

**MUNICIPAL ORDINANCE NO. 2018-1**  
**Series of 2018**

Principal Author:

HON. ESPERANZA B. UMALI

Co-Authors:

HON. JAYSON M. BARCELONA  
HON. VICTORIA BAES-PADULLO  
HON. NIÑO G. LIWANAG  
HON. ALFONSO A. MONTALBO, DMD  
HON. ARNOLD A. VARGAS  
HON. DOLORES U. DE GALA  
HON. EVELYN B. ALEA  
HON. JULIO L. RAM-OY  
HON. LOVELY MAE A. ANULAO

***PREAMBLE***

**WHEREAS**, the Philippine Government ratified the United Nations Convention on the Rights of the Child (UNCRC), and other international treaties and conventions recognizing the rights of children for survival, development, protection, and participation;

**WHEREAS**, the Philippines has enacted national laws for the promotion and protection of child rights;

**WHEREAS**, pursuant to the provisions of *Child 21: A Legacy to the Filipino Children of the 21st Century - Philippine National Strategic Framework for Plan Development for Children 2000 to 2025*, local government units shall build a safe and child-friendly society and deliver the four gifts of children: (1) Local Development Code for Children, (2) Local Investment Plan for Children, (3) Local Code for Children, and (4) Local State of Children's Report;

**WHEREAS**, the Municipality of Bongabong, Oriental Mindoro recognizes that children are vital assets of society and it is only when children are able to exercise their rights that their potentials are fully developed;

**WHEREAS**, the Municipality has existing ordinances to fulfill its responsibilities to children;

**WHEREAS**, there is a need to codify all child-focused and child-related policies that will ensure the holistic approach in addressing children's concerns;

**NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG BAYAN OF BONGABONG, ORIENTAL MINDORO IN SESSION DULY ASSEMBLED, THAT:**

## ARTICLE I

### *TITLE, POLICIES AND PRINCIPLES, PURPOSE, AND DEFINITION OF TERMS/ ACRONYMS*

**Section 1. Title.** – This Ordinance shall be known and cited as the “Bongabong’s Children’s Code of 2018.”

**Section 2. Declaration of Policies and Principles.** – The Municipal Government of Bongabong recognizes the vital role of the children in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in children patriotism and nationalism, and encourage their involvement in public and civic affairs.

The Municipal Government of Bongabong also acknowledges the significant roles and responsibilities of parents/guardians/caregivers and other duty-bearers in the implementation, monitoring and evaluation of programs and services geared towards the total development of children.

All efforts on children shall be guided by the following principles:

1. *Best Interest of the Child* – In all decision-making that affects the child, his or her best interest shall be the primary and utmost concern. Determining the child’s best interest takes into consideration the child’s situation, the opinion of parents, expert professionals, laws and policies including conventions, the child’s perspective or opinion, and short- and long-term effects of the decision on the child;
2. *Respect for the Views of the Child* – Children have the right to participate in decision-making that affects their lives. It is also their right to receive correct, appropriate and sufficient information, to form or join groups, to freely express their own opinions and to be listened to.
3. *Survival and Development* – All the child’s basic needs should be met; his or her holistic development should be the focus – right to develop physically, emotionally, socially mentally/intellectually and spiritually. It must be ensured that there is enough, appropriate, and quality programs and services that can be accessed by children and their families;
4. *Non-Discrimination and Equality* – all rights apply to children without exception. No child shall be oppressed or marginalized because of age, sex, race, religion, language, abilities, or economic status. The state has an obligation to protect children from any form of discrimination and to ensure that all groups of children (e.g. girl children, children with disabilities, out of school children, children in street situations) must have access to or benefit from programs and services.

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

- a. To advocate for children’s rights and promote their welfare and development;

- b. To ensure that children's programs are prioritized and allocated with appropriate resources;
- c. To ensure the protection of children against all forms of violence, abuse, neglect and exploitation; and
- d. To provide opportunities for children to participate in matters affecting them.

