



Republic of the Philippines
MUNICIPALITY OF ASINGAN
Province of Pangasinan

OFFICE OF THE SECRETARY TO THE SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF ASINGAN, PANGASINAN HELD ON JULY 3, 2023 AT THE ASINGAN GOVERNMENT CENTER SESSION HALL

PRESENT:

1. Hon. Heidee L. Ganigan-Chua	Municipal Vice Mayor Presiding Officer
2. Hon. Athena Ira G. Chua	Sangguniang Bayan Member
3. Hon. Marivic S. Robeniol	Sangguniang Bayan Member
4. Hon. Johnny Mar A. Carig	Sangguniang Bayan Member
5. Hon. Joselito V. Viray	Sangguniang Bayan Member
6. Hon. Mel F. Lopez	Sangguniang Bayan Member
7. Hon. Melchor J. Cardinez, Sr.	Sangguniang Bayan Member
8. Hon. Virgilio I. Amistad	Sangguniang Bayan Member
9. Hon. Julio P. Dayag	Sangguniang Bayan Member
10. Hon. Leticia R. Dollente	Sangguniang Bayan Member/Liga President
11. Hon. Fiel Xymond R. Cardinez	Sangguniang Bayan Member/PPSK President

ABSENT: None

Sponsored by: SB Member Marivic S. Robeniol

EXPLANATORY NOTE

WHEREAS, the Local Government Code of 1991 "empowers the Local Government Units to enact and implement measures that will enhance public health, safety and convenience, maintain peace and order, and promote the general well-being of the inhabitants of the community;

WHEREAS, Section 101 of Ordinance No. 11, S-2009, Review and Amendments states that "The Committee on Women, Family and Senior Citizens of the Sangguniang Bayan thru the MCPC and BCPC shall monitor the implementation and compliance with the provisions hereof. Evaluation, review, and/or amendments of the code shall be done every two (2) years;

WHEREAS, it is but proper and fitting to enact an ordinance for the Comprehensive Children's Welfare and Support Program of the Municipality of Asingan, Pangasinan;

NOW THEREFORE, on motion of SB Member Marivic S. Robeniol, duly seconded by SB Members Virgilio I. Amistad, Mel F. Lopez, Athena Ira G. Chua, Johnny Mar A. Carig, Joselito V. Viray and Julio P. Dayag, it was,

RESOLVED, as it is hereby resolved, to approve the following Ordinance, to wit:

**ORDINANCE NO. 7
SERIES 2023**

AN ORDINANCE FOR THE COMPREHENSIVE CHILDREN'S WELFARE AND SUPPORT PROGRAM OF THE MUNICIPALITY OF ASINGAN, PANGASINAN OTHERWISE KNOWN AS THE "2023 CHILD WELFARE CODE OF ASINGAN, PANGASINAN"

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ARTICLE I
TITLE, SCOPE, POLICIES, DEFINITION OF TERMS

SECTION 1. Title. This ordinance shall be known as the Comprehensive Children's Welfare and Support Program of the Municipality of Asingan, Pangasinan, otherwise known as the "2023 CHILD WELFARE CODE OF ASINGAN, PANGASINAN".

SECTION 2. Scope. This ordinance is enacted to provide for the protection and preservation of the rights and welfare of every child in the Municipality of Asingan.

SECTION 3. Declaration of Policy and Principles.

The following policies shall be observed at all times:

a. The Municipality of Asingan recognizes the vital role of children and youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

b. The Municipality of Asingan recognizes the rights of every child as provided in the United Nations Convention of the Rights of the Child (UN CRC), other international instruments and domestic laws and acknowledges the importance of effectively promoting, full enhancing, and institutionalizing the survival, development, participation and protection of the rights of children within the framework of advancing their general welfare in furtherance of integrated, sustainable and equitable development.

c. The Municipality of Asingan shall protect the best interest of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party.

d. The Municipality of Asingan recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development.

e. The Municipality of Asingan believes in a holistic protection and development of every child through a strong partnership between and among government agencies, NGOs and private sector, serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity, and teamwork.

f. Pursuant to Article 40 of the UN CRC, the Municipality of Asingan recognizes the right of every child alleged as, accused of, adjudged, or recognized as, having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting his or her reintegration.

SECTION 4. Purposes. The Municipality of Asingan, in recognition of the duty of the Philippine State as provided in the 1987 Philippine Constitution and of its obligation under the UN CRC to undertake all appropriate measures for the implementation of the Rights of the Child recognized in the said convention, is enacting this Code for the following purposes:

a. To advocate for the rights of every child and promote his or her welfare and development.

b. To ensure the protection of every child against all forms of abuse and exploitation by taking all appropriate measures to protect him or her from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person/s who has his or her care.

c. To defend the right of every child to assistance including proper care and nutrition and protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

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- d. To ensure that children's rights are given priority attention both in government and civil society.
- e. To assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity.
- f. To improve the quality of life of every child by enabling him/her to fully develop his/her potentials and participate in community life and nation-building.
- g. To give high priority to the rights of every child for his/her survival, development, participation and protection.
- h. To render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children and to support the effort of parents, other child-care and development workers, NGOs and communities to nurture and care for children, from infancy to adolescence.
- i. To ensure that the programs aimed at the achievement of goals for the survival, development, participation and protection of every child must be given priority when resources are allocated. Every effort shall be made by the local government of Asingan, Pangasinan to ensure that such programs are protected in times of economic austerity and structural adjustment.

SECTION 5. All proceedings to be conducted in the best interest of the child. Proceedings before any authority shall be conducted in the best interest of the child. All doubts in the implementation and interpretation of the provisions of this code, including its implementing rules and regulations shall be resolved taking into consideration the best interest of the child.

SECTION 6. Participation of the Child. All proceedings before any authority shall be conducted in a manner that allows children to participate and to express themselves freely. Participation of children in program and policy formulation and implementation related with children's concerns shall be ensured.

SECTION 7. Definition of Terms. The following terms used in this Code shall be defined as follows:

- a. Anti-Social Related Activities – are those acts against property, chastity and persons which include, but not limited to the following:
 - 1. Petty crimes such as snatching, shoplifting, misrepresentation;
 - 2. Using and pushing prohibited drugs, selling illegal or lewd reading materials;
 - 3. Pimping for young and old prostitutes and sexual perversions, doing and participating in obscene shows;
 - 4. Gambling in any form;
 - 5. Rape and incest, acts of lasciviousness; and
 - 6. Any other circumstances as defined in existing laws.
- b. Best interest of the child – refers to the totality of the circumstances and conditions as are most congenial to the survival, protection, and feelings of security of the child and most encouraging to his physical, psychological, and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- c. Child/Children – refers to person/persons below eighteen (18) years of age or those over eighteen (18) years old with physical or mental disability who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation or discrimination.
- d. Child Abuse – unreasonable deprivation of their basic needs for survival such as food, clothing and shelter.

