

# MUNICIPAL ORDINANCE NO. 09 - 020 – 062

## AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 08 – 020 – 058 AND ENACTING THE CHILDREN’S CODE OF THE MUNICIPALITY OF ORION, BATAAN

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Hon. June D. Hernandez, Hon. Donald R. Chan, Hon. Virgilio S. Catalan

**WHEREAS**, the Municipality of Orion, Bataan believes that it is the responsibility of the government to harness the potentials of the children of the municipality and prepare them for their eventual roles in community development;

**WHEREAS**, it is incumbent upon the Municipal Government to protect the rights and privileges of the children to ensure a better future for them and make them aware of their responsibilities as members of the society;

**WHEREAS**, there is a need to enact ordinances that would redound to the greater benefits of the young sectors of the society and to properly safeguard their welfare amidst the harsh realities of the present society;

On motion duly seconded, be it,

**RESOLVED**, by the Sangguniang Bayan of Orion, Bataan, in session duly assembled, as it is hereby resolved to approve on third and final reading the following Municipal Ordinance:

### CHAPTER 1 GENERAL PROVISIONS

#### Article 1 TITLE AND COVERAGE

**Section 1. Title.** This Amendatory Ordinance to Municipal Ordinance No. 08 – 020 – 058 shall be known as the “Children’s Code of the Municipality of Orion, Bataan”.

**Section 2. Coverage.** This Code shall govern all objects situated within the Municipality of Orion, specifically enumerated in its provisions, and all persons, entities or agencies involved in activities or related fields specifically made subject of regulation by the provisions embodied in this Code.

#### Article 2 DECLARATION OF POLICY AND LEGAL BASIS

**Section 3. Declaration of Policy.** The Municipality of Orion, Bataan, being a local government unit of the Philippines, which is a signatory to the United Nations Convention on the Rights of the Child (UNCRC), is committed to promote the interests and development of children and to protect their rights and privileges. Towards this end, the Municipality of Orion acknowledges that:

- a. The child has a vital role to play in the society so that his/her physical, spiritual, intellectual, moral, and social well-being should be fully developed and protected.
- b. The child has the right to survival, development, protection and participation in accordance with the United Nations Convention on the Rights of the Child. The child is a fully-functioning human being capable of participating on matters affecting his/her welfare, within his/her evolving capacities.
- c. All institutions, government or private, non-government organizations, and the church should work hand-in-hand in advancing the interests and welfare of the child.

**Section 4. Legal Basis.** This Code shall be governed by the provisions of the following acts of the State:

- Presidential Decree No. 603, as amended – The Child and Youth Welfare Code
- Republic Act 7610 – The Special Protection of Children Against Abuse, Exploitation and Discrimination Act
- Republic Act 7658 – An Act Prohibiting Employment of Children Below Fifteen (15) Year Old in Public and Private Undertakings
- Republic Act 7160 – The Local Government Code
- Republic Act 9208 – Anti-Trafficking Act of 2003, and
- Civil Code of the Philippines (Article 359 – 360) – Establishment of Councils for the Protection of Children

### **Article 3 DEFINITION OF TERMS**

**Section 5. Definition of Terms.** Words and phrases used in this Code shall be understood in the sense indicated hereunder:

- a. *Adoption* – socio-legal process that enables a child, who cannot be reared by the biological parents, to acquire legal status and benefit from new relationship with a permanent family.
- b. *Adult* – individuals who are above eighteen (18) years of age or have reached the majority age.
- c. *Billiard* – refer to the table game which uses hard balls and cue stick.
- d. *Children* – refer to persons below eighteen (18) years of age or one who is over but is unable to fully take care of or protect himself by reason of his physical or mental disability or condition.
- e. *Child Abuse* – an act that degrades or demeans the inherent worth and dignity of a child as a human being.
- f. *Child Neglect* – the act of deliberately depriving the basic needs of a child.
- g. *Child Labor and Exploitation* – act of employing, permitting or allowing children below fifteen (15) years of age to suffer to work in any public or

private establishment where they are not directly under the responsibility of their parents or guardians or the latter employing other workers aside from their children or that is likely to be hazardous to the child or that interferes with the child's education or that is harmful to the child's health or physical, mental, spiritual, moral or social development.

- h. *Child in Conflict with the Law (CICL)* – is a child alleged as, accused of, or recognized as having committed an act or omission defined and punished as a crime or offense under the laws, including violations of traffic laws, rules and regulations, and ordinances of local government units.
- i. *Child in Need of Special Protection* – is a child, who for shorter or longer periods in his/her life, is exposed to intense, multiple risks to his/her physical and mental health.
- j. *Cigar/Cigarette* – cylindrical roll of tobacco products cured for smoking.
- k. *Cockpit* – area where cockfighting activities are held, including its immediate vicinity.
- l. *Cockpit Operator* – person or group of persons that owns and/or operates a cockpit.
- m. *Commercial Sexual Exploitation of a Child* – engaging in any act of child prostitution, child pornography or trafficking of children for sexual purposes.
- n. *Committee* – refers to the Municipal Committee on Anti-trafficking.
- o. *Computer Games* – all forms of games generated through the use of electronic multimedia and similar implements.
- p. *Council* – refers to the Municipal Council for the Protection of Children and the Youth.
- q. *Custodian* – refers to the parent, guardian or other person legally responsible for the care and custody of a child or minor youth.
- r. *Differently-abled Children* – children with physical or mental disability.
- s. *Drug Dependent* – person who is addicted to prohibited and regulated drugs.
- t. *Entertainment Center* – refers to all establishments where people play billiards, pool, video and/or computer games.
- u. *Forced Labor or Slavery* – extraction of work or services from a person by means of coercion, intimidation, threat, including deprivation of freedom.
- v. *Foster Family* – substitute parents who assume the duties of the biological parents, temporarily or permanently.
- w. *Foster Family Care* – provision of planned substitute parental care by a license foster family when biological parents are unable to care temporarily or permanently.
- x. *Guardian* – a person defined as guardian by The Family Code of the Philippines, live-in partner of the natural and/or adoptive mother and/or father of a child, a person exercising substitute parental authority and custody over a child.
- y. *Liquor* – any alcoholic beverage or drink which causes intoxication or drunkenness.
- z. *Newborn Screening* – medical procedure where a newborn child undergoes tests to spare him/her from heritable conditions that can lead to mental retardation, serious health complications and death, if undetected and untreated.
- aa. *Out – of – School Youth* – minors who are currently not enrolled in any educational institution.
- bb. *Parent* – natural and/or adoptive father and/or mother of a child.
- cc. *Physical Abuse or Maltreatment* – infraction of any intentional and irrational physical injury.
- dd. *Pool* – table game which uses cue stick and flat, circular chips as target objects.

- ee. *Pornography* – any representation through publication, exhibition, cinematography, indecent shows, information technology or by whatever means, of a person in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes.
- ff. *Prostitution* – any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or other considerations.
- gg. *Public Place* – any place which is generally open to and used by the public, either publicly or privately owned, including but not limited to public buildings, market, terminals, parks and plazas, national, provincial or municipal streets and alleys, amusement centers such as entertainment centers.
- hh. *School Days and Hours* – period from 7:30 AM to 4:30 PM, Mondays to Fridays, except holidays. The term “holiday” shall include legal holidays, holidays observed in the Municipality of Orion and school holidays.
- ii. *Sexual Abuse* – involvement of a child or youth in sexual activity with an adult or any older person, in which the child is used as sexual object for gratification of the older person’s needs or desire such as rape, attempted rape, statutory rape, incest or acts of lasciviousness.
- jj. *Sexual Exploitation* – participation of a person or a child or youth in prostitution or the production of pornographic materials as a result of being subjected to threat, deception, coercion, abduction, force, abuse of authority, fraud or abuse of victim’s vulnerability.
- kk. *Store* – business establishments involved, directly or indirectly, in the sale of all forms and kinds of merchandise.
- ll. *Storeowners* – registered owner of the store doing business in the municipality.
- mm. *Students* – refer to all those enrolled in learning institutions and recognized as bona fide students of a particular school.
- nn. *Tobacco* – processed leaves used in cigarettes, cigars and pipes.
- oo. *Trafficking in Persons* – the recruitment, transportation, transfer or harboring or receipt of persons, including children and youth, with or without the victim’s consent, by means of threat, coercion, abduction, fraud, deception, abuse of power or position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation.
- pp. *Volatile Substance* – refers to any stuff used as thinner, solvent, adhesive which may contain substances which may affect the mind when inhaled.

**Article 4**  
**RULES OF INTERPRETATION**  
**AND CONSTRUCTION**

**Section 6.** If the provisions of the different articles are in conflict with or contravene each other, the provision of each article shall prevail as to all specific matters and questions involved therein.

**Section 7.** The provisions of this Code, which are substantially the same as the previous or existing ordinances particularly when dealing with the same subject matter, shall be construed as “restatement” and not as “new enactments” except for the amended, corrected or deleted words, phrases and paragraphs.

**Section 8.** Any amendment to this Code maybe introduced and shall be compiled in such a way as to bear the corresponding article and section to which such ordinance pertains. Such new provision shall be integrated into the corresponding article or section whenever a new printing or reproduction of this Code is undertaken upon authorization of the Sangguniang Bayan.

**Section 9.** Any provision of this Code which maybe ambiguous or vague shall be reasonably construed in a manner that gives effect to the purpose for which this Code or the specific article has been enacted.

## **CHAPTER 2 RIGHTS OF A CHILD**

**Section 10.** The Municipality shall endeavor to protect the rights of a child as herein set forth regardless of legitimacy, sex, social status, religion, political affiliation and other factors.

- a. Survival Rights
- b. Developmental Rights
- c. Participation Rights
- d. Protection Rights

### **Article 5 SURVIVAL RIGHTS**

**Section 11. Right to Life.** Every child has the inherent right to life. The Municipality shall ensure the maximum extent possible to endow a child with dignity and worth of a human being from the time of his/her conception and protect his/her right to be born well.

**Section 12. Right to Adequate Standard of Living.** Every child has the right to a standard of living adequate for his/her physical, intellectual, spiritual, moral and social development. Towards this end, the child shall be provided with balanced diet, adequate clothing, sufficient shelter, proper medical attention and all the basic physical requirements to a healthy and vigorous life.

**Section 13. Right to Health.** Every child has the right to the highest standard of health and medical care possible.

**Section 14. Right to Parental Care and Support.** Every child has the right to a wholesome family life that will provide him/her with love, care and understanding, guidance and counseling, and moral and material security. The Municipality shall ensure that the child is well cared of and supported by his/her parents, unless deemed incompatible with the child's best interest.

