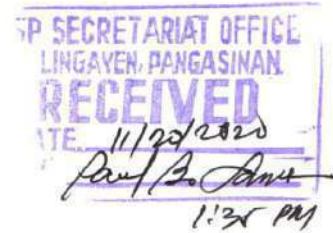




Republic of the Philippines  
MUNICIPALITY OF LINGAYEN  
Province of Pangasinan  
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### OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION OF THE SANGGUNIANG BAYAN OF LINGAYEN, PANGASINAN HELD AT THE SESSION HALL ON NOVEMBER 5, 2020.

PRESENT : VICE MAYOR JUDY DL. VARGAS-QUIOCHO - Presiding Officer

SBM Mac Dexter G. Malicdem  
SBM Jay Mark Kevin D. Crisostomo  
SBM Jonathan Carl R. Arcinue  
SBM Ramon Anselmo M. Cuaresma  
SBM Sheila V. Castañeda  
SBM Randall Q. Bernal  
SBM Ricardo R. Ferrer  
SBM Jasper S. Pasion  
SBM Darwin B. Jimenez – LIGA President  
SBM Gabriel Ivan C. Tuazon – SK President

ABSENT : N O N E

*Authored by:* SBM RAMON ANSELMO M. CUARESMA

### ORDINANCE NO. 89, S-2020

### MUNICIPAL ORDINANCE UPDATING THE CHILD AND YOUTH WELFARE CODE OF THE MUNICIPALITY OF LINGAYEN, PROVINCE OF PANGASINAN.

Be it ordained by the Sangguniang Bayan of Lingayen, Pangasinan in session assembled that:

### ARTICLE I TITLE, POLICY, PRINCIPLES & DEFINITION OF TERMS

**SECTION 1. TITLE.** This shall be known as "MUNICIPAL ORDINANCE UPDATING THE CHILD AND YOUTH WELFARE CODE OF THE MUNICIPALITY OF LINGAYEN, PROVINCE OF PANGASINAN".

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

- a. It is hereby declared to be the policy of the Municipality of Lingayen, Pangasinan to effectively promote, fully enhance and institutionalize the survival, protection, development and participation of children's right within the framework of advancing general furtherance of integrated, sustainable and equitable development;
- b. It is also the policy of the Municipality of Lingayen, to serve the welfare of children which shall be the paramount consideration in all actions concerning them consistent with local autonomy and in principle of "Best Interest of the Child" as enunciated in the United Nations Convention on the Rights of the Child;
- c. It is the policy of the Municipality of Lingayen to adhere to the generally accepted principles of International Law; and

- d. It is likewise the policy of the Municipality of Lingayen to undertake the holistic protection and development of all children together with National Government Agencies and Non-Government Organizations concerned.

### SECTION 3. DEFINITION OF TERMS

- a. *CHILDREN* – refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition;
- b. *SURVIVAL RIGHTS* – deal with the provision in relation to parental and governmental duties and liabilities, adequate living standard and access to basic health and health services and social security;
- c. *DEVELOPMENT RIGHTS* – pertain to the access of a child to educational opportunities, access to relevant information, play, leisure, cultural activities and the right to freedom of thought, conscience and religion;
- d. *PROTECTION RIGHTS* – cover those which guard children against all form of child abuse, exploitation and discrimination in major areas where he is considered in extremely difficult circumstances;
- e. *PARTICIPATION RIGHTS* – include the child's freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and to freedom of association;
- f. *CHILD ABUSE* – refers to the maltreatment, whether habitual or not, of the child which includes any of the following;
1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  3. Unreasonable deprivation of his basic needs for survival such as food and shelter; or
  4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of this growth and development or in his permanent incapacity or death;
- g. "CIRCUMSTANCES WHICH GRAVELY THREATEN OR ENDANGER THE SURVIVAL AND NORMAL DEVELOPMENT OF CHILDREN" include, but are not limited to the following:
1. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
  2. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
  3. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
  4. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is undeveloped and/or lacks or has inadequate access to basic services needed for a quality life;
  5. Being with a family member or guardian having psychological problems grave enough for them to commit incest, siblings' rape, lascivious acts and other forms of physical and mental abuse;
  6. Being a victim of a man-made or natural disaster calamity;
  7. Being a victim of an illegal transnational organization or child trafficking; or



8. Circumstances analogous to those above stated which endanger life, safety or normal development of children;
- h. **ANTI-SOCIAL RELATED ACTIVITIES** – are those against property, chastity and person which include but not limited to:
1. Petty crimes such as snatching, shoplifting, misrepresentation;
  2. Using and pushing prohibited drugs, setting illegal or lewd reading materials;
  3. Pimping for young and old prostitutes, doing or participating in obscene shows;
  4. Gambling of any form;
  5. Rape and incest.
- i. **CULTURAL RELEVANT ACTIVITIES** – refer to activities showcasing the Filipino Culture and Tradition such as but not limited to the following:
1. Ethnic Dances
  2. Historical Drama
  3. Folk Dance
  4. Others
- j. **PRE-SCHOOL EDUCATION** – refers to the age from birth to six (0-6) years old and known to be critical phase of the child's psychomotor development. It is the phase when ninety-percent (90%) of the human brain is developed. It is therefore, the phase when activities for development stimulation for children must be provided, hence, the need for early childhood care and development program.
- k. **CHILD IN CONFLICT WITH THE LAW** – refers to a child who is alleged as, accused of, or adjudged, as, having committed an offense under Philippine laws.
- i. **CHILDREN AT RISK** – refers to children who are vulnerable to and at the risk of committing criminal offenses, due to personal, family and social circumstances, such as, but not limited to, the following:
1. Being abused by any person through sexual, physical, psychological, mental, environmental or any other means and the parents or guardians refuse, or are unwilling, or unable to provide protection for the child;
  2. Being exploited including sexual and economical;
  3. Being abandoned or neglected, and after diligent search and inquiring the parent or guardian cannot be found;
  4. Coming from a dysfunctional or broken family or without a parent or guardian;
  5. Being out-of-school;
  6. Being a street child;
  7. Being a member of a gang;
  8. Living in a community with a high level of criminality or drug abuse; and
  9. Living in situations of armed conflict.
- m. **INTERVENTION** – refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- n. **DIVERSION** – shall refer to an alternative child-appropriate process of determining responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

- o. **DIVERSION PROGRAMS** – shall refer to programs that a child in conflict with the law is required to undergo after he/she is found responsible for an offense, without resorting to formal court proceedings.
- p. **COMMUNITY REINTEGRATION PROGRAMS** – shall refer to the programs established for the purpose of rehabilitation and preparing the child for reintegration into the community.
- q. **SPECIAL CHILDREN or CHILDREN WITH SPECIAL NEEDS** – are children with either physical, psychological or mental disability or condition, whether congenital or acquired after birth.
- r. **CHILD LABOR** – shall refer to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental, or psychosocial development.
- s. **COUNCIL** – shall refer to the Municipal Council for the Protection of Children.
- t. **LGU** – shall refer primarily to the Local Government Unit of Lingayen and to the component municipalities and barangays under its jurisdiction.
- u. **BULLYING** – shall refer to a repeated verbal, physical, social or psychological aggressive behavior by a person or group directed towards a less powerful person or group that is intended to cause harm, distress or fear.