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1. Psychological and physical abuse, neglect, abandonment, cruelty, sexual abuse and emotional maltreatment;
 2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of the child as a human being;
 3. Deliberate of their basic needs for survival such as food, clothing and shelter or;
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or permanent incapacity or death.
- e. Child at Risk – refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to the following:
1. Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
 2. Being exploited either sexually or economically;
 3. Being abandoned or neglected and after diligent search and inquiry, 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;
- f. Child Development Center – is a facility where day care services are provided by an accredited Child Development Worker particularly for children in the 3-4 years age bracket.
- g. Child in Conflict with the Law – refers to a child who is alleged as, accused of, or adjudged as, having committed an offense.
- h. Child Labor – under RA 7658 refers to the employment of children under 15 years of age which is prohibited unless under the direct supervision of parents and under certain requirements and in non-hazardous occupation.
- i. Child with Disabilities – refers to a child with either physical or mental infirmity/ies whether congenital or acquired after birth;
- j. Children with Disability/disabilities with physical sensory, behavioral, learning disability, mentally challenged, congenital deformities, global developmental delays whether congenital or acquired after birth.
- k. Children Representative in the MCPC/BCDC. There shall be a child representative in the local and barangay council for the Protection of Children. The Child Representative in the Barangay Council for the Protection of Children (BCPC) is below 15 years old of age. The representative in every barangay elect their chairperson during their general assembly. The elected chairperson will become the child representative in the local council for the protection of children.
- l. Community Based Program – refers to the program provided with the community setting developed for the purpose of intervention and diversion, as well as the rehabilitation of the Child in Conflict with the law for reintegration into his/her family and/or community.
- m. Diversion- refers to an alternative child - appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.
- n. Diversion Program – refers to program that the children in conflict with the law are required to undergo after they are found responsible for an offense without resorting to formal court litigation.

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- o. Early Childhood Care Development – is the provision of substitute parental care and stimulating activities for the total development of children 0-4 years old when their parents are unable to take care of them during part of the day because of work and some other situations.
 - p. 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 counselling, skills training, education and other activities that will enhance his/her psychological, emotional psychosocial well-being.
 - q. Junk Food – are foodstuffs which are processed with artificial flavors, coloring and preservatives and which have been found to contain carcinogenic elements harmful for the body or those sold beyond their expiry period.
 - r. Katarungang Pambarangay – refers to the amicable settlements of disputes at the barangay level as provided for under sections 408 – 422 of the Local Government Code of 1991 that is commonly known as the Katarungang Pambarangay Law.
 - s. Legal Guardian – refers to the person duly appointed by court or competent authority to exercise care and custody of or parental authority over a child.
 - t. Minimum age of criminal responsibility – a child 15 years of age and below at the time of the commission of the offense shall be exempt from criminal liability.
 - u. Special Concerns – refer to circumstances which gravely threaten or endanger the survival and normal development of children including, but not limited to the following:
 - 1. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 - 2. Living or fending for themselves in the streets of urban and rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 - 3. Being with family members or guardians having psychological problems grave enough for them to commit incest, siblings rape, lascivious acts and other forms of physical and mental abuse;
 - 4. Being children of indigenous people and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality life;
 - 5. Being a victim of man-made and/or natural disasters or calamity; or
 - 6. Analogous circumstances which endanger the life, safety or normal development of children.
 - v. United Nations Convention on the Rights of the Child (UNCRC) – adopted in November 20, 1989 by United Nations General Assembly, stresses the rights of children on survival, development, participation and protection in governance. The Philippines became the 31st State to ratify the Convention on July 26, 1990 by virtue of Proclamation No. 46, S-1992.
- A child above fifteen (15) but below eighteen (18) years of age shall likewise be exempted from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment in which case, such child shall be subjected to the appropriate proceedings.
- w. Child Trafficking shall refer to 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 position 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.

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- x. Children in need of Special Protection refer to children living under circumstances which gravely threaten or endanger their survival and normal development as defined to include children in worst forms of child labor, neglected and abandoned children, street children, girl children, victims of commercial and sexual exploitation, victims of child abuse, children in situation of armed conflict, children in conflict with the law, children with various forms of disabilities, and children of indigenous peoples.
- y. "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 or working without provision for their education;
 - 3. Living in or fending for themselves in the streets of urban and rural areas without the care of parents or guardians or any adult supervision needed for their educations;
 - 4. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;
 - 5. Being with family members or guardians 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 man-made or natural disaster or calamity;
 - 7. Being a victim of an illegal transnational union; or child trafficking;
 - 8. Circumstances analogous to those above stated which endanger the life, safety or normal development of children.
- z. Comprehensive Children's Support System for the Development of Children" also refers to the coordinated program of services and facilities outlined in Section 3 of RA 6972 and as prescribed by the UN Convention on the Rights of the Child.
- aa. Juvenile Justice refers to the legal procedure applied to children in conflict with the law starting from initial contact of the child up to the reintegration of the child to the family and community.
- bb. Juvenile Justice System refers to all proceedings starting from initial contact, including diversion proceedings, court proceedings and after the filing of the proper information and until disposition of the case involving children in conflict with the law.
- cc. Benefit Dance refers to a dance in the locality where young girls and boys in the process are being commodified for fund raising purposes.

ARTICLE II
SURVIVAL AND DEVELOPMENTAL RIGHTS OF CHILDREN

SECTION 8. Rights of the Child.

- a. All children shall now be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, religion, political antecedents, and other factors.
- b. All children shall possess the following rights which are classified into survival, development, protection, and participation rights:
 - 1. "SURVIVAL RIGHTS" ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identify and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security and rehabilitation.

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All children shall possess the following survival rights:

- a. The right to be born well, endowed with the dignity and worth of a human being from the moment of the child's conception;
 - b. The right to a wholesome family life that will provide the child with love, care, and understanding, guidance and counselling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home;
 - c. The right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
2. "DEVELOPMENT RIGHTS" refer to the rights of every child to education and to the development of his/her personality, talents and mental and physical abilities to the fullest extent. These also include the rights to participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure, freedom of thought, conscience and religion.

All children shall possess the following development rights:

a. The right to a well-rounded development of personality to the end that every child may become happy, useful, and active member of society.

1. The gifted child shall be given the opportunity and encouragement to develop her or his special talents.
2. The emotionally disturbed or socially maladjusted children shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care.
3. The physically and mentally disabled child shall be given treatment, education and care required by her or his particular condition.

b. The right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his/her character;

c. The right to grow up as free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/ brotherhood, and with the determination to contribute his/her share in the building of a better world;

d. The right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:

- (1) develop his/her personality, talents and mental and physical abilities to the fullest extent;
- (2) prepare him/her for responsible adult life in a free society;
- (3) foster respect for his/her parents, cultural identity, language and values, and the cultural background and values of others; and
- (4) develop respect for the natural environment;

e. The right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his/her leisure hours.

f. The right to live in a community and a society that can offer him/her an environment free from pernicious influences and conducive to the promotion of health and the cultivation of desirable traits and attributes.

4. "PROTECTION RIGHTS" cover those rights protecting every child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse and exploitation.

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5. "PARTICIPATION RIGHTS" refer to the rights of every child to participate in matters that affect him/her most by providing all appropriate venues where he/she can express his/her opinions freely and to have opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly.

All children has the following participation right:

- a. The right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
- b. The right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
- c. The right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;
- d. The right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her; and
- e. The right to privacy and the right to be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.

SECTION 9. Responsibilities of the Child – Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a. Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the teachings of his or her elders and mentors, and the bidding of a clean conscience.
- b. Love, respect and obey his or her parents, and cooperate with them in the strengthening of the family.
- c. Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness and endeavor with them to keep the family harmonious and united.
- d. Exert his or her utmost efforts to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society.
- e. Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy.
- f. Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future.
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

ARTICLE 3
ROLES AND FUNCTIONS OF VARIOUS SECTORS

SECTION 10. The Family. The family is the basic unit responsible for the primary socialization of children that is important in the prevention of children's right violations. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

SECTION 11. Primary Rights and Responsibilities of Parents. The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall have the right to the company of their children, and in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

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SECTION 12. Rights of Parents under the Family Code. Parents shall continue to exercise the rights mentioned in Article 209-237 of the Family Code over the person and property of their children.

