

Republika ng Pilipinas  
TANGGAPAN NG SANGGUNIANG PANLUNGSOD  
Lungsod Ng Bacolod

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CITY ORDINANCE NO. 448  
October 24, 2007

**AN ORDINANCE TO IMPLEMENT AND STRENGTHEN LOCAL MECHANISMS FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD UNDER REPUBLIC ACT NO. 7610, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT", AS AMENDED BY REPUBLIC ACT NO. 9231.**

**WHEREAS**, Republic Act No. 7610, as amended, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act", declares to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination;

**WHEREAS**, the state shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same,

**WHEREAS**, the City Government of Bacolod supports the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control;

**WHEREAS**, the City Government of Bacolod upholds the policy of the state that the best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child and therefore, every effort shall be exerted to promote the welfare of the children and enhance their opportunities for a useful and happy life

**WHEREAS**, among the necessary requirements to achieve the goal of eradicating or reducing child labor is the active and effective support and cooperation of the local government units especially in terms of initiating, providing for recourses, and utilizing existing capabilities of various government agencies in their respective jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED** by the Sangguniang Panlungsod of the City of Bacolod in session assembled, that:

**Article 1.- SHORT TITLE.** The short title of this ordinance is "CHILD LABOR ORDINANCE OF BACOLOD CITY".

**Article 2.- DEFINITION AND SCOPE.** For purposes of this Ordinance, the following provisions under Republic Act 7610 as amended by Republic Act 9231 is hereby adopted:

**Section 1.- Employment of Children** – children below fifteen (15) years of age shall not be employed except:

- 1) When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: *Provided however*, That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: *Provided further*, That the parent or legal guardian shall provide the said child with the prescribed primary and/ or secondary education; or
- 2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: *Provided*, That the employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: *Provided, further*, That the following requirements in all instances are strictly complied with:
  - (a) The employer shall ensure the protection, health, safety, morals and normal development of the child;
  - (b) The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time, and
  - (c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

In the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.

For purposes of this Article, the term "child" shall apply to all persons under eighteen (18) years of age.

**Section 2.** Under the exceptions provided in Section 12 of this RA 9231 as amended:

- 1) a child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: *Provided*, That the work shall not be more than four (4) hours at any given day;
- 2) A child fifteen (15) years of age but below eighteen shall not be allowed to work for more than eight hours a day, and in no case beyond forty (40) hours a week;
- 3) No child below fifteen (15) years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the morning of the following day.

**Section 3.** The wages, salaries, earnings and other income of the working child shall belong to him/her in ownership and shall be set aside primarily for his/her support, education or skills acquisition and secondarily to the collective needs of the family: *Provided*, That not more than twenty percent (20%) of the child's income may be used for the collective needs of the family. The income of the working child and/or the property acquired through the work of the child shall be administered by both parents. In the absence or incapacity of either of the parents, the other parent shall administer the same. In case both parents are absent or incapacitated, the order of preference on parental authority as provided for under the Family Code shall apply.

**Section 4.** The parent or legal guardian of a working child below eighteen (18) years of age shall set up a trust fund for at least thirty percent (30%) of the earnings of the child whose wages and salaries from work and other income amount to at least two hundred thousand pesos (P200,000.00) annually, for which he/she shall render a semi-annual accounting of the fund to the Department of Labor and Employment, in compliance with the provisions of RA 9231. The child shall have full control over the trust fund upon reaching the age of majority.

**Section 5.** No child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following:

- 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 conflict; or
- 2) The use, procuring, offering or exposing of a child for prostitution, for the production or pornography or for pornographic performances; or
- 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 to be harmful to the health, safety or morals of children, such that it:
  - a) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - b) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals;
  - c) Is performed underground, underwater or at dangerous heights;
  - d) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools;
  - e) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport or heavy loads;
  - f) Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations;

- g) Is performed under particularly difficult conditions;
- h) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes and other parasites;
- i) Involves the manufactures or handling of explosives and other pyrotechnic products.

**Article 3. FORMS OF INTERVENTION** Under Section 13 of the RA 9231, no child shall be deprived of formal or non-formal education. In all cases of employment allowed under RA 9231, the employer shall provide a working child with access to at least primary and secondary education.

**Section 1.** To ensure and guarantee the access of the working child to education and training, the City shall encourage and support the Department of Education (DepEd) in: (1) formulating, promulgating, and implementing relevant and effective course designs and educational programs; (2) conducting the necessary training for the implementation of the appropriate curriculum for the purpose, (3) ensuring the availability of the needed educational facilities and materials, and (4) conducting continuing research and development program for the necessary and relevant alternative education of the working child.

