



**OFFICE OF THE SANGGUNIANG BAYAN SECRETARY**

## CERTIFICATION

TO WHOM IT MAY CONCERN:


This is to certify that copies of the approved:

**MUNICIPAL ORDINANCE NO 95, Year 2023**

**THE REVISED COMPREHENSIVE CHILDREN'S WELFARE CODE OF KALAYAAN LAGUNA.**

are posted at the entrance of the Municipal Building, Barangay Halls and SB Office bulletin board on May 25, 2023. The ordinance e-copy will also be posted via facebook @SB Kalayaan account on May 26, 2023.

ISSUED this 26<sup>th</sup> day of May 2023, in accordance with the provision of Section 59(b) of the Local Government Code of 1991.

  
**RENETH S. MARTINEZ**  
Sangguniang Bayan Secretary



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**EXCERPT FROM THE MINUTES OF THE 43<sup>RD</sup> REGULAR SESSION OF THE SANGGUNIANG BAYAN OF KALAYAAN, LAGUNA 2022 - 2025 HELD AT SB SESSION HALL ON THE 15<sup>TH</sup> OF MAY, 2023.**

**PRESENT:**

HON. CHRISTOPHER P. RAMIRO	-	VICE-MAYOR/ PRESIDING OFFICER
Hon. Darwin R. Ponce	-	Member
Hon. Beverly D. Reyes	-	Member
Hon. Aldrin A. Agana	-	Member
Hon. Veelly Jhames L. Cabamalan	-	Member
Hon. Laarni C. Lopez	-	Member

**ABSENT:**

Hon. Russel A. Laganas	-	Member (Official Business)
Hon. Marlon F. Laganas	-	Member (Official Business)
Hon. Edison A. Flores	-	Member (Official Business)
Hon. Giana Maria R. Cagandahan	-	Ex-Officio/LnB President (Official Business)
Hon. Leigh Lanie A. Abrillo	-	Ex-Officio/SKP President (Official Business)

**MUNICIPAL ORDINANCE NO 95, Year 2023**

**THE REVISED COMPREHENSIVE CHILDREN'S WELFARE CODE OF KALAYAAN LAGUNA.**

**ARTICLE I**  
**TITLE, DECLARATION OF POLICIES AND PRINCIPLES, PURPOSES,**  
**AND DEFINITION OF TERMS**

**SECTION 1. TITLE**

This Ordinance shall be known and cited as the "THE UPDATED COMPREHENSIVE CHILDREN'S WELFARE CODE OF KALAYAAN LAGUNA"

**SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES**

The Local Government Unit of Kalayaan Laguna recognizes the important role of children in developing the province and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being; it shall inculcate in the children patriotism and nationalism and encourage their involvement in public and civic affairs.

The Local Government Unit of Kalayaan Laguna also recognizes children's rights provided under the United Nation's Convention of the Rights of the Child and other international and national instruments, thereby affirming the policy of the Local Government Unit of Kalayaan Laguna that the survival, development, protection, and participation rights of children must be given the utmost priority



- (d) To ensure utmost protection of children against all forms of abuse, neglect, violence and exploitation and discharge the principle of restorative justice to children in conflict with the law; and
- (e) To provide opportunities for wider community participation of children in developing the province.

## SECTION 5. DEFINITION OF TERMS

As used in this Code, the following terms shall mean as follows:

- (a) **CHILDREN** – persons under the age of eighteen (18) years and those children who are above eighteen, but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination due to physical or mental disability or condition.
- (b) **CHILD ABUSE** - maltreatment, whether habitual or not, inflicted to the child which includes any of the following:
  - 1) Psychological and physical abuse, neglect, cruelty, sexual abuse including those done through the internet and emotional maltreatment;
  - 2) Any circumstance(s) which debases, degrades or demeans the extrinsic or intrinsic worth and dignity of a child as a human being;
  - 3) Unreasonable deprivation of his/her basic rights whether survival, development, protection and participation rights.
  - 4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent capacity or death.
- (c) **CHILDREN AT RISK** – children who are vulnerable to, or at risk for being influenced, exploited and/or abused by reason of any personal or family or social circumstances such as, but not limited to the following:
  - 1) Dysfunctional or broken family;
  - 2) Children displaced and/or resettled families;
  - 3) Child prostitution, statutory rape and any forms of sexual abuse;
  - 4) A community with high levels of criminality and drug addiction;
  - 5) Armed conflict and other related conditions;
  - 6) Exposure to working conditions hazardous to health, safety and morals which unduly interferes with their normal development (child labor);
  - 7) Exposure to street life whether in the urban or rural areas and/or analogous circumstances which endanger the life, safety and normal development of children;
  - 8) Extreme discrimination, being children of indigenous people or with disability/special needs;
  - 9) Living condition is in extreme poverty and deprived of access to basic services; and
  - 10) Being a victim of a man-made or natural disaster or calamity (children in emergencies, and victims of trafficking after a disaster strike or even at normal circumstances);
- (d) **CHILDREN IN CONFLICT WITH THE LAW** - a child who is alleged, accused or adjudged as having committed an offense under National or Provincial Laws and Ordinances.
- (e) **CHILDREN WITH DISABILITIES OR CHILDREN WITH SPECIAL NEEDS** - children with either physical or mental infirmities whether congenital or acquired after birth.
- (f) **CHILDREN IN NEED OF SPECIAL PROTECTION** – children living under circumstances which gravely threaten or endanger their survival and normal development as defined, to include victims of child abuse, child laborers,



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  - 8) Extreme discrimination, being children of indigenous people or with disability/special needs;
  - 9) Living condition is in extreme poverty and deprived of access to basic services; and
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abandoned/neglected/orphaned, victims of armed conflict, children in conflict with the law, children in various forms of disability, children in need of special education, children in street situations, victims of commercial sexual exploitation and child pornography.

- (g) **CHILD TRAFFICKING** – the recruitment, transfer or deployment of a child, and/or harboring or receipt of a child with or without the victim's consent or knowledge, through legal or illegal means, fraud, or deceit, violence, coercion, intimidation, abuse of positions or authority, within or across national borders for purposes of prostitution, work services, marriage or adoption and other similar arrangements characterized by forced labor, slavery-like practices of sexual exploitation.
- (h) **COMMUNITY REINTEGRATION PROGRAMS** - programs established for the purpose of rehabilitating and preparing the child to go back to the community without any prejudice and discrimination
- (i) **DAY CARE** - provision of substitute parental care and stimulating experiences for the development of children from three to four (3-4) years old when their parents or primary caregivers are unable to take care of them.
- (j) **DAY CARE CENTER** - is a facility where day care services are provided by an accredited day care worker particularly to three to four (3-4) years old children.
- (k) **DEVELOPMENT RIGHTS**- include all opportunities for education, play, leisure, cultural activities, access to information, freedom of thought and conscience and freedom of religion which are meaningful to the achievement of their fullest potential.
- (l) **DIVERSION** - refers to the appropriate process of determining a child's responsibility or culpability for an alleged offense as well as in determining the measures, if any, to be undertaken by the children and other persons without resorting to formal court adjudication.
- (m) **DIVERSION PROGRAMS**- refers to programs that children in conflict with the law are required to undergo after they are found responsible for an offense, without undergoing formal court adjudication.
- (n) **FAMILY** - the basic unit of society and the venue of primary socialization and formative years of children.
- (o) **LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN** - umbrella organization at municipal/barangay level composed of different agencies.
- (p) **NEWBORN SCREENING**- refers to a mandatory procedure to find out if a baby has a congenital metabolic disorder that may lead to mental retardation or even death, if left untreated.
- (q) **PARTICIPATION RIGHTS**- opportunities to children to take an active role in their respective communities and the entire province means that a child is aware of, informed about and encouraged to communicate his/her views about a topic and matters that pertains to them, and this could result in decisions that will significantly impact his/her and other children's survival, holistic development, protection and involvement in their families, respective communities and entire province. They also include the freedom to express their opinions, to take active part in associations and to assemble peacefully. They likewise include the right to privacy and the right to age-appropriate and culturally-sensitive information, all in accordance to the child's evolving capacity.
- (r) **PROTECTION RIGHTS**- include right to be protected from torture and all forms of abuses, involvement in armed conflict, child labor, drug abuse and sexual exploitation that children be safeguarded.
- (s) **RECOGNIZANCE** - an undertaking in lieu of a bond assumed by a parent or guardian who shall be responsible for the appearance of the child in conflict with the law, whenever required.



- (t) **RESTORATIVE JUSTICE** - an approach that emphasizes the ways to heal the tainted relationships of people in the community caused by a criminal act, a process by which the offender can mend the harm he/she has inflicted to the victim and the community and the assurance that the offender can go back to the community without any prejudice and discrimination after going through juvenile delinquency preventive activities.
- (u) **SCHOOLDAYS** - the days from Mondays to Fridays where classes are to be held, excluding national and provincial holidays, and those days that classes are suspended as declared by proper authorities.
- (v) **STREET CHILDREN** - children spending or staying in the street eight hours or more without a place to go home or has a home, but refuse to go home and or as defined by United Nations International Children's Emergency Fund UNICEF as follows:
- 1) **Street Living Children** - children who ran away from their families and live alone on the streets.
  - 2) **Street Working Children** - children who spend most of their time on the streets, fending for themselves, but returning home on a regular basis.
  - 3) **Children from Street Families** - children who live on the streets with their families.
- (w) **SURVIVAL RIGHTS** - children's rights to life and their basic needs necessary for existence, these include an adequate living standard, shelter, nutrition and access to medical assistance.