SECTION 13. Rights of Parents/Guardians to Discipline their Children. Parents or guardians, as the case maybe, shall have the right to discipline their children/wards. Parents/guardians may require from their children/wards obedience to just and reasonable rules, suggestions and admonitions.

SECTION 14. General Duties of Parents. The home shall provide an atmosphere conducive to the upbringing of children, particularly with respect to their preparation to adult life and the conscientious discharge of their civic duties as a whole.

To this end, the Municipality of Asingan, shall ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case maybe, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interest of the child will be their basic concern.

Parents shall have the following duties towards their children:

- a. To rear and nurture the child at home.
- b. To give the child affection, companionship and understanding.
- c. To extend to the child the benefits of moral guidance, self-discipline and religious instructions.
- d. To supervise the child's activities including their recreation.
- e. To inculcate in the child the value of industry, thrift and self-reliance.
- f. To stimulate the child's interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country.
- g. To advise the child properly on any matter affecting their development and well-being.
- h. To always set a good example.
- i. To respond to issues and matters regarding the welfare of their child as may be required by concerned agencies and institutions.
- j. To provide the child with adequate support, as defined in Article 194 of the Family Code.
- k. To prohibit or advise the child not to roam around or loiter specially from 10 PM to 4 AM to insure his or her health and safety; except during holidays, fiestas, special gatherings and when the child is in his or her company for legitimate purposes.
- l. To submit the child for immunization/check-up at the early stage of ailment.
- m. To submit their son/daughter to undergo intervention or diversion program (Community Based Program) in case they are CICL or Child Act Risk (CAR).

SECTION 15. Family Affairs. Whenever proper, parents shall allow the child to participate in the discussion of family affairs, especially in matters that particularly concern him or her. In cases involving his or her discipline, the child shall be given a chance to present his or her side.

SECTION 16. Separation of Children from their Families. Every effort shall be made to prevent the separation of child from his or her families. In case of *force majeure* or when the best interest of the child requires that he or she be separated from his or her family, arrangement shall be made for appropriate alternative family care or institutional placement with due regard to the desirability of continuity in children's upbringing in their own cultural milieu. Extended families, relatives and community institution shall be given support to help meet the special needs of orphaned, displaced and abandoned children. Efforts must be made to ensure that no child is treated as an outcast of society.

SECTION 17. Role of Women, Maternal Health and Family Planning. Women in their various roles play a critical role in the well-being of children. The enhancement of the status of women and their equal access to education, training, credit and other extension services constitute a valuable contribution to a nation's social and economic development. Efforts for the enhancement of women's status and their role in development must begin with the girl children. Equal opportunity shall be provided for the girl children for them to benefit from the health, nutrition, education and other basic services for their full growth.

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SECTION 18. Role of Fathers in Parenting and Family Planning. Fathers play a vital role in their children's lives. Policies and legislations shall be enacted and programs shall be designed and implemented for the inclusion of their critical role.

SECTION 19. Role of Educational Institutions. Educational institutions shall work together with parents, community organizations and agencies concerned with activities of children and youth. They shall use their power to protect the rights of children by relaying consistent messages through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency preventions at all levels. Likewise, they shall inculcate into the minds of children the value of patriotism and nationalism and the love of God and the country.

SECTION 20. Role of the Criminal Justice System. In the administration of justice, courts, prosecutors and other actors shall insure that the rights of the children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's right.

SECTION 21. Role of Local Government Units. The Municipal Government of Asingan, Pangasinan shall ensure that the programs aimed at the achievement of goals for the survival, development, protection, participation of children must be given priority when resources are allocated. Every effort shall be made by the Local Government of Asingan, Pangasinan to ensure that such programs are advanced and allocation therefore sufficient, even in times of economic austerity and structural adjustment.

SECTION 22. Roles of Local Councils for the Protection of Children. The Municipal and Barangay Councils for the Protection of Children shall, in addition to their existing duties and functions, coordinate with and assist their corresponding local government unit and coming up with comprehensive plans for children and be the primary council to oversee its implementation. As such, the councils are encouraged to regularly meet to ensure proper implementation of children's program. An Inter-Agency Monitoring Task Force shall be organized at the municipal level for an annual assessment of BCPC functionality.

SECTION 23. Role of Sangguniang Kabataan. The Sangguniang Kabataan as established under the Local Government Code of 1991 shall, in addition to its powers and functions, actively involved itself in the formulation and implementation, prevention and protection programs in the community. It shall coordinate with the Municipal Council for the Protection of Children and Barangay Council for the Protection of children for the purpose.

ARTICLE 4
THE LOCAL COUNCILS FOR THE PROTECTION OF CHILDREN

SECTION 24. Membership. The Local Council for the Protection of Children (LCPC)

Please note that Section 15 of the RA 9344 provides that membership in the Local Council for the Protection of Children (LCPC) shall be chosen from among the responsible members of the community, including a representative from the youth sector, as well as representatives from government and private agencies concerned with the welfare of children. However, pursuant to DILG Memorandum Circular No. 2002-121, the LCPC in the level of the municipality shall be composed of the following:

- | | | |
|-------------|---|--|
| Chairperson | - | Municipal Mayor |
| Members | - | Sangguniang Pambayan Member (Chairperson, Committee on Women and Family) |
| | - | Municipal Local Government Operation Officer (MLGOO) |
| | - | Municipal Social Welfare and Development Officer |
| | - | District Supervisor of the DepEd I and II |
| | - | Public Employment Services Officer (HRMO) |
| | - | Municipal Planning and Development Officer |

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- Municipal Budget Officer
- Municipal Health Officer
- Municipal Nutrition Action Officer
- Municipal Chief of Police
- Municipal Treasurer
- Municipal Liga ng mga Barangay President
- SK Pambayang Pederasyon President
- Federation of Parent-Teachers Association President
- Child Representative
- Representatives of NGO's
- Local Youth Development Officer (LYDO)
- MDRMO
- WCPD Officer-Women and Children Protection Desk (PNP)
- Childs Welfare Accredited by LGU
- Municipal GAD Focal Person
- Reproductive Health Officer or the Population Officer

SECTION 25. Membership Barangay Council for the Protection of Children (BCPC)

- | | |
|-------------|---|
| Chairperson | - Punong Barangay |
| Members | - Sangguniang Barangay Member (Chairperson on Women and Family) |
| | - Sangguniang Kabataan Chairman |
| | - Barangay Nutrition Scholar |
| | - Barangay Child Development Worker |
| | - Public Health Nurse (Rural Health Midwife assigned in the barangay) |
| | - School Head |
| | - Chief Tanod |
| | - Child Representative Local Youth Development Officer (LYDO) |
| | - PTA President or his/her representative |
| | - NGO representative |

 **SECTION 26.** The Municipal Social Welfare and Development Officer shall assist children in conflict with the law in the municipality.

The local council for the protection of children of Asingan shall be strengthened to ensure the effective implementation of the Philippine Government's Commitment to the Conventions on the Rights of the Child, World Declaration on the Survival, Development and Protection of Children and the Philippine Plan of Action for Children (PPAC). It shall plan and implement programs and services for children by virtue of the LGU's power and authority to plan and implement socio-economic development plans, policies and programs.

