



Republic of the Philippines
PROVINCE OF SORSOGON
MUNICIPALITY OF GUBAT

Office of the Sangguniang Bayan

EXCERPTS FROM THE MINUTES OF THE 27th REGULAR SESSION
OF THE SANGGUNIANG BAYAN OF GUBAT, SORSOGON HELD
ON TUESDAY, SEPTEMBER 1, 2020 AT THE SANGGUNIANG
BAYAN SESSION HALL, BUILDING B, MUNICIPAL COMPOUND.

PRESENT:

Honorable Sixto F. Estareja	- Municipal Vice Mayor, P. O.
Honorable Aiza E. Encinares	- Member, Sanggunian Bayan
Honorable Alvin E. Rosales	- Member, Sanggunian Bayan
Honorable Danilo J. Pura	- Member, Sanggunian Bayan
Honorable Danilo E. Enaje	- Member, Sanggunian Bayan
Honorable Kenneth D. Escandor	- Member, Sanggunian Bayan
Honorable Noe L. Endaya	- Member, Sanggunian Bayan
Honorable Anthony C. Callos	- Member, Sanggunian Bayan
Honorable Valentin A. Pura IV	- Member, Sanggunian Bayan
Honorable Ramilo S. Fajardo	- LNB Acting President
Honorable Norven E. Ariola	- SKMF Acting President

ABSENT: N O N E

MUNICIPAL ORDINANCE NO. 2020 – 007

Honorable Alvin E. Rosales, author

AN ORDINANCE ENACTING THE CHILDREN'S WELFARE CODE
OF THE MUNICIPALITY OF GUBAT, PROVINCE OF SORSOGON.




BE IT ENACTED BY THE SANGGUNIANG BAYAN IN SESSION
THAT:

Article I

TITLE, POLICY AND DEFINITION OF TERMS

Section 1. Title. This ordinance shall be known as the Comprehensive Children and Family Support System in the Municipality of Gubat, Province of Sorsogon, otherwise known as the "THE CHILDREN'S WELFARE CODE. OF THE MUNICIPALITY OF GUBAT, PROVINCE OF SORSOGON"

Section 2. Declaration of Policies of the Local Government Unit of Gubat, Sorsogon. It is the policy of the Local Government Unit of Gubat, Sorsogon that the rights of the children to their survival, protection, participation and development must be given priority; it will work for the respect for the role of the family in providing for children and will support the efforts of parents,



other child care and development workers, NGO's and communities to nurture and care for children, from conception including the earliest stages of childhood to adolescence.

Section 3. Definition of Terms. For the purpose of this ordinance, the following terms shall mean:

3.1 Best Interest of the Child - refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.

3.2 Children - refer to person/s below eighteen (18) years of age and those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition; also referred to as "minors"

3.3 Child Abuse - refers to the maltreatment of the child, whether habitual or not, which includes any of the following:

1. Physiological and physical abuse, neglect, abandonment, cruelty, sexual abuse and emotional maltreatment;
2. Any acts or deeds or words which debase, degrade or demean the intrinsic worth and dignity of a of a child as a human being;
3. Unreasonable deprivation of his/her basic needs of survival such as food, education and shelter; or
4. Failure to immediately give medical treatment to an injured child resulting to serious impairment of his/her growth and development of permanent incapacity or death.

3.4 Child Labor - refers to the employment of children under 15 years old which is prohibited unless under the direct supervision of parents and under certain requirements and in non-hazardous occupation, pursuant to Sec. 12 of RA 7658;

3.5 Child 21 - Other name for Philippine National Strategic Framework for Plan Development for Children adopted through Executive Order No. 310 which is the strategic framework for planning programs and interventions that promote and safeguard the rights of Filipino children;

3.6 Children in Conflict with the Law (CICL) Children who are alleged as, accused of, or adjudged as, having committed an offense under Philippine law.

