



Republika ng Pilipinas

Sangguniang Panglungsod ng Bacolod

Lungsod ng Bacolod

CITY ORDINANCE NO. 408

August 10, 2006

AN ORDINANCE ESTABLISHING THE BACOLOD CITY BARANGAY JUVENILE JUSTICE INTERVENTION AND DIVERSION PROGRAM FOR CHILDREN IN CONFLICT WITH THE LAW, PROVIDING FUNDS THEREFOR, AND FOR OTHER PURPOSES.

WHEREAS, the City of Bacolod realizes that to truly make it a Child-Friendly City, it must strive for a society that is child's rights oriented and where the best interests of the child shall always be the primordial concern;

WHEREAS, Article 8 of City Ordinance No. 378, series of 2004, otherwise known as the Child, Youth & Family Welfare and Development Code, provides for the City of Bacolod to establish, implement, operationalize, and sustain a comprehensive program for child protection, especially of children with special needs, including a Diversion Program and Intervention Support System whereby children in conflict with the law are referred to alternative measures and/or indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards, without undergoing court proceedings;

WHEREAS, the enactment of Republic Act No. 9344, known as the Juvenile Justice and Welfare Act of 2006 has made it urgent and imperative to enhance intervention support systems at the Barangay level so as to strengthen the implementation of said law, as well as the attainment of its purposes, this Ordinance and said Child Code

NOW, THEREFORE, be it ordained by the Sangguniang Panglungsod in session:

ARTICLE 1. TITLE OF ORDINANCE

The above-entitled Ordinance shall be known in its short title as the "BACOLOD CITY BARANGAY JUVENILE JUSTICE INTERVENTION AND DIVERSION PROGRAM ORDINANCE"

ARTICLE 2. DECLARATION OF PRINCIPLES AND OBJECTIVES

1. The City of Bacolod, in recognizing the vital role of the child and the youth in society, shall promote and protect their physical, moral, spiritual, intellectual and social well-being, and inculcate in them the spirit of patriotism and nationalism, and encourage their involvement in public and civic affairs.

2. The City of Bacolod shall promote, protect and ensure respect for the rights of children in conflict with the law, and shall support, or establish and maintain programs and services towards the attainment of these objectives.

3. The City of Bacolod recognizes the developmental age of children in conflict with the law, and the desirability of their reintegration into the community, and shall therefore assist them towards their assumption of a constructive role in society and in nation building.

4. The City of Bacolod shall apply the principles of restorative justice in all its ordinances, policies and programs applicable to children in conflict with the law

5. The best interest of the child shall be the paramount consideration in all matters affecting them. All doubts in the interpretation of the provisions of this ordinance shall be resolved in the best interest of the juvenile or child needing special protection.

ARTICLE 3. DEFINITIONS

1. **Child** - a person under the age of 18 years

2. **Children at risk** - children who are vulnerable to, and at risk of, committing criminal offenses because of personal, family and social circumstances, such as being abused, abandoned, or neglected; coming from a dysfunctional or broken family; being out-of-school; being a streetchild; being a member of a gang; or living in a community with a high level of criminality or drug use or in situations of armed conflict;

3. **Child in conflict with the law** - a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws;

4. **Diversion** - refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to court proceedings.

5. **Diversion Program** - refers to the program that the child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.

6. **Intervention** - refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.

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

8. **Restorative Justice** - is the principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender, and the community. It seeks to obtain reparation for the victim, reconciliation of the offender that he can be reintegrated into society. It also enhancing public safety by activating the offender, the victim and the community in prevention strategies.



ARTICLE 4. ROLE OF DIFFERENT SECTORS

The provisions of Title III, Chapter 1 of the R.A. 9344, known as the Juvenile Justice Act of 2006, which provide for the roles of the different sectors in the prevention of juvenile delinquency are hereby adapted and incorporated herein. The different sectors are:

1. **The Family** - which is responsible for the primary nurturing and rearing of children which is critical in delinquency prevention.