The MSWDO shall be responsible for the documentation of proceedings of meetings and preparation of reports and other necessary documents as needed by the council. The Barangay Secretary shall likewise serve as the BCPC Secretariat.

ARTICLE 5
PROGRAMS AND SERVICES FOR CHILDREN

A. Comprehensive Programs for Children

SECTION 27. Investment and Development Plans for Children. The Municipal Government of Asingan, Pangasinan through its Municipal Council for the Protection of Children, shall formulate and implement its Medium-Term Investment Plan for Children and Municipal Development Plan for Children in accordance with existing laws. Both Investment and Development Plan shall constitute Asingan's Comprehensive Program for Children.

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SECTION 28. The Community Approach. The community approach shall be given special attention in the comprehensive program for the children. This involves addressing community-wide issues and improving the over-all environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community in the implementation of the programs shall be encouraged. Community-based services and programs which respond to the special needs, problems, interest and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families should be developed and strengthened where they exist.

The planning process for all children's programs shall be participatory and consultative. Child-focused institutions, NGOs POs, youth organizations, children's council/associations, educational institution and concern government agencies including the children themselves must be involved in the formulation, development and implementation of these programs.

B. Programs to Prevent Children's Right Violations

SECTION 29. Prevention Program. Preventions Programs which shall be an important component of the Comprehensive Children's Program as contained in the Investment and Development Plans for Children shall consist of three levels:

1. Primary Prevention - general measures to promote social justice and equal opportunity which tackles perceived root causes of children's rights violations such as poverty and other forms of marginalization.
2. Secondary Prevention - measures to assist children who are identified as being more particularly at risk such as those whose parents are themselves in difficult situations or are not caring appropriately for them.
3. Tertiary Prevention - system to avoid and prevent children's rights violations from happening again. In all levels of prevention, the Municipal Council for the Protection of Children intervention should be pursued primarily in the overall interest of the young person and guided by fairness and equity.

SECTION 30. Parenting Orientation Course. Shall become an integral part of the LGU Prevention of Children's Right Violation Programs. The Municipal Social Welfare and Development Office shall take the lead in implementing Parents Orientation Activities through the conduct of Parents Effectiveness Service (PES) in the Child Development Centers. And the conduct of Parent Educational Congress every third week of September in Relation Family Week Celebration.

There is also yearly conduct of Parents Educational Congress during the Family Week Celebration to be attended by the Parents of Pre-schoolers in the Day Care Parents of children at risk parents of children in conflict with the law ERPAT and Solo Parents.

Parents/Guardians shall also require to participate in POC during the school year of their child's enrolment to public and private schools at the pre-school, primary and secondary level in Asingan, Pangasinan. As such, POC sessions shall be incorporated during PTCA meetings.

C. Programs Promoting the Rights to Survival and Development of Children Supported by (RA 11037) Masustansiyang Pagkain para sa Batang Pilipino, (RA 11148) Kalusugan at Nutrisyon ng Magnanay Act.

SECTION 31. Health and Nutrition Services. The Municipality of Asingan thru the Municipal Health Office, in coordination with the Department of Health and other concerned agencies, shall make essential health and nutrition services available to the child and to this end, shall take appropriate measures to;

1. Reduce infant and child mortality;

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2. Ensure the provisions of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
3. Promote health and prevent diseases and malnutrition within the framework of the primary health care:
4. Ensure that parents and children are informed on health programs, have access to education and are supported in the use of basic knowledge on child health and nutrition, the advantages of breastfeeding, proper personal hygiene, environmental sanitation and the prevention of accidents; and
5. Develop preventive health care guidance for parents and family planning education and services.

SECTION 32. Primary Health Care Program. The Municipal Health Office through the Barangay Health Stations headed by the Rural Health Midwife, shall implement the primary health care program. Each barangay health station shall have a BNS, BHW tasked to monitor, among others, child health in the barangay.

The Municipal Health Officer, Nutrition Action Officer, Population Officer and MDRRMO shall take appropriate measures to:

1. make essential nutrient and health services available at the barangay level, providing the children with basic immunization services and prevention from endemic diseases.
2. establish a Comprehensive Parents Orientation Program which includes courses on reproductive health, child health and child rearing practices in the context of Filipino psychology.
3. monitor the full implementation of all programs of the Department of Health such as, but not limited to, Maternal and Child Health, National Tuberculosis Program.
4. information and education campaign thru flyers, pamphlets and the official Public Information Office site of Municipality.
 - o Usapan series among BIBA Batang Ina and Batang Ama
 - o Adolescent Job-Aid
 - o HIV Awareness Symposium and Free Screening
 - o Dengue Awareness and 4 o'clock Habit IEC
 - o School Base Immunization of all Public Schools and Private Schools
 - o Fertility Awareness
5. During Disaster and/or Calamities, the MDRRMO shall monitor the primary health card programs in accordance to RA 10821.

Mandating the provision of Emergency Relief and Protection for children before, during and after disaster and other emergency situations.

SECTION 33. Basic Immunization. The Municipality of Asingan thru the Municipal Health Office, in coordination with the Department of Health, shall provide compulsory basic immunization to children below eight (8) years old which includes:

1. BCG immunization against Tuberculosis;
2. Inoculation against Diphtheria, Pertussis and Tetanus;
3. Oral Poliomyelitis vaccination; 3 (OPV); 3 dosage and in-activated Polio Virus Vaccine (IPV)
4. Measles immunization;
5. Hepatitis B vaccination;
6. Such other basic immunization services for infants and children below eight years of age as determined by the Municipal Health Officer.

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SECTION 34. Compulsory Feeding Program. There shall be a compulsory feeding program among identified severely underweight and underweight (0-59 months) children through the Municipal Nutrition Council/Barangay Nutrition Committee to prevent and reduce cases of malnutrition. Food serve shall be composed of the three basic food groups (Go, Grow and Glow).

Nutrition Counselling. There shall be nutrition counselling among primary care given to children identified overweight and obese.

Definition of Terms.

Under nutrition – is a condition resulting from the consumption of an inadequate quality of food over an extended period of time. The physical function of an individual is impaired to the point where he or she can no longer maintain an adequate level of growth.

Under weight – means that the child's weight is less than expected for his/her age (underweight - for age)

Moderate – if weight is below minus – 25D to 35D from median weight for age refer population.

Severe – if weight is below 35D from median weight for age refer population.

Overweight – refer to the abnormal or excessive fat accumulation that may impaired health.

It is defined as the percentage of children age zero (0) to fifty nine (59) months whose weight for length/height is above two (2) SD Overweight or above three (3) SD (obese) from the median at the WHO Child Growth Standard.

SECTION 35. Breastfeeding. In line with Republic Act No. 7600 known as the Rooming – In and Breastfeeding Act of 1992, the Municipal Health Officer, with the assistance of the Municipal Nutrition Action Officer, Health Personnel as well as the Barangay Health Workers, shall conduct continuing information, education, re-education, and training programs in the proper management of breastfeeding.

- Republic Act 1148 Magnanay Act
- Milk Code
- Breastfeeding Support Group

SECTION 36. Integration of Drug Prevention and Control with the Plans and Programs. The MADAC under Office of the Mayor and Philippine National Police (PNP) shall initiate to conduct symposium in public and private schools within the Municipality emphasizing the ill-effects on drug abuse, drug addiction or drug dependency.