3.7 Circumstances which gravely threaten or endanger the survival and normal development of children - include but are not limited to the following:

1. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
2. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development or working without provision for their education;

3. Living in or fending for themselves in the streets of urban and rural areas without the care of parents or guardians or any adult supervision needed for their welfare;
4. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in area which is underdeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;
5. Being with family members or guardians having psychological problems grave enough for them to commit incestuous rape, lascivious acts and other forms of physical and mental abuse.
6. Being a victim of a man-made or natural disaster calamity; or
7. Circumstances analogous to those above stated which endanger life, safety or normal development of children.

3.8 Commitment of a child - is the legal act of entrusting a child to the care of the Department of Social Welfare and Development or any duly licensed child placement agency or individual.

Commitment may be done in the following manner:

1. *Involuntary commitment*, in case of a dependent child, or through the termination of parental or guardianship rights by reason of abandonment, substantial and continuous or repeated neglect and/or parental incompetence to discharge parental responsibilities, and in the manner, form and procedure hereinafter prescribed.
2. *Voluntary Commitment*, through the relinquishment of parental or guardianship rights in the manner and form hereinafter prescribed.

3.9 Community-based Programs - refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.

3.10 Court - refers to a family court or, in places where there are no family courts, any regional trial court.

3.11 Convention on the Rights of the Child - adopted in November 20, 1989 by the United Nation General Assembly, stresses the rights of children to survival, protection, development, and participation in governance. The Philippines became the 31st state to ratify the Convention on July 26, 1990 by virtue of Senate Resolution No. 109;

3.12 Differently-abled - People with mental or physical conditions and possess a unique set of abilities and perspectives. They are people with disabilities but are quite capable of accomplishing a particular task or performing a particular function, only in a manner that is different from or takes more time than that of people without the disability.

3.13 Development Rights - pertains to access of a child to educational opportunities relevant to information, play, leisure cultural activities and the rights to freedom of thought, conscience and religion.

3.14 Diversion - refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law

on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.

3.15 Diversion Program - refers to the program that the child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.

3.16 Discernment - refers to the child's ability to obtain sharp perceptions or to judge well.

3.17 Grooming refers to the act of preparing a child or someone who the offender believes to be a child for sexual activity or sexual relationship by communicating any form of child pornography. It includes online enticement or enticement through any other means

3.18 Internet address refers to a website, bulletin board service, internet chat room or news group, or any other internet or shared network protocol address.

3.19 Internet cafe or kiosk refers to an establishment that offers or proposes to offer services to the public for the use of its computer/s or computer system for the purpose of accessing the internet, computer games or related devices.

3.20 Internet content host refers to a person who hosts or who proposes to host internet content in the Philippines.

3.21 Internet service provider (ISP) refers to a person or entity that supplies or proposes to supply, an internet carriage service to the public.

3.22 Intervention - refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.

3.23 Law Enforcement Agency - refers to the agency or office in authority or its agent as defined in Article 152 of the revised Penal Code;

3.24 Legal Guardian - is any person duly appointed by a court of competent authority to exercise care and custody of/or parental authority over the person of such child;

3.25 Luring refers to the act or communicating, by means of a computer system, with a child or someone who believes to be a child for the purpose of facilitating the commission of sexual activity or production of any form of child pornography.

3.26 Members of the Family - are those persons having a family relations referred to under Article 150 of the Family Code of the Philippines. It shall include the employer-parent's or legal guardian's husband or wife, parents, children, other ascendants, brothers and sisters whether full or half blood;

3.27 **Motorcycle** - two-wheeled, gasoline-driven, larger and heavier than a bicycle, which carries its driver and may also carry one passenger in a pillion/saddle; also refers to scooters

3.28 **Neglect** - is failure by the parents to adequately perform parental duties;

3.29 **Offense** - refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.

3.30 **Pandering** refers to the act of offering, advertising, promoting, representing, or distributing through any means any material or purported material that is intended to cause another to believe that the material to believe that the material or purported material contains any form of child pornography, regardless of the actual content of the material or the purported material.

3.31 **Parental Authority and Responsibility** - shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being;

3.32 **Parents** - shall include the mother, father, guardian, and those exercising substitute parental authorities over the child, as defined under Article 216 and article 217 of the Family Code;

3.33 **Participation Rights** - pertains to the right of freedom to expression and to have one's views taken into account, involvement in decision making in matters affecting his/her life as part of preparation for responsible citizen and consultative process, freedom of association and assembly.