An orphaned or abandoned child shall be provided with the nearest substitute for a home.

**Section 15. Right to a Name, Nationality and Identity.** Every child has the right to be registered immediately at birth and shall have the right from birth to a name, to acquire a nationality and as far as possible, to know his/her parents and be cared for

by them. The child also has a right to preserve his/her identity, including nationality, name and family relations.

## **Article 6 DEVELOPMENTAL RIGHTS**

**Section 16. Right to Information.** Every child has the right to appropriate information on matters of interest to him/her, especially, those aimed at the promotion of his/her social, spiritual and moral well-being and physical and mental health.

**Section 17. Right to Leisure, Recreational and Cultural Activities.** Every child has the right to rest and leisure, to engage in play and in safe and wholesome recreational activities appropriate to his/her age and to participate freely in cultural life and arts.

**Section 18. Right to Education.** Every child has the right to education. This right shall include the right to avail of early childhood care and development (ECCD) programs, primary, secondary and tertiary education, appropriate to the evolving capabilities of the child.

- a. The gifted child shall be given opportunity and encouragement to develop his/her special talents and skills.
- b. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding and shall be entitled to treatment and competent care.
- c. The physically or mentally handicapped child shall be given the treatment, education and care required by his/her particular condition.

## **Article 7 PARTICIPATION RIGHTS**

**Section 19. Right to Opinion.** Every child, who is capable of forming his/her views, has the right to express those views freely in all matters affecting him/her.

Such views shall be heard and given due consideration in accordance with the age and maturity of the child and in the formulation of plans and programs for his/her welfare.

**Section 20. Right to Freedom of Expression.** Every child has the right to express his/her views and ideas, obtain all kinds of information, not otherwise pornographic, libelous or subversive, either orally, in writing or in print, in the form of visual arts, or any other form of media of the child's choice.

**Section 21. Right to Freedom of Thought, Conscience and Religion.** Every child has the right to freedom of thought, conscience and religion, subject to appropriate guidance by the parents and/or guardians.

**Section 22. Right to Enjoy and Practice His/Her Own Culture, Religion and Language.** Every child from minority communities or indigenous people has the right to exercise and enjoy his/her own culture, profess and practice his/her own religion and to speak or write in his/her own language.

The child shall exercise the right within the boundaries of respect and courtesy to other cultures, religions and languages. Likewise, such right shall be exercised within the bounds of national security, public order, public health and morals.

**Section 23. Right to Freedom of Association.** Every child has the right to meet other persons, and to organize, form or join associations and to freedom of assembly. Such right shall be exercised within the bounds of national security, public order, public health and morals.

**Section 24. Right to Privacy.** Every child shall have the right to protection from interference of his/her privacy, family, home and correspondence, unless otherwise the safety and security of the child, the family and the community is threatened.

## **Article 8 PROTECTION RIGHTS**

**Section 25. Right to Protection Against Physical Abuse.** Every child has the right to protection against physical, mental, psychological or emotional abuse, violence, injury or maltreatment.

**Section 26. Right to Protection Against Sexual Abuse.** Every child has the right to protection against rape, incest, sexual harassment, acts of lasciviousness, seduction, abduction and other forms of sexual abuse and violence.

**Section 27. Right to Protection Against Neglect and Abandonment.** Every child has the right to quality care by his/her parents/guardians and to be protected against their neglect, negligent treatment and abandonment.

**Section 28. Right to be Protected from Drugs, Cigar, Cigarette, Liquor, Intoxicating Beverages and Other Addictive Substances.** Every child has the right to be protected from the use of narcotic and psychotropic drugs, cigar, cigarette, liquor, intoxicating beverages, volatile substances and from being involved in their production or distribution.

**Section 29. Right to Protection of the Working Child.** Every child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or will interfere with the child's health or physical, mental, spiritual, moral or social development, in relation to R. A. 7658, as amended by R. A. 9231.

**Section 30. Right to Periodic Review of Treatment if Placed Under Protective Custody.** Every child has the right to be protected from any type of harm or harsh treatment. The government has the mandate to closely monitor and review the treatment of the child under the care of his/her custodian.

**Section 31. Right to Special Protection of a Differently-Abled Child.** Differently-abled child has the right to special care, education and training to help him/her enjoy a full and decent life in dignity and to achieve the greatest degree of self-reliance and social integration possible.

**Section 32. Right of Child in Conflict with the Law (CICL).** Every child, who comes in conflict with the law, shall be entitled to the following rights:

- a. To be treated with dignity and in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental reasons of others;
- b. To be presumed innocent until proven guilty according to law;
- c. To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- d. To be informed of his/her rights under UNCRC and other international instruments in relation to CICL, R.A. 7438, R.A. 8493, P.D. 603 and the Rules and Regulations on the Apprehension, Investigation, Prosecution and Rehabilitation of Youth Offenders.

**Section 33. Right to be Protected from Work Exploitation.** Every Child shall have the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's health or physical, mental, spiritual, moral or social development in relation to R.A. 7658, as amended by R.A. 9231.

**Section 34. Right to be Protected Against All Forms of Commercial Sexual Exploitation.** Every child shall have the right to be protected from child prostitution, child pornography, child sex tourism and other forms of commercial sexual exploitation, as provided for under R.A. 9208 and R.A. 7610.

**Section 35. Right to Protection from Other Forms of Exploitation.** Every child shall have the right to be free and to be protected from all other forms of exploitation prejudicial to any aspects of the child's welfare.

## **CHAPTER 3 COMMUNITY – BASED SUPPORT SYSTEM**

### **Article 9 ROLES AND FUNCTIONS OF THE FAMILY, INSTITUTIONS AND THE COMMUNITY**

**Section 36. The Family.** – The Municipality recognizes the family as the central unit responsible for most of the child's early education and development including the molding of character, physical, emotional and spiritual progress and the realization of the child's existence as dignified human being with the recognition of his/her inherent rights. Introduction of the child to the culture, values and norms of the society shall begin in the family.

The family has the primary responsibility of nurturing and protecting the child from infancy to adolescence. Article 15, Section 1 of the Philippine Constitution states that, *"The State recognizes the Filipino family as the foundation of the nation. Accordingly, it shall strengthen its solidarity and actively promote its total development"*.

Government and the social efforts to preserve the integrity of the family, including extended family shall be pursued. The family is a basic social institution which public policy cherishes and protects (Title VII, Chapter 1, Article 216 of the Civil Code of the Philippines).

**Section 37. Primary Rights of Parents.** – The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing



with the children's development, the primary right and obligation to provide for their upbringing.

- a. **Rights Under the Civil Code.** – Parents shall continue to exercise the rights mentioned in Articles 316 to 326 of the Civil Code over the person and property of the child.
- b. **Right to Discipline Child.** – Parents shall have the right to discipline the child as may be necessary for the formation of his/her good character, and may therefore require from him/her obedience to just and reasonable rules, suggestions and admonitions.

**Section 38. General Duties.** – Parents shall have the following general duties toward their children:

- a. To give them affection, companionship and understanding;
- b. To extend to them the benefits of moral guidance, self-discipline and religious instruction;
- c. To supervise their activities, including their recreation;
- d. To inculcate in them the value of industry, thrift and self-reliance;
- e. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to the country;
- f. To advise them properly on any matter affecting their development and well being;
- g. To always set a good example;
- h. To provide them with adequate support, as defined in Article 290 of the Civil Code; and,
- i. To administer their property, if any, according to their best interests, subject to the provisions of Article 320 of the Civil Code.

**Section 39. Family Affairs.** – Whenever proper, parents shall allow the child to participate in the discussion of family affairs, especially in matters that particularly concern him/her. In cases involving his/her discipline, the child shall be given a chance to present his/her side.

- a. **Winning Child's Confidence.** – Parents shall endeavor to win the child's confidence and to encourage him/her to conduct with them on his/her activities and problems.
- b. **Child Living Away from Home.** – If by reason of his/her studies or for other causes, a child does not live with his/her parents, the latter shall communicate with him/her regularly and visit him/her as often as possible. The parents shall see to it that the child lives in a safe and wholesome place and under responsible adult care and supervision.
- c. **Special Talents.** – Parents shall endeavor to discover the child's talents or aptitudes, if any, and to encourage and develop them.
- d. **If the child is especially gifted,** the parents shall report this fact to the National Center for Gifted Children or to other agencies concerned so that official assistance or recognition may be extended to him/her.
- e. **Reading Habit.** – The reading habit should be cultivated in the home. Parents shall, whenever possible, provide the child with good and wholesome reading materials, taking into consideration his/her age and emotional development. They shall guard against the introduction in the home of pornographic and other unwholesome publications.
- f. **Association with Other Children.** – Parents shall encourage the child to associate with other children of his/her own age with whom he/she can develop common interests of useful and salutary nature. It shall be their duty to know the child's friends and their activities and to prevent him/her

- from falling into bad company. The child should not be allowed to stay out late at night to the detriment of his/her health, studies or morals.
- g. **Community Activities.** – Parents shall give the child every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities.
  - h. **Social Gatherings.** – When a party or gathering is held, the parents or a responsible person should be present to supervise the same.
  - i. **Vices.** – Parents shall take special care to prevent the child from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling, and other vices or harmful practices.
  - j. **Choice of career.** – The child shall have the right to choose his/her own career. Parents may advise him/her on this matter but should not impose on him/her their own choice.
  - k. **Marriage.** – Subject to the provisions of the Civil Code, the child shall have the prerogative of choosing his/her future spouse. Parents should not force or unduly influence him/her to marry a person he/she has not freely chosen.

**Section 40. Liabilities of Parents.** Parents and guardians are responsible for the damage caused by the child under their parental authority in accordance with the Civil Code. There is criminal liability for any parent who does the following acts:

1. Conceals or abandons the child with intent to make such child lose his/her civil status;
2. Abandons the child under such circumstances as to deprive him/her of the love, care and protection he/she needs;
3. Sells or abandons the child to another person for valuable consideration;
4. Neglects the child by not giving him/her the education which the family's station in life and financial conditions permit;
5. Causes, abates, or permits the truancy of the child from the school where he/she is enrolled. "Truancy" as here used means absence without cause for more than twenty school days, not necessarily consecutive. It shall be the duty of the teacher in charge to report to the parents the absences of the child the moment these exceed five schooldays;
6. Improperly exploits the child by using him/her, directly or indirectly, such as for purposes of begging and other acts which are inimical to his/her interest and welfare;
7. Inflicts cruel and unusual punishment upon the child or deliberately subjects him/her to indignations and other excessive chastisement that embarrasses or humiliates him/her.
8. Causes or encourages the child to lead an immoral or dissolute life;
9. Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership; and,
10. Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that the parent permitted or ordered the child to drive.