SECTION 37. Regulating the Sale of Junk Foods not Fortified with Vitamin A in Public and Private Schools. No school canteen in public and private schools shall sell junk foods not fortified with Vitamin A. Snack foods fortified with Vitamin A and those with Sangkap Pinoy label shall be encouraged. Unhealthy street foods and ambulant vending are not allowed within 50 meters radius around the school premises.

SECTION 38. Early Childhood Care and Development (ECCD). The Municipality of Asingan shall carry out the provisions of the Early Childhood Care and Development Act (RA 8980) and shall plan and initiate an ECCD Program which refers the full range of health, nutrition, early education, psycho-social and other services that provide for the holistic needs of children below 5 years old.

SECTION 39. Child Development Center and Programs. There are twenty four (24) Child Development Centers. However, number of such centers shall depend on the need of the barangay as determined by the Office of the Municipal Social Welfare and Development Officer. The accredited Child Development Centers/Workers shall be entitled to Three Thousand Five Hundred Pesos (Php3,500.00) honoraria and non-accredited Child Development Center Worker shall be Two Thousand Pesos (Php2,000.00). A Child Development Curriculum shall be developed and strengthened based on the principles of Early Childhood Care and Development.

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Child Development Parents Group shall be organized to be an effective support group to the center. The volunteer group shall help mobilize resources for the improvement of the center, acquisition of more learning materials and play equipment.

SECTION 40. Early Years Act or RA 10410. The Municipality of Asingan shall provide counterpart funds for the continuing a yearly professional development of the ECCD public service providers and also provide funds in support to the implementation of ECCD Program like the purchase of materials needed in the Child Development Centers.

There is a conduct of Parents Education to be attended by the parents in the Child Development Center where in their children is presently attending the Child Development Program. Parent will provide information skills and support system. To assist them in their roles as their children primary caregivers and educators.

SECTION 41. Child-Friendly Centers. The two (2) Rural Health Units and all Barangay Health Stations and substations shall set-up child-friendly areas to include roaming-in facilities and pediatric appropriate mechanism and gadgets.

SECTION 42. Republic Act 10821 – Provision of Emergency Relief and Protection for Children before, during and after disaster and another emergency situation.

The Municipality of Asingan ensure the immediate delivery of basic necessities and services specifically to affected children in different stages of development such as basic health services, food, water, nutrition, medicine, clothing, sanitary and hygiene kits and other emergency needs such as blanket, mosquito nets, cooking ware, fuel and flashlights. The program shall give priority to the specific health and nutrition needs of pregnant women lactating mother, newborn babies, children under five (5) years old and children with special needs.

Children shall be given priority during evacuation as a result of a disaster or other emergency situation.

Existing Civil Society Organization in the community shall be tapped to look after the safety and well-being of children during evacuation operations. Measure shall be taken to ensure that children are evacuated accomplished by person responsible by their safety and well-being.

There is an established child friendly spaces in the identified evacuation center these are made available throughout a crisis from emergencies to recovery.

Orphaned, unaccompanied or separated children whose families or relative cannot be found or assessed to be incapable of providing proper care and protection shall be placed in a licensed or accredited residential care facility and the in-charged in the Municipal Social Welfare and Development Office.

The Municipality of Asingan has a functional Barangay Violence against Women and Children (VAWC) Desk.

SECTION 43. Survey and Active Program for Children with Disabilities (CWDs). The Municipality shall conduct a periodic comprehensive survey on the children with disabilities in the municipality which should be child-focused and specific. Its objective is to achieve a more systematic coordination of services (health, nutrition and education) for children with disabilities.

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SECTION 44. Investment in Educators and Health Professional Training Program for the Special Program on Children with Disabilities. A training program for educators, service providers, and health professionals handling CWDs shall form part of the priority programs of the Municipal Government of Asingan.

SECTION 45. Stimulation and Therapeutic Activities Center (STAC). A Stimulation and Therapeutic Activity Center (STAC) shall provide free comprehensive rehabilitation services to poor CWDs of Asingan. The Municipal Government of Asingan shall likewise allocate adequate funding from available sources to sustain the STAC operations. Matters relative to STAC operation shall be decided upon by the Local Council for the Protection of Children. The barangay with STAC will allocate funds as the barangay counterpart for the STAC transportation and services needed by children with disabilities.

SECTION 46. Birth Registration Program. The Municipality of Asingan thru the Municipal Civil Registrar shall implement a comprehensive system of birth registration.

SECTION 47. Republic Act 11188 – Special Protection of Children in situation of armed conflict.

- Children/child involved in affected by or displaced by armed conflict shall enjoy the presumption of minority and shall enjoy all the rights of the child. The age of a child may be determined from the child's birth certificate, baptismal certificate, dental records or maybe based on the information provided by the child.

- The Municipality of Asingan shall provide legal and physical security to children involved in armed conflict which include family tracing and system of referral or response on various psychosocial services needed by the victims.

- Person who shall take up custody of children involved in armed conflict shall ensure their safety or provide them in any form of assistance. Person taking custody shall report to the MSWD Office or to the Barangay Office with 48 hours from custody.

- The Municipal Social Welfare and Development Office shall facilitate the family tracing and coordinate with parents, relatives or guardians. The Municipal Health Office is responsible to check and assess the medical and physical condition of children in armed conflict.

- There should be a data base system for children in order to identify the monitoring of health and nutrition specially those covered by this program.

SECTION 48. Late Registration. The Municipality of Asingan thru the Municipal Civil Registrar in the coordination of Barangay Council for the Protection of Children shall provide assistance for the conduct of Information Education Campaign (IEC) for the procedure and requirements for late registration.

SECTION 49. Alternative Learning System (ALS). ALS shall be institutionalized in Asingan in all public elementary/high schools thru the designated ALS Coordinator in every school. ALS classes shall provide the children with practical skills and crafts that will propagate and develop traditional arts, culture and vocational skills of the children, including out-of-school youth (OSY).

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**ARTICLE 6
CHILDREN'S MONTH, AWARDS AND RECOGNITION**

SECTION 50. Declaration of Municipal Children's Month Celebration. National Children's Month Celebration pursuant to R.A. Number 10661, an act declaring the month of November of every year as the National Children's Month which commemorates the Adoption of the Convention on the Rights of the Child by the UN General Assembly on November 20, 1989. The Municipality of Asingan hereby declare every 3rd Friday of November as the Municipal Children's Month to be participated by the children aged 14 and below.

SECTION 51. Certificates, Plaques/Awards and Financial Assistance incentives. Children with outstanding and exemplary performance in academics and non-academic field shall be awarded or recognized by the LCPC to be given during the Children's Month Celebration to be held every November.

SECTION 52. Municipal Sajid Bulig Award for Heroism. A child who has demonstrated exemplary courage in the service of humanity even at the cost of his/her life shall be accorded official recognition and be given such Municipal Sajid Bulig Award for Heroism. The MCPC shall formulate the criteria for the search.

SECTION 53. Child-Friendly Barangay. The search for Child-Friendly Barangay aims to give recognition to the important role of the community in promoting and protecting children's right to survival, protection, development and participation.

**ARTICLE 7
PROGRAMS AND SERVICES PROMOTING THE RIGHTS TO PARTICIPATION OF CHILDREN**

SECTION 54. Participation of Children in Decision-Making Process. The children in the family, school, community or other organizations shall be heard. Each child regardless of sex, age and tribe has the right to express his/her opinion freely and to have that opinion taken into account in any matter of procedure affecting the child. It shall be the responsibility of the adults to provide opportunities for children to express his/her views, obtain information, make ideas or information known, regardless of tribe, religion, age and sex.