## **ARTICLE II RIGHTS AND OBLIGATIONS OF THE CHILD**

### **SECTION 1. RIGHTS OF THE CHILD**

(a) The following are the rights of a child:

- 1) To be born well;
- 2) To have a name and a nationality;
- 3) To be free;
- 4) To have a family;
- 5) To have a good education;
- 6) To have enough food and a healthy and active body;
- 7) To be given opportunity for play and leisure;
- 8) To be given protection against abuse, danger, or violence;
- 9) To live in a peaceful community;
- 10) To be assisted and defended by the government; and
- 11) To freely express their own views.

(b) Adopting the UNCRC, the Municipal Government of Kalayaan also recognizes the following rights of children:

- 1) Survival Rights
- 2) Development Rights
- 3) Protection Rights
- 4) Participation Rights

### **SECTION 2. RESPONSIBILITIES OF THE CHILD**

Every child, regardless of the circumstances of birth, sex, social or economic status, religion, political affiliations and other significant data shall:



- (a) Respect and follow the Divine and Human Laws of the Land as well as the customs and traditions of the ethnic group that he/she belongs in a democratic principle,
- (b) Love, respect and obey parents and family elders and support family endeavors that may strengthen family relationship;
- (c) Love and respect siblings as well and work with them to keep the family harmonious, united and close-knit;
- (d) Strive to lead a life being upright, righteous, virtuous and conscientious with the guidance of his/her religion, parents and other family mentors and elders in the community;
- (e) Give premium attention for the development of his/her talents and skills provided by the different learning institutions whether formal education or alternative system suited to his/her abilities and capacities in order that he/she may become useful and productive citizen in the community;
- (f) Actively participate in community affairs and the promotion of youth activities;
- (g) Respect the rights of other children and help in the preparation of a peaceful community.

### ARTICLE III SURVIVAL RIGHTS OF CHILDREN

#### SECTION 1. PRIMARY HEALTH CARE

The Municipality of Kalayaan shall formulate and implement a primary health care program to be led by the Municipal Health Officer with the assistance from the Department of Health (DOH) and in coordination with the Municipal Council for the Protection of Children.

The Municipal Government of Kalayaan shall establish all Barangay Health Centers that shall implement the Primary Health Care Program. Each Barangay health center shall have an Integrated Management on Childhood Illness (IMCI) and a trained midwife tasked to monitor children's health at the Barangay level with a salary commensurate to the task assigned.

#### SECTION 2. PROGRAM ON SURVIVAL

The Local Government Unit of Kalayaan Laguna shall ensure to the maximum extent possible the survival of the child. The program on survival shall include the following:

- (a) Pre-natal care of all pregnant women, which includes administration of 2 doses of tetanus toxoid for immunization pursuant to the policies on the nationwide implementation of the Expanded Program on Immunization or AO No. 39 S-2003 which provides that women of child-bearing age (15-49 years old) shall receive tetanus toxoid according to the five (5) dose schedule and the distribution of ferrous sulfate with folic acid to pregnant women from 6 months;
- (b) Monitoring of high-risk pregnancies for immediate referral to proper tertiary or secondary hospital for competent obstetrical and pediatric medical care for mother and child who are at risk;
- (c) Establishment of birthing clinic manned by skilled and trained health personnel in all far-flung barangays.
- (d) Compulsory compliance to the provisions of RA 9288 otherwise known as the "Newborn Screening Act of 2004" which provides that all newborn babies should undergo newborn screening to determine congenital metabolic disorder within 2 to 3 days after birth but not less than 24 hours from birth.
- (e) Monitoring of registration of births and the completion of the immunization series for prevention of the seven (7) immunizable diseases like tuberculosis in children, hepatitis B,



diphtheria, pertussis, tetanus, poliomyelitis and measles before reaching the age of one (1) year;

- (f) Growth and nutritional monitoring with nutritional feeding at school and community and supervision of nutritional intake at home;
- (g) Micronutrient supplementation and universal Vitamin A distribution as part of Garantisadong Pambata Program and the use of iodized salt at the household level pursuant to R.A. 8172, otherwise known as "An Act for Salt Iodization Nationwide (ASIN)".
- (h) Enforcement of R.A. 8976 also known as the "Philippine Food Fortification Act of 2000" on the use and consumption of fortified food products;
- (i) Providing globally accepted evidence-based essential newborn care focusing on the first week of life pursuant to DOH Administrative Order No. 2009-0025 Adopting New Policies and Protocol on Essential Newborn Care.
- (j) Initiation of breastfeeding within one (1) hour after birth and exclusive breastfeeding to six (6) months and shall be strictly continued until the 12th month and onwards with complimentary feeding;
- (k) Mass drug administration to two (2) years old and above with five (5) Diethylcarbamazine and one (1) Albendazole tablets given for five (5) consecutive years for the control and elimination of filariasis;
- (l) Provision of dental health services to one (1) to seventeen (17) years old children and pregnant women which include basic oral health care and education and counseling on health effects of tobacco smoking, diet and oral hygiene;
- (m) Installation of Women and Children Protection Unit particularly in hospitals;
- (n) Screening of children, preschoolers and primary schoolers through urinalysis and accordingly treat with antibiotics children with positive findings or with urinary tract infection.

### SECTION 3. IMPLEMENTATION MEASURES

To further ensure the implementation of the foregoing provisions under this Article, the municipal and barangay government units within the Municipality of Kalayaan shall take appropriate measures such as, but not limited to:

- (a) Combating communicable and non-communicable diseases and malnutrition within the framework of Primary Health Care, by applying readily available technology and through the provision of adequate nutritious foods and clean drinking water taking into consideration the dangers and risk of environmental protection.
- (b) Monitor the full implementation of the Milk Code of the Philippines or the E.O.51 and strictly follow the standards set by law in the processing of any dairy product produced in the municipality.
- (c) Conducting massive information education on breast feeding by utilizing existing reference materials for effective breast feeding education program and establishment of Milk Bank and Madonna Centers (Breastfeeding Room) in accordance to the standard set by R.A. 10028 also known as "Expanded Breastfeeding Promotion Act of 2009" specifically for working lactating mothers and mothers with nipple abnormalities.
- (d) Conducting regular environmental sanitation inspection on the availability or sources of potable water supply.
- (e) Conducting regular inspection of the presence of sanitary toilets in every household.



## **SECTION 4. CHILD-FRIENDLY HOSPITALS AND CLINICS**

All hospitals and clinics in the municipality shall set-up Women and Child Protection Unit (WCPU) to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets. Likewise, all hospitals with WCPU shall serve as a one-stop center for victims of violence against children and provide health, medico-legal, legal and psychosocial services.

The Municipal Council for the Protection of Children shall establish a committee tasked to monitor and ensure the compliance of all hospitals in the municipality.

## **SECTION 5. ESTABLISHMENT OF COMMUNITY AND BACKYARD GARDEN**

To provide the children with healthy foods, all households within the municipality shall set-up a backyard garden to produce organic and chemical free vegetable for healthy consumption. The Municipal Agriculture Office shall provide necessary seeds and seedlings and necessary technical assistance to the communities.

### **ARTICLE IV DEVELOPMENT RIGHTS OF CHILDREN**

#### **SECTION 1. RECOGNITION OF THE RIGHT TO EDUCATION**

The Municipal Government of Kalayaan Laguna recognizes the right of the child to education and to achieve progressive realization of these rights on the basis of equal opportunity, and shall ensure to:

- (a) Make education free and compulsory according to age bracket pursuant to K to 12 Program (R.A. 10533):
  - 1) 3-4 years old - Day Care
  - 2) 5 years old - Kindergarten Education
  - 3) 6-11 years old - Elementary Level
  - 4) 12-18 years old - Secondary Education
  - 5) Special cases for children who are gifted and talented or with special needs (i.e. autism, hearing impaired, visually impaired, behavioral disorders, physical disability, etc.) shall be in accordance to the criteria set by the "Enhanced Basic Education Act of 2013" particularly under the exclusiveness of enhanced basic education programs designed to address the physical, intellectual, psychosocial, and cultural needs of learners.
- (b) Make early childhood, elementary and secondary education available, accessible and free to every child.
- (c) Coordinate with the school authorities for learners who are marginalized or at risk of dropping and ensure that they will be given proper alternative delivery modes.
- (d) Promote and encourage the cooperation of non-government organizations, private and people's organizations, and other funding groups to provide financial assistance to less fortunate and deserving children.

#### **SECTION 2. EARLY CHILDHOOD CARE AND DEVELOPMENT**

The Municipal Government of Kalayaan Laguna shall ensure the implementation of Early Childhood Care and Development Program for children zero to four (0-4) years old under the provisions of R.A. 10410 or the "Early Years Act of 2013" and R.A. 8990 otherwise known as the "Early Childhood Care and Development (ECCD) Act".



Early Childhood Care and Development Program. Two or more of the following forms can exist in one center or venue depending on the needs of the children. In this case, the assistance of a parent volunteer is necessary.