**Section 41. Duties of the Community.** – To ensure the full enjoyment of the right of every child to live in a society that offers or guarantee him/her safety, health, good moral environment and facilities for his/her wholesome growth and development, it shall be the duty of the community to:

- a. Bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental and spiritual well-being;

- b. Help institutions of learning, whether public or private, achieve the fundamental objectives of education;
- c. Organize or encourage movements and activities, for the furtherance of the interests of children;
- d. Promote the establishment and maintenance of adequately equipped playgrounds, parks, and other recreational facilities;
- e. Support parent education programs by encouraging its members to attend and actively participate therein;
- f. Assist the State in combating and curtailing juvenile delinquency and in rehabilitating wayward children;
- g. Aid in carrying out special projects for the betterment of children in remote areas or belonging to cultural minorities or those who are out of school;
- h. Cooperate with private and public child welfare agencies in providing care, training and protection to destitute, abandoned, neglected, abused, handicapped and disturbed children;
- i. Report, in writing or verbally to the DSWD, police or other law enforcement agency in accordance with R. A. 7610, the facts or circumstances that give rise to a belief that a child has suffered from any form of abuse.

**Section 42. Responsibility of Schools and Other Educational Institutions. –**

In addition to the role of all educational institutions to impart knowledge and skills to their students, they shall likewise institute programs and services that will include proper values formation.

- a. Educational institutions, from the primary to the tertiary level, shall provide creative, innovative and appropriate recreational, cultural and artistic activities to develop the child's full potentials and talents. They shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED).
- b. All educational institutions shall maintain quality education and use child-friendly methods in teaching the child.
- c. All educational institutions shall ensure the safety of children within and outside school premises during school hours and authorized school activities. This shall include discouraging the students from patronizing non-nutritional food products sold within and outside school premises during school hours and from joining or participating in gang-style group activities.
- d. All educational institutions shall give their full support to student body organizations. The school administration shall conduct periodic consultations with students regarding matters affecting their students. The student representatives shall be elected by the student body to sit in Parent-Teacher Councils (PTC) and other recommendatory and decision-making bodies in the school. Parents – Teachers Association shall aid the municipal and other local authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.
- e. Public and private educational institutions shall not discriminate against differently-abled children in enrollment and admission. As much as possible, they shall provide special classes for differently-abled children.
- f. Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children.

**Section 43. Role of Churches. –** All churches and religious orders, congregations or groups may, conformably to law, establish programs for the purpose of educating children in accordance with the tenets of their religion, to inculcate in the

children a strong spiritual foundation, fear of the Lord, consciousness on moral standards they have to follow, love and service for others.

Parents shall admonish their children to heed the teachings of their Church and to perform their religious duties. Whenever possible, parents shall accompany their children to the regular devotions of their Church and other religious ceremonies. This will foster strong family ties and harmony.

**Section 44. Role of People's Organizations & Non-Government Organizations.** – People's Organizations and Non-Government Organizations shall work for the common good of the people around them, particularly in helping children and protecting them in the enjoyment of their rights, and their own lives as well.

**Section 45. Role of Women.** – Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in the development must begin with female children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitutes a valuable contribution to nation's social and economic development.

To achieve and to prepare women for their various roles, equal opportunity shall be provided for the female children for them to benefit from the health, nutrition, education and other basic services for their full growth.

**Section 46. Role of Judicial Institutions.** – In the administration of justice, courts, prosecutors and other actors shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

**Section 47. Role of the Mass Media.** – The mass media shall be aware of their extensive social role and responsibility as well as their influence in communications relating to children. They should use their power to protect the rights of children by relaying constant messages through the Tri-Media (Print, Broadcast and Video) through a balanced approach. Media shall refrain from showing any form of violent and pornographic materials. They shall endeavor to show wholesome and educational materials during prime time viewing. Special attention should be given to effective anti-drug awareness campaigns and delinquency prevention.

**Section 48. Role of the Private Business Sector.**

- a. The private business sector, particularly those who have direct contact with the child, have a corporate social responsibility to all children. The conduct of their business should consider the best interest of the child.
- b. The private business sector is encouraged to become involved and to support programs, projects and services for children, especially those provided in this Code.
- c. Bookstores, libraries, internet cafés and other sources of information shall ensure that children have access to information appropriate to their evolving capacities. Obscene, pornographic and violent materials shall not be made accessible to children.
- d. Restaurants, KTV bars, nightclubs, hotels, motels and other business establishments in entertainment, tourism and travel industry, and gambling centers including cockpits, which provide access to adult entertainment, shall ensure that the child is not allowed within their premises. It shall be the responsibility of the owners of bars, karaoke joints to require proof of age before

employment in night clubs, bars, karaoke, etc. Owners/managers/operators of these establishments shall post a visible and legible notice disallowing minors from entering the premises.

- e. It shall be the responsibility of owner/operator/manager of business establishments to verify the age of the person seeking employment. All employers shall not engage a child in work that endangers health, safety and normal development.
- f. Shopping malls/centers, boutiques, novelty stores, video arcades and other gaming centers shall monitor the presence of school-aged children during school hours in their premises. The presence of these children shall be reported to the schools to which these children belong. In cases where these children are not enrolled in schools, the parents and/or guardians shall be informed.
- g. It shall be the responsibility of internet café owners/operators to regulate the exposure of children to pornography and violence in the internet.
- h. Private business sector shall provide summer job trainings for new high school graduates with intentions to pursue college. This program shall allow the students an insight on the value of earning money; learn the value of work necessary for their future.

**Section 49. Role of the Sangguniang Kabataan.** – The Sangguniang Kabataan (SK) as established under the Local Government Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the welfare of children for this purpose. The SK shall allocate sufficient appropriations of its budget to prevention programs for the youth. Livelihood programs and technical education for out-of-school, impoverished and children who were displaced because of armed-conflict should also be initiated.

**Section 50. Responsibility of Private and Public Doctors, Midwives and Other Medical Practitioners and Health Care Providers.** It shall be the responsibility of all doctors, midwives and other health care providers to educate parents on proper care and nutrition of the child. They shall also exercise due diligence in ensuring the safe delivery of the child. The physician, nurse, midwife, trained “*hilot*” in attendance at birth or the parents of the newborn shall have the duty to register the birth of the newborn child in accordance with the Civil Registry Law.

**Section 51. Responsibility of Police and Medical Officers.** All cases of child abuse (medical and police records, etc.) shall be treated with utmost confidentiality so as to protect the identity of the child.

**Section 52. Responsibility of the Custodian/Center Where Child is Placed.** The custodian of the child or the center where the child is placed for purposes of care, protection or treatment shall regularly review the condition of the child and report the same to the MSWDO.

## **Article 10** **COMMUNITY – BASED SUPPORT SERVICES**

**Section 53.** The Municipal Government of Orion shall, through the Council, undertake the following support services and programs for children and their families:

- a. Recognize the sanctity of marriage and in strengthening the family bonds and in the process, promote programs on responsible parenting and marriage counseling;
- b. Provide medical and legal assistance, and counseling to abuse children and their families;
- c. Provide moral and spiritual recovery programs, skills training and livelihood development programs and house care services for rehabilitation of children victims and their families;
- d. Conduct information and awareness campaigns on violence against women, children, anti-trafficking and other similar concerns to strengthen the enforcement of laws;
- e. Include the Special Program for Employment of Students (SPES) in the Annual Appropriations Ordinance of the Municipality;
- f. Encourage the Local Civil Registrar to facilitate the free registration, birth and death, of indigent children;
- g. Institutionalize the observance and celebration of Linggo ng Kabataan to protect the interests of the youth and prepare them for their roles as future leaders of the community;

**Article 11**  
**PRE – MARITAL PREPARATIONS**  
**& PARENTING COURSES**

**Section 54. Recognition of the Sanctity of Marriage.** – The Municipal Government of Orion recognizes the family as the basic unit of society and its preservation shall take precedence over all other things.

- a. The family consists of a husband and wife, who have entered the special covenant of marriage, and their children.
- b. Marriage is a special contract of permanent union between a man and a woman entered into in accordance with law for the establishment of a conjugal relationship and family life.
- c. Marriage is the foundation of the family and an inviolable social institution whose nature, consequences and incidents are governed by law.
- d. Government institutions, non-government organizations, the church and the private sector shall work together to ensure that no union will take place among couples without getting legally married.
- e. Government institutions, non-government organizations, school authorities, the church and the community shall discourage children, particularly high school and college students, to engage in pre-marital sex to avoid unwanted pregnancies.

**Section 55. Orientation Courses on Parenting.**

- 55.1 Couples who intend to marry and are applying for a Marriage License shall be required to attend an Orientation Course on Responsible Parenthood to be conducted by the concerned office of the Municipal Government of Orion, prior to the issuance of license by the Office of the Municipal Civil Registrar.

This course shall become an integral part of the existing Family Planning Seminar or Reproductive Health Course. The MSWDO and the MHO, together with the Population Commission Office shall synchronize the family planning seminar with this provision.

- 55.2 First time parents shall also be encouraged to participate or attend a Responsible Parenting Course II as a follow-up course before issuance of a Certificate of Live Birth by the Office of the Municipal Civil Registrar without prejudice to the early registration birth requirement under existing law.

## **Article 12 COMPULSORY PRE – NATAL CHECK-UP FOR PREGNANT OR EXPECTANT WOMEN & MOTHERS**

**Section 56. Coverage.** – Pre-natal check-up shall be compulsory for pregnant/expectant mothers for the duration of their pregnancy, especially during the first trimester, at the Orion Municipal Health Center or in any barangay health center.

**Section 57. Responsibility of Pregnant or Expectant Women or Mothers.** – A pregnant/expectant mother shall be required to undergo pre-natal check-up for the duration of her pregnancy, especially during the first trimester, at the Orion Municipal Health Center or in any barangay health center nearest her residence.

**Section 58. Responsibility of the Municipal Health Office.** – The Municipal Health Office shall provide free basic pre-natal check-up to pregnant/expectant mothers, subject to the rules and regulations that may be promulgated by the said office, schedules, procedures and available resources to carry out the purposes of this Ordinance.

**Section 59. Responsibility of the POPCOM, MSWDO AND MCR.** – The Population Commission – Orion Office, the Office of the MSWDO, and the Office of the Municipal Civil Registrar shall be responsible for informing couples who are applying for marriage, particularly the women, of this Ordinance.

## **Article 13 NO HOUSE DELIVERY**

**Section 60.** The Municipal Government of Orion, through the MHO, hereby discourages pregnant or expectant mothers and women to deliver their infants at home, even under the assistance/guidance of a midwife to avoid health risks for the mother and the infant.