SECTION 55. Children Representation in MCPC/BCPC. There shall be a child representative in the membership of the Municipal/Barangay Council for the Protection of the Children. Meetings of the council shall be scheduled to allow the attendance of the child representatives and they shall affix their signatures as a manifestation that they were duly consulted on matters being decided upon by the councils.

- The promotion of Children's Association/Organization shall be encouraged to allow maximum participants. The members of the association are children below 15 years of age. The head of barangay children's association will become the child representative in the BCPC.

SECTION 56. Municipal/Barangay Children's Congress. There shall be an Annual Municipal Children's Congress in the Municipality of Asingan, Pangasinan to be re-echoed after its conduct in the 21 barangays during Barangay Children's Congresses as initiated by the Child Representative.

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SECTION 57. Children's Association/Organizations. The formation of children's association/organizations shall be encouraged to allow maximum participation of children. Barangay Children's Associations shall be organized during Barangay Children's Congresses. The BCAs shall be federated at the municipal level where the elected federation president becomes an automatic member of the LCPC. BCA presidents shall likewise be a member of the BCPC.

SECTION 58. Child-focused activities on November. The LCPC/BCPC's shall in celebration of the children's month, conduct child-focused activities for the month promoting the rights and responsibilities of Filipino children as well as the people and the institutions responsible in ensuring the Filipino children's well-being.

ARTICLE 8

PROGRAMS AND SERVICES PROMOTING THE RIGHTS TO PROTECTION OF CHILDREN

SECTION 59. Community-Based Child Special Protection. The Municipal Health Officer, the Municipal Social Welfare and Development Officer and the Women and Children Protection Desk Officer of PNP shall be responsible in addressing cases of children in the Municipality of Asingan, Pangasinan.

SECTION 60. RA 11036 – Establishing Mental Health Policy for the purpose of enhancing the delivery of Integrated Mental Health Services.

What is applicable in the Municipality based on the RA 11036?

- The Municipal Health Office of the Municipality is responsible in the delivery of Mental Health Services.
- The involvement of Barangay Health Worker in the conduct of information dissemination of mental health program in the whole Municipality of Asingan.
- The Municipal Health Office specifically the Municipal Health Officer and the trained staff in the delivery of Mental Health Services is responsible to refer and provide intervention program to affected children, children with mental problem.

SECTION 61. Barangay VAWC Desk Officer/Persons-Function of Barangay VAW Desk:

1. Respond to gender-based violence cases brought to the barangay.
2. Record the number of gender-based violence handled by the barangay and submit a quarterly report on all cases of VAW to the DILG Municipal Office and the MSWDO.
3. Keep a VAW case records confidential and secured and ensure that only authorized personnel can access it.
4. Assist victims of VAW in securing Barangay Protection Order (BPO).
5. Develop barangay gender-responsive plan addressing gender-based violence.
6. Address other forms of abuse committed against women specially senior citizens, women with disabilities and other marginalized groups; and
7. Perform other related functions as may be assigned by any law or ordinance.

SECTION 62. Program and Child Abuse, Exploitation and Discrimination. There shall be a comprehensive program to be formulated by the Local Council for the Protection of Children with the Municipal Social Welfare and Development Office (MSWDO) acting as secretariat, in coordination with concerned government agencies and the private sector concerned within three (3) months from the effectivity of this Code to strictly enforce the provisions of RA 7610 or Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. The Municipality shall protect children against child prostitution and other sexual abuse; child trafficking; obscene publication and indecent shows and other acts of abuse and circumstances which endanger child survival and normal development.

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ARTICLE 9
Protection Rights of Children

SECTION 63. Child Prostitution and Other Sexual Abuse. – Children, whether male or female, who for money, profit or any other consideration or due to the coercion or influence of any adult, syndicate or group, engage in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty as prescribed in Section 5 of Republic Act No. 7610 (Child Protection Act) shall be imposed upon the following:

- a. Those who engaged 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 by means of written or oral advertisements or other similar means;
 2. Inducing a person to be a client of a child prostitute by means of written or oral advertisement or other similar means;
 3. Entering into a relationship with, or taking advantage of a child as a prostitute;
 4. Threatening or using violence towards a child to engage him/her.
- b. Those other persons who commit the acts as stated in Article III of Republic Act No. 7610 and shall penalized accordingly as prescribed in the same manner.

Section 64. Obscene Publications and Indecent Shows. 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 shall suffer the penalty as prescribed in R.A. 7610.

SECTION 65. Sanctions for Establishments or Enterprises which Promote, Facilitate or Conduct Activities constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent Shows. All establishments or enterprises which promote or facilitate child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate, without prejudice to the owner under this ordinance.

A signage with words: "CHILD RIGHTS VIOLATOR" shall be conspicuously displayed outside the establishments or for any other consideration, or barter.

SECTION 66. Child Trafficking. Any person who shall engage in trafficking and dealing with children including, but not limited to the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty as prescribed in Article IV of Republic Act No. 7610.

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SECTION 67. Attempt to Commit Child Trafficking. There is an attempt to commit child trafficking under the following:

- a. When a child below 15 years old travels alone to or from Pangasinan without valid reason therefore and without clearance issued by the Pangasinan Special Office for Children's Concerns or written permit from the child's parents or legal guardians;
- b. When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration; or consent to, participates or in any manner causes the registration of the birth of such child in the name of another with or without consideration.
- c. When a person, agency, establishment or child-caring institution recruit women or couples to bear children for the purpose of child trafficking;
- d. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth or assists in the process for the purpose of child trafficking;
- e. When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day care centers or other child caring institutions who can be offered for the purpose of child trafficking; or
- f. When any person, authority, agency or institution who are witnesses to and fails to report transactions related to circumstances in child trafficking.

The penalty prescribed in Article IV of Republic Act No. 7610 shall be imposed upon the principals of the attempt to commit child trafficking.

SECTION 68. Other Act and/or Condition Prejudicial to Child's Development. It shall be unlawful for any person to sell liquor, cigarette, illegal drugs and other items detrimental to the development of the child.

For purposes of this Ordinance, the penalty for the commission of such act as prescribed in Article VI of republic Act No. 7610 shall be imposed. The victim of the act committed under this section shall be entrusted to the care of the Municipal Social Welfare and development Office.

SECTION 69. Prohibition against the selling of cigarettes, tobacco, liquor and wine and other similar beverages to children. The selling of cigarettes, tobacco, liquor and wine and other similar beverages by all business establishments and stores shall be strictly prohibited. Violation of this section shall be penalized as follows:

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| 1 st Offense: | a fine of Php1,000.00 |
| 2 nd Offense: | a fine of Php1,500.00 and written warning |
| 3 rd and Succeeding Offenses: | a fine of Php2,500.00 and fifteen (15) days temporary closure of such business establishment/store after oral or written explanation of the owner, if not qualified. The closure order shall be lifted (upon recommendation of the Licensing Officer to the Local Chief Executive) at the discretion of the court. |

SECTION 70. Prohibition against smoking and drinking liquor, wine and similar beverages. No children shall be allowed to smoke and drink liquor, wine and similar beverages in any place in this municipality. Any child who would be seen doing such thing shall be advised on by the Municipal Council for the Protection of Children (MCPC) to bad effects of smoking cigarettes and tobacco as well as the drinking of such wine and liquor. In addition, the MCPC shall make a listing of those children who would violate this section, and inform and advise their respective parents about the said activities.