2. **The Educational Institutions** - which shall work together with families, community organizations and agencies in the prevention of juvenile delinquency and in the rehabilitation and reintegration of child in conflict with the law (CICL). Schools shall provide adequate, necessary and individualized educational schemes for children manifesting difficult behavior and children in conflict with the law. In cases where children in conflict with the law (CICL) are taken into custody or detained in rehabilitation centers, they should be provided the opportunity to continue learning under an alternative learning system with basic literacy program or non-formal education accreditation accuracy system.

3. **Mass Media** - which shall play an active role in the promotion of child rights, and delinquency prevention by relaying consistent message through a balanced approach. In all publicity concerning children, the best interest of the child shall be the primordial and paramount concern. And, as also provided in R.A. 9344, any undue, inappropriate and sensationalized publicity or any case involving a child in conflict with the law is declared as a violation of the child's rights.

4. **Local Councils for the Protection of Children** - which shall be strengthened in the City and Barangay levels, the functions and membership of which are provided in Articles 12 and 13 of City Ordinance No 378, series of 2004 otherwise known as the Child, Youth, Family Welfare and Development Code.

5. **Sangguniang Kabataan (SK)** - which shall coordinate with the LCPC in the formulation and implementation of juvenile intervention and diversion programs in the community.

ARTICLE 5. COMPREHENSIVE JUVENILE INTERVENTION PROGRAM

A comprehensive juvenile intervention program covering at least a three (3)-year period shall be instituted in the City and Barangays of Bacolod City.

Section 1. PLANNING AND IMPLEMENTATION

Upon the effectivity of this Ordinance, the City Mayor, and the Punong Barangays, in coordination with their respective Local Councils for the Protection of Children (LCPC) shall call on all concerned sectors, particularly the child-focused institutions, NGOs, people's organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs in their respective territorial jurisdictions. Such programs shall be implemented consistent with national programs, R. A. 9344, and this Ordinance.

Section 2. REVIEW AND ASSESSMENT

The implementation of the aforesaid programs shall be reviewed and assessed annually by the City Government of Bacolod in coordination with the City Council for the Protection of Children.

Results of the assessment shall be submitted by the City of Bacolod to the Juvenile Justice and Welfare Council not later than March 30 of every year.

Section 3. COMMUNITY-BASED PROGRAMS

Community-based programs on juvenile justice and welfare shall be instituted by the City through the City Council for the Protection of Children, schools, the Sangguniang Kabataan and other concerned agencies. The City shall provide community-based services which respond to the special needs, problems, interests and concerns of children and which offer appropriate counseling and guidance to them and their families. These programs shall consist of three levels:

- a) primary intervention includes general measures to promote social justice and equal opportunity, which tackle perceived root causes of offending;
- b) secondary intervention includes measures to assist children at risk;
- c) tertiary intervention includes measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

ARTICLE 6. LCPC AS PRIMARY AGENCY

As provided in R.A. 9344, the Local Councils for the Protection of Children (LCPCs) shall serve as the primary agency to coordinate with and assist the City of Bacolod, or the Barangay units concerned, for the adoption of a comprehensive plan on delinquency prevention and juvenile justice and welfare, and to oversee its proper implementation in accordance with said Act and this Ordinance.

ARTICLE 7. 1% of IRA ALLOCATION

As provided in Sections 15 and 18 of R.A. 9344 and this Ordinance, one percent (1%) of the Internal Revenue Allotment of the City Government of Bacolod shall be allocated for the strengthening and implementation of the programs of the Local Councils for the Protection of Children, and this Ordinance. Provided, that the disbursement of the fund shall be made by the LGU thru the Department of Social Services & Development or the appropriate barangay authorities concerned.