**Section 61.** Midwives under the MHO of the Municipality of Orion are hereby cautioned to avoid assisting in house deliveries, except during emergency cases, but must encourage pregnant women and mothers to submit to the medical care of an obstetrician-gynecologist in a hospital setting during delivery.

## **CHAPTER 4 EARLY CHILDHOOD CARE AND DEVELOPMENT PROGRAM**

### **Article 14 EARLY CHILDHOOD CARE & DEVELOPMENT (ECCD) INTERVENTIONS AND PRIMARY HEALTH CARE PROGRAMS**

**Section 62. Creation of Municipal Council for the Protection of Children/Municipal Early Childhood Care & Development Coordinating Committee (MCPC/MECCDCC).** – There shall be created under the Orion Municipal Development Council a Municipal Council for the Protection of Children/Municipal Early Childhood Care & Development Coordinating Committee (MCPC/MECCDCC), hereunder referred to as the Council, which shall lead and coordinate the formulation, implementation and enforcement of all policies, programs and projects relative to the survival, development, participation and protection of children at the municipal level.

The Council aims to ensure the effective implementation of the Philippine Government's Commitment to the Convention of the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Philippine Plan of Action for Children (PPAC) and the Philippine National Strategic Framework for Plan Development for Children (Child 21) and other International and National Instruments.

**Section 63. Functions of the Municipal Council.** The Council shall perform the following duties and responsibilities:

- a. To formulate plans, programs and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of years;
- b. To prepare Annual Work and Financial Plan (AWFP) for children and recommend appropriations to the Sangguniang Bayan;
- c. To provide coordinative linkages with all line agencies and institutions of the government, and non-government organizations on planning, monitoring and evaluating of plans, programs, projects and activities for children;
- d. To provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children;
- e. To establish and maintain database on children in the Municipality;
- f. To foster education of every child;
- g. To advocate for the establishment and maintenance of playgrounds, day care centers, training centers and other facilities necessary for children and youth development;
- h. To recommend local legislations promoting child survival, protection, participation and development especially on the quality of television shows, media prints and coverage, which are deemed detrimental to children and with appropriate funding support;
- i. To assist children in need of special protection and refer cases filed against child abusers to proper agencies and institutions;
- j. To conduct capability building programs to enhance the knowledge and skills of community-based frontline workers in handling children's programs;
- k. To document barangay best practices on children;



- l. To monitor and evaluate the implementation of children programs in the Municipality and submit quarterly status reports to PCPC;
- m. To perform such other functions as provided for in the ECCD and other related laws.

**Section 64.** Any member of the Council shall accept and respond to reports or complaints, written or verbal, from the victim, parents, guardians or any person who learns of the facts or circumstances of violence against children or youth.

**Section 65.** Once the complaint has been established, representatives of the MSWDO and the PNP, together with the Punong Barangay of the barangay where the victim resides or the case happens; shall immediately remove the child or youth victim from the residence or place where the unlawful act was committed.

**Section 66.** In accordance with Section 27, Article XI, RA 7610, complaints on cases of unlawful act committed against children and youth enumerated herein may be filed by the following:

- a. Offended party
- b. Parents or guardians
- c. Ascendant of collateral relative to the third degree of consanguinity
- d. Officer or representative of DSWD
- e. Municipal Social Welfare and Development Officer
- f. Punong Barangay
- g. At least three (3) concerned responsible citizens of the barangay where the unlawful act occurred

**Section 67.** The officer or representative of the MSWDO shall provide protective custody of the victim of abuse and assume parental authority until such time that the case has been settled.

**Section 68.** The name of the offended party or the victim shall be withheld from the public until the court acquires jurisdiction over the case.

**Section 69.** Whenever necessary, medical examination may be conducted by the Municipal Health Office and provide other appropriate medical interventions and medical needs of the victim.

**Section 70. Composition of the Council.** – The Council shall be composed of the following:

Chairperson:	Municipal Mayor	
Vice Chairperson:	Municipal Health Officer	
Members:	Chairperson, SB Committee on Women & Family SB Member, Chairperson – Task Force on VAWC Municipal Social Welfare & Development Officer Municipal Planning & Development Coordinator Municipal Local Government Operations Officer Municipal Budget Officer Municipal Treasurer Municipal Agriculturist Municipal Information Technology Officer PESO Coordinator Municipal Nutrition Action Officer District Supervisor, Department of Education	President, Liga ng mga Barangay

President, Pambayang Pederasyon ng mga Sangguniang Kabataan  
President, PTCA Federation  
Chief of Police, Orion PNP Command  
Representative, Non-Government Organizations involved in family life and/or women and children's concerns

**Section 71. Adoption of By-Laws and Rules of Procedure.** – The local council for the protection of children shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their duties and official functions such as the organization's structure, parliamentary procedure, order of meetings and quorums, discipline and such other rules the council may adopt.

**Section 72. ECCD Officer.** – The MHO, who is also the Council Vice Chairperson, shall serve as the ECCD Officer.

**Section 73. Council Secretariat and Staff Support.** – The Office of the MSWDO shall serve as the Council Secretariat and shall extend administrative and technical support to the Council. It shall be responsible for the documentation of proceeding of meetings and preparation of reports and other necessary documents as needed by the council.

**Section 74. Council's Official Post.** – The Municipal Social Welfare and Development Office shall be the post of the Council.

**Section 75. Declaration of ECCD Celebrations Week.** – In support to the provisions of Republic Act No. 8980, otherwise known as "The Early Childhood Care and Development Act", the Municipality hereby declares the second week of October every year as ECCD Celebrations Week and all government agencies, health service providers and non-government organizations are encouraged to pool their activities and resources together for this celebration.

**Section 76. Financing ECCD Programs.** – The Municipality of Orion shall provide adequate funds for ECCD Programs from available local resources, and shall seek financial assistance from private individuals, groups, associations and other funding sources. All public ECCD program providers shall prioritize young children from families who are in greatest need and who can least afford private sector programs.

**Section 77. Budgetary Appropriations.** – The Municipality shall include in its annual/supplemental budget an appropriation of One Hundred Thousand Pesos (PhP 100,000.00) for the administrative operations of the Council. The Municipality may likewise utilize the funds appropriated under the Annual Investment Plan for the implementation of programs, projects and activities for children, especially those enumerated in this Code.

**Section 78. Creation of Barangay Council for the Protection of Children/Barangay ECCD Coordinating Committee.** – The Barangay Council shall create a Barangay Council for the Protection of Children (BCPC), the composition of which shall be determined by the former depending on the needs and circumstances in the area. The BCPC shall also function as the Barangay ECCD Coordinating Committee.

**Section 79. Functions of the BCPC.** – The Barangay Council for the Protection of Children shall perform the following duties and functions:

1. To foster education of every child and young people in the barangay, assure that every child should have at least finished secondary education;
2. To encourage proper performance of the duties of parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationships;
3. To report all cases of child abuse to the proper authorities;
4. To protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;
5. To prevent child labor in their area and to protect working children from abuse and exploitation;
6. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so they can get expert advise;
7. To adopt measures to promote the health and nutrition of the children;
8. To promote the opening and maintenance of playgrounds, reading and learning center, day care centers and other services necessary for child and youth welfare;
9. To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;
10. To promote wholesome entertainment in the community;
11. To assist parents whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agencies;
12. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
13. To prepare the barangay plans of action for children which address the needs of children in the community and ensure their integration into the Barangay Development Plan and implementation by the barangay;
14. To submit quarterly barangay accomplishment reports on the implementation of the plan to the MCPC.

**Section 80. Composition of the BCPC/BECCDCC.** – The BCPC/BECCDCC shall be composed of, among others, the following:

1. The Barangay Captain
2. The SK Chairperson
3. The Barangay Council Chairperson on Women and Children
4. School Head in the Barangay
5. The Barangay Health Midwife
6. The Barangay Health Worker
7. The Day Care Worker
8. Representative from the Barangay Senior Citizen Association
9. Representative of an NGO in the Barangay (preferably Samahan ng Kababaihan)

### **Article 15** **COMPREHENSIVE NEWBORN SCREENING**

**Section 81.** The Municipality of Orion hereby adopts the Comprehensive Newborn Screening System implemented by the Department of Health in accordance with Republic Act No.9288, otherwise known as the “Newborn Screening Act of 2004”.

**Section 82.** The Municipal Government, through the MHO, shall ensure that all newborn infants in this municipality is offered the opportunity to undergo newborn

screening and thus be spared from heritable conditions that can lead to mental retardation, serious health complications and death, if undetected and untreated.

**Section 83. Declaration of Newborn Screening Week.** – In support to the provisions of Republic Act No. 9288, otherwise known as “The Comprehensive Newborn Screening Act of 2004”, the Municipality hereby declares the first week of October every year as “Newborn Screening Week” in the Municipality of Orion.

## **Article 16**

### **PROMOTION OF BREASTFEEDING**

**Section 84.** Pursuant to Executive Order No 51 dated October 10, 1986 or “The Milk Code of the Philippines” and Republic Act No. 7600 or “The Rooming-In and Breastfeeding Act of 1992”, the Municipality of Orion, through the MHO, shall protect and promote breast feeding of newborn infants and shall create an environment where basic physical, emotional and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

**Section 85.** Health personnel under the MHO shall inform pregnant women and mothers of the importance of mother’s milk, its benefits to the infant and superiority over breastmilk substitute, and the advantages of breastfeeding their infants.

**Section 86.** No financial or material inducement shall be made by manufacturers, distributors or suppliers of breastmilk substitute to promote their products to health workers or their families, nor shall these be accepted by the health workers or members of their families.

**Section 87.** Bottle feeding shall be allowed only when the mother has been informed by the attending health personnel of the advantages of breastfeeding and the proper techniques of infant formula feeding and the mother has opted in writing to adopt infant formula feeding for her infant.

## **Article 17**

### **COMPULSORY BASIC IMMUNIZATION PROGRAM**

**Section 88. Coverage.** – Basic immunization against certain diseases shall be compulsory for infants and children below eight (8) years of age.

**Section 89. Scope.** – Basic immunization shall include:

- a. BCG Vaccination against tuberculosis
- b. Inoculation against diphtheria, tetanus and pertussis
- c. Oral poliomyelitis immunization
- d. Protection against measles
- e. Immunization against rubella

- f. Such other basic immunization services for infants and children below eight (8) years of age which may be recommended by the Council.

**Section 90. Responsibility of the MHO.** – The MHO shall provide free basic immunization services to infants and children below eight (8) years of age, subject to the rules and regulations promulgated by the Council.