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SECTION 71. Other Prohibited Acts. In addition to all acts defined and penalized under Republic Act No. 7610 on Child Abuse and Exploitation, Republic Act No. 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

a. Peonage of Children - offering a child or the service of a child as payment for a debt or in exchange for a favor, such as, but not limited to the following:

- a.1. Working in agricultural industries like rice and corn plantation or farms;
- a.2. Working as house helpers.

b. discrimination of Girl Children. To discriminate girl children by prohibiting and depriving them of formal education.

c. discrimination of Illegitimate Children. For schools to discriminate illegitimate children such as, but not limited to the following:

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

d. 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 the pregnancy. Schools may impose any other penalty which shall be made applicable to both the pregnant girl and her partner if also enrolled in the same school.

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

f. Refusal to Issue Clearances by Reason of Pregnancy. For schools to refuse to issue clearances to child by reason of pregnancy.

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

- 1. Ordering or directing the child to kneel down as a form of punishment
- 2. Exposing the child to be bitten by any insects/animals.
- 3. Placing a child inside a sack and/or hanging him/her.
- 4. Shaving the head of the child.
- 5. Harsh whipping of the child with the tail of a stingray (pagi), stick, belt and other objects.
- 6. Stripping the child of his/her clothes.
- 7. Locking up the child in a cabinet, room or any closed structure.
- 8. Tying up the child or otherwise restraining him/her.
- 9. Throwing of objects such as, but not limited to, eraser, chalk, notebook at the child.
- 10. Pulling the hair of the child.
- 11. Making the child stand/kneel under the heat of the sun.
- 12. Verbal and physical abuse
- 13. Financial deprivation

h. Pushing/Enticing the Minors to Live-in Arrangements. It shall be unlawful for parents and immediate relatives 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.

The above acts which are likewise punishable under RA 7610 or the Child Abuse Act, RA 7658 on Child Labor, the Revised Penal Code of other pertinent national laws shall be penalized hereunder. Acts or omissions not falling under said laws shall be penalized in accordance with Section 100 of this Ordinance.

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SECTION 72. Control of Children's Exposure to Internet café, Internet Café's catering to children below eighteen years of age shall be prohibited to enter from Monday to Friday – 12:00NN - 1:00PM and 4:00PM – 8:00PM, Saturdays, Sundays and Holidays 8:00AM – 10:00PM, any violation hereof shall be subjected to One Thousand Five Hundred Pesos (Php1,500.00) fine and suspension of the operation within fifteen (15) days, Two Thousand Pesos (Php2,000.00) fine and suspension of operation for a period of thirty (30) days and third offense, Two Thousand Five Hundred Pesos (Php2,500.00) fine or confiscation of video game equipment or both in the discretion of the court.

It shall be printed on 4" letterings. Shall be place in a conspicuous area within the Computer Game Center/ Internet Café.

NOTICE: PERSONS BELOW EIGHTEEN YEARS OF AGE SHALL BE ALLOWED TO ENTER AND PLAY COMPUTER GAMES/ACCESS TO INTERNET DURING:

- A. MONDAY TO FRIDAY – 12:00NN – 1:00PM during Lunch Break & 4:00PM – 8:00PM
– after their class dismissal in the afternoon
- B. SATURDAYS, SUNDAYS AND HOLIDAYS – 8:00AM – 10:00PM – No Classes

Failure to comply shall be penalized as follows:

- First Offense: Php1,500.00 fine and suspension of operation for a period of 15 days
- Second Offense: Php2,000.00 fine and suspension of operation for a period of 30 days
- Third Offense: Php2,500.00 fine or confiscation of video game equipment or both in the discretion of the court.

SECTION 73. Child in Conflict with the law. Pursuant to the United Nations Convention of the Rights of a Child (UNCRC), every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a. To be presumed innocent until proven guilty according to law;
- b. To be informed promptly and directly of the charges against him/her, if appropriate, through his/her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his/her defense;
- c. To have the matter determined without delay by a competent, independent and impartial authority or judicial body in fair hearing according to law, in the presence of legal or other appropriate assistance and unless, it is considered not to be the best on the child, in particular, taking into account his/her age or situation, his or her parents or legal guardian.
- d. Not to be compelled to give testimony or to confess guilt, to examine adverse witness and to obtain the participation and examination of the witness of his/her behalf under conditions of equality;
- e. If considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent and impartial authority of judicial body according to law;
- f. To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- g. To have his/her privacy fully respected in all stage of the proceedings.

SECTION 74. System of Diversion. A system of diversion is hereby established wherein juveniles shall, as much as possible, be referred to alternative measure without undergoing court proceedings. Diversion shall apply to a child or youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

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SECTION 75. Levels of Diversion. Diversions shall be conducted at the barangay and police levels. The Lupong Tagapamayapa and the Women and Children Protection Center are the competent authorities to conduct diversion proceedings.

SECTION 76. 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 him/her the consequences of his/her acts/omissions. The minor's responsibility for the commission of any felony shall be explained to her/him with a view towards counselling and rehabilitating her/him, and avoiding her/his contact with the criminal justice system and indemnifying the victims if there be any.

SECTION 77. Termination of Case. If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and the decision to that effect shall be written and explained to both parties.

SECTION 78. Confession or Admission of Offense. If the child voluntarily admits or confesses to the commission of the offense charged, the competent authorities shall decide on the diversion programs to be undertaken by the child. Any admission or confession of the child shall be signed by the child and countersigned by the parents, legal guardians and/or social welfare and development officer, the nearest relative, member of a child-focused group, religious group and Barangay Council for the Protection of Children member. They shall see to it that the confession of the child is voluntarily executed.

If the child did not admit or confess to the commission of the offense and the weight of the evidence presented shows that the child conclusively committed the offense, the competent authorities shall endeavor to make the child realize his/her responsibility and obligation arising from the commission of the offense as well as the penalties imposed thereof.

During any stage of the diversion proceedings, any admission or confession of a child for an offense shall be inadmissible as evidence against the child should the diversion proceedings fail. Neither shall the same be held to be admissible as evidence against the child before any proceeding.

SECTION 79. 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 labelling 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 origin. The official violating this provision shall be administratively liable.

SECTION 80. 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.

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

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

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c. No minors shall 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 are also prohibited.

Any violations shall be penalized in accordance with Section 100 of this Ordinance.

SECTION 81. Diversion Programs; When Proper, where the parties and/or the competent authorities decide that the child must undergo a diversion program, such continuing program for the rehabilitation and re-integration of the child shall be formulated with the cooperation of the complainant and the child

When there is no private offended party or when the offended party and the child give consent to a diversion, the children in conflict with the Law (CICL) in consultation with the child's parents or guardians, nearest relative, BCPC religious group of the MSWDO shall formulate a diversion program.

SECTION 82. Factors in Determining Diversion Programs. In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration;

- a. The nature and circumstances of the offense charge;
- b. The frequency and severity of its occurrence;
- c. The character and reputation of the child;
- d. The circumstances of the accused child (e.g, age, maturity, intelligence, etc.);
- e. The influence of the family and the environment on the growth of the child;
- f. The emotional relief of the victim;
- g. The weight of the evidence against the child; and
- h. The safety of the community

SECTION 83. Criteria for Formulating Diversion Programs. In formulating diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child;

- a. The child's feeling of remorse for the offense he or she committed;
- b. The parents or legal guardian's ability to guide and supervise the child;
- c. The victim's view about the propriety of the measures to be imposed;
- d. The availability of the community-based programs for the rehabilitation and re-integration of the child.