3.34 **Person** refers to any natural or juridical entity.

3.35 **Petition for Involuntary Commitment of a Child** - The Department of Social Welfare Secretary or his authorized representative or any duly licensed child placement agency having knowledge of a child who appears to be dependent, abandoned or neglected, may file s verified petition for involuntary commitment of said child to the care of any duly licensed child placement agency or individual. The petition shall be filed with the Regional Trial Court of the Province or City Court in which the parents or guardian resides or the child is found.

3.36 **Pre-school Age**- refers to the age from birth to six (0-6) years old known to be critical phase of the child's psychomotor development. It is the phase when ninety percent (90%) of the human brain is developed.

3.37 **Protection Rights** - those rights which guard children against all forms of abuse, exploitations and discrimination, and in areas where a child is considered to be in extremely difficult circumstances;

3.38 **Survival Rights** - include the inherent right to life, the right to a name and nationality, the right to identify and those dealing with parental and governmental duties and obligations adequate and descent standard of living, access to basic health care and services and social security and rehabilitation.

3.39 Special Children - refers to children who have visual, hearing and speech impairments, specific learning disabilities, behavioral problems, mental retardation, autism, globally delay pelt syndrome and/or orthopedic handicaps ages 5 to 15 years old;

3.40 Syndicated Child Pornography-the crime of child pornography is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another and shall be punished under Section 15 (a) of Republic Act No. 9775.

Article II

SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

Section 1. PROGRAM FRAMEWORK

The municipal government of Gubat shall ensure the optimal standards to achieve the basic needs and adequate children's health care and services, nutrition and decent living, social security and rehabilitation, access to educational opportunities, relevant information, play, leisure, cultural activities, and right to freedom of thought, conscience and religion on child survival and development and to this end shall take appropriate measures to:

- a. Diminish infant and child mortality;
- b. Ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;
- c. Combat disease and malnutrition, including within the framework of primary health care, and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
- d. Ensure that parents and children are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents.
- e. Develop preventive health care, guidance for parents and family planning education services.

1.1 Promotion of Primary Health Care Program

The municipal government of Gubat shall support its primary health care programs and shall endeavour:

- a. To make essential nutrition and health services at the barangay level providing the children with basic immunization services and protect them from endemic diseases.
- b. To establish a comprehensive "Responsible Parenting Movement" which includes courses on reproductive health, child health and child rearing practices in the context of the Filipino Psychology conducted by multi-sectoral group composed of MHO, MSWDO/Religious Group.
- c. To monitor the full implementation of the "Milk Code" of the Philippines and advocate for the prosecution of milk firms which violate the code.
- d. To conduct massive information and education on breastfeeding education program.

1.2 Maternal and Child Health Program

The municipal government of Gubat shall support its maternal and child health care program, which shall cater to the health of the mother that will affect the child in the womb during pregnancy so that the mother will bear a healthy baby. This program shall be under the administration and supervision of the Municipal Health Office, ensuring that;

- a. The pregnant woman gets at least four complete quality pre-natal and post natal check-ups, the first must be within 42 days after delivery.
- b. The pregnant and lactating mothers are given sufficient doses of Vitamin A and iron.
- c. The pregnant women who are at risk get emergency obstetric medical care.
- d. All births are attended by trained health professional (physician, nurse or midwife).
- e. The infants are exclusively breastfeed up to about 6 months of age except for medical reason and if the mother cannot breastfeed.
- f. Children 0 to 5 years old are weighed monthly.
- g. Children are given one dose of Vitamin A starting at 6 to 11 months and 1 to 5 years old are also given Vitamin A capsules twice a year.
- h. Mothers are encouraged/admonished to have all pregnancies spaced at least 2 years apart.

1.3 Basic Immunization Program

The municipal government of Gubat through the Municipal Health Office shall allocate enough fund for the implementation of the program on the preventive child care and health services to children below eight (8) years old. The completion of the basic immunization series which include:

- a. BCG, DPT, OPV, MCV, MMR, Hepatitis B and Pentavalent vaccine (DPT, Hepa B, Hemophilus Influnza B).
- b. Such other basic immunization services for infants and children below eight years of ages as determined by the Municipal Health Office and Department of Health. However, the mothers shall undergo immunization against tetanus.