**Section 4. Definition of Terms.** – The following terms used in this Ordinance shall be defined as follows:

- a. **Business Sector** –refers to firms, associations, partnerships, corporations or any other form of business organization formed, organized, chartered or existing pursuant to existing laws and duly registered, licensed or permitted by the Securities and Exchange Commission (SEC) or by any other bureaus, office, agency, political subdivision or instrumentality of the government, to do business or engage in any economic activity in the Philippines
- b. **Child** - refers to a person below the age of 18 years, or 18 years old or over who, on account of some physical, psychological, or emotional disability, cannot fully protect themselves against abuse, exploitation or discrimination.
- c. **Child Abuse** - refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
  - 1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - 3. Unreasonable deprivation of his/her basic needs for survival, such as food and shelter; or
  - 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in his or her permanent incapacity or death.
- d. **Child Development Center** - is a facility where child development services are provided by an accredited child development worker particularly for children in the zero to below five (0 - <5) age bracket.
- e. **Children in Conflict with the Law** - refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- f. **Child-Minding Center** - is a workplace-related child care facility for children in the two-months to three-years of age bracket with trained child development workers.
- g. **Children with Disabilities** - are children with physical, psychological or mental disability or condition, whether congenital or acquired after birth.

- h. **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 psychosocial development.
- i. **Civil Society Organizations (CSOs)** –refer to development actors in their own right whose efforts complement those of governments and the private sector. These include Non-Government Organizations as defined by Republic Act 10693.
- j. **Community-Based Programs** - refer to the programs provided in a community setting developed for purposes of intervention and diversion as well as rehabilitation of the child in conflict with the law for reintegration into his/her family or into the community.
- k. **Development Rights** - refer to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure.
- l. **Diversion** - refers to an alternative child-appropriate process of determining 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 formal court proceedings.
- m. **Diversion Programs** - refer to programs that a 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.
- n. **Early Childhood Care and Development** - is the provision of substitute parental care and stimulating activities for the total development of children zero to below five (0 - <5) years old when their parents are unable to take care of them during part of the day because of work and some other situation.
- o. **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.
- p. **Learning Institution** - refer to those that are recognized by the community which seeks to provide or is providing educational programs that caters to the unique teaching-learning context of learners or community.
- q. **LCPC** - refers to the Local Council for the Protection of Children. The LCPC is an institutional mechanism in all levels of local government units (province, city/municipality and barangay) that:
  - 1. Advocates child's rights;
  - 2. Plans, initiates or recommends interventions; and

3. Monitors children's programs and projects in the locality.
- r. **LGU** - refers to the Local Government Unit of Bongabong, Oriental Mindoro and subsequently to its component barangays under its jurisdiction.
- s. **Participation Rights** - refer to the child's rights to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly.
- t. **Protection Rights** - cover those rights protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation.
- u. **Survival Rights** - refer to the child's inherent right to life and to the needs that are most basic to existence, the right to a name and nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation.
- v. **Positive and Non-Violent Discipline** – refers to a holistic, constructive, and proactive approach to parenting or teaching that helps children develop appropriate thinking and behaviour in the short and long term.

## **ARTICLE II**

### *RIGHTS AND RESPONSIBILITIES OF THE CHILD*

**Section 5. Rights of the Child.** Every child is entitled to survival, development, protection and participation rights without distinction as to legitimacy, race, sex, social status, religion, political antecedents, and other factors. Every child has the right:

- a. To be born well and to have a name and nationality;
- b. To be free and have a family;
- c. To have a good education;
- d. To have enough food, healthy and active body;
- e. To be given an opportunity for play and leisure;
- f. To be given protection against abuse, danger and violence;
- g. To live in a peaceful community;
- h. To be assisted and defended by the government; and
- i. To express his/her own views.

**Section 6. Responsibilities of the Child.** – Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a. Love his/her country and be a good citizen;
- b. Love his/her family and respect his/her parents;

- c. Study well, come to class on time and do his/her assignments;
- d. Eat clean and nutritious food. Clean and make his/her body active;
- e. Take care of his/her toys and keep them orderly;
- f. Obey rules and regulations; and
- g. Maintain peace and order in his/her community.

### **ARTICLE III** *ROLES AND FUNCTIONS OF VARIOUS SECTORS*

**Section 7. The Family.** – The family is the basic and autonomous unit of society responsible for the proper caring and rearing of children. The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with children’s development, the primary right and obligation to provide for their upbringing.