**Section 2.** The DepEd shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances.

**Section 3.** Under Section 14 of RA 9231, the City shall ensure that no child shall be employed as a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, gambling or any form of violence or pornography.

**Section 4.** The City shall establish mechanisms to provide access to free and immediate legal, medical and psycho-social service to victims of child labor.

**Section 5.** The City shall encourage alternative learning system (ALS) and Accreditation and Equivalency (A&E) for the children who will later undergo vocational and skills training and tutorial and remedial sessions. These interventions are meant to prepare the children to take the Philippine Educational Placement Test (PEPT) so that they can be mainstreamed back to formal education at the grade level that is appropriate to their age. The ALS and A & E program will benefit the children who might afterwards go through a vocational and skills training of their choice.

**Section 6.** The City of Bacolod shall provide job placement and micro-finance support to graduates who were benefited by the above-stated interventions when they come of age.

**Section 7.** The City of Bacolod shall also provide capacity to families at risk to reject child labor in the form of livelihood opportunities, basic skills training and entrepreneurship development. Specifically, referral networks shall be established to link these opportunities to existing agencies engaged in alternative sources of income-augmenting projects.



**Article 4. CHILD LABOR EDUCATION TASK FORCE.** The City shall form its own child labor education task force (CLETF) as called for by various international, national, and local non-government organizations (NGO's) with various local governments as a collective means to eradicate or reduce incidents of child labor, especially worst forms of child labor in their respective jurisdictions to be composed of all the stakeholders in addressing the child labor problem.

**Section 1.** The Child Labor Education Task Force shall be convened by the City Mayor subject to his appointment powers, to serve co-terminus with the latter, and shall be composed of the following:

- a) City Mayor or his official representative
- b) Chair of SP Committee on Family and Child Care and Development
- c) Representative, Department of Social Services and Development (DSSD)
- d) Representative, Department of Labor and Employment (DOLE)
- e) Representative, Bacolod City Police Office Women and Children's Concern Desk (BCPO-WCCD)
- f) Representative, Department of Education (DepEd)
- g) Representative, Technical Education and Skills Development Authority (TESDA)
- h) At least two NGO's advocating for the elimination of child labor

**Section 2.** The Child Labor Education Task Force shall form various committees patterned with the sub-groups created by the National Child Labor Committee (NCLC) for its Technical Working Group (TWG), to be composed as follows:

- i) Research, Law and Policy – City Mayor or his official representative and Chair of SP Committee on Family and Child Care and Development
- j) Social Protection – Representatives from Department of Social Services and Development (DSSD), Department of Labor and Employment (DOLE), Bacolod City Police Office and Women and Children's Concerns Desk (BCPO-WCCD), and NGO
- k) Education – Department of Education (DepEd)
- l) Capacity Development – Technical Education and Skills Development Authority (TESDA) and NGO

**Section 3.** The sub-groups are strategically created to respond to the particular needs of child laborers. To pursue this intention, each of the sub-groups shall conduct organizational meetings to outline their activities

**Article 5. CHILD LABOR MONITORING (CLM) SYSTEM.** The City shall have regular orientation on child labor monitoring (CLM) as a preparatory activity towards the eventual setting of a system that would enable it to monitor the worst forms as well as other forms of child labor in the city and maintain a child labor database. The system shall be lodged with the Local Council for the Protection of Children (LCPC) and it will be managed by the committee on child labor under the LCPC.

**Section 1.** An information drive shall be undertaken to promote the CLM system with employers, particularly owners of entertainment establishments in the city. The drive is also aimed at increasing the awareness of the employers on child labor laws and issues and also to obtain their commitment and cooperation.

**Article 6. WORLD DAY AGAINST CHILD LABOR (WDACL).** The City of Bacolod shall join the many countries around the globe in marking June 12 of every year as World Day against Child Labor (WDACL) with events reflecting our local culture and customs while encouraging the participation of authorities, civil society and media to advocate against child labor, to engaged large number of people to understand and

take action against child labor and related issues such as trafficking, which may include, but not limited to formation of human chain, putting up of posters and banners with anti-child labor messages, live television broadcasts, round tables, classes and seminars, session and hearings on child labour issues, publication of guidebooks on dealing with and assisting child labour cases, display of success stories about working children, enrollment rallies, door-to-door campaigns, parents meetings, inspections of work sites, student pledges in formal schools, NGO, bicycle rallies, folk art, music and theatre performances and cultural competitions, children's art and song competitions, photo exhibitions, paintings, interaction with children, press conferences and news bulletins, jingles on radio and TV and "graffiti walls" in order to raise public awareness.