1.4 Municipal Nutrition Program. The municipal government of Gubat shall establish a nutritional body to monitor the nutritional feeding activities and supervise the nutritional intake of children at home and in school to sustain growth and reduce the cases of malnutrition in the locality.

1.4.1 Creation of Municipal Nutrition Council for Children

There shall be created Municipal Nutrition Council for Children to be composed of the following:

Chairman:	Municipal Mayor
Co-Chairman:	Municipal Vice Mayor
Members:	Municipal Nutrition Action Officer (MNAO)
	Municipal Health Officer
	MLGOO
	Municipal Social Welfare and Development Officer
	Municipal Budget Officer
	MPDC
	Municipal Treasurer
	Municipal Accountant
	ABC President
	SB Member, Chairman Committee on Health Sanitation

Schools)
 Public School District Supervisor
 Principal (Elementary Schools and High
 Schools)
 NGO/CSO Representatives
 Representative from the PNP
 DOH Representative

A Municipal Nutrition Action Officer (MNAO) shall be designated to serve as the lead person in carrying out the nutrition program.

1.4.2 Functions of Municipal Nutrition Council for Children. The Municipal Nutrition Council for Children shall be institutionalized to oversee the nutrition program of the municipality and to assume the following specific functions:

- a. Prepare the Municipal Nutrition Action Plan
- b. Implement, supervise and monitor the implementation of the Municipal Nutrition Action Plan
- c. Coordinate with Barangay Nutrition Councils regarding nutrition activities
- d. Conduct periodic field visit and meetings with the Barangay Nutrition Council to assess the progress of the program implementation and formulate the evaluation system
- e. Serve as a resource group to the Barangay Nutrition Action Program

1.5 Family and Community Support Program

The Local Government Unit of Gubat through the Municipal Social Welfare and Development Office (MSWDO) shall support the implementation of the Comprehensive Family and Community Support Program for Children and shall take appropriate measures to ensure sustainability of the said program.

There shall be a Comprehensive Family and Community Support Program which shall include courses on child health and rearing practices, responsible parenthood, parent effectiveness, pre-marriage counseling, social self-development, drug abuse prevention control. This shall also include courses and services in community organizing such social preparation on disasters and calamities, social welfare structure development among others.

Moreover, the LGU shall institutionalize the following local children's program, namely:

- a. Sirang Dayaw;
- b. Programs for children with abilities;
- c. Support to children with cerebral palsy;
- d. Transportation assistance to SPED students;
- e. Support to youth organizations;
- f. Municipal Alliance of Youth Advocates for Development (MAYAD);
- g. And other children's welfare programs, project and activities that may be promulgated .

Section 2. EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD) SYSTEM. The ECCD System refers to the full range of health, nutrition, early education and social services development programs that provide for the basic holistic needs of young children from age zero (0) to four (4) years; and to

promote their optimum growth and development. The System empowers parents/families, communities and institutions, to maximize their participation and support to ECCD Programs.

2.1. OBJECTIVES. The National ECCD System shall be strengthened to pursue the following objectives:

A. To achieve improved infant and child survival rates by ensuring that adequate health and nutrition programs are accessible to young children and their parents, from the prenatal period throughout the early childhood years;

B. To enhance the physical-motor, socio-emotional, cognitive, language, psychological and spiritual development of young children;

C. To facilitate a smooth transition from care and education provided at home to community or school-based setting and to kindergarten;

D. To ensure that young children are adequately prepared for the formal learning system that begins at kindergarten;

E. To establish an efficient system for early identification, prevention, referral and intervention for the wide range of children with special needs from zero (0) to four (4) years;

F. To upgrade and update the capabilities of service providers and their supervisors to comply with quality standards for various ECCD programs;

G. To reinforce the role of parents and their caregivers as the primary caregivers and educators of their children especially from age zero (0) to four (4);

H. To enhance and sustain the efforts of communities to promote ECCD programs and ensure special support is provided for poor, disadvantaged and linguistic minority communities;

I. To improve the quality standards of public and private ECCD programs through, but not limited to, a registration and credential system for ECCD service providers and facilities;

J. To ensure that the education of persons, and in particular children, who are blind, deaf or deaf-blind, are conducted in the most appropriate languages, modes and means of communication for the individual and in environments which maximize academic and social development; and

K. To employ teachers, including teachers with disabilities, who are qualified in sign language and/or braille, and to train professionals and staff who work at all levels of education.