SECTION 84. Diversion Programs. The diversion program shall include adequate socio-cultural and psychological response services for the child. Diversion program can include, but are not limited to the following;

- a. written or oral reprimand or citation;
- b. restitution of property;
- c. reparation of the damaged cause;
- d. indemnification of consequential damages;
- e. confiscation and forfeiture of the proceeds or instruments of the crime;
- f. payment of cost of the proceedings;
- g. written or oral apology
- h. guidance and supervision orders;
- i. counselling for the child and the family;

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- j. trainings, seminars, lectures on; (a) anger management skills; (b) problem solving and/or conflict resolution skills; (c) values formulation and (d) other skills which will aid the child to deal with situation which can lead to re-offending;
- k. community-based programs available in the community;
- l. institutional care and custody

SECTION 85. Conditions for Diversion Programs. In all cases where a child is required to undergo a diversion program, the following shall be mandatory:

- a. A contract diversion containing the diversion program to be undergone by the child shall be signed by the authority concerned and the parents or legal guardians of the child;
- b. The child shall present himself or herself to the competent authorities that impose the diversion program at least once a month for reporting and evaluation of the effectiveness of the program;
- c. The child shall cooperate and faithfully comply with the conditions in the contract;
- d. The child shall permit the competent authority and/or the MSWDO to conduct surprise visits at the child's home;
- e. The child and other parties concerned shall satisfy other conditions related to the diversion program as long as such conditions are not contrary to law, morals, and good customs. Such other conditions shall be considered void and shall not affect the conditions that are validly agreed upon in the written contract of the diversion.

SECTION 86. Applicability of the Katarungang Pambarangay. The Katarungang Pambarangay Law shall be applied as part of the diversion process for offenses punishable by imprisonment not exceeding one (1) month or a fine not exceeding ONE THOUSAND PESOS (Php1,000.00).

SECTION 87. Training of the Lupong Tagapamayapa. In addition to the requirements provided in Section 399 of the Local government Code, the members constituting the lupon shall be provided with the regular training by the Municipality of Asingan in coordination with the Liga ng mga Barangay. Such training shall include, among others, conflict management and mediation skills, paralegal seminar on laws on children and child psychology.

SECTION 88. Assistance of Child by Parents. Any agreement resulting in the Barangay Conciliation shall also be signed by the child with the assistance of the parents or legal guardians, MSWDO, member of a child-focused group and the BCPC member. Otherwise, such documents shall be null and void.

SECTION 89. Duty of the WCPD. After the initial inquiry, the offense not falling under the Katarungang Pambarangay, the Women and Children Protection Desk (WCPD) shall conduct further investigation of the child pursuant to Section 24 and 25 of RA 7610 or the Child Abuse Act, otherwise, it shall refer the case to the barangay concerned.

SECTION 90. Manner of Investigation of Juvenile. A child shall only be investigated or his/her statement secured in the presence of his/her parents or member of the MSWDO and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her choice in language that is clearly understood by the child, the parents or guardian.

If the child cannot be represented by counsel of his/her own choice, the Women and Children Protection Office Desk (WCPOD) shall contact a member of Public Attorney's Office to assist the child. Any confessions or admissions in violation of these rights are inadmissible as evidence against the child. In no case should deceit, false promises, intimidation or harassment be employed against the child. Respect for the human rights of the child, as provided by both international and Philippine Laws shall be paramount consideration during the custodial investigation.

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SECTION 91. Custody and Supervision. No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of his/her case make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or legal guardians who shall be responsible for the presence of the child during the diversion proceedings. In the absence of parents or legal guardians, the child shall be committed to the care of the nearest relative, BCPC member or the MSWDO. If necessary, the MSWDO in coordination with DSWD may refer the child to the appropriate child-caring institution.

SECTION 92. Confidentiality of Proceeding 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 to anyone by any of the parties or the participants of the proceedings. The competent authorities shall undertake measures, including non-disclosure of records to 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 offender.

SECTION 93. Confidentiality. At the instance of the offended party, his/her name maybe withheld from the public until the court acquires jurisdictions over the case. It shall be unlawful for any editor, publisher, and reporter or columnist, in case of printed materials; announcer or producer, in case of television and radio broadcasting; producer and director of the film, in case of the movie industry, to cause undue and sensationalized publicity of any case in violation of this Code which results in the moral degradation and suffering of the offended party.

SECTION 94. Reporting. A person who learns of facts or circumstances that give rise to the belief that the child has suffered abuse may report the same, either orally or in writing, to the MSWDO, law enforcement agency or to the Barangay Council for the Protection of the Children (BCPC).

SECTION 95. Duty of Government Workers to Report. It shall be the duty of all teachers and administrators in public schools, law enforcement officers, barangay officials and other government officials and employees in the Municipality of Asingan to report cases of possible child abuse to the authorities mentioned in the preceding sections.

SECTION 96. Any individual mentioned in Section 96 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

SECTION 97. Immunity for Reporting. Any person who acts in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising therefrom.

SECTION 98. Penalties. The penalty for acts/omissions committed in violation of the Code, if not penalized in any national laws, shall be imprisonment of three (3) to six (6) months and/or fine ranging from P1,000.00 to P2,500.00 at the discretion of the Municipal Circuit Trial Court (MCTC). All fines herein imposed shall accrue to the General Fund of the Municipality

For first time offenders, in cases where the offender is the parent or teacher of the child or relatives within the fourth degree of consanguinity/affinity, if the offender admits the offense and is sincere and willing to reform, the penalty maybe waived subject to the consent of the child, and any of the following measures shall be imposed instead:

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- a. Attendance in a parenting or any appropriate seminar;
- b. Counselling sessions;
- c. Family therapy;
- d. Participation in appropriate trainings.

For offenses punishable under R.A 7610, R.A 7658, the Revised Penal Code or any other law as well as in this Code, the offended party and/or any party so authorized shall file a complaint under the national law, and the penalty in such national law shall be imposed.

Failure to comply with pertinent provisions in this Code by the Local Chief Executive, members of the Legislative Bodies and Barangay Authorities or Head of Offices shall constitute dereliction of duty or abuse of authority subject to penalties prescribed under the Local Government Code.

**ARTICLE 10
BUDGETARY APPROPRIATIONS**

SECTION 99. Appropriations. The amount to carry out the provisions of this Ordinance is hereby authorized, from the General Fund which is one percent from the total IRA of the municipality in the amount of One Million Five Hundred Fifty Thousand Three Hundred Seventy Nine Pesos and 96/100 (Php1,550,379.96) and additional budget from the Office of the MSWDO, MHO, as the implementor for the welfare of the children. (As in included on the PPA)

**ARTICLE 11
SEPARABILITY/APPLICABILITY/REPEALING/EFFECTIVITY CLAUSES**

SECTION 100. Separability Clause. If, for any reason/s, any part or provision 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 101. Applicability Clause. All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the Municipality of Asingan, Province of Pangasinan and its twenty one (21) component barangays, and to all persons who may be subject to the provision of this Code.

SECTION 102. 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 103. Review and Amendments. The Committee on Women, Family and Senior Citizens of the Sangguniang Bayan thru the LCPC and BCPC shall monitor implementation and compliance with the provisions hereof.

SECTION 104. Effectivity Clause. This Code shall take effect upon compliance with the publication and posting requirement.

"APPROVED Unanimously".

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