## **ARTICLE II SURVIVAL & DEVELOPMENT RIGHTS OF CHILDREN**

**SECTION 1. UNDER SIX PROGRAM FRAME WORK.** *The Municipal Government shall ensure to the maximum extent possible the survival and development of the child. The early childhood Care and Development coupled with parents Effectiveness Service Program on Child Survival and Development shall include the following, among others;*

**SECTION 1.1. DAY CARE SERVICE PROGRAM.** *The Municipal Government shall support the Day Care Service Program which is population and community based. The Day Care Center shall serve 3 to 5 years old and shall be set-up in the Barangay, the number of which shall depend on the population level of the community;*

**SECTION 2. PRIMARY HEALTH CARE FRAMEWORK.** *The Municipal Government shall implement and sustain the Primary Health Care Program to primarily cater children. To further ensure the implementation of this section, it shall take appropriate measure to support the program on health under the framework of primary health and preventive care.*

**SECTION 2.1. MATERNAL AND CHILD CARE PROGRAM.** *The Municipal Government shall continue to implement and support its maternal and child care service program which shall cater to the health of the mother which affects the child in the womb with the end in view of delivering a healthy baby.*

**SECTION 2.2. MOTHER AND CHILD IMMUNIZATION PROGRAM.** *The program on the preventive child care and health services which include, among others, the monitoring and registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, neonatal tetanus, measles, poliomyelitis, hepatitis B and such other diseases for which vaccines have been developed for administration to children up to five years old.*



**SECTION 2.3. CHILD PATIENTS AND INDIGENT PARENTS.** The Municipal Government shall ensure the availment of the hospital's indigent fund by a child patient of indigent parents needing services of a private doctor/specialist to be cured of his ailments, subject to the recommendation of the Municipal Social Welfare and Development Office after the availability of fund for such purpose.

**SECTION 3. FAMILY AND COMMUNITY WELFARE AND SUPPORT SYSTEM.** The Municipal Government through the Municipal Health Office and Municipal Social Welfare and Development Office shall implement and sustain a Family and Community Welfare Support System for Children. To further ensure the implementation of this section, it shall take appropriate measures to support the program on family and community under a family and community welfare development framework;

There shall be established a Comprehensive Family and Community Welfare and Development Program which shall include courses and sustain on reproductive health, child health and child rearing practices, parent effectiveness, pre-marriage counseling, responsible parenthood, among others, in context of Filipino psychology. This shall also include courses in community organizing such as the social preparation for people's participation, community volunteers' resource development and social welfare structure development among others. The following programs shall form part of this Comprehensive Family and Community Welfare Program which this government shall support.

**SECTION 3.1 CHILD AND YOUTH WELFARE PROGRAM.** The Municipal Government shall establish and support a Comprehensive Child and Youth Welfare and Development Program which shall include the services which develop the youth as partner in community development which include Adolescent Fertility Management and Leadership Training and Services for children in especially difficult circumstances, among others.

**SECTION 3.2 WOMEN WELFARE PROGRAM.** The Municipal Government shall recognize the role of women in the formation of the society as well as the child; hence, it shall include courses and services such as self-enhancement skills development, maternal and childcare, skills training for employment and livelihood support among others.

**SECTION 3.3 NUTRITION PROGRAM.** The Municipal Government shall establish and sustain a growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake of children at home and in school. This program shall be under the administration and supervision of the Municipal Health Office. The program on nutrition shall include a monitoring and evaluation system which shall be established by the said office.

**SECTION 4. COMMUNITY SUPPORT SYSTEM.** There shall be established a Comprehensive Support System for the survival; and development, protection, security and participation of children in the Municipality of Lingayen. The community support system and structures shall be the Provincial Council for the Welfare of Children, Municipal Council for the welfare of Children and Barangay Council for the Protection of Children.

**SECTION 5. THE MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN (MCPC), ITS MEMBERSHIP AND FUNCTIONS.** There shall be an organized Municipal Council for the Protection of Children to plan and implement programs and services for children at the municipal level. Its organization shall be spearheaded by the Municipality of Lingayen preferably the Municipal Chief Executive.

**SECTION 5.1 COMPOSITION OF MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN (MCPC).** The members of the MCPC shall include the following:

1. Municipal Mayor as the Chairperson
2. Municipal Vice Mayor as the Co-Chairman
3. *Members:*
  - a) Sangguniang Bayan Committee Chairman on Children, Elderly, Handicapped and Family Relations
  - b) Municipal Planning and Development Officer
  - c) Municipal Social Welfare and Development Officer
  - d) Municipal Health Officer/s
  - e) Sangguniang Bayan Committee Chairman on Appropriation
  - f) DepEd District Supervisor/s
  - g) Municipal Legal Officer
  - h) LIGA President
  - i) SK Federation President
  - j) Local Finance Committee
  - k) Municipal Local Government Operations Officer
  - l) Youth & Children's Coordinator
  - m) Women & Children's Protection Desk Officer
  - n) Chief of Police PNP Lingayen

**SECTION 5.2 FUNCTIONS OF MCPC.** The following shall be the functions of MCPC.

1. The LCPC shall function as the core local institution for child-related programs as provided by DILG Memo Circular 2008-126; Thus, it shall plan and spearhead programs for children at the local level with the end in view of making the locality child friendly;
2. Acts as the primary agency that coordinates and assists the local government unit in the formulation of a comprehensive plan on juvenile delinquency prevention and oversees its proper implementation as mandated by Title III Chapter I Section 15 of the *Juvenile Justice and Welfare Act of 2006*;
3. Provides and coordinates linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
4. Establishes and maintains database of statistics, studies, and programs for children;
5. Recommends local legislations promoting child survival, protection, participation and development, with appropriate funding support;
6. Documents best practices on children with the LGU;
7. Performs such other functions as may be required by law.

**SECTION 5.3. SECRETARIAT FUNCTION.** The Secretariat support shall be lodged in the Municipal Social Welfare and Development Office who shall be responsible for the documentation of proceedings and meetings and preparation or reports and other necessary documents needed by Council.

**SECTION 5.4. THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC), ITS MEMBERSHIP AND FUNCTIONS.** There shall be created BCPC in every Barangay in the Municipality of Lingayen. Captains of the respective Barangays are hereby mandated to spearhead the creation and strengthening of said Council with the support of the Municipal Local Government Operation Officer (MLGOO) and other concerned Government and Non-Government Agencies.

**SECTION 5.5. COMPOSITION OF BCPC.** The membership of the BCPCs shall be taken from responsible members of the community including a representative of the youth, as well as representatives of government and private agencies concerned with



the welfare of children and youth whose area of assignment includes the particular Barangay and shall be on purely voluntary basis.