Section 4. CITY'S AIP DEVELOPMENT FUND FOR BARANGAYS

Funds necessary for the effective and sustained implementation by the Barangays of this Ordinance, R.A. 9344, or the strengthening of its Barangay Councils for the Protection of Children, or its programs, may, in addition to its own IRA allocation, be also taken from the City's IRA-AIP allocation for Barangay Development Projects provided for each barangay in City Ordinance No. 366, series of 2004.

**ARTICLE 8. APPOINTMENT OF LOCAL SOCIAL WELFARE &
DEVELOPMENT OFFICER FOR EACH BARANGAY**

The City of Bacolod, thru the City Mayor shall ensure that there are duly licensed social workers that shall serve through the Department of Social Services and Development (DSSD), as the social welfare and development officer in each barangay to assist children in conflict with the law and in other difficult circumstances, and in the implementation of R. A. 9344 and this Ordinance.

In the event that the personnel component required in the preceding paragraph may not immediately be reached upon the enactment of this Ordinance due to financial constraints, one City regular social worker may be assigned to 2-3 barangays for those barangays having less than 50,000 population. Provided however, that the appointment and assignment of the needed number of social workers, whether on permanent or casual status shall be given utmost priority and its corresponding appropriations therefore, in the City's annual and supplemental budgets.

Section 1. APPOINTMENT OF SWDO BY BARANGAY

The Barangay, thru its Barangay council may appoint a duly licensed social worker to be its barangay SWDO if their funds permit, provided however, that the City, thru the DSSD, shall be informed of such appointment and the barangay SWDO so appointed shall be subject to the provisions of R. A. 9344 and this Ordinance.

**ARTICLE 9. AGREEMENTS WITH EDUCATIONAL INSTITUTIONS AND
CHILD-WELFARE NGOS**

The City of Bacolod or the Barangay Units may enter into Internship or Partnership Agreements, upon authorization of its respective Sanggunians, with Educational Institutions offering Social Work and related Courses, or Non-Government Organizations or private entities concerned with children's justice and welfare, in order to assist the City Government or Barangay Unit in the effective, efficient, and sustained implementation of the provisions and attainment of the purposes of this Ordinance and R. A. 9344. Provided however, that all Social Work or Child-Welfare Program tie-ups with these educational institutions, or non-government organizations duly accredited by either the Sangguniang Panlungsod or the Department of Social Welfare and Development, shall also be supervised by their own duly licensed Social Workers.

ARTICLE 10. LUPONG TAGAPAMAYAPA CHILD JUSTICE COMMITTEE

The Lupong Tagapamayapa of every Barangay shall create a Committee on Juvenile Justice and Welfare, and elect three (3) members from among themselves to comprise the said Committee, taking into consideration the interest, training, or past experience of the Lupong member in addressing child concerns, or promotion of children's rights and welfare. Said Committee shall assist the Punong Barangay and the Barangay Council for the Protection of Children in the effective and efficient implementation of this Ordinance and R. A. 9344.



**ARTICLE 11. TREATMENT, INITIAL CONTACT, INVESTIGATION,
DIVERSION, PROSECUTION, TRIAL AND REHABILITATION
OF CICLS**

The provisions of Titles IV, V, VI and VII of Republic Act 9344 on the treatment of children fifteen years of age or below, or any initial contact, investigation, custody, diversion, prosecution, trial, discharge, or rehabilitation of a child in conflict with the law shall govern and be observed and complied with by all police and civilian authorities, individuals, and entities tasked and empowered by said Act and pertinent national laws to do so.

Section 1. TRAINING OF IMPLEMENTORS

All police officers and civilian authorities, including those from the PNP Children's Desk, the duly appointed Social Welfare & Development Officers, other DSSD social workers, Punong Barangays and kagawads, members of the City and Barangay Councils for the Protection of Children, members of the Lupon Tagapamayapa, and other community-based entities, shall be provided with the necessary capability-building and other relevant trainings by the City of Bacolod in cooperation with public or private agencies or entities for the effective and efficient implementation of the provisions and attainment of the purposes of R.A. 9344 or this Ordinance.