- a) *Center-Based Infant Care or Child Minding Centers* for children aged 0-3 years old that can accommodate a maximum of 10 children. It should be located near the workplace of the parents and should have a strategic location.
- b) *Supervised Neighborhood Play (SNP)* for children aged 2-4 years old. SNP provides children with early childhood enrichment activities together with older children through play activities. Each SNP may accommodate children of various ages, but should only have a maximum of 10 members.
- c) *Family Day Care Centers* for 0-4 years old children for temporary care and creative experiences in the home of an accredited family Child Care Worker for a period of a few hours or whole day, while their parents are attending to important family matters. It serves 6 children at the most.

### SECTION 3. INSTITUTIONALIZATION OF THE EECD PROGRAM

- (a) *Institutionalization of the Early Childhood Care and Development Program (EECD)*. The Early Childhood Care and Development Program shall be institutionalized in the Municipality of Kalayaan, Laguna.
- (b) *Private Sector Early Childhood Care and Development (ECCD) programs*. Private Sector Early Childhood Care and Development (ECCD) programs are those funded and managed by private organizations and institution, NGOs and POs duly recognized and/ or accredited by national government agencies in accordance with the standard set by the national agencies in consonance with Republic Act No. 8980.
- (c) *Early Childhood Care and Development (ECCD) Officer*. As mandated in Section 8 of R.A. 8980, the position ECCD officer shall be created. The ECCD Officer shall coordinate and monitor the implementation of ECCD program of the Municipality. The ECCD Officer shall have the following qualifications:
  - 1) Master's degree in any ECCD-related field such as social work, community development, health, education, nutrition and psychology; and
  - 2) Experience in program management in related ECCD fields.

### SECTION 4. ESTABLISHMENT OF BARANGAY DAY CARE CENTERS

Pursuant to Republic Act 6972 or the "Barangay Level Total Development and Protection of Children Act", Day Care Centers shall be set up in every barangay. The number of centers shall depend on the number of children, preferably proportionate to a ratio of 1:30 of center to children especially in heavily populated sitios/puroks.

- (a) *Qualifications of a Day Care Worker*. A day care worker is preferably a resident of the barangay, at least second year-college, shall possess good moral character, has passed a psychological evaluation, and undergone trainings on Early Childhood Care and Development Program (ECCD) of the Department of Social Welfare and Development (DSWD). The Municipal Social Welfare and Development Officer (MSWDO) shall conduct a regular technical assessment and monitoring of the recruitment and hiring of the Day Care Workers and must meet the standards set by the Revised Assessment Tool for Accreditation of Service Providers of DSWD Administrative Order No. 29 of 2004.
- (b) *Accreditation of Day Care Workers and Centers*. Every Day Care Center and Worker shall be accredited by authorized accreditors of the DSWD. Accreditation shall be based on the Revised Assessment Tool and Users' Manual for the Accreditation of Day Care Workers. Renewal of accreditation on or before the expiration of the license shall be compulsory and shall be done immediately depending upon the result of the assessment.



There is a presumption of illegal trafficking when a person is found together with two or more minors not his/her relatives at the pier or port of exit, or bus/jeepney terminals for the purpose of transporting the minors to another place without any permit from the Punong Barangay. Operators/managers of piers/terminals or ports shall likewise post signages with regard to Anti-Trafficking Ordinance

- (c) Pushing/Enticing Minors to Live-In Arrangement - It shall be unlawful for parents to entice, encourage and/or force their children to live together with any person as husband and wife in exchange for money or any other consideration.
- (d) Sexual Exploitation of Minors - Sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display or lascivious conduct shall be considered *prima facie* evidence of sexual exploitation.
- (e) Smoking and drinking of Minors is strictly prohibited - It shall be unlawful for a child to smoke and drink intoxicating liquor. It shall likewise be unlawful for any person to sell to a child, cigarettes, liquor, rugby and any other additive substances.

Inducing a minor to use drugs, cigarettes, alcohols and other intoxicating and mind-altering substances shall also be strictly prohibited.

Parents are prohibited to command their children to buy or light cigarettes for them.

- (f) Smoking in enclosed places and public conveyances - It shall be unlawful to smoke inside buses and jeepneys and other public conveyances. Smoking for adults must be done in areas designated as such.
- (g) Gambling of minors is strictly prohibited. - Parents are directed to monitor their children not to indulge in any form of gambling.
- (h) Street-Children engaged in Begging is strictly prohibited-The Municipal Government through the Social Welfare Office shall ensure that no children-beggars be found in the vicinity.
- (i) The selling and distribution of pornographic materials to minors - The Municipal Council for the Protection of Children, the municipal law enforcers shall monitor and prevent the entry of such pornographic materials.
- (j) Calling a child any name or identity other than his/her own for the purpose of insulting, belittling or humiliating the child.
- (k) Facilitating, encouraging or coercing the child or parent/guardian of the child to falsify any entry in the child's records, including birth, baptismal or school records.
- (l) Refusing to accept a child for enrolment or imposing sanctions by public school because of the child's or his/her family's religion, culture or ethnical background.
- (m) Appropriate schools refusing to enroll or accept a differently-abled child merely by reason of physical disability.
- (n) Forcing, coercing a child to change or join a certain religion or belief.
- (o) Discriminate against children of minority culture and indigenous people because of their culture, religion or beliefs.
- (p) Causing undue publicity about cases of child abuse or other cases involving Children in Need of Special Protection (CNSP).
- (q) Branding or labeling Children in Conflict with Law (CICL) as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys or attaching to them in any manner any other derogatory names.



## **SECTION 6. ELEMENTARY AND SECONDARY EDUCATION**

In coordination/consultation with DepEd, it shall be the duty of every barangay in the municipality to establish at least an annex public primary/elementary school to cater to the needs of children in the far-flung/remote areas. Likewise, the municipality shall set up at least one Public High School and Integrated School.

The Municipal Government, through their respective Local School Boards shall provide accessibility of schools for children by providing financial and/or material assistance in the construction, maintenance/repair and rehabilitation of school buildings and facilities.

The Municipal Government through their respective Local School Boards shall monitor the compliance of DepEd order and issuances related to collection of fees.

The Municipal Government in coordination with NGOs and/or other private organizations shall provide scholarships or educational assistance, but not limited to, school uniforms, school supplies and other innovative initiatives to indigent but deserving children in public schools.

In partnership with the Municipal Health Board and Municipal Nutrition Council, the municipality and the Department of Education (DepEd) shall collaborate for the monitoring of health and nutritional status of children in schools; promotion of proper hygiene and sanitation, and establishment of hygiene and sanitation facilities such as hand washing facility, potable water, separate sanitary toilets for boys and girls and the like.

## **SECTION 7. TERTIARY EDUCATION**

The Municipal Government shall establish a College Scholarship Program to encourage poor but deserving high school graduates in the pursuit of their college education.

- (a) The scholarship grantees shall be distributed equally to all barangays at four (4) slots per barangay and to be screened by the Scholarship Committee created by the Chief Executive.
- (b) The basic qualification of the scholars shall be the following:
  - 1) The applicant must be a resident of the Kalayaan Laguna since Grade 7.
  - 2) The family income shall not be more than One Hundred Twenty Thousand (P120,000.00) per annum.
  - 3) Other qualification requirements as may be provided by the Municipal Council on the Protection of Children (MCPC), such as grade requirements.
  - 4) The applicant passed the qualifying examination.
- (c) The scholars shall enjoy free tuition fees, other school obligations and other benefits as may be prescribed by the MCPC until his/her graduation.

As much as possible, after graduation the scholars concerned shall render services within the Municipality of Kalayaan, Laguna in private or public entities at the minimum of 5 years. The Municipal Council for the Protection of Children (MCPC) is the one responsible in the placement and monitoring of the graduates granted by scholarship who are ready to and/or already rendering their services.

## **SECTION 8. PROVISION OF SPORTS FACILITIES AND MUSICAL INSTRUMENTS AND OTHER SKILL-ENHANCING FACILITIES**

Twenty percent (20%) of the 10% of the *Sangguniang Kabataan* Funds shall be used to provide sports facilities for children (below 18) such as, but not limited to basketball, badminton, and volleyball courts, soccer fields and baseball diamonds. Likewise, musical instruments shall also be provided such as guitars, drums and other instruments.



Funds from the Local School Board shall be used for sports facilities, equipment and musical instruments to schools that have facilities but are inadequate. It shall also be allocated to procure skill-enhancing facilities like equipment used in dressmaking, carpentry, and other life skills activity integrated in the school curricula or under Home Economics.

## SECTION 9. OUT-OF-SCHOOL CHILDREN

To ensure that skills training and sports development are given to out-of-school youth (OSY), the *Unlad Kaunlaran* Program (UKP) shall be strengthened. As much as possible, the skills training must be relevant to the talents, potentials and interests of every child.

The SK Federation President of the *Sangguniang Kabataan*, Federation Members of Children and Youth Associations and the Municipal Social Welfare and Development Office (MSWDO) of Kalayaan are hereby mandated to formulate an annual plan for the out-of-school youth that will benefit their respective community.

Twenty percent (20%) of the 10% of the *Sangguniang Kabataan* Funds will be used for activities related to the Alternative Learning System (ALS) and all other activities of the association.

Further, constant monitoring and evaluation of programs/projects implemented for out-of-school-youths (OSYs) shall be closely done by the MSWDO.

## SECTION 10. BALIK-ARAL PROGRAM

In consonance with Education for All (EFA) Program, the Municipal Government shall support the implementation of the Balik-Aral Program under the Alternative Learning System (ALS). It shall make yearly assessment of the number of children and youth that have stopped going to school and shall ensure they are informed of the Balik-Aral Program giving them opportunity to go back to school.