**SECTION 5.6. FUNCTIONS OF BCPC.** The following are the powers and functions of BCPCs:

1. Foster education of every child in the Barangay;
2. Encourage the proper performance of duties of parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
3. Protect and assist abandoned, maltreated and abused children and monitor cases filed against child abusers and report the same;
4. Protect working children from abuse and exploitations;
5. Take steps to prevent juvenile delinquency and assist parents and children with behavioral problems so that they can get expert advice;
6. Promote the opening and maintenance of playgrounds and Day Care Centers and other services that are necessary for children and youth welfare;
7. Promote wholesome activities/ entertainment in the community especially in the movie houses;
8. Assist parents whenever necessary in securing expert guidance counseling from private agencies;
9. Advocate for the passage of Barangay Plan of Action for children which addresses the needs of children in the community and ensure its integration into the Barangay Development Plan and implementation by the Barangay;
10. Submit quarterly Barangay accomplishment report of the implementation of the plan to the MCWC; and
11. Arrest any individual who is actually committing, about to commit or has committed an offense against the person of any minor.

**SECTION 6. PROVISION FOR THE STRICT IMPLEMENTATION OF ASIN LAW IN THE MUNICIPALITY OF LINGAYEN.** The Municipal Government Unit of Lingayen shall ensure the strict implementation of RA 8172, otherwise known as "An act promoting the Salt Iodization Nationwide." A committee created by the Municipal Council for the Protection of Children shall be taken to supervise the implementation of said law.

**SECTION 7. MOTHER AND BABY FRIENDLY HOSPITALS IN THE MUNICIPALITY OF LINGAYEN.** All hospitals in Lingayen, Pangasinan shall comply with the requirement of the Department of Health for a Mother-Baby Friendly Hospital. Any hospital found to have deliberately violated this mandate should be recommended for appropriate sanctions by the Department of Health.

**SECTION 8. CHILD-FRIENDLY BUILDINGS.** In the approval of the proposed building plans of commercial buildings in Lingayen, Pangasinan by the Office of the Municipal Engineer, such office shall ensure the inclusion of child-friendly facilities herein. And to avoid any happening of child accidents, the proposed plans of commercial buildings must observe the hereunder specifications:

1. Balusters in staircases, must be spaced in a manner that their distance from each other would not exceed six (6) inches to avoid children from accidentally falling through;
2. In case of buildings having more than one-storey, railings or balusters acting horizontal or vertical barriers must be likewise spaced in a manner that their distance from each other must not reach six (6) inches and said railings or balusters must have a height of not less than 5 feet;



3. Lavatory buildings to accommodate the personal necessities of children entering said buildings.

**SECTION 9. SURVEY AND ACTIVE PROGRAM FOR DIFFERENTLY-ABLED CHILDREN.** The Municipal Government of Lingayen through the Municipal Health Office with the assistance of the Municipal Social Welfare and Development Office shall make a periodic comprehensive survey and situational analysis on the differently-abled children. The MSWDO together with the DepEd shall spearhead the conduct of situational analysis that shall be the basis for planning, by the Child Welfare Council and other concerned agencies, for programs and projects for these children.

The Municipal Government shall continue to provide rehabilitation activity/program at the Stimulation Therapeutic Activity Center for differently abled children to be managed by a Physical Therapist, and with corresponding budget. Close coordination is likewise enjoined with the Department of Education, Special Education.

**SECTION 10. MUNICIPAL AND BARANGAY LEVEL RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM.** A Municipal and Barangay level program for the revival of indigenous games reflective of the cultural diversity of the Municipality of Lingayen shall be installed. The Municipality/Barangay Government Units shall allocate space for recreation and provide recreational facilities appropriate for each child's gender and age. A regular cultural program appropriate for each children's age group and gender shall be designed with due respect to cultural diversity. This regular cultural program shall be spearheaded by the respective Municipal/Barangay Councils under the leadership of the Municipal Mayor and Barangay Captain together with the Chairman on Committee on Health & Social Services.

**SECTION 11. PARENTING ORIENTATIONS.** Marriage license applicants shall be required to participate to a Parenting Orientation Course of Pre-Marriage Counseling Seminar, among other requirements prior to the issuance of marriage license by the Local Civil Registrar.

**SECTION 12. INCLUSION OF THE CONVENTION OF THE RIGHTS OF CHILDREN IN THE SCHOOL CURRICULUM.** As part of the advocacy, information and education campaign of the government on the survival and development, protection and security and participation rights of children, the convention on the rights of children shall be encouraged to include as part of the school curriculum of the schools in the Municipality of Lingayen, Pangasinan both public and private at all levels.

**SECTION 13. TRAINING FOR TEACHERS ON RIGHTS OF CHILDREN.** Teachers, especially those in the kindergarten, elementary and high school are encouraged to undertake continuous training on the rights of the child and sensitivity to children in need of special protection to be able to help them. The training shall be spearheaded by the Municipal Council for the Protection of Children (MCPC) and Department of Education in coordination with the MSWDO.

### ARTICLE III PROTECTION RIGHTS OF CHILDREN

**SECTION 1. SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSES, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS.** All establishments or enterprises caught promoting or facilitating child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts shall be immediately closed and be fined an amount of Two Thousand Five Hundred Pesos (Php2,500.00) at the discretion of the court, with their authority or license to operate permanently cancelled without prejudice to the owner, manager and other personnel thereof for being prosecuted under RA 7610, as amended, otherwise known as "An act providing for stronger



deterrence and special protection against child abuse, exploitation and discrimination, providing penalties for its violations and for other purposes.”

**SECTION 2. ESTABLISHMENTS OF POST NOTICES AND INFORMATION AT ENTRY OR FRONT DESKS REGARDING CHILD PROTECTION.** All hotels/lodging housing, night clubs and other establishments of similar services shall be required to post notices and information about child protection to serve as deterrent to committing child trafficking, prostitution and other sexual abuses. To ensure the compliance by the concerned establishments to this section, the office of the municipality through the Licensing Department shall require these establishments to post such information or notices before their respective licenses shall be renewed and/or approved.

**SECTION 3. AUTHENTICATED BIRTH CERTIFICATE AS A REQUIREMENT FOR WORKING PERMITS.** All applicants for working permits shall be required to submit a duly authenticated birth certificate by the Local Civil Registrar who issued said certificate. Any violation shall subject offender to administrative and criminal liabilities and shall be punished in accordance with the law.

**SECTION 4. CREATION OF SPECIAL SERVICES FOR CHILDREN IN NEED OF SPECIAL PROTECTIVE AND LEGAL SERVICES.** The Municipal Government shall create special programs for the protection of children who are victims of incest and rape cases. It shall also endeavor to muster the support of the private sector more particularly the local chapter of the Integrated Bar of the Philippines and the academe to provide legal and protective services to children who are in need of such services.