**Section 91. Responsibility of Parents, Guardian, or Person Having Custody of the Infant or Child.** – It shall be the duty of the parents, guardian, or person having custody of the infant or child to see to it that such infant or child is presented for basic immunization services at such place and time as specified by the MHO.

**Section 92. Responsibility of the Head of School or Institution.** – The head of an institution where infants or children are educated, treated, cared for, or committed by law for preventive or rehabilitative services shall provide basic immunization services; Provided, that arrangements may be made by the said institution with the MHO for free immunization services.

**Section 93. Immunization of School Entrants.** – It shall be the duty of all schools, public and private, to provide basic immunization services to all pre-school and primary school entrants who have not received such immunization, subject to rules and regulations promulgated by the Council.

## **Article 18** **DAY CARE PROGRAM**

**Section 94. Day Care Service (0 – 6 Years Old).** – Pursuant to Republic Act No. 6972 or “The Barangay Level Total Development and Protection of Children Act”, there is hereby established a day care center in every barangay of the Municipality of Orion. Children below six (6) years old may be admitted to the day care center with the consent of the parents or guardian, where basic education and primary health care services shall be provided to them.

**Section 95. Support Services.** – The Municipality of Orion, through the Council in coordination with the MHO and Office of the MSWDO, shall provide the following support services to day care children and their families:

- a. Medical and dental check-up
- b. Eye screening
- c. Ear/hearing check-up
- d. Orientation on proper hand washing and tooth brushing
- e. Provision of free toothbrush and toothpaste
- f. Supplemental feeding
- g. Parent effectiveness service to day care parents
- h. Financial/educational assistance

**Section 96.** The Office of the MSWDO shall formulate the criteria for the selection, qualifications, capability development through seminars/trainings and accreditation of barangay day care workers and the standards for the implementation of the total development and protection of children program.

**Section 97.** The Municipality of Orion, through the MHO and MSWDO, shall take appropriate measures to combat disease and malnutrition within the framework of primary health care through the application of readily available technology and through provision of adequate nutritious food and clean drinking water. In line with this

advocacy, the concerned municipal offices shall initiate supplemental feeding programs for malnourished children through the day care centers.

## **Article 19** **FOOD FORTIFICATION PROGRAM**

**Section 98. Promotion of Iodized Salt.** – The Municipality of Orion shall continue promoting the use of Iodized Salt through the implementation of Republic Act No. 8172, otherwise known as “The Asin Law” and Municipal Ordinance No. 02 – 020 – 031 entitled, “An Ordinance Requiring All Food Outlets, Restaurants & Stores to make Available to Customers Only Iodized Salt in their Establishments and All Food Outlets/Manufacturers/Processors Using Food Grade Salt to use Only Iodized Salt in the Processing of Their Products in Compliance to R.A. 8172, Otherwise Known as ASIN Law”.

**Section 99. Promotion of Iron Fortified – Rice.** – The Municipality of Orion shall continue to make available to the consuming public iron fortified – rice to combat iron deficiency, particularly among school aged – children in compliance to Republic Act No. 8976 or the Food Fortification Law of the Philippines and Municipal Ordinance No. 02 – 020 – 051 entitled, “An Ordinance Providing Regulatory Mechanism for the Sale of Iron Fortified – Rice in All Stores and Food service Establishments in the Municipality of Orion”.

**Section 100. “Garantisadong Pambata” Program.** – The Municipality of Orion, in coordination with the Department of Health and in partnership with Non-Government Organizations (NGOs), shall continue implementing the “Garantisadong Pambata” Program by providing adequate funds for the purpose.

## **Article 20** **DIFFERENTLY – ABLED CHILDREN**

**Section 101. Survey and Active Program for Specially-abled Children.** – The Municipal Government of Orion shall make a periodic comprehensive survey on the specially-abled children in the municipality, which is child-focused and specific. It aims to achieve a more systematic coordination of health services, nutrition, and education for children with special needs.

**Section 102. Investment in Educators and Health Professional Training Program for Children with Special Needs.** – Training program for educators and health professionals handling specially-abled children with special needs shall form part of the priority programs of the local government.

**Section 103. Mentally Retarded Children.** – Mentally retarded children are:

1. Socially incompetent, that is, socially inadequate and occupationally incompetent and unable to manage their own affairs;
2. Mentally subnormal;
3. Retarded intellectually from birth or early age;
4. Retarded at maturity;
5. Mentally deficient as a result of constitutional origin, through hereditary or disease, and
6. Essentially incurable.

Mental Retardation is divided into four classifications:

**a. Custodial Group.**

The members of this classification are severely or profoundly retarded, hence, the least capable group. This includes those with IQs of 25.

**b. Trainable Group.**

The members of this group consist of those with IQs from about 25 to about 50; one who belongs to this group shows a mental level and rate of development which is 1/4 to 1/2 that of the average child, is unable to acquire higher academic skills, but can usually acquire the basic skills for living to a reasonable degree. He can likewise attain a primary grade level of education if he receives effective instruction.

**c. Educable Group.**

This group's IQ ranges from about 50 to about 75, and the intellectual development is approximately 1/2 to 3/4 of that expected of a normal child of the same chronological age. The degree of success or accomplishment that they will reach in life depends very much on the quality and type of education they receive, as well as on the treatment at home and in the community. Many of the educable retardates may reach 5th or 6th grade educational level and can develop occupational skills which may result in partial or complete economic independence in adulthood.

**d. Borderline or Low Normal Group.**

This is the highest group of mentally retarded, with IQs from about 75 to about 89. The members of this classification are only slightly retarded and they can usually get by in regular classes if they receive some extra help, guidance and consideration. They have to spend much more time with their studies than do most children in order to pass. Those who cannot make it are usually handicapped by one or more other conditions aside from that of intelligence.

**Section 104. Physically Handicapped Children.** – Physically handicapped children are those who are crippled, deaf-mute, blind, or otherwise defective which restricts their means of action on communication with others.

**Section 105. Emotionally Disturbed Children.** – Emotionally disturbed children are those who, although not afflicted with insanity or mental defect, are unable to maintain normal social relations with others and the community in general due to emotional problems or complexes.

**Section 106. Mentally – Ill Children.** – Mentally – ill children are those with any behavioral disorder, whether functional or organic, which is of such a degree of severity as to require professional help or hospitalization.

**Section 107. Disabled Children.** – As used in this Chapter, disabled children shall include mentally retarded, physically handicapped, emotionally disturbed, and severe mentally ill children.

**Section 108. Petition for Commitment.** – Where a child appears to be mentally retarded, physically handicapped, emotionally disturbed, or mentally ill, and needs institutional care but his parents or guardians are opposed thereto, the Municipality of

Orion, in coordination with the Department of Social Welfare & Development, or any duly licensed child placement agency or individual, shall have the authority to file a petition for commitment of the said child to any reputable institution providing care, training and rehabilitation for disabled children.

### **Section 109. Support Services/Programs.**

- 109.1 The Municipality of Orion, through the MHO and MSWDO and in partnership with NGOs, shall provide assistive devices, whenever feasible, to differently-abled children, such as but not limited to:
- a. Wheelchair
  - b. Crutches
  - c. Cane/White Cane
  - d. Hearing Aid
  - e. Walker
  - f. Special Seats
- 109.2 The Municipality shall endeavor to provide regular physical therapy for children with cerebral palsy, Down syndrome, and hydrocephalus, educational or financial assistance for school children with physical deformities (speech impaired, clubfoot, blind, hearing impaired, epilepsy and polio) and mental disabilities.
- 109.3 The Municipality, through the MHO, shall refer concerned children to appropriate medical practitioners for possible operation of hernia and cleft/lip palate.
- 109.4 The Municipality, through the MSWDO and MHO, shall initiate Early Detection and Disability Prevention Seminar among Day Care Parents, shall conduct eye screening, ear/hearing care among Day Care Children.

## **Article 21 CHILDREN IN CONFLICT WITH LAW**

### **Section 110. Rights of Children in Conflict with the Law.**

Pursuant to Republic Act 9344 otherwise known as “*Juvenile Justice and Welfare Act of 2006*”, every child in conflict with the law shall have the following rights, including but not limited to:

1. The right not to be subjected to torture or other cruel or inhuman treatment or punishment;
2. The right not to be deprived unlawfully or arbitrarily, of his her liberty; detention or imprisonment being a disposition of last resort, and shall be for the shortest appropriate period of time;
3. The right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
4. The right to be treated humanly and with respect for the inherent dignity of the person, and in a manner in which takes into account the needs of a person his/her age. In particular, child deprived of liberty shall be separated from adult offenders. No child shall be detained with adult offenders. He/she shall be conveyed separately to or from court. He/She shall await hearing of his/her own 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;
5. 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;
  6. The right to bail and recognizance, in appropriate cases;
  7. The right to testify as witness in his/her own behalf under the rule on examination of child witness;
  8. The right to have his/her privacy respected fully at all stages of the proceedings;
  9. The right to diversion if he/she is qualified and voluntarily avails of the same;
  10. The right to be imposed a judgment in proportion to the gravity of the offense where his/her interests, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
  11. The right to have restriction on his/her personal liberty limited to the minimum, and where the 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;
  12. In general, the right to automatic suspension of sentence;
  13. The right to probation as an alternative to imprisonment if qualified under the probation law.
  14. The right to be free from liability for perjury, concealment or misrepresentation; and,
  15. Other rights as provided for under existing laws, rules and regulations.

**Section 111. Minimum Age of Criminal Responsibility.** – A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempted from criminal liability. However, he/she shall be subjected to an appropriate Intervention Program for self reformation.

A child above fifteen (15) years of age but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she had acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with the provisions of RA 9344.

The exemption from criminal liability herein established does not include exemption from civil liability which shall be enforced in accordance with existing laws.

**Section 112. Determination of Age.** – The child shall enjoy the presumption of his/her minority. He/She shall enjoy all the rights of a child until he/she is proven to be eighteen (18) years old or older. The age may be determined through the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of same, age may be based on the information from the child him/herself and the testimonies of other persons, the appearance of the child. It shall be resolved in his/her favor.

**Section 113. Treatment of Children Below the Age of Criminal Responsibility.** – If it has been determined that a child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the MSWDO who will determine the appropriate programs in consultation with the child.

If the parents, guardian or nearest relative cannot be located, or if they refuse to take custody, child may be released to any of the following: a duly registered non-government or religious organization, a barangay official or a member of the Barangay Council for the Protection of Children (BCPC), the MSWDO, or when and where appropriate, the DSWD.

If the child has been found by the MSWDO to be abandoned, neglected or abused by his parents, or in the event, that the parents will not comply with the prevention programs, the proper petition for involuntary commitment shall be filed by the DSWD or the MSWDO pursuant to Presidential Decree No. 603 otherwise known as "The Child and Youth Welfare Code".