## SECTION 11. SUPPORT TO EDUCATION PROGRAMS

The Local School Board shall set aside appropriation from the Special Education Fund, likewise the Local Government Units (LGUs) shall allocate portion of their 20% component of the Internal Revenue Allotment for any or all of the following:

- (a) Capability-Enhancement Programs/Trainings of teachers and parents;
- (b) Upgrading of school buildings and facilities and equipment with inclusion of children with disability;
- (c) Scholarship and training programs to deserving DepEd teachers including specialized team of educators handling Muslim and IP classes;
- (d) Program materials for preschool;
- (e) Reading literacy program for elementary school;
- (f) Development and production of contextualized children's literature and relevant materials;
- (g) Strengthening of Local School Board;
- (h) Award system as incentive to high performing teachers/schools;
- (i) Other educational related activities;

The Local School Board Fund shall also be made accessible for all elementary and secondary schools.



## **SECTION 12. ROLE OF PARENTS**

Pursuant to PD 603 otherwise known as the "Child and Youth Welfare Code", all parents are required to enroll their children in schools to complete at least an elementary education. All necessary assistance shall be given to their children in the form of school supplies, school uniforms or whatever constitutes as a bar to a child's regular attendance in schools or access to education.

## **SECTION 13. PRACTICE OF CULTURE AND RELIGION**

The right of the children to choose their religious and cultural beliefs shall be respected.

### **ARTICLE V PROTECTION RIGHTS OF CHILDREN**

#### **SECTION 1. RESPONSIBLE PARENTING**

Parents shall undergo Responsible Parenting Seminar by an accredited marriage counselor to properly guide them in child rearing to include positive ways of disciplining children. The Pre-Marriage Counseling Team composed of the Population Commission, Municipal Social Welfare and Development Office, Municipal Health Office and Municipal Agriculture Office and church leader/s shall conduct the counseling activity as scheduled. Married couples may likewise undergo marriage counseling.

Likewise, a value formation focusing on spiritual nurture shall be incorporated in the counseling sessions, health education classes, parent-teachers-community association assemblies and family development sessions initiated by the Municipal Social Welfare and Development Office (MSWDO).

#### **SECTION 2. RESPONSIBILITY OF PARENTS / GUARDIANS / FAMILY MEMBERS**

Family members and persons entrusted with the care and custody of children shall have the duties and responsibilities:

- (a) Refrain from using any form of physical, verbal, emotional and psychological abuse and corporal punishment towards their children and instead use positive discipline.
- (b) To be educated on all forms of abuse, neglect, exploitation and violence against children and to be aware of the safety measures as provided for by law.
- (c) Provide equal and fair treatment and care to their children within their financial means and shall not make poverty the reason of neglecting and abandoning their responsibility towards their children.
- (d) Provide adequate support to their children and not to force them to work for augmentation of family income and be exposed to hazard. They shall not alter or falsify nor conceal the age of their children in order to facilitate child's employment.
- (e) Provide support to the gifted and special children with special attention, education and training by appropriate institutions private or government, depending on their capability or resources.
- (f) Provide opportunity to children to express their views and opinions and to participate in decision-making at home and to always consider the best interest of the child.
- (g) Provide information and capacitate their children on what to do before, during and after a disaster (natural or man-made). Children must first be equipped by their parents on what to do and how to help themselves and others in times of disasters.



### **SECTION 3. MANDATORY REPORTING**

It shall be the duty of every citizen who has personal knowledge of the facts and circumstances of the child suffering from any abuse, neglect, abandoned by his/her parents or guardian to immediately report the matter by any means to the nearest Office of the Municipal Social Welfare and Development or any Police station and other law enforcement agencies or to the Local Council for the Protection of Children (LCPC).

The Municipal Social Welfare and Development Office shall ensure that their communities are well-informed of what child protection is and the various issues on child abuse, as well as, the reporting mechanism and process which a citizen can follow.

### **SECTION 4. MANDATORY APPEARANCE DURING COURT HEARINGS**

It shall be the duty of the government and private physician concerned to appear before the court with corresponding medical records and other pertinent documents to facilitate the resolution of the case per R.A. 9262 and R.A. 9344 and failure to appear for the purpose, the Court shall issue summons to compel the persons concerned to appear in court.

### **SECTION 5. CHILDREN IN CONFLICT WITH LAW**

The Municipal Government in coordination with the Philippine National Police, Prosecutors Office, Department of Health, Department of Social Welfare and Development and the Commission on Human Rights shall ensure that Children in Conflict with the Law are protected from any form of abuse, exploitation and discrimination as provided for in R.A. 9344 otherwise known as the "Comprehensive Juvenile Justice and Welfare Act of 2006", pursuant thereto:

- (a) The Municipal/Barangay shall formulate a Comprehensive Juvenile Justice Program through their Local Council for the Protection of Children and in coordination with other stakeholders, NGOs and other child institutions in the Province for planning and implementation.
- (b) Bahay Pag-asa for Diversion Program of Children in Conflict with the Law shall be established by the Provincial Government in coordination with the Department of Social Welfare and Development and in support of the City/Municipal Government to take care of the children who have been apprehended and whose case is still pending before the court or whose sentence has been suspended due to minority age.

Further, a Bahay Pag-asa Youth Home/Center shall be established as transition home for children in conflict with law (CICL) and shall be equipped with necessary facilities.

Children admitted at the Bahay Pag-asa shall be provided with support services which include among others:

- 1) Psychosocial or stress debriefing support services
  - 2) Practical Skills Development Trainings
  - 3) Personal Enhancement Trainings
  - 4) Livelihood Programs
  - 5) Value formation
- (c) A certified and competent psychologist/psychiatrist shall be hired by the Municipal Government, and a registered Social Worker to be hired by the respective LGUs to handle Children in Conflict with the Law as provided for in R.A. 9344.
  - (d) The Municipal and Barangay shall implement the Principle of Restorative Justice by requiring a process of resolving conflicts with the maximum involvement of the victim, abuser, parents and community. Reparation for the victims and reconciliation of the abuser to the offended party and the community shall be the ultimate goal, thereby effecting child's reintegration into the society.



## **SECTION 6. CREATION OF WOMEN AND CHILDREN PROTECTION UNIT (WCPU) AND WOMEN AND CHILDREN'S PROTECTION DESK AND POLICE PROCEDURES**

The Local Government Unit of Kalayaan shall create at the Local level a Women and Children Protection Unit which composition, functions, operations and programs shall be provided by the Philippine National Police Office (PNP).

Further, every police station in the province shall have a Women and Children Protection Desk tasked to handle cases involving children. Child-friendly police procedures as contained in the Police Handbook on Cases of Children in Especially Difficult Circumstances shall serve as the basic guideline in dealing with cases involving children.

## **SECTION 7. CHILDREN AND OTHER SEXUAL ABUSE**

Children, whether male or female, who, for money, profit or any other consideration or due to coercion or influence of any adult, syndicate or groups, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

- (a) Those who engage in or promote, facilitate or induce child prostitution which include but are not limited to the following:
- 1) Acting as a procurer of a child prostitute;
  - 2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
  - 3) Entering into a relationship with, or taking advantage of a child as prostitute;
  - 4) Threatening or using violence towards a child to engage him/her as a prostitute or participant in indecent shows;
  - 5) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.
- (b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse;
- (c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover which engages in prostitution in addition to the activity for which the license has been issued to said establishment.
- (d) Any person who shall hire, employ, use, persuade or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose or model in obscene publications or pornographic materials.

Violations of this section shall be prosecuted under the provisions of R.A. 7610 and other applicable laws.

## **SECTION 8. CHILD TRAFFICKING**

Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of child for money or for any other consideration or barter, be prosecuted under the provisions of R.A. 9208 otherwise known as the Anti-Trafficking in Persons Act of 2003 and other applicable laws.

- (a) *Attempt to Commit Child Trafficking.* There is an attempt to commit child trafficking under any of the following circumstances:
- 1) When a child below 18 years of age travels alone without written permit or justification from the child's parents or legal guardians;



- 2) When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration; or gives his/her consent, participates or in any manner causes the registration of the birth of such child in the name of another with or without consideration; and
  - 3) When a person, authority, agency or institution who are witnesses to and fails to reports transactions related to circumstances in child trafficking.
- (b) *Mandatory Services to Trafficked Persons.* There shall be collaborative efforts within the Municipal and Barangay Government Units in coordination with other concerned national agencies, non-governmental organizations and private sectors to provide available services to trafficked persons.

## **SECTION 9. GAMBLING, COCKPIT, MAHJONG, VIDEO KARERA AND OTHER GAMBLING PLACES**

Children should be totally banned from direct or indirect participation, promotion and the like, from any form of gambling and betting. Children caught inside gambling premises shall be dealt with in accordance with applicable laws, rules and regulations without demeaning the dignity of the child.