**SECTION 5. ESTABLISHMENT OF CHILD AND YOUTH RELATIONS SECTION FOR THE PURPOSE OF STRENGTHENING THE PILLARS OF JUSTICE SYSTEM.** The police station in the Municipality of Lingayen, Pangasinan shall have a Women and Children's Protection Desk tasked to handle cases involving children. Child-Friendly police procedures shall be implemented as contained in the Police handbook on the management of cases of children in especially difficult circumstances. Each PNP element shall be provided a copy of the said handbook. The said section shall be administered by a female Police Officer.

**SECTION 6. SPECIAL COURSE FOR PNP MEMBERS.** A continuing special course for coordination with the PNP Child Protection Team, NGOs and other Civic Organizations focused on Child and Youth programs.

**SECTION 7. SPECIALIZED TEAM OF EDUCATORS FOR MUSLIMS AND INDIGENOUS PEOPLE'S CHILDREN.** In addition to the rights guaranteed to indigenous and Muslim children under RA 7610 and other existing laws, the Office of the Municipal Mayor shall create a committee to study and design-training program for teachers assigned to indigenous and Muslim communities, which is culture-specific and relevant to the needs and existing situation of their communities.

**SECTION 8. CURFEW FOR MINORS.** For the protection of children below eighteen (18) years old, the Municipality of Lingayen shall impose the existing Ordinance No. 10, S-2013 – An Ordinance imposing curfew hour to minors from 10:00 P.M. to 4:00 A.M. and providing penalties and exemptions thereof, which was subsequently adjusted to 8 P.M. to 5 A.M. with the passage of Ordinance No. 83, S-2020 -An ordinance imposing curfew in the Municipality of Lingayen from 8 PM to 5 AM for the duration of the community quarantine due to the Coronavirus Disease (COVID-19) providing exemptions and penalties therefor and for other purposes.

**SECTION 9. NOVEMBER AS CHILDREN'S MONTH.** In keeping with the mandate of Republic Act 10661 declaring the month of November as National Children's Month, the Local Council for the Protection of Children shall conduct child-focused activities for the month promoting the rights and responsibilities of Filipino children as well as the



obligation of the people and institution responsible in ensuring the well-being of Filipino Children.

#### **ARTICLE IV PARTICIPATION RIGHTS OF CHILDREN**

##### ***SECTION 1. CONVENTION OF MINORS FOR THE PURPOSE OF CONSULTATION.***

It is important to consult and provide venue for expression of children's view in the Municipal Policies. Consistent to this, it is necessary that 7-12 years old and 13-18 years old are convened once a year, specifically during the Children's Month to be heard collectively of their clamor and needs. Every NGO concerned with these groups of children shall be instrumental in the process of the preparation and evaluation of the convention.

#### **ARTICLE V CHILDREN IN CONFLICT WITH THE LAW**

**SECTION 1.** Cases involving children in conflict with the law shall be dealt with in accordance with the provision of R.A. 9344, Family Courts Law, and other pertinent National Statutes and the Rules of Court on Juvenile in conflict with the Law, Rule on Commitment of Children and other pertinent rules thereof.

**SECTION 2.** The Local Council for the Protection of Children in coordination with National Line Agencies shall initiate appropriate training unit with the Barangay Police.

**SECTION 3.** Rule 18 of Republic Act 9344 Implementing Rules and Regulation mandate Local Government Units to prepare Comprehensive Local Juvenile Intervention Program down to the barangay level.

#### **ARTICLE VI RIGHTS AND RESPONSIBILITIES OF THE CHILD**

**SECTION 1. RIGHTS OF THE CHILD.** All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents and other factors.

1. Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has therefore, the right to be born well.
2. Every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute for a home.
3. Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of a society. The gifted child shall be given opportunity and encouragement to develop his talents. The emotionally disturbed or socially mal-adjusted child shall be treated with sympathy and understanding and shall be entitled to treatment and competent care. The physically or mentally handicapped child shall be given the treatment, education and care for his particular condition.
4. Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention and all basic physical requirements of a healthy and vigorous life.
5. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.
6. Every child has the right to an educator, commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.



7. Every child has the right to full opportunities for safe and wholesome recreation and activities, as well as social, for the wholesome use of his leisure hours.
8. Every child has the right to protect against exploitation, improper influences, hazards and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.
9. Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.
10. Every child has the right to the care, assistance and protection of the State particularly when his parents or guardians fail or unable to provide him with his fundamental needs for growth, development and improvement.
11. Every child has the right to efficient and honest government that will deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives.
12. Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding, tolerance and universal brotherhood, and with the determination to contribute to his share in the building of a better world.

**SECTION 2. RESPONSIBILITIES OF THE CHILD.** Every child, regardless of the circumstances of his birth, sex, religion, social status, political antecedents and other factors shall:

1. Strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and mentors, and the biddings of a clean conscience;
2. Love, respect and obey his parents, and cooperate with them in the strengthening of the family;
3. Extend to his brothers and sisters his love, thoughtfulness and helpfulness and endeavor with them to keep the family harmonious and united;
4. Exert his utmost to develop his potentialities for service, particularly by undergoing a formal education suited to his abilities in order that he may become an asset to himself and to society;
5. Respect not only his elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country and the principles and institutions of democracy;
6. Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
7. Help on the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and posterity and the furtherance of world peace.

**SECTION 3. COMMENCEMENT OF CIVIL PERSONALITY.** The civil personality of the child shall commence from the time of his conception, for all purposes favorable to him, subject to the requirements of Article 41 of the New Civil Code.

**SECTION 4. ABORTION.** The abortion of a conceived child. Whether such act be intentional or not, shall be governed by the pertinent provisions of the Revised Penal Code.

**SECTION 5. NON-DISCLOSURE OF BIRTH RECORDS.** The records of a person's birth shall be kept strictly confidential and no information relating thereto shall be issued except on the request of any of the following:

1. The person himself, or any person authorized by him;

2. His spouse, his parent or parents, his direct descendants or the guardian or institution legally in charge of him if he is a minor;
3. The court or proper public official whenever absolutely necessary in the administrative, judicial or other official proceedings to determine the identity of the child's parents or other circumstances surrounding his birth; and
4. In case of the person's death, the nearest of kin.

Any person violating the prohibition shall suffer the penalty of imprisonment of at least two months or a fine in an amount and not exceeding Five Hundred Pesos, or both, in the discretion of the court.

**SECTION 6. CHILD'S WELFARE.** In all questions regarding the care, custody, education and property of the child, his welfare shall be the paramount consideration.

## **ARTICLE VII PARENTAL AUTHORITY**

### **CHAPTER 1. GENERAL PROVISIONS**

**SECTION 1.** Pursuant to the natural right and duty of parents over the person and property of their unemancipated children, parental authority and responsibility shall include the caring for the rearing of such children for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being.

**SECTION 2.** Parental authority and responsibility may not be renounced or transferred except in the cases authorized by law.

**SECTION 3.** The father and mother shall jointly exercise parental authority over the persons of their common children. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Children shall always observe respect and reference toward their parents and are obliged to obey them as long as the children are under parental authority.

**SECTION 4.** In case of absence or death of either parent, the parent present shall continue exercising parental authority. The remarriage of the surviving parent shall not affect the parental authority over the children, unless the court appoints another person to be the guardian of the person or property of the children.