**Section 8. General Duties of Parents.** – Parents shall have the following general duties toward their children:

- a. To give them affection, companionship and understanding;
- b. To extend to them the benefits of moral guidance, self-discipline and religious instruction;
- c. To practice positive and non-violent discipline for the formation of their good character;
- d. To supervise their activities, including their recreation;
- e. To inculcate in them the value of industry, thrift and self-reliance;
- f. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- g. To advise them properly on any matter affecting their development and well-being;
- h. To always set a good example; and
- i. To provide them with adequate support, as defined in Article 194 of the Family Code;

**Section 9. Role of Women.** – Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women’s status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation’s social and economic development.

**Section 10. Role of Men.** – Men play a vital role in children’s lives. Policies and legislations shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers/male guardians/caregivers shall be equally responsible in the rearing and nurturing of children at home and be their role models.

**Section 11. Role of Learning Centers/Institutions.** – Learning centers/institutions shall work together with parents, community organizations and agencies concerned with the activities of children. Learning centers/institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED).

**Section 12. Role of the Mass Media.** – The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They shall protect the rights of children by relaying consistent messages through balanced and responsible reporting.

Special attention should be given to effective anti-drug awareness campaigns, premarital sex prevention and delinquency prevention.

Confidentiality must always be observed in the reporting and handling of child abuse and related cases involving children.

In all publicity concerning children, the best interest of the child shall be the primordial concern. Any undue, inappropriate and sensationalized publicity of any case involving a child is considered a violation of the rights of the child. Publication of the details regarding the circumstances of a case shall not be reported to prevent publication of details of violence, abuse, neglect, or exploitation.

The mass media shall be encouraged:

1. To ensure that children have access to information and material from a diversity of national and international sources;
2. To portray the positive contribution of children to society; and
3. To disseminate information on the existence of services, facilities and opportunities for children in society.

**Section 13. Role of the Municipal Government of Bongabong.** – The Municipal Government of Bongabong shall develop a comprehensive local plan of action for children with appropriate budgetary allocations and ensure its implementation and monitoring. The LGU shall ensure that the programs, projects and activities shall be responsive to the current and emerging needs and concerns of children in the locality such as but not limited to construction and operationalization of child-minding institutions, construction of farm to market roads and implementation of the Comprehensive Local Juvenile Intervention Plan (CLJIP).

**Section 14. Role of National Government Agencies:** All national government agencies shall closely coordinate with LGUs to ensure the inclusion of programs on children on the local plan of action for children.

**Section 15. Role of Local Council for the Protection of Children.** – The LCPC shall, in addition to their existing duties and functions, coordinate with and assist the LGU in coming up with local plan of action for children and be the primary body to oversee the implementation, monitoring and evaluation of such plan. The LCPCs shall ensure that all children's organizations/associations are duly recognized.

**Section 16. Role of the Sangguniang Kabataan and Children's Organizations/Associations** – As member of the LCPC, the Sangguniang Kabataan (SK) shall be actively involved in the

formulation, implementation, monitoring and evaluation of programs, projects and activities in line with the promotion and protection of child's rights.

**Section 17. Role of the Business Sector.** – The Business sector shall take part in the effective implementation of this Code.

**Section 18. Role of the Civil Society Organizations (CSOs)** –CSO's shall provide support to the LGU in the development, implementation, monitoring and evaluation of the local plan of action for children through capacity building activities, advocacy, community organizing, research, access to resources and other similar activities.

**Section 19. Role of Faith-Based and Indigenous Sector.** – The Faith-Based sector shall be mobilized to participate in the implementation of program, projects and activities concerning children.

Indigenous peoples sector shall be actively involved in ensuring that issues and concerns affecting indigenous children are addressed through the development, implementation, monitoring and evaluation of the local plan of action for children.

#### **ARTICLE IV** *COMPREHENSIVE PROGRAM FOR CHILDREN*

**Section 20. Comprehensive Program for Children.** - The LGU shall, upon the effectivity of this Code, formulate a comprehensive program within the local plan of action for children covering at least a three-year period or as often as may be appropriate under the circumstances. Such program shall include the survival, development, participation and protection rights of children. The program shall emphasize prevention approach from violence, abuse, neglect and exploitation and other issues concerning children.

