with disabilities are provided with access to quality education and ample opportunities to develop their skills and learning institutions take into account their special needs with respect to the use of school facilities, class schedules, physical education requirements, provisions of auxiliary services and other pertinent considerations.


ARTICLE 19. BARANGAY DAY CARE CENTER. Consistent with the policies and programs of Republic Act No. 6972 (or the Barangay- Level Total Development and Production of Children Act) and in line with ECCD, there shall be a day care center established in every barangay with a total development and protection of children program as provided in Republic Act No. 6972).

ARTICLE 20. IN-SCHOOL FEEDING PROGRAM. An in-school feeding program shall be established in every public elementary school and day care center to eliminate malnutrition as the cause of poor academic performance and provide an incentive to ensure regular school attendance. Undernourished children shall be provided at least one (1) full meal a day for free while in attendance in school, subject to implementing guidelines to be passed subsequent to this Code.

ARTICLE 21. PUBLIC LIBRARIES. The Bacolod City Public Library shall develop a children's section that shall provide access to child appropriate facilities, information and material from a diversity of national and international sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health. All barangays shall likewise establish a children's library and a summer reading and literacy program for children.

ARTICLE 22. BACOLOD CITY EDUCATIONAL ASSISTANCE PROGRAM. The Bacolod City government shall establish an education assistance program that will provide access to scholarship assistance to economically marginalized but deserving high school and college students. Such assistance may be in the form of scholarship grants, students loan programs, subsidies and other incentives to qualified students in both public and private schools. At least 5% of the allocation for the program shall be set aside for children with disabilities.

ARTICLE 23. LEISURE, PLAY AND CULTURE. The Bacolod City government shall respect and promote the right of the child to participate fully in cultural and artistic life and shall provide appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. In pursuit thereof, the Bacolod City government shall, in particular:

- (a) Invest in the production of local literature or other relevant materials for children, especially those made by children;
 - (b) Ensure that every barangay has a playground/park or other recreational facility for children;
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- (c) Recognize children who are gifted in sports or the performing arts and provide access to resources for the further development of their talents, which may be in the form of grants, subsidies and other incentives to qualified children; and

ARTICLE 24. PARENT EDUCATION. In order to enhance the capacity of parents to raise their children in a healthy, loving and nurturing environment and in manner that is consistent with the child's normal growth and development, parent education shall be incorporated into the following:

- (a) Pre-marriage counseling seminars provided by the City;
- (b) Orientation for parents in public and private elementary and secondary schools, including but not limited to values formation, seminar on the rights of the child, and responsible parenthood; and
- (c) Social welfare programs of the local government.

Parent education shall include a reinforcement and expansion of existing training and capability building programs targeted at parents, such as but not limited to Parents' Effectiveness Service (PES); and Parents, Teachers and Community Association (PTCA); and Enhanced Reaffirmation of Paternity Skills (ERPAT), which shall incorporate when appropriate training modules on children's rights, positive non-violent discipline, child abuse, juvenile justice, character development and values formation.

RIGHT TO PROTECTION

ARTICLE 25. INTEGRATED QUICK RESPONSE SYSTEM TO ABUSE, CHILD TRAFFICKING AND EXPLOITATION. The Bacolod City government shall establish a mechanism to provide an integrated quick response system that will provide immediate, appropriate and holistic response to case involving child abuse, sexual exploitation, child trafficking, child pornography, child prostitution and child labor. Towards this end, it shall ensure child-friendly and gender-sensitive procedures that prevent revictimization, formulate and/or strengthen protocols in providing immediate response to specific issues and institute systems to document reported cases and monitor the status of actions taken.

ARTICLE 26. BACOLOD CITY CHILD PROTECTION NETWORK. The Bacolod City government shall establish a Bacolod City Child Protection Network (BCCP Network) which shall be a multi sectoral group consisting of key government agencies, civil society organization, faith-based groups, non-government organizations, people's organization, schools and other stakeholders; provided, that an accreditation system shall be adapted for organizations other than government agencies. The BCCP Network shall be regularly consulted in matters concerning or affecting children.

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ARTICLE 27. CHILDREN'S DESK. Ensure that all police stations have children's desks with child and youth relations officer who render service 24 hours a day and 7 days a week to handle cases involving children and who are trained in children's right, as well as gender and child sensitivity.