- (a) *Owners/Operators/Managers or Any Responsible Persons.* The owner/s, operator/s, manager/s or any responsible person of a cockpit, mahjong parlor, funeral parlor (where gambling is being made during wake) and other gambling establishments, whether licensed or not, operating within the municipality, shall be strictly prohibited from admitting or allowing children to enter/participate in the said establishment for business or profit or for whatever purpose.
- (b) *Corporate-Owned Gambling Establishment.* If a gambling place is owned by a corporation, the President or its Chief Executive Officer or any member of the Board of Directors who personally authorized, allowed, consented, or acted in conspiracy with the manager or any person responsible for the commission of the prohibited acts shall be also held criminally liable as principal.
- (c) *Presumption of Consent.* If a child is found inside any gambling establishment and is participating, it is presumed that his/her entry is with the permission of the owner/operator/manager or any responsible person of the said establishment.

## **SECTION 10. CURFEW HOURS FOR CHILDREN**

Curfew hours for minors shall be imposed based on existing ordinance and laws.

## **SECTION 11. BAN OF CHILDREN IN BENEFIT DANCES AND SIMILAR ACTIVITIES**

Children are banned to participate during benefit dances and other similar activities such as foam parties, bikini opens, discos and other similar performances. Any person caught promoting such act shall be punished after due proceeding by the court of justice having jurisdiction thereof.

Culturally relevant activities shall be promoted, yet, under responsible adult supervision. School-based activities that are not exploitative of children are not included in this provision.

## **SECTION 12. NO ADMITTANCE OF CHILDREN IN BARS, CLUBS OR SIMILAR ESTABLISHMENTS**

No children shall be admitted in any bars, clubs, cafes or any similar establishments, which sell liquors. However, children between ages 13 to 17 years maybe allowed entry to the said establishments if accompanied by their parents, adult relatives and other responsible adults.

Proof of ages shall be required from the parents or guardians before children aged 13 but below 18 may be allowed entrance.



There shall be a Task Force created in the municipality which shall be mandated to conduct periodic monitoring at least twice a year at bars, clubs and other similar establishments for the purpose of ensuring compliance of this provision. A report shall be submitted by the secretariat of the said Taskforce to the Municipal Council for the Protection of Children (LCPC).

### **SECTION 13. CONTROL ON MINORS' ENTRY TO HOTELS, MOTELS, AND LODGING HOUSES**

Minors are prohibited to check-in in hotels, motels and lodging houses within the municipality except when accompanied by parent/guardian who is obliged to show proof of filial relationship between the latter and the minor through presentation of IDs, document or other available means of establishing filial relationship.

### **SECTION 14. PROMOTION OF POSITIVE DISCIPLINE AND PROHIBITION OF CORPORAL PUNISHMENT**

The Local Councils for the Protection of Children (LCPCs) shall develop a comprehensive program to promote positive discipline in lieu of corporal punishment of children. A continuing information dissemination campaign shall be conducted regarding its benefits and long term effects to the child.

The use of corporal punishment which includes emotional, degrading and humiliating punishment on children shall be prohibited in the home, early childhood care and development facilities and day care centers, schools and other educational institutions, child caring centers, religious institutions, health care centers and facilities, community centers, sports centers, government units, and in other places where there are children.

Parents, yayas, house helpers and caregivers, foster parents, guardians, relatives who have custody of the child, or other persons legally responsible for the child including those exercising special or substitute parental authority, school teachers, personnel and officers of both public and private academic and vocational institutions, employers and supervisors, service providers, nuns, priests, pastors and other members of religious congregations or churches, or any other person under whose care the child has been entrusted to and who inflicts corporal punishment on the child shall be liable in accordance with existing penal laws.

### **SECTION 15. PROHIBITION OF EARLY, FORCED AND ARRANGED MARRIAGE**

Marriage including informal or customary union or live-in arrangement between an adult and a child or between two children is prohibited. Existing penal sanctions shall be imposed on adults who are involved in these unions.

### **SECTION 16. REGULATED ACTS OVER INTERNET CAFES AND COMMERCIAL VIDEO CENTERS**

Owners of internet cafe and commercial video centers shall share the responsibility of promoting and protecting the best interest of children.

- (a) *Video/Computer Establishment.* The owner, operator or responsible person of any commercial video or computer establishment, operating within this municipality shall be strictly prohibited from admitting or allowing student-minor or pupil/s in all levels from any school, public or private, including technical or vocational schools, to enter and avail services of such establishment during school days from 7:00 in the morning to 5:00 in the afternoon except during those periods and cases expressly provided by the succeeding item.
- (b) *Condition for the Admission of Students to Video/Computer Establishments During School Hours.* Any commercial video or computer establishment allowing children to enter the said establishments during school days pursuant to the authorized research or activity for



educational purposes shall not be covered by this Code; provided, that the student or group of students/pupils can present a school clearance or permit signed by the Principal or the Teacher-In-Charge.

For this purpose, the internet cafe owners are authorized to provide a maximum of two (2) hours for children to access the internet.

- (c) *Prohibition of Access to Pornographic Sites and Other Similar Materials.* Internet cafe owners are mandated to install parental control utilities/software in order to prevent children from accessing pornographic sites/ materials and prevent the children to engage in any pomographic activities. Installation of private room is also prohibited.

Furthermore, internet cafe owners are mandated to post the following statement within their establishment: **"ACCESS TO PORNOGRAPHIC SITES AND SIMILAR MATERIALS ARE PROHIBITED IN THIS ESTABLISHMENT"**

- (d) *Prima Facie Presumption of Admission.* Unless proven satisfactorily, when a child is found inside a commercial video or computer establishment there is a prima facie presumption that he/she managed his/her way in the admission or permission of the owner, operator or responsible person thereat.

#### **SECTION 17. SMOKING BAN TO CHILDREN**

It shall be unlawful for a minor to smoke cigarettes. Children are barred from procuring and/or trying the vice of smoking. Presidential Decree No. 603, as amended, shall be made to apply to minors caught smoking cigarettes.

- (a) *Unlawful Selling of Cigarettes.* It shall be unlawful for any person to sell to, or entertain the purchase of cigarettes or cigar products to a minor.
- (b) *Posting of No Smoking Signage and Graphic Health Warning Posters.* The owner of establishment offering, distributing or selling tobacco, alcohol products and other mind-altering substances shall post warning signs at the conspicuous area in their establishment informing the public of its health hazards.
- (c) *Role of municipal and barangay government in coordination with the Sangguniang Kabataan Relative to Smoking Ban and Selling of Cigarettes.* There shall be collaborative efforts between the municipal and barangay government in coordination with the Sangguniang Kabataan Federation for massive information dissemination on the negative effects of smoking among children.

#### **SECTION 18. PROHIBITION OF DRUG AND SUBSTANCE ABUSE**

The Municipal Government shall intensify campaign through fora, symposia and other activities against substance abuse either drugs, and other addictive substances among children and using children as handler, dealer and seller of prohibited drugs in coordination with the PNP and Municipal Social Welfare and Development Office (MSWDO). Any person caught using children as handler, dealer, seller and even user of prohibited drugs and other substance shall be penalized according to existing laws.

#### **SECTION 19. PROHIBITION AGAINST WORST FORMS OF CHILD LABOR**

No child shall be engaged in the worst forms of child labor which refer to any of the following as stated in R.A. 9231 otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act:

- (a) All forms of slavery, as defined under R.A. 9208 or the "Anti-Trafficking in Persons Act of 2003" or practices similar to slavery such as sale and trafficking of children, debt bondage and forced or compulsory labor, including recruitment of children for use in armed conflict;



- (b) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) 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;
- (d) 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, such that it:
  - 1) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - 2) Exposes the child to physical, emotional or sexual abuse, or it is found to be highly stressful psychologically or may prejudice morals;
  - 3) Is performed underground, underwater or at dangerous heights;
  - 4) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools;
  - 5) 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 of heavy load;
  - 6) 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;
  - 7) Is performed under particularly difficult conditions;
  - 8) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoans, nematodes, and other parasites;
  - 9) Involves the manufacture or handling of explosives and other pyrotechnic products.

## SECTION 20. EMPLOYMENT OF CHILDREN

- (a) Children as defined in this Code shall not be employed unless:
  - 1) The minimum requirements as stated in Section 12 of R.A. 7610, R.A. 7658 and R.A. 9231 are present; and
  - 2) The employer registers the child who is above 15 years old at DSWD based on rules and regulations of such office, aside from the other regulations of the law.
- (b) *Prohibition on the Employment of Children in Certain Advertisements.* No person or corporation shall employ a child as a model or endorser, in whatever form, for any commercial or advertisement promoting alcoholic beverages, intoxicating drinks, tobacco and its by-product, junk foods and any product or advertisement that promotes violence.

## SECTION 21. CHILD BULLYING

The Municipal Government Unit shall adopt and ensure the implementation of the provisions of RA. 10627 otherwise known as "An Act Requiring All Elementary And Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions".