**Section 21. Survival.** – Projects and services addressing health and nutrition needs of children towards the fulfillment of Survival Rights shall include but are not limited to the following:

- a. Feeding Programs
  1. Supplementary Feeding Program for Child Development pupils and Supervised Neighborhood Play (SNP) ages 3 to 4.11 years old;
  2. School-Based feeding program for kindergarten to Grade 6;
- b. Gulayan sa Paaralan
- c. Gulayan sa Barangay
- d. Maternal and Child Health Services
- e. General Health Care Services
- f. Reproductive and Sexual Health Services
- g. Pantawid Pamilyang Pilipino Program (4Ps)

**Section 22. Protection.** – Projects and services addressing the needs of children towards the fulfillment of Protection Rights shall include but are not limited to the following:



- a. Women and Children Protection Desk
- b. Civil Registration
- c. Disaster relief and response services
- d. Mangyan Desk
- e. Installation of surveillance system
- f. Child Protection Policy
- g. Implementation of programs, projects and activities of CLJIP and other plans for children

**Section 23. Development.** – Projects and services addressing the needs of children towards the fulfillment of Developmental Rights shall include but are not limited to the following:

- a. Early Childhood Care and Development Program
- b. Basic Education Program
- c. Sports Development Program
- d. Basic Literacy Program
- e. Special Education Program
- f. Scholarship Program
- g. Career Guidance Program
- h. Alternative Learning System
- i. Skills Development Training

**Section 24. Participation.** – Projects and services promoting and fulfilling the Participation Rights of children shall include but are not limited to the following:

- a. Organization of Sangguniang Mag-aaral (Supreme Student Government and Supreme Pupil Government)
- b. Membership in selected Local Special Bodies (LCPCs and BCPCs)
- c. Involvement of Bongabong Youth Development Office in child-related activities
- d. Celebration of Children’s Month and other events on children
- e. Registration of Sangguniang Kabataan voters

## **ARTICLE V**

### *SPECIAL CONCERNS ON CHILDREN*

**Section 25. Emerging Concerns on Children.** – The LCPC of Bongabong recognizes the evolving situation of children being affected by the rapid advances in information technology, economic and industrialization development, and increasing number of Overseas Filipino Workers (OFW), among others. The following situations of children shall be given attention in the local plan of action for children:

- 1. Children living in street situations
- 2. Children in Conflict with the Law
- 3. Child victims of sexual exploitation
- 4. Children left behind by OFW parents
- 5. Gender-Based Violence

6. Early Child Marriage
7. Adolescent Pregnancy
8. Children affected by HIV and AIDS
9. Children affected by illegal or prohibited drugs
10. Children affected by disasters or calamities, natural or man-made
11. Children with disability and special needs

**ARTICLE VI**  
*THE IMPLEMENTING MECHANISMS*

**Section 26. The Local Council for the Protection of Children.** - The LCPC is an institutional mechanism in the municipal and barangay levels of the Local Government Unit that advocates and promotes child rights, and implements, monitors and evaluates children's programs and projects in the locality. All structures related to children shall be subsumed under the LCPC of Bongabong such as the Municipal Committee on Anti-Trafficking and Violence Against Women and their Children (MCAT-VAWC) and the Inter-Agency Monitoring Task Force (IMTF).

**Section 27. Composition of the Local Council for the Protection of Children.** - The Municipal Council for the Protection of Children of Bongabong shall be chaired by the Municipal Mayor and shall be composed of the following members:

- a. Municipal Vice-Mayor
- b. Sangguniang Bayan Chairperson on Social Services
- c. Sangguniang Kabataan Municipal Federation President
- d. Association of Barangay Captains/Punong Barangays President
- e. Municipal Social Welfare and Development Officer
- f. Department of Education District Supervisors (Grade School, High School)
- g. Municipal Civil Registrar
- h. Municipal Disaster Risk Reduction and Management Officer
- i. Municipal Planning and Development Officer
- j. Municipal Budget Officer
- k. Municipal Treasurer
- l. Municipal Health Officer
- m. Chief of Police
- n. Women and Children Protection Desk Officer
- o. Municipal Local Government Operations Officer
- p. President of the Federation of Parents Teachers Association
- q. President of Child Development Workers Association
- r. Representative of Bongabong Concerned Citizens Movement
- s. Representative of Bongabong Business Club
- t. Persons with Disabilities Representative
- u. Indigenous Peoples Representative
- v. Faith-Based Organization Representative
- w. Child Representatives