Section 3. EARLY CHILDHOOD CARE AND DEVELOPMENT PROGRAM

The Local Government Unit of Gubat shall carry out the provisions of the Republic Act 8980 otherwise known as the "Early Childhood Care and Development Act" which refer to the full range of health, nutrition, early

education, psycho-social and other services that provide for the holistic needs of children particularly referring to persons from conception to age four.

3.1 Early Childhood Care and Development (ECCD) Services Program. The Local Government Unit of Gubat shall support the ECCD Services Program which is a community program being implemented by the barangay. The Sangguniang Barangay may call upon private volunteers, who are responsible members of the community and utilize them to assist children's care and provide consultative services for medical, educational and other children's need.

The barangay government shall pay the monthly allowance or honorarium of its respective Barangay Child Development Worker in accredited public Child Development Center, provided that the ECCD Curriculum shall be developed and strengthened based on the principles of early childhood care and development. Provided, further, that the program shall be under the direct supervision of the Municipal Social Welfare and Development Office with the coordination of the Department of Education.

Section 4. STANDARDS FOR CARE, OTHER ECCD CENTERS AND SERVICE PROVIDERS

The Local Government Unit of Gubat recognizes the significant role of the ECCD Service and other Early Childhood Care and Development Centers for children's well-being in the locality. Therefore, it shall adopt and support the fullest implementation of the DSWD Administrative Order No. 29 Series of 2004 which provides the accreditation standards for Day Care, other ECCD Centers and Service Providers (for children aged 0-4 years) to ensure effective and quality delivery of ECCD Service and other ECCD programs in the municipality. Children in the municipality are the ultimate beneficiaries of the standards for Child Development Center and other ECCD Centers and its Service Providers. Thus, children from birth to age four (4) are ensured to receive consistently high quality care and education so that they can develop their fullest potentials.

Section 5. RECREATIONAL AND CULTURAL FACILITIES PROGRAM IN THE MUNICIPAL AND BARANGAYS

The Local Government Unit of Gubat and all barangay government of Gubat shall allocate space for recreation and provide recreational facilities appropriate for children and gender that shall be designed with due respect to cultural diversity of the municipality.

Section 6. PRIMARY RIGHTS OF PARENTS

Parent shall have the right physical custody of their children and the right to make major decisions about their children's upbringing.

Section 7. DUTIES OF PARENTS

The following are the responsibilities parents have toward their children:

1. To give love, affection, guidance, companionship, adequate support and understanding;
2. To extend the benefits of moral guidance, self-discipline and religious instruction;

3. To provide with proper education in accordance with the means of the family, including monitoring attendance and performance in school, and attending parent-teacher conferences when required;
4. To supervise activities, in and outside of the home, including recreational activities;
5. To provide with proper medical attention and health services as regularly provided by the municipal government, including the complete immunization for diseases for which vaccines have been developed for administration to children up to eight (8) years of age;
6. To prevent from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling, and other vices or harmful practices;
7. To avoid situations which endanger physical safety, expose to harm and threaten normal development;
8. To stimulate interest in civic affairs, teach the duties of citizenship, and develop commitment to community, which shall include giving every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities;
9. To provide with basic needs for survival, such as food, shelter and clothing, including adequate support, as defined under the Family Code and;
10. To encourage breastfeeding for newborn until two (2) years of age.