**SECTION 5.** In case of separation of the parents, parental authority shall be exercised by the parent designated by the court. The court shall take into account all relevant considerations, especially the choice of the child over seven years of age, unless the parent chosen is unfit.

*No child under seven (7) years of age shall be separated from the mother unless the court finds compelling reasons to order otherwise.*

**SECTION 6.** In case of death, absence or unsuitability of the parents, substitute parental authority shall be exercised by the surviving grandparent. In case several survive, the one designated by the court, taking into account the same consideration mentioned in the preceding article, shall exercise the authority.

**SECTION 7.** No descendant shall be compelled, in a criminal case, to testify against his parents, grandparents, except such testimony is indispensable in a crime against the descendant or by one parent against the other.

### **CHAPTER 2. SUBSTITUTE AND SPECIAL PARENTAL AUTHORITY**



**SECTION 8.** In default of parents or a judicial appointed guardian, the following persons shall exercise substitute parental authority over the child in order indicated:

1. The surviving grandparent, as provided in Section 6;
2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

Whenever the appointment of a judicial guardian over the property of the child becomes necessary, the same order of preference shall be observed.

**SECTION 9.** In case of founding, abandoned, neglected or abused children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of children's home, orphanages and similar institutions duly accredited by the proper government agency, for supervision, instruction or custody.

**SECTION 10.** The school, its administrators and teachers or the individual entity or institutions engaged in child care shall have parental authority and responsibility over the minor child while under their supervision, instruction or custody.

Authority and responsibility, shall apply to all authorized activities whether inside or outside the premises of the school, entity or institutions.

**SECTION 11.** Those given the authority and responsibility under the preceding section shall be principally and solidarily liable for damages caused by the acts or omissions of the unemancipated minor. The parents, judicial guardians or the persons exercising substitute parental authority over the said minor shall be subsidiarily liable.

The respective liabilities of those referred to in the preceding paragraph shall not apply if it is proved that they exercise the proper diligence required under the particular circumstances.

All other cases not covered by this and the preceding articles shall be governed by the provisions of the Civil Code on quasi-basics.

### **CHAPTER 3**

#### **EFFECT OF PARENTAL AUTHORITY UPON THE PERSONS OF CHILDREN**

**SECTION 12.** The parents and those exercising parental authority shall have respect to their unemancipated children or wards and shall have the following rights and duties:

1. To keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;
2. To give them love and affection, advice and counsel, companionship and understanding;
3. To provide them with moral and spiritual guidance, inculcate in them honesty, integrity, self-discipline, self-reliance, industry and thrift, stimulate their interest in civic affairs and inspire in them compliance with the duties of citizenship;
4. To enhance, protect, preserve and maintain their physical and mental health at all times;
5. To furnish them with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company, and prevent them from acquiring habits detrimental to their health, studies and morals;
6. To represent them in all matters affecting their interests;
7. To demand from them respect and obedience;

8. To impose discipline on them as may be required under the circumstances;
9. To perform such other duties that is imposed by law upon parents and guardians.

**SECTION 13.** Parents and other persons exercising parental authority shall be civilly liable for the injuries and damages caused by the acts or omissions of their unemancipated children living in their company and under their parental authority subject to appropriate defenses provided by law.

**SECTION 14.** The courts may appoint a guardian of the child's property, or *guardian ad litem* when the best interests of the child so requires.

**SECTION 15.** The parents or in their absence or incapacity, the individual entity or institutions exercising parental authority, may petition the proper court of the place wherein the child resides, for an order providing for disciplinary measures over the child. The child shall be entitled to the assistance of a Counsel, either of his choice or appointed by the court, and a summary hearing shall be conducted wherein the petitioner and the child shall be heard.

However, if in the same proceeding the court find the petitioner at fault, irrespective of the merits of the petition, or when the circumstances so warrant, the court may also order the deprivation or suspension of parental authority to adopt such other measures as it may, just and proper.

**SECTION 16.** The measures referred to in the preceding section may include the commitment of the child for not more than thirty (30) days in entities or institutions engaged in child care or in children's home duly accredited by the proper government agency.

The parent exercising parental authority shall not interfere with the care of the child whenever committed but shall provide for his support. Upon proper petition or at its own instance, the court may terminate the commitment of the child whenever just and proper.

#### **CHAPTER 4 EFFECT OF PARENTAL AUTHORITY UPON THE PROPERTY OF THE CHILDREN**

**SECTION 17.** The father and the mother shall jointly exercise legal guardianship over the property of their unemancipated common child without the necessity of a court appointment. In case of disagreement, the father's decision shall prevail, unless there is a judicial order to the contrary.

Where the market value of the property of the annual income of the child exceeds Fifty Thousand (Php 50,000.00) Pesos, the parent concerned shall be required to furnish a bond in such amount as the court may determine, but not less than ten per centum (10%) of the value of the property or annual income, to guarantee the performance of the obligations prescribed for general guardians.

A verified petition for approval of the board shall be filed in the proper court of the place where the child resides, or, if the child resides in a foreign country, in the proper court of the place where the property or any part thereof is situated.

The petition shall be docketed as a summary special proceeding in which all incidents and issues regarding the performance of the obligations referred to in the second paragraph of this section shall be heard and resolved.



The ordinary rules on guardianship shall be merely suppletory except when the child is under substitute parental authority, or the guardian is a stranger, or a parent has remarried, in which case the ordinary rules on guardianship shall apply.

**SECTION 18.** The property of the unemancipated child earned or acquired with his work or industry or by onerous or gratuitous title shall belong to the child in ownership and shall be devoted exclusively to the latter's support and education, unless the title or transfer provides otherwise.

The right of the parents over the fruits and income of the child's property shall be limited primarily to the child's support and secondarily to the collective daily needs of the family.

**SECTION 19.** If the parents entrust the management or administration of any of their properties to an unemancipated child, the net proceeds of such property shall belong to the owner. The child shall be given a reasonable monthly allowance in an amount not less than that which the owner would have paid if the entire administrator were stranger, unless the owner grants the entire proceeds to the child. In any case, the proceeds thus given in whole or in part shall not be charged to the child's legitime.

#### **CHAPTER 5 SUSPENSION OR TERMINATION OF PARENTAL AUTHORITY**

**SECTION 20.** Parental authority terminated permanently:

1. Upon the death of the parents;
2. Upon the death of the child; or
3. Upon emancipation of the child

**SECTION 21.** Unless subsequently revived by a final judgment, parental authority also terminates:

1. Upon adoption of the child;
2. Upon appointment of a general guardian;
3. Upon medical declaration of abandonment of the child in a case filed for the purpose;
4. Upon final judgment of a competent court divesting the party concerned of parental authority.

#### **ARTICLE VIII EMANCIPATION AND AGE OF MAJORITY**

**SECTION 1.** Emancipation takes place by the attainment of majority. Unless otherwise provided, majority commences at the age of eighteen years. Emancipation also take place.