**ARTICLE 12. CICL REHABILITATION CENTER AND SOCIAL DEVELOPMENT
CENTER FACILITIES**

The facilities at the CICL Rehabilitation Center in Handumanan, and the Social Development Center (SDC) in Sincang, established and maintained by the City Government of Bacolod shall be enhanced and renovated in order to comply with the provisions of R.A. 9344 and this Ordinance.

In the event that said facilities has not been enhanced to make it more conducive or appropriate for the required home environment after the enactment of this Ordinance, the care and maintenance of a child in conflict with the law may be referred to any youth detention/rehabilitation homes established or operated by duly registered and accredited non-governmental organizations upon proper court orders.

Funds for these purposes, especially the expenses for the care and maintenance of a child in conflict with the law under institutional care shall be charged to the City's internal revenue allotments in the manner provided for in Section 50 of R. A. 9344.

ARTICLE 13. HOME ENVIRONMENT AND SEPARATE FACILITIES

In all rehabilitation or training facilities that have been or shall be established, maintained, or assisted by the City Government of Bacolod, the City Mayor shall ensure a home environment where children in conflict with the law can be provided with quality counseling and treatment, and that these children shall be separated from adults unless they are members of the same family. Under no circumstances shall a child in conflict with the law be placed in the same confinement as adults.

Section 1. FEMALE CHILDREN

The City of Bacolod, thru the City Mayor, shall ensure that female children in conflict with the law placed in institutions or facilities shall be given special attention to their personal needs and problems. They shall be handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law.

Section 2. GENDER-SENSITIVITY TRAINING

No personnel of rehabilitation and training facilities shall handle children in conflict with the law without having undergone gender sensitivity training. Funds necessary for the attainment of the purposes and implementation of this Section and of the preceding Section shall be taken from the GAD Fund of the City.

ARTICLE 14. APPLICATION OF LAWS AND ORDINANCE

In matters relating to child protection or juvenile justice and welfare not specifically provided for in this Ordinance, the pertinent provisions of R. A. 9344, P.D. 603, as amended, and C.O. No. 378, series of 2004 shall apply.

ARTICLE 15. INITIAL FUNDING

Upon the effectivity of this ordinance, the City Mayor and City Budget Officer shall allocate for appropriation the amount of Two Hundred Thousand Pesos (P200,000.00) for the implementation of this Ordinance, particularly Section 1, Article 11 hereof.

Thereafter, the budget necessary for the effective, efficient and sustained implementation of this Ordinance shall be taken from the City's Internal Revenue Allotment Fund in the manner prescribed in Article 7 hereof.

ARTICLE 16. SEPARABILITY CLAUSE

If for any reason or reasons, any part of provision of this Ordinance 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.

ARTICLE 17. REPEALING CLAUSE

All ordinances, resolutions, and executive orders and other issuances which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

ARTICLE 18. EFFECTIVITY CLAUSE

This ordinance shall take effect upon its enactment and approval thereof.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors:

Greg G. Gasataya, Ana Marie V. Palermo, Lyndon P. Caña, Jocelle Balapa-Sigue, Homer Q. Bais, Dindo C. Ramos, Jude Thaddeus A. Sayson, Napoleon A. Cordova, Al Victor A. Espino, Catalino T. Alisbo, Reynold I. Iledan, Arturo V. Parreño.

Negative : None.

Official Travel : Councilor Elmer T. Sy.

Absent : None.

Author : Floor Leader Ana Marie V. Palermo.

Passed : August 10, 2006 (111th Regular Session).

Comments : Passed.
Councilor Marx Louie S. de la Rosa was out of the session hall when this ordinance was passed.


RENECITO S. NOVERO
Vice Mayor
Presiding Officer

ATTESTED:


ATTY. NILO T. ALEJANDRINO
Secretary to the Sanggunian

APPROVED August 10, 2006.

EVELIO R. LEONARDIA
City Mayor

10 DAYS LAPSED
AS OF Sept. 11, 2006

NTA/HPL/jemz