All elementary and secondary schools are hereby directed to adopt policies to address the existence of bullying in their respective institutions. Such policies shall be regularly updated and, at a minimum, shall include provisions which:

- (a) Prohibit the following acts:
  - 1) Bullying on school grounds; property immediately adjacent to school grounds; at school-sponsored or school-related activities, functions or programs whether on or off



school grounds; at school bus stops; on school buses or other vehicles owned, leased or used by a school; or through the use of technology or an electronic device owned, leased or used by a school;

- 2) Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and
  - 3) Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying;
- (b) Identify the range of disciplinary administrative actions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense: *Provided*, That, in addition to the disciplinary sanctions imposed upon a perpetrator of bullying or retaliation, he/she shall also be required to undergo a rehabilitation program which shall be administered by the institution concerned. The parents of the said perpetrator shall be encouraged by the said institution to join the rehabilitation program;
- (c) Establish clear procedures and strategies for:
- 1) Reporting acts of bullying or retaliation;
  - 2) Responding promptly to and investigating reports of bullying or retaliation;
  - 3) Restoring a sense of safety for a victim and assessing the student's need for protection;
  - 4) Protecting from bullying or retaliation of a person who reports acts of bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying; and
  - 5) Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;
- (d) Enable students to anonymously report bullying or retaliation: *Provided, however*, That no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report;
- (e) Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action;
- (f) Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms of such school for the anonymous reporting of acts of bullying or retaliation;
- (g) Educate parents and guardians about the dynamics of bullying, the anti-bullying policies of the school and how parents and guardians can provide support and reinforce such policies at home; and
- (h) Maintain a public record of relevant information and statistics on acts of bullying or retaliation in school: *Provided*, That the names of students who committed acts of bullying or retaliation shall be strictly confidential and only made available to the school administration, teachers directly responsible for the said students and parents or guardians of students who are or have been victims of acts of bullying or retaliation.

All elementary and secondary schools shall provide students and their parents or guardians a copy of the anti-bullying policies being adopted by the school. Such policies shall likewise be included in the school's student and/or employee handbook and shall be conspicuously posted on the school walls and website, if there is any.

## SECTION 22. CHILDREN AS SOCIAL INDICATORS OF PROVINCIAL CONDITIONS

Children are hereby declared as social indicators of the municipal conditions. It shall be the responsibility of the municipal government and other sectors in civic society to resolve armed conflicts,



mitigate the effects of disaster, calamities and climate change through the provision of various programs and services to realize the mandates stipulated in UNCRC.

### **SECTION 23. RESPECT FOR THE INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW RELEVANT TO ARMED CONFLICTS, DISASTERS/CALAMITIES AND CLIMATE CHANGE**

(a) The Municipal Government undertakes to respect and ensure compliance of the rules of international human rights and humanitarian law applicable to Philippine armed conflict, disasters, calamities and climate change relevant to the child. Specifically, the following policies shall be observed:

- 1) Children shall not be the object of any attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture and other cruel, inhuman and degrading treatment;
- 2) Children shall not be recruited to become members of the Armed Forces of the Philippines, or its civilian units, or other armed groups and they shall not be allowed to take part in any fighting, nor used as guides, couriers or spies;
- 3) Delivery of basic social services such as education, primary health, protection and emergency relief services shall be kept unhampered and organized;
- 4) The safety and protection of personnel who provide service including those who are involved in fact-finding missions, relief and rehabilitation from both government and non-government institutions shall be ensured;
- 5) Public infrastructures such as day care centers, schools, barangay health centers, playgrounds, hospitals and rural health units shall not be utilized for military purposes such as, command posts, barracks, detachments and supply depots;
- 6) Appropriate steps shall be taken to ensure that children are not separated from their families as a result of displacement due to armed conflict, disaster and calamities, and facilitate the immediate reunification with their families of separated children;
- 7) The Municipal Disaster Risk Reduction and Management Office (MDRRMO) shall set up early warning systems to effectively inform and warn the general public about natural hazards or conflicts that are likely to occur in the city.

(b) *Evacuation of Children During Armed Conflicts, Disasters and Calamities.* The Municipal Government shall give priority to the needs of children and adolescents, pregnant women and girls, lactating mothers and persons with disabilities in the event of an evacuation as a result of armed conflict and disasters. It shall likewise ensure that children evacuated are accompanied by persons responsible for their safety and well-being as well as their protection.

(c) *Children and Family Psychosocial Support Program.* The Municipal Social Welfare and Development Office (MSWDO) in coordination with Department of Health (DOH) and non-government agencies shall design a comprehensive psychosocial support program for both children and their families affected by armed conflicts, disasters, calamities and other crisis situations experience by the child/children.

(d) *Rights of Children Arrested for Reasons Related to Armed Conflict.* Any child involved in armed conflict that has been rescued or surrendered is regarded as a victim and entitled to the following rights:

- 1) Treated with respect and in a child-sensitive manner.
- 2) Immediate tracing of and reunification with the victim's family.
- 3) Immediate access to culturally-sensitive and appropriate medical and health services, psychosocial services and rehabilitation and reintegration programs including alternative parental care, if needed.
- 4) Interventions for Muslim and IP children shall be provided in recognition of the traditional structures and institutions in their communities.
- 5) Access to education programs that are appropriate to his or her needs.



- 6) Immediate free legal assistance and physical security upon rescue.
  - 7) Immediate notice of such arrest should be given to the parents or guardians of the child within 24 hours after such arrest; and
  - 8) Release of the child on recognizance within 24 hours to the custody of the MSWDO or any responsible member of the community as determined by the court.
- (e) *Monitoring and reporting of Children in Situations of Armed Conflict, Disasters and Calamities.* The Punong Barangay or any designated official of the Barangay affected by the armed conflicts, disasters and calamities shall submit names, sex and birthdays of children residing under his jurisdiction to the MDRRMO, which shall forward to MSWDO within 24 hours from the outbreak of the armed conflict, disasters and calamities.

#### **SECTION 24. ESTABLISHMENT OF BANTAY-BATA HOTLINE**

A round-the-clock monitoring and reporting base against child abuse shall be established and anchored by the Municipal Police Station through the Children and Women's Desk. Said hotline shall act as the 24-hour vanguard of children in all crimes and abuses committed against them by any person. Upon receiving information regarding any crime committed against a child, the Bantay-Bata Hotline shall immediately report to the appropriate authorities such incident and shall monitor every progress that may occur in relation to the apprehension and prosecution of the offender.

#### **SECTION 25. CREATION OF THE MUNICIPAL ANTI-CRIME TASK FORCE FOR CHILDREN (MACTFC)**

For the protection of the children in the municipality, there is hereby created the Municipal Anti-Crime Task Force for Children (MACTFC) whose main task is to keep children away from prohibited drugs and all forms of crimes against children such as child trafficking, child labor, prostitution, pornography, violence, exploitation, abandonment, neglect and all forms of abuse as defined by law through advocacy, awareness raising and other preventive programs and activities thereby ensuring their physical, educational, moral and social development. As much as possible all barangays shall establish a child protection system through the BCPC in coordination and partnership with government and non-government organizations.

- (a) Composition of the Municipal Anti-Crime Task Force for Children (MACTFC). The MACTFC shall be composed of the following:

Chairperson:	Municipal Mayor
Vice-Chairperson:	Municipal Vice Mayor
Members:	Municipal Social Welfare and Development Officer
	School Division Superintendent
	Municipal PNP Chief
	SK Federation President
	DILG - MLGOO
	Sangguniang Bayan Chair of the Committee on Women, Children and Family
	Sangguniang Bayan Chair on Committee on Peace and Order
	Liga ng mga Barangay President
	MHO/ Representative of the Local Drug Treatment and Rehabilitation Center



## Two (2) NGO Representatives

(b) Functions of the Municipal Anti-Crime Task Force for Children (MACTFC). The MACTFC shall perform the following functions:

- 1) Implement programs and activities formulated by the Municipal Council for the Protection of Children (MCPC) to prevent the proliferation of prohibited drugs and other forms of violence and crimes against children in all settings within the municipality and closely coordinate with school authorities and other entities in the Barangay in relation thereto;
- 2) Gather information and conduct investigation and file appropriate charges with the proper authorities against those people responsible for violating children's rights and other laws and issuances for children;
- 3) Make presentation with government agencies/offices including Non-Government Organizations (NGOs) with programs for the protection of children on their campaign/operation against all forms of violence and crimes against children;
- 4) Formulate and recommend policies, strategies and measures to the Municipal Council for the Protection of Children (MCPC) on how to effectively protect children's rights and make our homes, schools, organizations, institutions and communities totally free from all forms of violence against children;
- 5) To hold regular meetings which shall be once (1) in every three (3) months or special meeting to address urgent problem and to submit corresponding report to the MCPC; and
- 6) To perform such other functions and duties as may be directed or required by the MCPC.

(c) *Secretariat.* The Secretariat support for the Task Force shall be provided by the Secretariat of the MCPC through the Office of the Municipal Social Welfare and Development.

(d) *Honorarium.* The Secretariat support for the Task Force shall be provided by the Secretariat of the MCPC through the Office of the Municipal Social Welfare and Development.

## SECTION 26. CIVIL REGISTRATION AND VITAL STATISTICS (CRVS)

The Municipal Government Unit shall ensure that birth registration are free and in any case that the Civil Registry records will be washed out by any disaster or calamities, the LGU shall provide free reconstruction of birth registrations.

## SECTION 27. DIFFERENTLY-ABLED FRIENDLY STRUCTURES

Differently-abled friendly structures shall be established in government buildings, schools, public markets and other places.

## ARTICLE VI PARTICIPATION RIGHTS OF CHILDREN

### SECTION 1. CHILDREN'S PARTICIPATION RIGHTS

The Local Government Unit of Kalayaan Laguna shall uphold the right to participation of children in development and governance. Likewise, it shall ensure child representation in the Local Council for the Protection of Children (LCPC) at Municipal and Barangay levels.