1. By the marriage of the minor; or
2. By the recording in the Civil Registrar of an agreement in a public instrument executed by the parent exercising parental authority and the minor at least eighteen (18) years of age. Such emancipation shall be irrevocable.

**SECTION 2.** The provisions governing emancipation by recorded agreement shall also apply to an orphaned minor and the person exercising parental authority but the agreement must be approved by the court before it is recorded.

**SECTION 3.** Emancipation for any cause shall terminate parental authority over the person and property of the child who then will be qualified and responsible for all acts of civil life.

**SECTION 4.** The annulment or declaration of nullity of the marriage of a minor for the recorded agreement mentioned in the foregoing Sections 2 and 3 shall revive the parental authority over minor but shall not affect the acts and transactions that took place prior to the recording of the final judgment in the Civil Registrar.

#### **ARTICLE IX SPECIAL CONCERNS**

**SECTION 1. PROHIBITED ACTS.** In addition to all acts defined and penalized under Act No. 3815 as Amended (The Revised Penal Code), P.D. 603 (The Child and Youth Welfare Code), Republic Act 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) as amended by Republic Act 9231 (An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Protection for the Working Child), Republic Act 9208 (Anti-Trafficking in Persons Act of 2003), Republic Act 9262 (Anti-Violence Against Women and Their Children), and other pertinent laws, administrative orders, executive orders and issuances involving a child, the following acts shall likewise be punishable:

a. **Illegal Recruitment** – Any recruiter operating in the Municipality of Lingayen shall be required to register with and secure a permit to operate/recruit from the Office of the Barangay Captain, with an undertaking not to recruit children;

b. **Illegal Trafficking of Persons** – There is a presumption of illegal trafficking when a person is found together with one or more child/children not his/her relatives at the pier or port of exit for the purpose of transporting the minors to another place without any permit from the Barangay Captain of the place where the children came from. The Barangay Captain who issues a false permit or makes false statements in the permit shall also be liable under this section.

c. **Peonage of Children** – Offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:

1. Working in agricultural industries like rice, corn and sugarcane plantations or farms;
2. Working as house helpers.

d. **Pre-arrangement for Marriage** – Pre-arrangement made by parents or guardians to marry off their children or wards. One manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other.

e. **Using Girls as Commodities in Benefit Dances** – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment, fee, or any other monetary consideration to the organizers.

f. **Discrimination of Girl Children** – Discrimination of girl children by prohibiting and depriving them of formal education by reason of their gender.

g. **Discrimination of Illegitimate Children** – For schools to discriminate against illegitimate children as follows but not limited to the following:

1. Refusal to accept enrolment of illegitimate children in the school by reason of one's illegitimacy;
2. Requiring the marriage contract of parents as a requirement for enrolment of the child.



h. Expulsion by Reason of Pregnancy – For schools to impose a penalty of expulsion against a child who has complied with all academic requirements by reason of her pregnancy. Schools may impose any other penalty which shall be made applicable to both the pregnant girl and her partner if he is also enrolled in the same school;

i. Refusal to Graduate by Reason of Pregnancy – For schools to refuse to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;

j. Refusal to Issue Clearance by Reason of Pregnancy – For schools to issue clearances to a child by reason of pregnancy;

k. Physical and Degrading Form of Punishment – Subjecting the child to physical and degrading forms of punishment such as, but not limited to the following:

1. Ordering or directing a child to kneel on salt or on any hard surface as a sign of punishment;
2. Placing a child inside a sack or any container, or hanging him/her;
3. Shaving the head of a child;
4. Harsh whipping of the child with the tail of a stingray (*pagi*), stick, belt and other similar objects;
5. Stripping the child of his/her clothes;
6. Locking-up the child in a cabinet or *aparador* or any enclosed structure
7. Tying up the child or otherwise detaining him/her;
8. Throwing objects such as but not limited to erasers, chalks, books and notebooks at the child;
9. Pulling the hair of the child;
10. Making the child stand under the heat of the sun;
11. Exposing the child to be bitten by ants.

l. Pushing/Enticing Minors to Live-In Arrangements – For parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration.

m. Sexual Exploitation of Minors – Sexual exploitation of children by a parent, any person, foreigner or otherwise using any mode of ICT, social media and internet. Consorting with children in any sexual or lascivious conduct, or public display of sexual or lascivious conduct involving children shall be considered *prima facie* evidence of sexual exploitation.

n. Entry, Selling and Distribution of Pornographic Materials – Selling, distributing or showing of pornographic materials to children, or possessing, selling, distributing or showing pornographic materials in places where children are present. There is a *prima facie* evidence of violation of this section when the act is done in the presence of a child.

o. Selling Liquor, Cigarettes, Rugby and Other Addicting Substances to a Child – It shall be unlawful for any person to sell liquor, cigarette, rugby or any addicting substance to a child.

p. Smoking in Enclosed Places and Public Conveyances – Smoking in any enclosed place or public conveyance.

q. Recruitment of children as laborers in pyrotechnic industries, illegal fishing, sugar plantations, and other worst forms of child-labor practices.

r. Using children in social/and/or cultural activities where they are compelled to wear skimpy outfits and/or perform sexually suggestive movements.

g. Allowing or inducing children/infants to smoke, drink alcoholic beverages, use or possess illegal drug, and use or possess any deadly weapon. Any adult who has in his company a child who smokes, drinks, use or possess illegal drug, or use or possess deadly weapon shall be presumed guilty of this provision.

t. Allowing any child below 18 years of age to drive or operate a pedicab/padyak. The owner of the pedicab/padyak driven/operated by the child is presumed to have allowed the child to drive/operate such pedicab/padyak.

u. Failure to provide possible medical and educational opportunities to a child living in a house other than his own home or to a child working as a household helper.

v. Bringing of a child below 18 years of age to public gatherings or any other situations which may expose the child to harm and danger.

*The above acts shall be meted a fine of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of six (6) months, or both in the discretion of the court of competent jurisdiction.*

## **SECTION 2. CONTROL ON CHILDREN'S EXPOSURE TO VIDEO GAMES.**

Commercial establishments renting out digital/electronic video games to children during school days from 7:00 in the morning to 5:00 in the afternoon, shall be subjected to the suspension of their Business Permit for ten (10) days and to pay a fine of One Thousand Pesos (Php1,000.00) during the first offense and, fifteen (15) days suspension of the same and Two Thousand Five Hundred Pesos (Php 2,500.00) fine for the second offense. Confiscation of computer units and cancellation of the business permit of said establishments shall constitute the penalty for the third offense.

Commercial establishments catering to video games shall not be established within 100 meters from primary and secondary school campuses. Violation of this provision shall lead to the closure of the business establishment.

## **SECTION 3. CONTROL ON CHILDREN'S EXPOSURE TO INTERNET CAFES.**

Internet cafes allowing children to view pornographic sites shall be subjected to suspension of the Business Permit for ten (10) days and to pay a fine of One Thousand Pesos (Php1,000.00) during the first offense; and, fifteen (15) days suspension of the same and Two Thousand Five Hundred Pesos (Php 2,500.00) fine for the second offense. Confiscation of computer units and cancellation of the Business Permit of said establishment shall constitute the penalty for the third offense.