Section 8. RIGHTS OF CHILDREN

All children in the municipality shall be entitled to the rights hereinafter set forth, as provided in the 1987 Constitution, Child and Youth Welfare Code (P.D 603), the United Nations Convention on the Rights of the Child 21, the Special Protection Act (R.A 7610), and other national laws enacted involving children irrespective of the child's race, color, sex, language, religion, ethnic or social origin, property, disability, birth or other status. To this end, the municipal government recognizes the rights of children as follows:

1. To inherent right to life, and the state, as parents patria, as well as the LGU, has an obligation to ensure every child's survival and development;
2. The right to express views freely or without fear of rejection in all matters which affect life and opinions should be given due weight depending on age and maturity;
3. To freedom of expression, except if it will violate or jeopardize the rights or reputation of others or for protection of national security, public order, public health or morals;
4. No child shall be subjected to arbitrary or unlawful interference with privacy, family, home or correspondence, nor to unlawful attacks on honor and reputation;
5. To freedom of thought, conscience and religion, subject to proper guidance by parents or legal guardians;
6. To avail of information and materials aimed at the promotion of social, spiritual and moral well-being and physical and mental health;
7. To leisure and to participate freely in recreational, cultural and art activities appropriate for age;
8. The child shall be registered immediately after birth and shall have the rights from birth to name, the right to acquire a nationality, name and family relation as recognized by law without unlawful interference.

9. To preserve identity, including nationality, name and family relations recognized by law without unlawful interference;
10. To live with parents unless it is deemed to be incompatible with the child's best interest. The child has also the right to maintain contact with both parents, if separated from one or both.
11. Children and their parents have the right to leave any country and to enter their own, for purposes of reunion or the maintenance of the child-parent relationship.
12. To meet others, and join or perform association;
13. A disabled child has the rights to special care, education and training to help enjoy a full and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible;
14. To the highest standard of health and medical attainable. The local Government Unit of Gubat shall place special emphasis on the provision of primary and preventive health care, public health education and the reduction of infant mortality.
15. A child who is placed by the LGU for reason of care, protection or treatment is entitled to have that placement evaluated regularly.
16. To benefit from social security insurance;
17. To have a standard of living adequate for physical, mental, spiritual, moral and social development. Parents have the primary responsibility to ensure that the child has an adequate standard of living. The local government's duty is to ensure that these responsibilities are fulfilled. The government can include material assistance to parents and their children.
18. Education shall aim at developing the child's personality, talents and mental physical abilities to the fullest extent. Education shall prepare the child for an active adult life in a free society and foster respect for the child's parents, his or her own cultural identity, language and values and for the cultural background and values of others.
19. Children of minority communities and indigenous population have the right to enjoy their own culture and to practice their own religion and language.
20. Be protected from work that threatens health, education and development.
21. To give protection from the use of narcotics and psychotropic drugs, and from being involved in their production or distribution;
22. A child in conflict with the law has the right to treatment which promotes the child's sense of dignity and worth. The child is entitled to basic guarantee as well as legal or other assistance for his or her defense. Judicial proceedings and institutional placements shall be avoided whenever possible.

Section 9. RESPONSIBILITIES OF THE CHILD

All children in the Local Government Unit of Gubat shall have the following responsibilities:

1. To respect the country and its laws and ordinances
2. To respect, love and obey parents, siblings and elders
3. To preserve our natural and cultural environment
4. To acknowledge and respect the generally-accepted norms and practices of the community
5. To behave and communicate respectfully with others
6. To respect the rights and the opinion of others, especially of other children
7. To maintain good health

8. To develop physical, mental, spiritual and moral capacity to the fullest
9. To fulfill school obligations
10. To refrain from engaging in vices and addictions

Section 10. GENERAL DUTIES OF THE BARANGAY

It shall be the duty of the barangay to:

1. Support the rights of children of Gubat to quality, equitable, culture-based, and complete basic education;
2. Provide proper guidance and counseling to their students;
3. Provide a child-friendly, gender-sensitive, safe and motivating environment for students;
4. Provide an environment where teachers facilitate learning and constantly nurture ever learner;
5. Provide an environment where administrators and staff, as stewards of the institution, ensure and enabling and supportive environment for affective learning to happen;
6. Provide an environment where the family, community, and other stakeholder are actively engaged and share responsibility for developing life-long learners.
7. Cause the implementation of the ordinances in its barangay and apprehend violators of the ordinance within its respective jurisdiction.