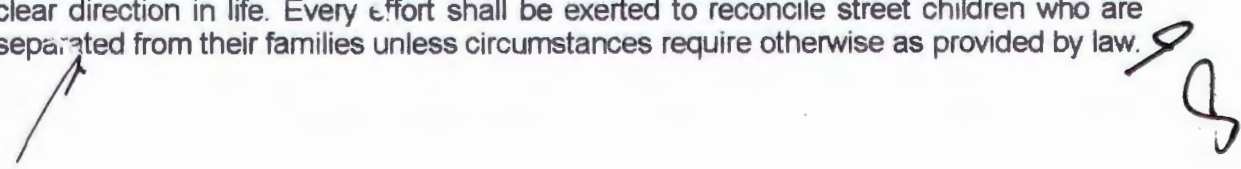
ARTICLE 28. SOCIAL WELFARE OFFICER FOR CHILDREN. The Bacolod City government shall ensure that at least one (1) local Social Welfare and Development Officer devoted to children's concerns is assigned.

ARTICLE 29. CHILD-FRIENDLY JUSTICE SYSTEM. The Bacolod City Government shall endeavor to support the judicial system in creating and maintaining an environment that will allow children to give reliable and competent evidence, minimize trauma to children, encourage children to testify in legal proceeding, and facilitate the ascertainment of truth. In pursuit thereof, it shall endeavor to:

- a. Train all members of the Katarungan Pambarangay on children's rights and child protection to ensure a child-sensitive village justice system;
- b. Support the setting up of child-friendly courtroom facilities in all family courts in Bacolod City;
- c. Establish a program for the training and utilizing court-appointed special administrators/guardians ad litem to uphold and protect the best interests of the child in cases where the child is a witness, victim or accused in a criminal case, as well as child witnesses in non-criminal proceedings; and
- d. Provide access to free interpretation services for speech and/or hearing-impaired children who are witnesses, victims or accused in a criminal case or witnesses in non-criminal proceedings, provided that such services shall be extended whenever the child is present at any stage of the proceedings, regardless of whether the child is on the witness stand.

ARTICLE 30. CHILD PROTECTION POLICY. All government offices shall adopt a Child Protection Policy that sets standards of conduct and behavior for public officials and employees to ensure that they promote and protect the rights of children. Provided, that all public schools in the elementary and high school levels, as well as other relevant agencies, shall abide by the Child Protection policy issued by the Department of Education.

ARTICLE 31. STREET CHILDREN. The Bacolod City government shall provide special protection for street children and as such shall ensure the rescue operations to take street children away from the streets are conducted with respect to the dignity of the child and in accordance with child-friendly protocols. The rescue shall be a reaching out process where the children know that there is assistance available to them and its ultimate purpose is to enable them to come to a decision towards a better option and a clear direction in life. Every effort shall be exerted to reconcile street children who are separated from their families unless circumstances require otherwise as provided by law.



ARTICLE 32. CHILDREN IN EMERGENCY OR DISASTER SITUATIONS. The Bacolod City government shall ensure that in emergency or disaster situations, children shall be given first priority in the delivery of services. All efforts shall be exerted to ensure that the children are not separated from their parents/family. In case of separation, the reunification of children with their parents/family shall be given utmost priority and immediate attention.



ARTICLE 33. CHILDREN IN CONFLICT WITH THE LAW. The Bacolod City government shall adapt measures to ensure that the rights of CICL are upheld and protected by all levels of local compliance with the provisions of the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344) and other related laws, and ordinances.

ARTICLE 34. CRIMES OR OFFENSES COMMITTED WITH THE AID OF CHILDREN. The City shall establish a system to ensure that all crimes or offenses allegedly committed by children are thoroughly and immediately investigated to determine whether children are being used by adults to aid in the commission thereof, and that the necessary criminal charges are filed against the responsible adults in accordance with the Revised Penal Code and other pertinent laws.

ARTICLE 35. SEPARATE YOUTH HOMES FOR BOYS AND GIRLS. The City shall ensure that boys and girls who are placed in the custody of youth homes shall be housed in separate facilities that provide the necessary services to promote their welfare and development.