**Section 114. Procedure for Taking the Child into Custody.** – From the moment the child is taken into custody, the enforcement officer shall:

- a. Explain to the child in simple language and in a dialect he/she understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- b. Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- c. Properly identify himself/herself and present proper identification as the child;
- d. Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
- e. Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- f. Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- g. Avoid violence or unnecessary force;
- h. Determine the age of the child;
- i. Immediately but not later than eight (8) hours after apprehension, turn over the custody of the child to the Social Welfare and Development Office or other accredited NGOs and notify the child's parents or guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- j. Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- k. Ensure that should detention of the child is necessary, the child be secured in quarters separate from that of the opposite sex and adult offenders;
- l. Record the following in the initial investigation:
  - l1. Whether or other instruments of restraint were used, and if so, the reason for such;
  - l2. That the parents or guardian of a child, the DSWD, and the PAO have already been informed of the apprehension and the details thereof;
  - l3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination.
- m. Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal

counsel in attendance who shall affix his/her signature to the said statement.

**Section 115. Confidentiality of Records and Proceedings.** – The component authorities shall undertake all measures to protect the confidentiality of proceedings, 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 the child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender and upon his/her written consent. Likewise, it is prohibited to use the case of the child even mentioning his/her identity as precedent in solving similar cases in the future.

Where a youthful offender has been charged and the court acquits him/her, or dismisses the case or commits him/her to an institution and subsequently releases him/her, pursuant to PD 603, all the records of his/her case shall be destroyed immediately after such acquittal, dismissal or release, unless civil liability has also been imposed in the criminal action, in which case such records shall be destroyed after satisfaction of such civil liability.

The youthful offender concerned shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made of him/her for any purpose.

*“Records” within the meaning of this article shall include those which may be in the files of the National Bureau of Investigation and with any police department, or any other government agency which may have been involved in the case.*

**Section 116. Prohibition Against Labeling and Shaming.** – In the conduct of the proceedings beginning from the initial contact with the child, the competent authorities must refrain from branding or labeling children as young criminals, juvenile delinquents, prostitutes or attaching them in any manner any other derogatory names. Likewise, no discriminatory remarks shall be allowed particularly with respect to the child's case or ethnic origin.

**Section 117. Other Prohibited Acts Against Young Offenders.** – The following and any other similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the child in conflict with the law and therefore prohibited:

1. Employment of threats or whatever kind and nature;
2. Employment of abusive, coercive and punitive measures such as stripping, cursing, beating, and solitary confinement;
3. Employment of degrading, inhuman and cruel forms of punishment such as shaving the heads, pouring irritating, corrosive or harmful substances over the body of the child, or forcing him/her to walk around the community wearing signs which embarrass, humiliate, and degrade his/her personality and dignity; and,
4. Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

**Section 118. Diversion Program.** – Children in conflict with the law may undergo child-appropriate process or measures of serving responsibility for an alleged offense without undergoing formal court litigation. If they are found responsible for an offense they shall be referred to special programs of reformation under the following conditions:

- a. Where the imposable penalty for the crime committed is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the MSWDO or other responsible person shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous mode of conflict resolution in accordance with the best interest of the child with a view of accomplishing the objective of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities.
- b. In victimless crimes where the imposable penalty is not more than six (6) years imprisonment, the MSWDO shall meet the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with Barangay Council for the Protection of Children (BCPC).
- c. Where the imposable penalty for the crime committed exceeds six (6) years imprisonment, diversion measures may be resorted to only by the court.

**Section 119. Contract of Diversion.** – If during the conferencing, mediation or conciliation, the child voluntarily admits the commission of the act, a diversion program shall be developed when appropriate and desirable. Such admission shall not be used against the child in any subsequent judicial, quasi-judicial or administrative proceedings. The diversion program shall be effective and binding if accepted by the parties concerned. The acceptance shall be in writing and signed by the parties and appropriate authorities. The MSWDO shall supervise the implementation of the diversion program. The diversion proceedings shall be completed in forty five (45) days. The period of prescription of the offense shall be suspended until the completion of the diversion proceedings but not to exceed 45 days.

**Section 120.** The child shall present himself/herself to the competent authorities that imposed the diversion program at least once a month for reporting and evaluation of the effectiveness of the program and the conduct of the child.

Failure to comply with the terms and conditions of the contract of diversion, as certified by the MSWDO, shall give the offended party the option to institute the appropriate legal action.

The period of prescription of the offense shall be suspended during the effectivity of the diversion program, but not to exceed a period of two (2) years.

**Section 121. Factors in Determining Diversion Programs.** – In determining whether the diversion is appropriate and desirable, the following factors shall be taken into consideration:

1. The nature and circumstance of the offense charged;
2. The frequency and severity of the act;
3. The circumstances of the child (e.g., age, maturity, intelligence, etc.)
4. The influence of the family and environment on the growth of the child;
5. The reparation of injury to the victim;
6. The weight of evidence against the child offender;
7. The safety of the community; and
8. The best interest of the child

**Section 122. Formulation of the Diversion Program.** – In formulating a diversion program, the individual characteristics of the peculiar circumstances of the child shall be used to formulate an individual treatment. The following factors shall be considered:

- a. The child's feeling of remorse for the offense he/she has 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; and
- d. The availability of community-based programs for rehabilitation and reintegration of the child.

**Section 123. Kinds of Diversion Programs.** – The diversion programs shall include adequate socio-cultural and psychological responses and services for the child. At different stages where diversion may be resorted to, the following diversion programs may be agreed upon, such as, but not limited to:

**a. At the Level of the Punong Barangay:**

1. Restitution of property;
2. Reparation of the damaged caused;
3. Indemnification for consequent damages
4. Written or oral apology;
5. Care, guidance and supervision orders;
6. Counseling for the child and his/her family;
7. Attendance in training and seminars such as:
  - i. Anger management skills
  - ii. Problem solving and conflict resolution skills;
  - iii. Values formation; and,
  - iv. Other skills which will aid the child in dealing with situations that can lead to the repetition of the same offense.
8. Participating in community-based programs including community service; or,
9. Participation in education, vocation and life skills programs.

**b. At the Level of the Law Enforcement Officer and the Prosecutor:**

- a. Diversion programs specified under par. a.-1 to 9;
- b. Confiscation and forfeiture of the proceeds or instruments of the crime;

**c. At the Level of the Appropriate Court:**

1. Diversion programs specified under par. a and b above;
2. Written or oral reprimand or citation;
3. Fine;
4. Payment of the cost of the proceedings; or
5. Institutional care and custody.

**Section 124. Rehabilitation and Reintegration.** – The objective of rehabilitation and reintegration of children in conflict with the law is to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families and as productive member of the communities.

1. No child shall be received in any rehabilitation or training facility without a valid order issued by the court. The details of this order shall be recorded in a register exclusive for children in conflict with the law. No child shall be admitted in any facility where there is no such register;
2. It is mandatory that children should be separated from adults in any training or rehabilitation facility unless they are members of the same family. Under no circumstances shall a child in conflict with the law be placed in the same confinement as adults;

3. The rehabilitation, training or confinement area of children in conflict with the law shall provide a home environment where they can be provided with quality counseling and treatment;
4. Female children in conflict with the law placed in institution shall be given special attention as to their personal needs and problems. They shall be handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law;
5. No personnel of rehabilitation and training facilities shall handle children in conflict with the law without having undergone gender sensitivity training;
6. Children in conflict with the law whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child as provided in the Supreme Court Rule on Juveniles in Conflict with the Law.
7. If the community-based rehabilitation is availed by a child in conflict with the law, he/she shall be released to parents, guardians, relative or any other responsible person in the community. Under the supervision and guidance of the MSWDO and in coordination with his/her parents or guardians, the child in conflict with the law shall participate in any community-based programs which shall include, but not limited to:
  - a. Competency and life skills development
  - b. Socio-cultural and recreational activities
  - c. Community volunteer projects
  - d. Leadership Training
  - e. Social Service
  - f. Homelife Service
  - g. Health Services
  - h. Spiritual Enrichment
  - i. Community and family welfare services
8. The youth rehabilitation center shall provide a 24-hour group care, treatment and rehabilitation services under the guidance of a competent and trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them in their families and communities as socially functioning individuals.

**Section 125. Liability of Parents or Guardian or Any Person in the Commission of Delinquent Acts by Their Children or Wards.** – A person whether the parent or guardian of the child or not, who knowingly or willfully,

- a. Aids, causes, abets or connives with the commission by a child of a delinquency, or
- b. Does any act producing, promoting, or contributing to a child's being or becoming a juvenile delinquent, shall be punished by a fine not exceeding five hundred pesos or to imprisonment for a period not exceeding two years, or both such fine and imprisonment, at the discretion of the court.

**Section 126. Civil Liability of Youthful Offenders.** – The civil liability for acts committed by a youthful offender shall devolve upon the offender's father and, in case of his death or incapacity, upon the mother, or in case of her death or incapacity, upon the guardian. Civil liability may also be voluntarily assumed by a relative or family friend of the youthful offender.

The final release of a child because of good conduct shall not obliterate his/her civil liability for damages. Such release shall be without prejudice to the right for a writ of execution for the recovery of civil damages.

**Section 127. Report on Conduct of Child.** – The MSWDO or its representative or duly licensed agency or individual under whose care the youthful offender has been committed shall submit to the court every four months or oftener as may be required in special cases, a written report on the conduct of said youthful offender as well as the intellectual, physical, moral, social and emotional progress made by him/her.

**Section 128. Dismissal of the Case.** – If it is shown to the satisfaction of the court that the youthful offender whose sentence has been suspended, has behaved properly and has shown his capability to be a useful member of the community, even before reaching the age of majority, upon recommendation of the Department of Social Welfare & Development, it shall dismiss the case and order his/her final discharge.

## **Article 22** **CHILDREN IN NEED OF SPECIAL PROTECTION**

**Section 129. Coverage.** This Article shall cover the following:

- a. Abused minors
- b. Street children
- c. Drug dependents

**Section 130. Child Prostitution and Other Sexual Abuse.** – Children, whether male or female, who for money, profit or any other consideration or due to coercion or influence of an adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

There is an attempt to commit child prostitution in the following situations:

- a. When any person, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse;
- b. When a person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments.

**Section 131. Other Acts of Abuse.** – The following acts shall be deemed acts of neglect, abuse, cruelty or exploitation prejudicial to child's development:

- a. Hiring, employing, using, persuading or coercing a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials;
- b. Keeping or having in a person's (not related to the child within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition) company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places;
- c. Inducing, delivering or offering a minor to anyone not related to the child as provided for under par. b hereof;
- d. Using, coercing, forcing or intimidating a minor to:
  - d1. Beg or use begging as a means of living;
  - d2. Act as conduit or middleman in drug trafficking or pushing; or

- d3. Conduct any illegal activities.