**SECTION 4. PROTECTION FOR CHILDREN.** Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of R.A. 7610, Article X.

## **SECTION 5. RIGHTS OF CHILDREN OF INDIGENOUS PEOPLES.**

a. In addition to the rights guaranteed to children under this Code and the Indigenous Peoples Right Act (Republic Act No. 8371), children of indigenous cultural communities (ICCs)/indigenous peoples (IPs) shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

b. The Municipal Council for the Protection of Children in coordination with the local DepEd Division Office shall encourage and support the integration into the IP curriculum the Indigenous Knowledge Systems and Practices (IKSP) relevant to the needs and interest of ICC/IP children.

c. The delivery of basic social services on health and nutrition to ICCs/IPs should be given priority. Service providers in hospitals and other health institutions shall be culture sensitive in dealing with indigenous peoples especially children. They shall not



be subjected to any form of discrimination and verbal abuses that degrade their dignity and self-esteem. Their traditional health knowledge, beliefs and practices should be respected.

**SECTION 6. RIGHTS OF THE CHILD IN CONFLICT WITH THE LAW.** Every child in conflict with the law shall have the following rights, including but not limited to:

- a. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- b. The right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- c. The right not to be deprived, unlawfully or arbitrarily, of his/her liberty, detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- d. The right to be treated with humanity and respect for the inherent dignity of the person, and in a manner, which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/she shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- e. The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- f. The right to bail and recognizance, in appropriate cases;
- g. The right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
- h. The right to have his/her privacy respected fully at all stages of the proceedings;
- i. The right to diversion if he/she is qualified and voluntarily avails of the same;
- j. The right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- k. The right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- l. In general, the right to automatic suspension of sentence;
- m. The right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- n. The right to be free from liability for perjury, concealment or misrepresentation; and
- o. Other rights as provided for under existing laws, rules and regulations.

**SECTION 7. DUTY TO INFORM CHILD OF HIS/HER OFFENSE.** The competent authorities are duty-bound to explain to the minor in a language known and understood by her/him the consequences of her/his acts and/or omission. The minor's responsibility for the commission of any felony shall be explained to her/him with a view towards counseling and rehabilitating her/him, and avoiding her/his contact with the criminal justice system and indemnifying the victim/s if there be any.

**SECTION 8. INTERVENTION AND DELINQUENCY PREVENTION.** The LGU shall establish programs for juvenile intervention and delinquency prevention to address issues that caused the child to commit an offense, taking into consideration the following:

1. Emphasis on the intervention or prevention policies facilitating the successful socialization and integration of all children with the family, through the community, peer groups, schools, vocational training and world of work, as well as through voluntary organizations;
2. Due respect should be given to the proper personal development of children, and they should be accepted as full and equal partners in socialization and integration processes.

The LGU shall comply with the guidelines prescribed in the National Intervention Program by the Juvenile Justice Welfare Council (JJWC) as provided for in Republic Act No. 9344 (Juvenile Justice Welfare Act of 2006) and its Implementing Rules and Regulations, in the formulation of its Juvenile Intervention and Delinquency Prevention Programs.

**SECTION 9. INDIGENOUS MODES OF INTERVENTION.** Indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards shall be resorted to and encouraged. The minor's and her/his family's active participation in efforts towards conflict resolution shall be optimized. The family shall be held answerable as well as exercise parental care and supervision over the person of the minor.

**SECTION 10. PROHIBITION AGAINST LABELLING.** In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor's class or ethnic origins. The officer violating this provision shall be administratively liable.

**SECTION 11. PROHIBITED ACTS AGAINST CHILDREN IN CONFLICT WITH THE LAW.** Any and all acts and practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited.

Authorities shall refrain from employing threats of whatever kind and nature and or abusive, coercive and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by persons in authority, their representatives or any other persons acting under them or in their behalf – such as cursing, beating, stripping, and detaining minors in cells – shall be dealt with administratively and criminally;

Likewise, degrading, inhuman and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substances over their bodies, or forcing minors to walk around the community wearing signs which embarrass, humiliate, and degrade their personhood and dignity and which harm them psychologically, emotionally, spiritually, morally, and physically shall be prohibited;

No minor shall likewise be made subject to involuntary servitude in any and all forms under any and all instances by their arresting officers and or custodians. Designating and or compelling minors to act and serve as errand boys/girls, cleaners, or helpers is also prohibited.

*Any violation shall be meted a fine of Two Thousand Five Hundred Pesos (P2,500) or an imprisonment of six (6) months, or both in the discretion of the court of competent jurisdiction.*

**SECTION 12. INTERVENTION PROGRAMS, WHEN PROPER.** Where the parties and or the competent authorities decide that the child must undergo intervention program, such a program shall be formulated with the cooperation of the complainant, the child



and the parents/guardian of the child, in accordance with the provisions of R.A. 9344 (Juvenile Justice and Welfare Act of 2006), its implementing rules and regulations, and other pertinent laws.

**SECTION 13. FACTORS IN DETERMINING INTERVENTION PROGRAMS.** In determining the appropriate intervention and prevention program, the following factors shall be taken into consideration;

- a. The circumstances of the child (e.g. age, level of development, educational background, etc.);
- b. Needs of the child especially if disadvantaged, i.e. street child, or child with mental or physical difficulties;
- c. Family and social background of the child;
- d. Influence of the family and environment on the growth of the child;
- e. Ability and willingness of the parents or guardians to guide and supervise the child;
- f. Nature and circumstance of the offense charged;
- g. Availability of community-based programs for intervention and prevention;
- h. Safety and security of the child.

**SECTION 14. INTERVENTION PROGRAMS.** The intervention program shall include adequate socio-cultural and psychological responses and services for the child. Intervention programs can include, but are not limited to the following:

1. Counseling;
2. Peer counseling and life skills training and education;
3. Provision of support services to the family, e.g. parent effectiveness, service, livelihood programs, skills trainings, etc.
4. Referral to other agencies for appropriate services, e.g. education, health, skills training, etc.; and
5. Access to child and youth organizations in the community, such as but not limited to the Sangguniang Kabataan;

**SECTION 15. DIVERSION.** The LGU shall establish diversion programs pursuant to Republic Act No. 9344, its implementing Rules and Regulations and other pertinent laws, for children in conflict with the law who need to undergo diversion programs.

**SECTION 16. DESIGNATION OF OFFICER TO HANDLE CASES INVOLVING YOUTH OFFENDERS.** The LGUs shall designate Local Social Welfare and Development Officers to handle cases involving youth offenders. These Social Welfare and Development Officers shall handle all cases involving children, family relations and domestic violence, and shall be required to undergo annual mandatory training on handling such cases.

**SECTION 17. RIGHT OF THE JUVENILE TO COUNSEL.** From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by a Counsel. The arresting officer, prosecutor or judge shall ensure that the juvenile is represented by a Counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of a Counsel shall be null and void.