ARTICLE 36. CANCELLATION OF BUSINESS PERMITS/LICENSE AND CLOSURE OF ESTABLISHMENTS ENGAGED IN THE WORST FORMS OF CHILD LABOR. In accordance with Republic Act No. 9231, or the Elimination of the Worst Forms of Child Labor, the Business Permit and Licensing Division (BPLD) shall initiate proceedings for the permanent cancellation and revocation of the business permit/license of establishments if they are found to engage children in prostitution or obscene or lewd show or where the violation of any provision of the Act resulted in the death, insanity or serious physical injury of child employed in such establishment. Further, in the City shall coordinate with the Department of Labor and Employment for the immediate and permanent closure of such establishments, as provided by law.

ARTICLE 37. REGULATION OF INTERNET CAFES, KIOSKS, AND SIMILAR ESTABLISHMENTS. Pursuant to Republic Act No. 9775, or the Anti-Child Pornography Act of 2009 and City Ordinance No. 341, Series of 2003 as amended by City Ordinance No. 486, Series of 2009 otherwise known as "An Ordinance Regulating The Operations Of Business Establishments Providing Internet Access And Service, Internet Or Network Gaming And Similar Places, And Providing The Penalties For Violations Thereof," the City shall monitor and regulate the establishment and operation of internet cafés, kiosks and similar establishments located within its jurisdiction.



RIGHT TO PARTICIPATION

ARTICLE 38. PARTICIPATION IN POLICY-MAKING AND IMPLEMENTATION. The Bacolod City government shall institute mechanism for meaningful participation by children in decision-making processes on issues that directly affect them. It shall, in particular;

- a. Ensure that children participate in designing and implementing the City's Local Development Plan for Children;
- b. Include at least one (1) child advocate in the Bacolod City Council for the Protection of Children and the Barangay Council for the Protection of Children;
- c. Include a child advocate in the City Development Council and the Gender and Development Council.




ARTICLE 39. ESTABLISHMENT AND STRENGTHENING OF CHILDREN'S GROUP OR ORGANIZATIONS. The City shall facilitate the process in leadership development and formation of children's groups consisting of children from different sectors. It shall strengthen such groups or organizations through technical assistance, funding and other forms of support.

ARTICLE 40. ANNUAL CHILDREN'S SUMMIT. The City shall conduct an annual children's summit every October in celebration of children's month, which shall be planned and implemented with the participation of children. Participants in the Summit shall include children and parents and representative from the Bacolod Council for the Protection of Children, the Barangay Council for the Protection of Children, civil society organizations, faith-based groups, non-government organizations, people's organizations and schools.

The agenda for the Summit shall include the following matters, at a minimum:

- a. Annual State of the City's Children Report to be delivered by the City Mayor as the Chairperson of the Bacolod City Council for the Protection of Children;
- b. Consultation with stakeholders, including children, on their assessment of the implementation of the Local Development Plan for Children and Annual Investment Plan; and
- c. Consultation with stakeholders, including, on strategies for moving forward in the implementation of the plan.

Provided, that age-appropriate mechanisms shall be established to ensure that children with age seven (7) to twelve (12) years old and thirteen (13) to below eighteen (18) years old are involved in the planning and implementation of the Summit. Provided, further, that at least fifty percent (50%) of the participants are children.



PROMOTION OF CHILDREN'S RIGHTS

ARTICLE 41. PROMOTION OF THE CHILDREN'S CODE AND RELEVANT LAWS.

The City shall pursue effective dissemination of information and promote understanding of this Code and relevant laws, in all schools, offices, churches and other relevant public spaces. Information, education and communication materials shall be produced in English and Filipino and distributed to all barangays and local communities.

ARTICLE 42. PROMOTING AWARENESS OF CHILDREN'S RIGHT AMONG CHILDREN.

The Convention on the Rights of the Child as well as other information on child rights shall be integrated in the curriculum of all public and private schools in the elementary and high school levels. The same shall be done in other youth training activities as may be appropriate.

ARTICLE 43. PROMOTING AWARENESS OF CHILDREN'S RIGHT AMONG LAW ENFORCERS.



Capability-building efforts for government service providers shall be established with focus on understanding children in various life stages, addressing age-specific concerns and issues and promoting and protecting children's rights. Capability building programs shall likewise focus on total child development and the exploration of culture and community-appropriate child development practices. Competency development (knowledge, skills, attitudes) shall be instituted through comprehensive and ladderized capacity-building programs for services providers at different levels (institutional and individual, especially day care workers and public school teachers in the elementary and high school levels).

ARTICLE 44. CHILDREN'S MONTH AND CHILDREN'S DAY CELEBRATION.