## **SECTION 2. PARTICIPATION OF CHILDREN IN SOCIAL NETWORKING AND MEDIA**

The interest and welfare of children in the family, school, community and other organizations/institutions shall acknowledge the right of children to be heard. Each child, regardless of age, sex, and tribe has the right to express his/her opinion freely insofar as such opinion is not contrary to law, morals, public safety and public policy. It shall be taken into account through conduct of training/seminar to children, social participation and in providing them a column on the existing newsletter of the Province wherein they are the contributors.

Further, the Municipal Government shall observe every second Sunday of December as National Children's Day of Broadcasting in recognition of the right of children to freedom of thought and expression.

## **SECTION 3. RIGHT OF CHILDREN TO INFORMATION**

In accordance to Republic Act 8370 or the Children's Television Act of 1997, the Municipality shall uphold the right of the children to access information particularly on programs affecting or benefiting them either in schools and communities. It shall be disseminated to children through various platforms like the use of social media; campaign activities; information, education materials; forums and other awareness raising activities in coordination with the LGUs, schools and NGOs.

## **SECTION 4. CONVENTION OF MINORS FOR PURPOSES OF CONSULTATION**

It is important to consult and provide venue for expression of children's rights relevant herewith. It is also necessary that children 7 to 12 years old and 13 to 18 years old (based on their evolving capacity) are convened once a year specifically during the Children's Month Celebration to hear collectively their clamors and needs. All children representing schools, churches, child-led organizations, out-of-school children and youth shall be part of this event and ensure children's participation in the planning and implementation of the convention/assembly. Every NGO concerned with these groups of children shall be instrumental in the process of the preparation and evaluation of the convention.

## **SECTION 5. PARTICIPATION OF CHILDREN IN MONITORING CHILD RIGHTS AND OTHER CHILD-FOCUSED LAWS**

The Municipal Government through MSWD and LCPC shall ensure children's participation in monitoring child rights based on UNCRC and other child-focused laws. It shall develop and implement a set of objective criteria and process of selection to ensure that the process is inclusive and ensure that the periodic review of Convention of the Right of the Child (CRC) is participated by children and a report is submitted to higher governing body for inclusion.

## **SECTION 6. RIGHT TO ASSOCIATION AND PARTICIPATION TO CUMMUNITY AFFAIRS.**

The Municipality shall promote the formation of child-led organizations (formal or informal groups) and support their initiatives that will serve as venues for children to express their talents, develop their capacities and participate in child-friendly community affairs. Such right can be expressed by children through membership to LCPCs, federations, and other organizations.

## **SECTION 7. CHILDREN'S MONTH.**

In keeping with the mandate of Republic Act No. 10661 signed on May 29, 2015 declaring the month of November as National Children's Month, commemorating the adoption of the Convention on the Rights of the Child by the United Nations General Assembly on 20 November 1989 and seeks to instill its significance in the Filipino consciousness, the Local Councils for the Protection of Children (LCPCs) shall conduct child-focused activities for the month promoting the rights of children.



## **SECTION 8. SEARCH FOR THE MOST CHILD-FRIENDLY BARANGAY**

There shall be an annual Search for Most Child-Friendly Barangay in the Municipality of Kalayaan. Awarding of winners will be done in every month of November during the Children's Month Celebration. The Barangay Government Units shall be assessed based on twelve (12) criteria. The assessment shall use a scaling system in measuring the results and the performance consistent with the national standards, averages and targets.

## **ARTICLE VII LOCAL COUNCILS FOR THE PROTECTION OF CHILDREN**

### **SECTION 1. STRENGTHENING OF THE LOCAL COUNCILS FOR THE PROTECTION OF CHILDREN (LCPC)**

The Municipal Government and the Department of Interior and Local Government shall ensure that every barangay has functional LCPC.

### **SECTION 2. THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)**

Barangays within the Municipality of Kalayaan are enjoined to create their respective Barangay Council for the Protection of the Children (BCPC) or if there is already existing, to reactivate and strengthen the same.

### **SECTION 3. COMPOSITION AND FUNCTIONS OF THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN**

(a) The Barangay Council for the Protection of Children shall be composed of the following:

Chairman:	Punong Barangay
Members:	Barangay Kagawad (Committee on Women and Family Chairperson)
	Barangay Day Care Worker
	Barangay Health Nurse/Midwife
	Barangay Health Worker
	DepEd Principal/Teacher-in-Charge
	Chief Tanod
	SK Chairperson
	PTA President or his/her Representative
	NGO/PO Representative

(b) The Barangay Council for the Protection of Children shall perform the following functions:

- 1) Foster education of every child;
- 2) Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice;
- 3) Adopt measures for the health of children;
- 4) Conduct capability building projects to increase knowledge and skills in handling children's program;



- 5) Encourage the proper performance of the duties and responsibilities of parents, and provide learning opportunities on the adequate rearing of children and positive parent-child relationship;
- 6) Promote wholesome entertainment in the community, especially in movie houses;
- 7) Prepare AAFP for children and recommend appropriations to the Sanggunian;
- 8) Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
- 9) Establish and maintain database on children in the barangay;
- 10) Advocate for the establishment and maintenance of playgrounds, day-care centers and other facilities necessary for child and youth development;
- 11) Advocate for the passage of barangay resolutions/ordinances responsive to child-related issues and concerns and ensure the inclusion of children's program in the executive agenda;
- 12) Protect and assist children in need of special protection and refer cases filed against child abusers to proper agencies/institutions;
- 13) Monitoring situational reports on children and prepare quarterly updates including the implementation of children's programs and make recommendations to the City/Municipal CPC for consideration and nationwide application;
- 14) Perform such other functions and other child related laws especially in matters of child and parent education, health, entertainment, etc.

#### **SECTION 4. MUNICIPAL COUNCIL FOR THE PROTECTION OF THE CHILDREN (CMCPC)**

The municipality is enjoined to create its respective Municipal Council for the Protection of the Children (MCP) or if there is already existing, to reactivate and strengthen the same.

#### **SECTION 5. COMPOSITION AND FUNCTIONS OF THE CITY/MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN**

- (a) The Municipal Council for the Protection of Children (MCP) shall be composed of the following:

Chairperson:

Municipal Mayor

Members:

Sangguniang Bayan Committee on Women and Family Chairperson

DILG Municipal Local Government Operation Officer (MLGOO)

District Supervisor of DepEd

Public Employment Service Office (PESO) Manager

Municipal Planning and Development Officer

Municipal Budget Officer

Municipal Health Officer

Municipal Social Welfare and Development Officer

Municipal Nutrition Action Officer

Municipal PNP Chief



## Municipal Treasurer

Liga ng mga Barangay (LnB)  
President

SK Federation President

Parents-Teachers Association (PTA)  
President

Child Representative

At least three (3) representatives of non-government organizations (NGOs), two (2) of whom are appointed by the Committee handling ECCD Programs and one (1) from the trade/labor union sector

(b) The Municipal Council for the Protection of Children (MCPC) shall perform the following functions:

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

### SECTION 7. REPRESENTATION OF NON-GOVERNMENT ORGANIZATIONS IN THE PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN

The Kalayaan Sanggunian shall invite the NGOs with child-focused programs for membership in the Council for the Protection of Children, provided that these NGOs are duly accredited by the Provincial Government.



## **SECTION 8. SPECIAL COMMITTEES**

The Local Council for the Protection of Children (PCPC) shall create, from among its members, special committees, as necessary, that shall ensure that the programs and services, as well as the protective measures of this Code are duly implemented.

It may likewise create special committees for the following:

- (a) Early Childhood Care and Development Program
- (b) Local Anti-Crime Task Force for Children
- (c) Local Anti-Child Trafficking Task Force
- (d) Local Anti-Child Labor Task Force and other committees, as it may deem proper and necessary.

## **SECTION 9. FORMULATION AND GUIDING RULES OF LCPC**

Sixty days (60) upon the approval of this Code, the Local Council for the Protection of Children (LCPC) shall meet, formulate and adopt their own Internal Rules of Procedures and Regulations to serve as guidelines for the members in the discharge of their official functions, such as: the organization's structure, parliamentary procedure, order of meetings and quorums and such other rules as the Council may deem necessary.

## **SECTION 10. LOCAL DEVELOPMENT PLAN FOR CHILDREN**

The LCPC shall formulate a five-year comprehensive Local Development Plan for Children and the corresponding Local Investment Plan for Children based on the Formulated Comprehensive Children's Program by the LCPC through a consultative and participatory process. It shall encourage the participation of children which may include public forum, children's congress, festival, games, camping, educational tours, and others. Such Plan shall be integrated to the Provincial Development Plan and Provincial Investment Plan at all LGU levels. The said Plan will be revisited every five (5) years.

## **SECTION 11. PROVINCIAL ANNUAL STATE OF CHILDREN REPORT**

The Local Government Unit of Kalayaan LAGUNA with the Local Council for the Protection of Children shall report annually of the accomplishments of the province and the cities/municipalities on the annual state of children to the public based on the indicators of the Local Development Plan and Investment Plan for Children.

## **SECTION 12. HONORARIUM OF PCPC**

The members of the Local Council for the Protection of Children may receive an honorarium during regular meetings, the amount of which shall be determined by the Council.

## **SECTION 13. SECRETARIAT**

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



## **SECTION 14. CHILD REPRESENTATIVES**

The child representatives shall at all times be given the opportunity to participate in all undertakings of the Local Councils for the Protection of Children (LCPC), including their right to express their views and opinions in all matters affecting their welfare. He/she shall be articulate and willing and able to express the issues and concerns of children in the community.