**Article 7. SUSTAINABILITY.** The following measures when instituted will significantly contribute to the sustainability of project interventions:

1. Financial contributions from the City of Bacolod for child labor monitoring activities and for direct services as a result of the cooperation between all stakeholders;
2. Increased capacity and much clearer functions of the Local Council for the Protection of Children in combating child labor;
3. Mainstreaming child labor into programs and day to day activities of participating institutions, which will be made possible through the various capacity initiatives, and
4. Close cooperation and support of the private sector in eradicating child prostitution especially in entertainment establishments in the city.

**Article 8. PENAL PROVISIONS.** Aside from the penalties under Section 16 of RA 9231, the following penalties shall be imposed:

- 1) Any employer who violates Sections 12, 12-A, and Section 14 of RA 7610 as amended by RA 9231, shall be subjected to revocation of their license to operate a business within the jurisdiction of the City of Bacolod and shall be blacklisted from securing license to operate;
- 2) Any person who violates the provision of Section 12-D of RA 7610 as amended by RA 9231, as recruiter or subcontractor, or the one who facilitates the employment of child in hazardous work, shall be subjected to revocation of their license to operate a business within the jurisdiction of the City of Bacolod and shall be blacklisted from securing license to operate;
- 3) Parents, biological or by legal fiction, and legal guardians found to be violating Sections 12, 12-A, 12-B and 12-C of RA 7610 as amended by RA 9231 shall be required to render community service for not less than thirty (30) days but not more than one (1) year in case he/she is not accordingly penalized with the same penalty by a court of law;
- 4) The city shall recommend to the Secretary of Labor and Employment or his/her duly authorized representative the revocation of the license to operate business, and ask, after due notice of hearing, for an order of closure of business firm or establishment found to have violated any of the provisions of RA 9231, in the following circumstances:
  - a) The violation has resulted in the death, insanity or serious physical injury of a child employed in such establishment; or

- b) Such firm or establishment is engaged or the child is employed in prostitution or in obscene or lewd shows.

**Article 9. BUDGET.** The City shall appropriate a budget of at least ONE HUNDRED THOUSAND PESOS (P100,000.00) a year for the proper and effective implementation of this Ordinance which shall be part of the GAD-related projects of the City.

**Article 10. RELATED LAWS.** This ordinance shall be read in harmony with City Ordinance No. 423 Series of 2006 or the Gender and Development (GAD) Code as well as other ordinances which support the objectives of this Ordinance.

**Article 11. SEPARABILITY CLAUSE.** Should any and portion of this ordinance be declared ultra vires or unconstitutional by competent authority, the remainder not so affected shall continue to be in full force and effect insofar as it is susceptible to enforcement and application.

**Article 12. EFFECTIVITY.** This ordinance shall take effect immediately upon its publication in a newspaper of local circulation within the jurisdiction of the Local Government of Bacolod City.

CARRIED BY THE VOTE OF:

Affirmative:

Councilors: Greg G. Gasataya, Homer Q. Bais, Jocelle Batapa-Sigue, Wilson C. Gamboa, Jr., Celia Matea R. Flor, Catalino T. Allsbo, Alex A. Paglumotan, Reynold I. Iledan, Arturo V. Parreño.

Author: Councilor Jocelle Batapa-Sigue

Co-Author: Councilor Celia Matea R. Flor

Negative: None.

Official Leave: Councilor Dindo C. Ramos  
Councilor Napoleon A. Cordova  
Councilor Marx Louie S. De la Rosa

Absent: Councilor Al Victor A. Espino  
Passed: October 24, 2007 (17<sup>th</sup> Regular Session)

Comment: Passed.  
Councilor Roberto M. Rojas was not yet around when this ordinance was passed.

Stamp: *Sanggunian*  
Date: *11/27/07*  
Executed by: *[Signature]*

*[Signature]*  
**JUDE THADDEUS A. SAYSON**  
Vice Mayor  
Presiding Officer

ATTESTED:

*[Signature]*  
**ATTY. NILO T. ALEJANDRINO**  
Secretary to the Sanggunian

APPROVED: November 26, 2007

*[Signature]*  
**EVELIO R. LEONARDIA**  
City Mayor

NTA/HPL/rgl