The City shall celebrate the National Children's Month in October and the National Children's Day on October 17, pursuant to Presidential Decree No. 267 and Presidential Decree No. 74, respectively, by conducting child-focused activities promoting the rights and responsibility of children.

ARTICLE 45. MEDIA PARTNERSHIP.

The City shall partner with media to inform and educate the general public on issues affecting children. Strategic partnership with media shall be established for social marketing, alternative education and mass information dissemination. Existing interventions centered around children and the principles of creating a child-friendly society shall be disseminated broadly through special television programming, print, information technology or other forms of media. Partnership with media shall also be established to provide alternative education through the collaboration with government and non-government agencies on education efforts such as the schools in the air or schools on-line.



CHAPTER 4

THE BACOLOD CITY COUNCIL FOR THE PROTECTION OF CHILDREN

ARTICLE 46. COMPOSITION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN. The Local Council for the Protection of Children (LCPC) shall be constituted in accordance with Executive Order No. 027-12-13, with the City Mayor as Chairperson. It shall consist of the following members:

- a. Two (2) members of the Sangguniang Panglungsod to be elected from among themselves
- b. City Health Office
- c. Department of Education
- d. Bacolod City Police Office
- e. Department of Social Services and Development
- f. President of City Federations PTA's

ARTICLE 47. TECHNICAL WORKING GROUP. The LCPC shall be assisted by a technical working group consisting of at least one (1) staff from each of the following members to be headed by the Social Services Development Department:

- a. Division on City Schools;
- b. City Planning and Development Office;
- c. City Budget Office;
- d. Bacolod City Health Office
- e. Department of Social Services and Development
- f. City Treasurer's Office
- g. Bacolod City Council
- h. Public Employment Services Office
- i. City Civil Registry Department
- j. NGO Representative

ARTICLE 48. FUNCTIONS AND RESPONSIBILITIES. The LCPC shall perform the following functions and responsibilities:

- a. Formulate plans, programs and policies for children that are gender-fair culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
- b. Prepare an Annual Work and Financial Plan for children and recommend appropriations to the Sangguniang Panlungsod;




- c. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
- d. Provide technical assistance and recommend financial support to the Baranggay Council for the Protection of Children.
- e. Establish and maintain a database on the children in the City;
- f. Foster education for every child;
- g. Recommend local legislation promoting child survival, development, protection and participation;
- h. Advocate for the establishment and maintenance of playgrounds, day care centers and other facilities necessary for child and youth development;
- i. Provide assistance to children in need of special protection and referral of cases to appropriate agencies;
- j. Document barangay best practices on child development and protection;
- k. Monitor and evaluate the implementation of development programs and submit quarterly reports to the Regional Inter-Monitoring Task Force (IMTF);
- l. Such other functions as provided for in the ECCD and other child related laws.

ARTICLE 49. COMMITTEES. The LCPC may organize Sub-committees to assist in the performance of its functions. It may also call upon other offices/departments of the City government and other agencies for necessary assistance and support.

ARTICLE 50. SECRETARIAT. The City Planning and Development Office shall serve as the Secretariat of the Council.

ARTICLE 51. MONITORING AND EVALUATION. An Inter-Agency Monitoring Task Force shall be created to monitor and evaluate the functionality of LCPC as provided for under DILG Memorandum Circular No. 2008-126 or the revised Guidelines in Monitoring for Functionality of the Local Council for the Protection at all levels. The monitoring and evaluation process shall engage local communities, including children.

An Annual State of the City's Children report shall be prepared by the LCPC. It shall discuss, at a minimum, an assessment of the implementation of the LDPC, an accounting of the Children's Fund based on the Annual Investment Plan and future courses of action to be taken to fully implement the LDPC.



CHAPTER 5

REMEDIAL MEASURES

ARTICLE 52. PERSONS WHO MAY FILE A COMPLAINT. Complaints on unlawful acts committed against children shall be dealt with in accordance of Sec. 27 of Republic Act 7610.

ARTICLE 53. CONFIDENTIALITY. At the instance of the offended party, his/her name may be withheld from the public until the court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which result in the formal degradation and suffering of offended party.

ARTICLE 54. REPORTING. Any person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Services and Development, to the law enforcement agency or to BCPC concerned.

ARTICLE 55. MANDATORY REPORTING. The head of any public or private, medical clinic and similar situations, as well as the attending physicians and nurses, shall report, either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from knowledge of the same.