Criteria for the selection of child representative:

- (a) Must be between 10-15 years old;
- (b) Must be an active participant of the community;
- (c) Must be an active member of an accredited organization in the barangay, school, or faith-based group;
- (d) Must be able to articulate children's issues and concerns;
- (e) Must have residency of one (1) year in the municipality;
- (f) Must have good leadership skills;
- (g) Must have balanced views on gender, religion, ethnicity, and disabilities;

## **SECTION 15. TERM OF OFFICE**

The term of office of the Child Sector Representative for the Local Councils for the Protection of Children (LCPC) is two (2) years.

## **SECTION 16. FUNDING**

Upon recommendation of their respective Local Council for the Protection of Children (LCPC), LGUs shall provide funding for programs/projects/activities on children and ensure that these are implemented.

## **ARTICLE VIII CHILDREN'S ASSOCIATION**

### **SECTION 1. THE MUNICIPAL CHILDREN'S ASSOCIATION**

The Municipality of Kalayaan shall support and spearhead the organizing process of the Municipal Children's Association and Barangay Children's Federation in support to strengthening children's participation in the province.

## **ARTICLE IX OTHER PROHIBITED ACTS AND PENALTIES**

### **SECTION 1. OTHER PROHIBITED ACTS**

In addition to all acts defined in and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws, Republic Act 9231 on Elimination of the Worst Forms of Child Labor, Republic Act 9208 on Anti-Trafficking in Persons Act, Republic Act 9344 on Juvenile Justice and Welfare, the following acts shall likewise be punishable:

- (a) Refusal of parents to let their children attend school - Parents forcing their children to work to augment family income instead of their children going to school.
- (b) Illegal Recruitment - Any person who recruits other persons for work shall be required to register with and secure a permit from the Office of the Punong Barangay in the place of recruitment with understanding not to recruit children.



There is a presumption of illegal trafficking when a person is found together with two or more minors not his/her relatives at the pier or port of exit, or bus/jeepney terminals for the purpose of transporting the minors to another place without any permit from the Punong Barangay. Operators/managers of piers/terminals or ports shall likewise post signages with regard to Anti-Trafficking Ordinance

- (c) Pushing/Enticing Minors to Live-In Arrangement - It shall be unlawful for parents to entice, encourage and/or force their children to live together with any person as husband and wife in exchange for money or any other consideration.
- (d) Sexual Exploitation of Minors - Sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display or lascivious conduct shall be considered *prima facie* evidence of sexual exploitation.
- (e) Smoking and drinking of Minors is strictly prohibited - It shall be unlawful for a child to smoke and drink intoxicating liquor. It shall likewise be unlawful for any person to sell to a child, cigarettes, liquor, rugby and any other additive substances.

Inducing a minor to use drugs, cigarettes, alcohols and other intoxicating and mind-altering substances shall also be strictly prohibited.

Parents are prohibited to command their children to buy or light cigarettes for them.

- (f) Smoking in enclosed places and public conveyances - It shall be unlawful to smoke inside buses and jeepneys and other public conveyances. Smoking for adults must be done in areas designated as such.
- (g) Gambling of minors is strictly prohibited. - Parents are directed to monitor their children not to indulge in any form of gambling.
- (h) Street-Children engaged in Begging is strictly prohibited-The Municipal Government through the Social Welfare Office shall ensure that no children-beggars be found in the vicinity.
- (i) The selling and distribution of pornographic materials to minors - The Municipal Council for the Protection of Children, the municipal law enforcers shall monitor and prevent the entry of such pornographic materials.
- (j) Calling a child any name or identity other than his/her own for the purpose of insulting, belittling or humiliating the child.
- (k) Facilitating, encouraging or coercing the child or parent/guardian of the child to falsify any entry in the child's records, including birth, baptismal or school records.
- (l) Refusing to accept a child for enrolment or imposing sanctions by public school because of the child's or his/her family's religion, culture or ethnical background.
- (m) Appropriate schools refusing to enroll or accept a differently-abled child merely by reason of physical disability.
- (n) Forcing, coercing a child to change or join a certain religion or belief.
- (o) Discriminate against children of minority culture and indigenous people because of their culture, religion or beliefs.
- (p) Causing undue publicity about cases of child abuse or other cases involving Children in Need of Special Protection (CNSP).
- (q) Branding or labeling Children in Conflict with Law (CICL) as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys or attaching to them in any manner any other derogatory names.



## SECTION 2. PENALTIES

The penalty for any violation of this Code, which is not penalized elsewhere in other sections of this Code or in a national law, shall be upon conviction by the proper court, an imprisonment of six (6) months to one (1) year and/or a fine ranging from One Thousand Pesos (P1, 000.00) to Two Thousand Five Hundred Pesos (P2,500.00) shall be imposed.

For first time offenders, in cases where the offender is the parent/guardian or teacher of the child or relative within the fourth civil degree of consanguinity, if the offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the written consent of the victim child. Penalties for second and recidivist offenders shall not be waived.

## SECTION 3. PERSONS WHO MAY FILE A COMPLAINT

Complaints of unlawful acts committed against children may be filed by any of the following:

- (a) The offended party;
- (b) The parents; in case it is the parent who is the offender, the non-offending parent, or guardians;
- (c) Ascendants or collateral relative within the third degree of consanguinity;
- (d) Officer or social worker or representative of a licensed child caring institution;
- (e) Officer or social worker in the Municipal Social Welfare and Development Office;
- (f) Municipal or Barangay officials, or
- (g) At least three (3) concerned responsible citizens with direct knowledge of the offense committed who are residing in the community where the violation occurred.

## SECTION 4. PROTECTIVE CUSTODY OF THE CHILD

The offended party shall immediately be placed under the protective custody of the Social Welfare and Development Officer pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the Social Welfare and Development Officer shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603

## SECTION 5. 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 and director in case of the film in case of the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

## SECTION 6. REPORTING

- (a) A 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 Welfare and Development, the Office of the Municipal Social Welfare and Development, to the Law Enforcement Agency or to the Barangay Council for the Protection of Children (BCPC) concerned.
- (b) The head of any public or private hospital, medical clinic and similar institution, as well as the attending physician/s and nurses shall report either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty eight (48) hours from the knowledge of the same.
- (c) It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers and



other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

## SECTION 7. FAILURE TO REPORT

- (a) Any individual mentioned in preceding Section who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punished under RA 7610.
- (b) Any public official who has any knowledge or learns of facts and circumstances that a child will be, or may be, or has been subjected to abuse, exploitation and/or trafficking and fails to report such to the LCPC shall be penalized with a fine of P2,500.00 and imprisonment of one (1) year or both at the discretion of the Court.

## SECTION 8. IMMUNITY FOR REPORTING

Any person who, acting in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that such person acted in good faith.

## ARTICLE X MISCELLANEOUS PROVISIONS

### SECTION 1. IMPLEMENTING RULES AND REGULATIONS

The Implementing Rules and Regulations (IRR) of this Code shall be drafted within six (6) months from the effectivity of this Code

### SECTION 2. SEPARABILITY CLAUSE

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

### SECTION 3. REPEALING CLAUSE

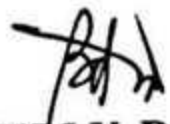
All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provision of this Code are hereby repealed or modified accordingly.

### SECTION 4. EFFECTIVITY CLAUSE.

This Code shall take effect 15 days after posting in at least three (3) conspicuous places in the Local Government Unit of Kalayaan Laguna.

**UNANIMOUSLY APPROVED** this 15<sup>TH</sup> day of May 2023, during the 43<sup>RD</sup> Regular Session of the *Sangguniang Bayan* of Kalayaan, Laguna held at the *Sangguniang Bayan* Session Hall, Municipal Building, Kalayaan, Laguna.

  
**DARWIN R. PONCE**  
SB Member

  
**BEVERLY D. REYES**  
SB Member

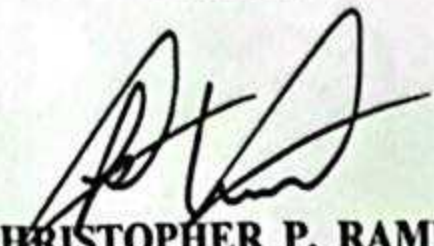


  
**ALDRIN A. AGANA**  
SB Member

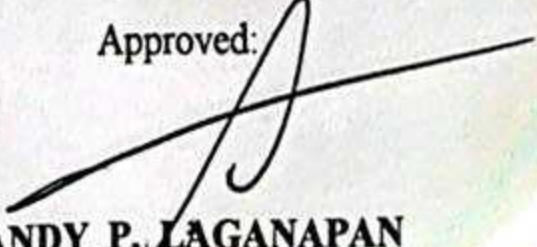
  
**VEELLY JAMES L. CABAMALAN**  
SB Member

  
**LAARNI C. LOPEZ**  
SB Member


Attested:

  
**CHRISTOPHER P. RAMIRO**  
Presiding Officer/Vice-Mayor  
Date: 5-25-2023

Approved:

  
**SANDY P. LAGANAPAN**  
Municipal Mayor  
Date: 5-25-2023

**I HEREBY CERTIFY** that the foregoing ordinance was enacted by this *Sangguniang Bayan* during its Regular Session on the date above mentioned.

  
**RENETH S. MARTINEZ**  
SB Secretary

SB Files. File Folio/Ordinance/General/2023/MO No. 95.