**Section 132. Support Services/Programs.** – The Municipality of Orion, through the MHO and MSWDO, shall implement measures that would ensure the protection and rehabilitation to prepare the abused child for full integration into the mainstream of society.

### **Article 23 CHILDREN IN SITUATIONS OF ARMED CONFLICT**

**Section 133. Children as Zones of Peace.** – Children are hereby declared as Zones of Peace. It shall be the responsibility of the Municipality of Orion and all other sectors concerned to resolve armed conflicts in order to promote the goal of children as zones of peace. To attain this objective, the following policies shall be observed.

- a. Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhumane or degrading treatment;
- b. Children shall not be recruited to become members of the Armed Forces of the Philippines of its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, couriers, or spies;
- c. Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;
- d. The safety and protection of those who provide services including those involved in fact-finding missions from both government and non-government institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work;
- e. Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots; and,
- f. All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.

**Section 134. Evacuation of Children During Armed Conflict.** – Children shall be given priority during evacuation as a result of armed conflict. Existing community organizations shall be tapped to look after the safety and well-being of children during evacuation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

**Section 135. Family Life and Temporary Shelter.** – Whenever possible, members of the same family shall be housed in the same premises and given separate accommodation from other evacuees and provided with facilities to lead a normal family life. In places of temporary shelter, expectant and nursing mothers and children shall be given additional food in proportion to their physiological needs.

Whenever feasible, children shall be given opportunities for physical exercise, sports and outdoor games.

**Section 136. Rights of Children Arrested for Reasons Related to Armed Conflict.** – Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights;

- a. Separate detention from adults except where families are accommodated as family units;
- b. Immediate free legal assistance;



- c. Immediate notice of such arrest to the parents or guardians of the child; and,
- d. Release of the child on recognizance within twenty-four (24) hours to the custody of the Department of Social Welfare and Development or any responsible member of the community as determined by the court.

If after hearing the evidence in the proper proceedings the court should find that the aforesaid child committed the acts charged against him/her, the court shall determine the imposable penalty, including any civil liability chargeable against him/her.

However, instead of pronouncing judgment of conviction, the court shall suspend all further proceedings and shall commit such child to the custody or care of the Department of Social Welfare and Development or to any training institution operated by the Government, or duly-licensed agencies or any other responsible person, until he/she has reached eighteen (18) years of age or, for a shorter period as the court may deem proper, after considering the reports and recommendations of the Department of Social Welfare and Development or the agency or responsible individual under whose care he has been committed.

The aforesaid child shall be subject to visitation and supervision by a representative of the Department of Social Welfare and Development or any duly-licensed agency or such other officer as the court may designate subject to such conditions as it may prescribe.

The aforesaid child whose sentence is suspended can appeal from the order of the court in the same manner as appeals in criminal cases.

**Section 137. Monitoring and Reporting of Children in Situations of Armed Conflict.** – The Punong Barangay of the barangay(s) affected by the armed conflict shall submit the names of children residing in said barangay to the Municipal Social Welfare and Development Officer within twenty-four (24) hours from the occurrence of the armed conflict.

## **CHAPTER 5 REGULATORY MEASURES**

### **Article 24 IMPLEMENTATION OF THE PROVISIONS OF RA 9208 (Anti-Trafficking in Persons Act of 2003)**

**Section 138.** The Municipality shall undertake the following programs, projects and activities:

- a. Implement the mandatory services enumerated in Section 2.3 of RA 9208;
- b. Develop and disseminate information materials on anti-trafficking;
- c. Train LGU personnel involved in programs against trafficking in persons;
- d. Establish a system of referral, monitoring and reporting of trafficking cases using the prescribed standard reporting format;
- e. Conduct inspection, in coordination with proper authorities, of houses, buildings or establishment suspected of being used for trafficking activities;

- f. Institute a reward scheme for those who have provided any information that leads to the suppression or prevention of trafficking and apprehension of offenders.

**Section 139.** There shall be a Municipal Committee on Anti-Trafficking, herein referred to as the Committee, with the Municipal Mayor as Chairperson, the Chairperson of the Sangguniang Bayan Committee on Women and Family as Vice-Chairperson and the following as members, some of whom are local counterparts of the national government agency-members of the Inter-Agency Council Against Trafficking (IACAT) enumerated in Section 20 of RA 9208:

- a. Presiding Judge, Municipal Circuit Trial Court
- b. Municipal Social Welfare and Development Officer
- c. Municipal Coordinator, Public Employment Service Office
- d. Chief of Police, Philippine National Police
- e. Municipal Local Government Operations Officer, DILG
- f. District Supervisor, Department of Education
- g. Representative of at least two (2) accredited NGO's/PO's
- h. At least two (2) Barangay Human Rights Action Officer (BHRAO)

**Section 140. Functions of the Municipal Committee on Anti-Trafficking. –** The Committee shall have the following functions:

- a. Coordinate local government programs, projects and activities relative to campaign against trafficking;
- b. Propose and recommend policies and regulations on anti-trafficking to the Sangguniang Bayan;
- c. Monitor and review policies, programs, projects and activities on anti-trafficking;
- d. Coordinate with local offices of the national agencies in relation to their respective responsibilities pursuant to Section 16 of RA 9208;
- e. Perform other related duties and responsibilities.

**Article 25**  
**OBSERVANCE OF LINGGO NG KABATAAN**  
**(Municipal Ordinance No. 05 – 040 – 053)**

**Section 141.** The *Linggo ng Kabataan* shall be observed and celebrated in the Municipality of Orion, Bataan during the last week of November or first week of December, whichever is convenient and acceptable to school officials, every year.

**Section 142.** In compliance with Book III, Title I, Chapter 10 of RA 7160, there shall be youth officials in the Municipality of Orion who shall occupy the following offices/positions:

- a. Municipal Mayor
- b. Municipal Vice Mayor
- c. Nine (9) Sangguniang Bayan Members

- d. Department Heads such as:
  - 1. Secretary to the Sangguniang Bayan
  - 2. Human Resource and Management Officer
  - 3. Municipal Treasurer
  - 4. Municipal Accountant
  - 5. Municipal Budget Officer
  - 6. Municipal Assessor
  - 7. Municipal Civil Registrar
  - 8. Municipal Social Welfare & Development Officer
  - 9. Municipal Planning & Development Coordinator
  - 10. Municipal Engineer
  - 11. Municipal Health Officer
  - 12. Municipal Agriculturist
  - 13. Municipal Philippine National Police Chief
  - 14. Municipal Fire Chief

**Section 143.** The youth officials who shall serve for a period of one (1) week, must be nominated by their respective school head based on the following qualifications:

- a. Must have a general average grade of 88%;
- b. Must have strong leadership capabilities;
- c. Must be currently enrolled in any secondary school within the municipality;
- d. Must be a resident of the municipality, and
- e. Must be of good moral character.

**Section 144.** Every public and private secondary schools in the municipality shall have five (5) nominees for the program. Nomination forms shall be forwarded by the Office of the Secretary to the Sangguniang Bayan, and shall likewise be responsible in collating all accomplished forms together with the documentary requirements.

**Section 145.** The student-nominee shall submit a certified photocopy of his/her latest report card and a certification of Good Moral Character from the School Head and the Punong Barangay of his/her place of residence.

**Section 146.** The student-nominees shall meet one week before the start of the program to elect among themselves the counterpart of the elective and appointive officials and agency heads.

**Section 147.** Student-nominees elected to the particular office shall immediately report to the respective office and shall be required to acquaint himself/herself to the nature of the office for one day prior to assumption of office.

**Section 148.** All youth officials shall be under the direct supervision and guidance of their municipal counterparts. All communication made by and for the office shall be relayed by the youth official to the regular municipal office head prior to implementation.

**Section 149.** A three-man committee shall be created to monitor the proper implementation of the program. It shall be composed of the following:

- a. Ex-Officio SB Member/President, Pambayang Pederasyon ng mga Sangguniang Bayan/Chairman, SB Committee on Youth & Sports Development
- b. Chairman, SB Committee in Education, Culture & Sports
- c. Chairman, SB Committee on Rules

**Section 150.** All youth officials shall report for work from 8:00 AM to 5:00 PM, but shall be required to reflect their official time in and out in the Daily Time Record to be prepared by the Human Resource and Development Office.

**Section 151.** At the end of the term, the youth officials shall submit an official report regarding their transactions for the whole week and shall recommend measures that may improve the services in their particular office.

**Section 152.** All youth officials shall receive a Plaque of Appreciation from the Municipality of Orion and honoraria to be determined by the Municipal Mayor. All participating schools shall likewise receive Plaques of Appreciation.

**Article 26**  
**REGULATING THE OPERATION**  
**OF ENTERTAINMENT CENTERS**  
**(Municipal Ordinance No. 05 – 020 – 037)**

**Section 153.** It shall be unlawful for the students and minors to be at any entertainment centers established within the Municipality during school days. Specifically, it shall be unlawful for elementary pupils to be at any entertainment centers at any time of the day.

**Section 154.** No entertainment center shall be established at least two hundred (200) meters away from the perimeter of any educational institution.

**Section 155.** Students intending to rent computers during school hours shall secure a written authorization from the teacher, school principal or other responsible school officials.

**Section 156.** The use of computers during school hours shall be limited to making reports, doing researches and other school requirements.

**Section 157.** Operators shall maintain a logbook of students allowed to rent a computer during school hours. This logbook shall contain relevant information such as student name, school identification number and length of time they rented a computer.

**Section 158.** Operators and owners of billiard halls shall prohibit betting and gambling during games.

**Section 159.** Operators and owners of entertainment centers shall post at the entrance of the shop and hall a warning sign which shall read as follows:

**STUDENTS ARE NOT ALLOWED INSIDE  
THIS CENTER FROM 7:30 AM TO 4:30  
PM, EXCEPT DURING HOLIDAYS**

Failure to post the warning sign shall be a ground for the cancellation of the business permit.

**Section 160.** School administrators and barangay officials shall be empowered to apprehend violators of any provision of the ordinance cited in this article. All apprehended parties shall be turned over to the local police unit for proper documentation and handling.

**Article 27**  
**CURFEW HOURS FOR MINORS**  
**(Municipal Ordinance No. 57 – 020 – 020)**

**Section 161.** It shall be unlawful for all minors, aged eighteen years old and below, to loiter and be out of their homes from 10:00 PM to 3:00 AM of the following day, unless accompanied by the parents or guardians or in response to emergencies, such as but not limited to seeking the services of a medical officer, priest, funeral parlor operator and other unavoidable instances.