ARTICLE 56. DUTY OF GOVERNMENT WORKERS TO REPORT. It shall be the duty of all teachers and administrator in public schools, probation officers, government lawyers, law enforcement offices, barangay officials, correction officers and other government officials and employees whose works involves dealing with children to report possible child abuse to the authorities mentioned in the preceding sections.

ARTICLE 57. FAILURE TO REPORT. Any individual mentioned in the preceding section who possess knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

ARTICLE 58. IMMUNITY FOR REPORTING. Any person who acting in good faith reports a case of a child abuse or any of the prohibited acts under Section 54 hereof shall be free from any civil, criminal or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith. *S*

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CHAPTER 6

MISCELLANEOUS PROVISIONS

ARTICLE 59. GOVERNING LAWS. This code hereby adapts all relevant and enforceable national laws, rules and regulations and local ordinances governing children. All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. Pertinent provisions of the Child, Youth and Family Welfare and Development Code of Bacolod City and all other existing Ordinances, Executive Orders, Rules and Regulations or parts thereof which are consistent with the principles and policies laid down in this Code are hereby adapted and incorporated, including but not limited to:

- a. City Ordinance No. 08-15-716, Series of 2015, (Required Armchairs for Left-Handed Pupils and Students Ordinance);
- b. City Ordinance No. 08-14-692, Series of 2014, (An Ordinance Regulating The Participation Of Minors In Certain Types Of Revelries Or Any Other Similar Events, Providing Exceptions Thereof And For Other Purposes);
- c. City Ordinance No. 08-14-698, Series of 2014, (An Ordinance Establishing A Teenage Pregnancy Prevention Program In The City Of Bacolod And Appropriating Funds Thereof);
- d. City Ordinance No. 08-14-701, Series of 2014, (The Juvenile Justice Welfare Ordinance of The City of Bacolod);
- e. City Ordinance No. 08-14-706, Series of 2014 (Ordinance Prescribing Mandatory Posting of Notice to Minors in Establishments in The City of Bacolod);
- f. City Ordinance No. 636, Series of 2013 (An Ordinance Establishing the Bacolod City Lying-In and Birthing Home Center);
- g. City Ordinance No. 640, Series of 2013 (Bacolod City Anti-Discrimination Ordinance);
- h. City Ordinance No. 651, Series of 2013 (Ordinance Establishing An Institutionalized Autism Awareness and Support Advocacy for Children with Autism and Special Needs in the City of Bacolod);
- i. City Ordinance No. 633, Series of 2013 (An Anti-Truancy Ordinance for Elementary and High School Students of Bacolod City);
- j. City Ordinance No. 585, Series of 2012 (An Ordinance Establishing a Maternal and Infant Health Home Visiting Program);

- k. City Ordinance No. 594, Series of 2012 (Vices Control and Substance Abuse Prevention in Schools Ordinance);
- l. City Ordinance No. 546, Series of 2011 (An Ordinance Strengthening Clinics in Public Elementary and Secondary Schools in Bacolod City);
- m. City Ordinance No. 557, Series of 2011 (Special Children's Ordinance of Bacolod City);
- n. City Ordinance No. 566, Series of 2011 (The Bacolod City Youth Home Ordinance);
- o. City Ordinance No. 463, Series of 2008 (Bacolod City Local Literacy Coordinating Council Ordinance);
- p. City Ordinance No. 431, Series of 2007 (Infant and Young Child Feeding Ordinance);
- q. City Ordinance No. 448, Series of 2007 (Child Labor Ordinance of Bacolod City);
- r. City Ordinance No. 453, Series of 2007 (The Anti-Trafficking in Persons Ordinance of Bacolod City);
- s. City Ordinance No. 408, Series of 2006 (Bacolod City Barangay Juvenile Justice Intervention and Diversion Program Ordinance);
- t. City Ordinance No. 423, Series of 2006 (Gender and Development Code of Bacolod City);
- u. City Ordinance No. 388, Series of 2005 (An Ordinance Establishing the Bacolod City Lying-In Clinics Under the City Health Office and Providing Funds Therefor);
- v. City Ordinance No. 367, Series of 2004 (Violence Against Women and Children Ordinance);
- w. City Ordinance No. 378, Series of 2004 (Child, Youth and Family Welfare and Development Code of Bacolod City);
- x. City Ordinance No. 347, Series of 2003 as amended by City Ordinance No. 624, Series of 2012 (Day Care and ECCD Ordinance of Bacolod City);
- y. City Ordinance No. 341, Series of 2003 as amended by City Ordinance No. 486, Series of 2009 (An Ordinance Regulating The Operations Of Business Establishments Providing Internet Access And Service, Internet Or Network Gaming And Similar Places And Providing The Penalties For Violations Thereof);