**SECTION 18. CONFIDENTIALITY OF PROCEEDINGS AND RECORDS.** All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings. The competent authorities shall undertake all measures, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children and adopting a system of coding to conceal material information which will lead to the child's identity.

Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offenders.

**SECTION 19. CARE AND MAINTENANCE OF JUVENILES.** The parents or other person liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case is institutionalization. The disposition shall include the proportion of support in such cases is not capable of paying the whole amount and the rest shall be paid by the Local Government Unit maintaining such facility.

**SECTION 20. REINTEGRATION PROGRAMS.** The Local Government Units are encouraged to implement reintegration programs for a juvenile who is released by the court. This is for the purpose of preparing the juvenile for reintegration to the community.

## **ARTICLE X REPUBLIC ACT 10627 OF 2013**

**ANTI-BULLYING ACT.** All public and private kindergarten, elementary, and secondary schools shall adopt policies to address the existence of bullying in their respective institution.

## **ARTICLE XI FINAL PROVISIONS**

### **SECTION 1. GENERAL PENALTY**

a. Violation of any provision of this Code shall be punished by imprisonment not exceeding six (6) months or a fine not exceeding Two Thousand Five Hundred Pesos ((Php 2,500.00) or both at the discretion of the court.

b. All establishments and enterprises which promote or facilitate child prostitution, and other sexual abuse, child trafficking, obscene publication and indecent shows, and other act of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under this Code or special laws. A sign with the words "Off Limits" shall be conspicuously displayed outside the establishment or enterprise by the Department of Social Welfare and Development for such period which shall not be less than one (1) year, as the Department may determine. *The unauthorized removal of such sign shall be punishable by a fine of Two Thousand Five Hundred Pesos (P2,500.00) or an imprisonment of six (6) months, or both in the discretion of the court of competent jurisdiction.*

**SECTION 2. INFORMATION DISSEMINATION.** The LGU Information Officer/Office is hereby directed to formulate and implement an information dissemination program informing the general public of this Code, and cause the printing and distribution of this Code.

**SECTION 3. APPROPRIATIONS.** *The amount of P1.5 Million shall be appropriated yearly in the Annual Budget to support all child and youth-related programs and projects of the municipality.*

**SECTION 4. SEPARABILITY CLAUSE.** If, for any reason/s any part of provisions of this Code shall 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 5. REPEALING CLAUSE.** All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.



**SECTION 6. EFFECTIVITY CLAUSE.** This Code shall take effect upon the approval of the Sangguniang Panlalawigan and upon compliance of the posting and publication requirements as prescribed under the Local Government Code.

UNANIMOUSLY ENACTED. NOVEMBER 5, 2020

ATTESTED:

  
**GINA A. FLORES**  
*Secretary to the Sanggunian*

CERTIFIED CORRECT:

  
**JUDY D.L. VARGAS-QUIOCHO**  
*Presiding Officer*

  
**MAC DEXTER G. MALICDEM**  
SBM

  
**JAY MARK KEVIN D. CRISOSTOMO**  
SBM

  
**JONATHAN CARL R. ARCINUE**  
SBM

  
**RAMON ANSELMO M. CUARESMA**  
SBM

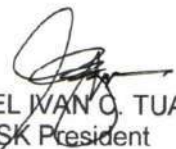
  
**SHEILA V. CASTANEDA**  
SBM

  
**RANDALL Q. BERNAL**  
SBM

  
**RICARDO R. FERRER**  
SBM

  
**JASPER S. PASION**  
SBM

  
**DARWIN B. JIMENEZ**  
LIGA President

  
**GABRIEL IVAN O. TUAZON**  
SK President

APPROVED:

  
**LEOPOLDO N. BATAOIL**  
*Municipal Mayor*



Republic of the Philippines  
PROVINCE OF PANGASINAN  
Lingayen  
[www.pangasinan.gov.ph](http://www.pangasinan.gov.ph)

**OFFICE OF THE SANGGUNIAN PANLALAWIGAN SECRETARY**

# CERTIFICATION

**TO WHOM IT MAY CONCERN:**

*THIS IS TO CERTIFY that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on December 7, 2020 at Lingayen, Pangasinan, the following resolution was approved:*

Sponsored by SP Members Nestor D. Reyes and Von Mark R. Mendoza and co-sponsored by SP Members Sheila Marie S. Perez-Galicia and Jerome Vic O. Espino

**RESOLUTION NO. 1118-2020**

**DECLARING ORDINANCE NO. 89, S-2020 OF THE SANGGUNIAN BAYAN OF LINGAYEN, PANGASINAN, ENTITLED "AN ORDINANCE UPDATING THE CHILD AND YOUTH WELFARE CODE OF THE MUNICIPALITY OF LINGAYEN, PROVINCE OF PANGASINAN" AS WITHIN THE CONFERRED POWERS OF THE SANGGUNIAN BAYAN TO ENACT**

**WHEREAS**, the Sangguniang Bayan of Lingayen, Pangasinan submitted its Ordinance No. 89, Series of 2020 to the Sangguniang Panlalawigan for review and evaluation pursuant to Section 56 of R.A. No. 7160, otherwise known as the Local Government Code of 1991;

**WHEREAS**, the Committee on Laws and Ordinances of the Sangguniang Panlalawigan, with the technical assistance of the Provincial Legal Officer, have conducted initial review and study on said ordinance and found out that the same was enacted pursuant to Sections 17 (b) (2) (iii) and (iv) and 447 (5) (xiv) of RA 7160; The United Nations Convention on the Rights of the Child; Presidential Decree No. 603 or "The Child and Youth Welfare Code; RA No. 7610 of 1992 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act);

**WHEREAS**, subject ordinance shall take effect after compliance with the requirements of posting and publication pursuant to Sections 59 (c) and 511 (a) of RA 7160;

**WHEREFORE**, in view of the foregoing, on motion of SP Members Nestor D. Reyes and Von Mark R. Mendoza and co-sponsored by SP Members Sheila Marie S. Perez-Galicia and Jerome Vic O. Espino, duly seconded, it was –





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*Lingayen*  
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**OFFICE OF THE SANGGUNIAN PANLALAWIGAN SECRETARY**

*Resolution No. 1118-2020*  
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**RESOLVED**, by the Sangguniang Panlalawigan in session assembled, to declare Ordinance No. 89, S-2020 of the Sangguniang Bayan of **Lingayen**, Pangasinan, entitled “An Ordinance updating the Child and Youth Welfare Code of the Municipality of Lingayen, Province of Pangasinan” as within the conferred powers of the Sangguniang Bayan to enact;

**RESOLVED FURTHER**, that a copy of this resolution be furnished the Office of the Sangguniang Bayan of Lingayen, Pangasinan, for its information and guidance.

CERTIFIED BY:

  
**VERNA T. NAVA-PEREZ**  
*Secretary to the Sanggunian*

ATTESTED:

  
**MARK RONALD DG. LAMBINO**  
Vice Governor  
(Presiding Officer)