**Section 162.** The Municipal Mayor is hereby granted the authority to suspend the curfew regulations on the following occasions:

- a. Christmas – December 24 – 25
- b. New Year – December 31 – January 1
- c. Holy Week – Holy Wednesday – Easter Sunday
- d. Town Fiesta – May 6 – 10
- e. All Saints' Day – November 1
- f. Other special occasions and/or municipal festivities

**Section 163.** Authority is likewise granted to the Punong Barangay to suspend the implementation of this ordinance during the celebration of Barangay Fiesta and/or special occasions in the barangay where permit is required.

**Section 164.** All offenders rendering community service as called for by this ordinance shall be under the supervision of the Municipal Police Force.

**Section 165.** All Punong Barangays, Barangay Kagawads and Barangay Tanods/Police are empowered to strictly implement this ordinance in their respective barangays.

**Article 28**  
**PROHIBITING STORES AND STOREOWNERS AND OTHER BUSINESS**  
**ESTABLISHMENTS WITHIN THE MUNICIPALITY OF ORION FROM SELLING**  
**CIGARETTES AND LIQUORS TO MINORS**

**Section 166.** It shall be unlawful for all stores and storeowners and other business establishments operating within the municipality to sell cigarettes and liquors to minors. Storeowners shall be required to post a warning sign in their places of business which shall read as follows:

**ANG TINDAHANG ITO AY  
HINDI NAGBIBILI NG  
ALAK AT/O SIGARILYO  
SA MGA MENOR DE EDAD.**

Failure to post the warning sign shall be a ground for the cancellation of business permit.

**Section 167.** Only individuals of majority age shall be allowed to buy cigarettes and liquors from stores operating within the municipality. Parents are therefore discouraged from ordering their children to buy cigarettes and liquors for them.

**Section 168.** Storeowners and other people working in the aforementioned business establishments shall require a valid identification card to a suspected minor before selling cigarettes or liquors.

**Section 169.** All police personnel, barangay tanods and school officials are hereby authorized to apprehend violators of any provision of this article. All apprehended violators shall be turned over to the local police unit for proper documentation and handling.

**Article 29  
REGULATING THE OPERATION OF  
MOTORCYCLES AND/OR SCOOTERS  
(Municipal Ordinance No. 06 – 020 – 042)**

**Section 170.** It shall be unlawful for any person who drives or operates a motorcycle or scooter without wearing a helmet on all roads of the Municipality of Orion at all times, including the back rider.

**Section 171.** Only licensed drivers shall be allowed to drive or operate motorcycles or scooters. Driver or operator of motorcycle must carry a copy of current LTO registration when driving or operating the vehicle.

**Section 172.** Drivers or operators of motorcycles or scooters are prohibited to carry as back rider children below seven (7) years old.

**Section 173.** Only two (2) persons, including the driver or operator, shall be allowed to ride on a motorcycle or scooter.

**Section 174.** Motorcycle and/or scooter drivers shall strictly observe the prescribed speed limit on all roads of the municipality when operating their respective units.

**Section 175.** It shall unlawful for any person to engage in drag race of motorcycles or scooters within the territorial jurisdiction of the municipality.

**Section 176.** Owners or operators of motorcycles or scooters are prohibited from removing the silencer of muffler, side mirrors or chain guard of their respective units at all times.

**Section 177.** Drivers or operators of motorcycles or scooters must keep the headlight of the vehicle turned on at any time of the day or night when operating the same.

**Section 178.** Nighttime driving of motorcycles and scooters shall be prohibited from 10:00 PM to 4:00 AM of the following day, except:

1. For workers who use motorcycles and/or scooters as their means of transportation in going to and from their places of work;
2. For emergency cases or situations.

**Section 179.** All barangay officials, including Barangay Tanods/Police, Municipal Traffic Enforcers and members of the Orion Municipal Police Department are hereby authorized to implement this Ordinance and apprehend violators thereto.

**Section 180.** Ordinance Violation Citation Tickets (OVCT) shall be issued to violators upon apprehension and confiscation of driver's license or impounding of the vehicle.

**Section 181.** Release of the confiscated driver's license and the impounded vehicle shall be made only upon presentation of the proof of payment of the administrative fines and rendering community service as prescribed under the Penal Provisions of Municipal Ordinance No. 06 – 020 – 042.

## **CHAPTER 6 FINAL PROVISIONS**

### **Article 30 PENAL PROVISIONS**

**Section 182.** All violations relative to the rights of children and the youth shall be penalized in accordance with the penal provisions of RA 9208 (Anti Trafficking Act of 2003), RA 7658 (Act Prohibiting Employment of Children Below Fifteen Years of Age in Public and Private Undertakings), RA 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act) and PD No. 603 (Child and Youth Welfare Code).

**Section 183.** Operators and owners of entertainment centers found violating the provisions of Municipal ordinance No. 05 – 020 – 037 as stated under Article 26 hereof, shall be meted with the following penalties:

- First Offense - Fine of One Thousand Five Hundred (PhP 1,500.00) Pesos or more but not exceeding the amount of the business and permit fees paid.
- Second Offense - Fine of Two Thousand Pesos (PhP 2,000.00) and suspension of operation for at least one week but not more than one month
- Third Offense - Fine of Two Thousand Five Hundred Pesos (PhP 2,500.00) and closure of the establishment and revocation of business permit

Likewise, failure to comply with the requirement on warning sign shall result in the immediate cancellation of the Mayor's Permit to operate.

**Section 184.** Students and minors found violating any provisions of Article 26 hereof shall be meted with the following penalties:

- First Offense - Fine of Five Hundred Pesos (PhP 500.00), a recommendation of suspension from classes for one week and a conference with the parents and/or guardians
- Second Offense - Fine of One Thousand Pesos (PhP 1,000.00), a recommendation of suspension from classes for one month and a conference with the parents and/or guardians
- Third Offense - Fine of One Thousand Five Hundred Pesos (PhP 1,500.00), a recommendation of non-admittance to the school and a conference with the parents and/or guardians

**Section 185.** Out – of – school youth who are found violating specific provisions of Article 26 hereof shall be required to perform community service and be meted with the same fine imposed on student violators.

**Section 186.** Violators of the provisions of Article 27 imposing curfew hours on minors hereof shall be meted with the following penalties:

- First Offense - Eight (8) hours of community service
- Succeeding Offense- Imprisonment of forty-eight (48) hours and a fine of Two Hundred Pesos (PhP 200.00)

**Section 187.** Stores, storeowners and other business establishments selling cigarette and/or liquors to minors as provided for under Article 28 hereof shall be meted with the following penalties:

- First Offense - Reprimand and a fine of Five Hundred Pesos (PhP 500.00)
- Second Offense - Fine of One Thousand Pesos (PhP 1,000.00)
- Third Offense - Fine of Two Thousand Pesos (PhP 2,000.00) and suspension of business permit

Likewise, failure to comply with the requirement on warning sign shall result in the immediate cancellation of the Mayor's Permit to operate.

**Section 188.** Minors who shall be found violating any provision of Article 28 hereof shall be meted with the following penalties:

- First Offense Reprimand
- Second Offense Fine of Two Hundred Pesos (PhP 200.00)
- Third Offense Fine of Five Hundred pesos (PhP 500.00)

The parents of the youth offenders shall be meted with the following penalties:

- First Offense Reprimand
- Second Offense Fine of Five Hundred Pesos (PhP 500.000)
- Third Offense Fine of One Thousand Pesos (PhP 1,000.00)



**Section 189.** Persons who will be caught violating any provision of Article 29 regulating the operation of motorcycles and/or scooters hereof shall be meted with the following penalties:

- First Offense - Confiscation of driver's license and Administrative Fine of Php 500.00
- Second Offense - Confiscation of driver's license, Administrative Fine Of Php 1,000.00 and Community Service of eight (8) hours;
- Third Offense - Confiscation of driver's license, Impounding of Motor Vehicle, Administrative Fine of PhP2,500.00 and Community Service of eight (8) hours

Youthful offenders shall be meted with the following penalties:

- First Offense - Reprimand of the Youthful Offender and Impounding of motor vehicle to be released only to the registered owner;
- Second Offense - Community Service of four (4) hours for the Youthful offender, Impounding of the motor vehicle and Administrative Fine of Php 500.00;
- Third Offense - Community Service of eight (8) hours for the Youthful offender, Impounding of the motor vehicle and Administrative Fine of Php 1,000.00.

The imposition of the above penalties shall not be a bar to the criminal liability should the offender cause injury to others or damage to property.

### **Article 31 FINAL PROVISIONS**

**Section 190. Repealing Clause.** All ordinances, rules and regulations or parts thereof not consistent with any provision of this Code are hereby repealed, amended or modified accordingly.

**Section 191. Separability Clause.** If, for any reasons, any part or provision of this Code shall be declared unconstitutional or invalid by the court, or suspended or revoked by competent authorities, other parts or the provisions thereof which are not affected thereby shall continue to be in full force and effect.

**Section 192. Effectivity.** This Code shall take effect upon compliance with the posting/publication requirements of the Local Government Code.

**RESOLVED FURTHER,** that a copy of this Code be forwarded to the Sangguniang Panlalawigan, through the Honorable Serafin Q. Roman, Vice Governor and Presiding Officer, for their review and approval;

**RESOLVED FURTHERMORE,** that a copy of this Code be posted at the Bulletin Board of the Sangguniang Bayan and at the Bulletin Board of the Orion Municipal Building, and in conspicuous places in the barangays for the information of the general public;

**RESOLVED FINALLY**, that copies of this Code be furnished the Municipal Mayor, Honorable Antonio L. Raymundo, Jr., the twenty-three (23) Punong Barangays, all concerned Municipal Heads of Office, the School Heads of all public and private elementary and secondary schools in the Municipality of Orion, the MGGO, DILG – Orion, Heads of Religious Organizations/Congregations, Heads of accredited NGO's/PO's, Heads/Representatives of concerned National Government Agencies in Orion, for their information and guidance.

**ENACTED UNANIMOUSLY. 10 FEBRUARY 2009.**

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I hereby certify that the Sangguniang Bayan duly enacted the foregoing Municipal Ordinance No. 09 – 020 – 062 on the date specified therein.

**CARLOTA T. VALERIO**

Secretary to the Sangguniang Bayan

ATTESTED BY:

**VIRGILIO B. ISIDRO**

Municipal Vice Mayor and Presiding Officer

APPROVED:

**ANTONIO L. RAYMUNDO JR.**

Municipal Mayor

Date: \_\_\_\_\_