- z. City Ordinance No. 331, Series of 2003 as amended by City Ordinance No. 561, Series of 2011 (Special Protection of Children During Nighttime Ordinance);
- aa. City Ordinance No. 328, Series of 2003 (Rugby and Other Volatile Substances Ordinance of Bacolod City);
- bb. City Ordinance No. 298, Series of 2002 (Bacolod City Iodized Salt Ordinance);
- cc. City Ordinance No. 146, Series of 1995 (An Ordinance Establishing an Integrated Program for Regulating Mendicancy, Providing Penalties, Appropriating Funds Thereto and for Other Purposes).

ARTICLE 60. RULES OF CONSTRUCTION. Any provision of the Code which may be ambiguous or vague shall be reasonably construed in a manner that gives effect to the purpose which this Code or the specific provision has been enacted and in accordance with the best interest of the child.

ARTICLE 61. CHILDREN'S FUND. The City of Bacolod shall establish a Children's Fund to support the implementation of this Code. A minimum of one (1) percent of the Internal Revenue Allotment (IRA) shall be set aside for this purpose. The Children's Fund shall be distinct and separate from the amount mandated under other laws, such as but not limited to the one percent (1) of the IRA under the Juvenile Justice & Welfare Act of 2006.

ARTICLE 62. ANNUAL INVESTMENT PLAN. The City of Bacolod shall formulate an Annual Investment Plan to efficiently allocate the Children's Fund for its programs, projects, and activities to implement this Code.

ARTICLE 63. IMPLEMENTING RULES AND REGULATIONS. Within ninety (90) days from the approval, the BCCPC shall formulate and issue the appropriate rules and regulations necessary for the effective and efficient implementation of any and all provisions of this Code.

ARTICLE 64. SEPARABILITY CLAUSE – If any provisions of this Ordinance or any part thereof be declared invalid or unconstitutional, the remaining provisions not affected shall continue in full force and effect.

ARTICLE 65. REPEALING CLAUSE – All ordinances, resolutions, executive orders, or regulations and other issuances inconsistent with the provisions and/or purposes of this Ordinance are hereby repealed, amended or modified accordingly.

ARTICLE 66. EFFECTIVITY CLAUSE – This Ordinance shall take effect immediately upon approval.



CARRIED BY THE VOTE OF:

Affirmative :

Councilors : El Cid M. Familiaran, Jocelle Batapa-Sigue, Roberto M. Rojas,
Em L. Ang, Carlos Jose V. Lopez, Claudio Jesus Raymundo A.
Puentevella, Caesar Z. Distrito, Archie S. Baribar, Wilson C.
Gamboa, Jr., Alex A. Paglumotan, Sonya M. Verdeflor, Ana Marie
V. Palermo and Noli B. Villarosa.

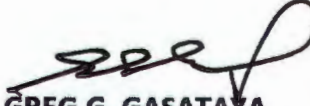
Absent : None

Main Author: Councilor Em L. Ang

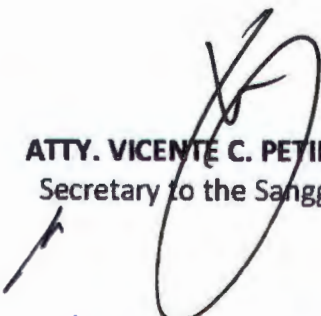
Co Author : Councilor Ana Marie V. Palermo

Passed: July 29, 2015
108th Regular Session


Comment: Passed.

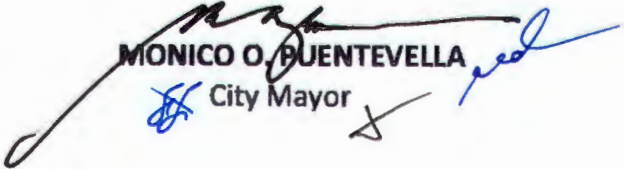

GREG G. GASATAYA
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. VICENTE C. PETIERRE III
Secretary to the Sanggunian

APPROVED:

Aug 11, 2015



MONICO O. PUENTEVELLA
City Mayor

VCP/HPL/jpb