**Section 28. The Duties and Functions of the LCPC of Bongabong.** - The Council shall:

- a. Formulate and implement the local plan of action for children that is gender-sensitive, culturally-relevant and responsive to the needs of diverse groups of children;
- b. Prepare Annual Work and Financial Plan (AWFP) for children and recommend appropriations to the Sangguniang Bayan;
- c. Coordinate with other agencies and institutions in the planning, implementation, monitoring and evaluation of plan for children;
- d. Provide technical assistance and financial support to the Barangay Council for the Protection of Children(BCPC);
- e. Maintain an updated database on children in the Municipality pursuant to DILG Memorandum dated February 15, 2018 on the *Dissemination of the Unified Comprehensive Data Bank on Children to All Levels of Local Councils for the Protection of Children (LCPCs)*;
- f. Document best practices on children in the municipal and barangay levels;
- g. Monitor the functionality of BCPCs;
- h. Monitor and evaluate the implementation of the program and submit quarterly status reports to PCPC and other relevant structures, and
- i. Recommend policies promoting child survival, protection, participation and development;
- j. Foster education for every child;
- k. Advocate for the establishment and maintenance of playgrounds, child development centers and other facilities necessary for child development;
- l. Assist children in need of special protection and refer cases filed against child abusers to proper agencies/institutions;
- m. Recognize children's organizations/associations in the municipality;
- n. Develop Municipal Child Protection Policy;
- o. Conduct capability building programs to enhance knowledge and skills of duty bearers in handling cases of children;
- p. Perform other functions necessary in the promotion and protection of children's rights.

## **ARTICLE VII**

### **REMEDIAL MEASURES AND PENAL PROVISIONS**

**Section 29. Penalties and Remedial Measures.** - The penalty for any violation of this Code which is not penalized elsewhere in other section of this Code or in a national law, shall be Imprisonment for not less than three (3) months but not more than six (6) months and/or a fine ranging from five hundred pesos (Php500.00) but not more than two thousand five hundred pesos (Php2,500.00) at the discretion of the court.

For offenses punishable by existing laws, the penal provisions of such national laws will prevail.

**First time offenders** – in case the offender is the parent or teacher of the child or relative within the 4th degree of consanguinity and such offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child and any or all of the following measures may be imposed instead:

1. Attendance in a parenting seminar

2. Participation in appropriate training courses
3. Counseling sessions
4. Family therapy
5. Community service from 5 to 10 days

**ARTICLE VIII**  
*MONITORING AND EVALUATION*

**Section 30. Establishment of a Regular Monitoring and Evaluation System.** – there shall be a monitoring and evaluation system established for the MCPC of Bongabong through:

- a. Quarterly reporting during LCPC meetings;
- b. Annual Implementation Report;
- c. LCPC (MCPC and BCPCs) Functionality Assessment (using the functions cited in this Code);
- d. End of Term Evaluation Report (Local Plan of Action for Children); and
- e. Child-Friendly Local Governance Audit (CFLGA) Pursuant to Executive Order 39 2016

**Section 31. The Local State of Children’s Report (LSCR) of Bongabong.** – The LSCR of Bongabong shall be developed using the data generated from the monitoring and evaluation system. The report shall be delivered annually by the LCPC Chairperson every last Friday of November.

**ARTICLE IX**  
*BUDGETARY APPROPRIATIONS*

**Section 32. Children’s Fund.** – To ensure the effective and efficient implementation of this Code, the Municipality of Bongabong shall allocate a minimum of one (1) percent of the Internal Revenue Allotment (IRA).

**ARTICLE X**  
*FINAL PROVISIONS*

**Section 33. Implementing Rules and Regulations.** – Within the period of six (6) months from the approval of this Code, the LCPC shall formulate and issue the appropriate implementing rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Code.

**Section 34. Separability Clause.** – if for any reason, a provision of this Code is declared invalid or unconstitutional, all other provisions not affected thereby shall continue to be in full force and effect.

**Section 35. Repealing Clause.**- All ordinances, executive orders, resolutions and other local memoranda or rules inconsistent with the provisions of this Code are hereby repealed or modified accordingly.

**Section 36. Effectivity Clause.** – This Code shall take effect fifteen (15) days following the completion of its publication in a newspaper of general circulation in the Municipality or of its posting in three (3) conspicuous places within the Municipality.

Certified true:

Atty. EDUARDO M. MAGSINO, REB, EnP  
Secretary to the Sangguniang Bayan

Attested by:

HON. RICHARD S. CANDELARIO  
Vice-Mayor/Presiding Officer

Approved:

HON. ELEGIO A. MALALUAN, O.D.  
Municipal Mayor  
Date: \_\_\_\_\_