Section 11. SURVEY AND ACTIVE PROGRAM FOR DIFFERENTLY-ABLED CHILDREN

The Local Government Unit of Gubat shall conduct a periodic comprehensive survey on the differently-able children which shall be child-focused and specific. The MSWDO and DepEd shall conduct analysis and interpret the result of the survey. It is basic to achieve a more systematic coordination of services (health, nutrition and education) for children with special needs. It shall support the Special Education program/class in both elementary and secondary levels of education.

Section 12. EDUCATORS AND HEALTH PROFESSIONAL TRAINING PROGRAM FOR SPECIAL PROGRAM WITH DIFFERENTLY-ABLED CHILDREN

The training program for educators and health professionals handling differently-abled children shall be the priority of the Local Government Unit of Gubat.

Section 13. PARENT EDUCATION

In order to enhance the capacity of parents to raise their children in a healthy, loving and nurturing environment and in a manner that is consistent with the child's normal growth and development, parents' education shall be incorporated into the following:

1. Orientation for parents in public and private elementary and secondary school including but not limited to values information, seminar on the rights of the child and responsible parenthood; and
2. Social Welfare Program of the Local Government. Parent education shall include reinforcement and expansion of existing training and capability

building programs targeted at parents, such as but not limited to Parents Effectiveness Service (PES); Parents, Teachers and Community Association (PTCA); and Enhanced Reaffirmation of Paternity Skills (ERPAT) which shall incorporate when appropriate training modules on children's rights, positive non-violent, discipline, child abuse, juvenile justice, character development and values formation.

Section 14. ALTERNATIVE LEARNING SYSTEM (ALS)

Alternative Learning System (ALS) is a parallel learning system that provides a practical option to the existing formal instruction. Alternative Learning System (ALS) classes provide the children with practical skills and crafts that will propagate and develop the traditional arts, culture and vocational skills of the children, including out of school youths and differently-able children.

The Local Government Unit of Gubat, through the Local School Board (LSB), shall allocate funds for ALS as part of the Skills Development Training Program of youths in the municipality.

Section 15. ANTI-DRUG ABUSE, CONTROL AND PREVENTION PROGRAM

The Local Government Unit of Gubat shall support the Anti-Drug Abuse, Control and Prevention Program and shall be implemented by the Municipal Anti-Drug Abuse Control (MADAC) focusing on massive information and education to children and parents on drug abuse, control and prevention.

15.1 Creation of Municipal Anti-Drug Abuse Council (MADAC)

The Municipal Anti-Drug Abuse Council shall be created through an Executive Order by the Local Chief Executive and shall be the lead implementing arm of the local government in implementing the Comprehensive Anti-Drug Abuse Control and Prevention Program.

15.2 Roles and Responsibilities of the MADAC

The MADAC shall perform the following roles and responsibilities:

1. Serve as focal point through which various organizations and individuals work together cooperatively in planning, implementation and evaluation of programs on drug abuse prevention.
2. Provide for an effective mechanism for the coordination of existing services and programs and those which might be developed in the immediate future.
3. Provide for a mechanism to obtain funds, volunteers, facilities and technical expertise; and
4. Perform other related responsibilities as may be assigned by competent authorities.

Section 16. ROLE OF SANGGUNIANG KABATAAN (SK) IN THE PROMOTION AND PROTECTION OF CHILDREN'S RIGHTS.

The Sangguniang Kabataan (SK) shall develop and initiate youth programs; serves as the role models for the youth; and, legislate measures to promote youth development. Specifically, the Sangguniang Kabataan (SK) shall

- a. promulgate measures necessary to carry out the objective of children and youth in the barangay;
- b. initiate programs designated to enhance the social, political, economic, cultural, moral, spiritual and physical development of the children and the youth;
- c. consult and coordinate with all children and youth organizations in the barangay for policy formulation and program implementation;
- d. and coordinate with the appropriate agency for the implementation of youth development projects and programs.

Article III PARTICIPATION RIGHTS OF CHILDREN

Section 1. PARTICIPATION RIGHTS OF CHILDREN IN DECISION-MAKING PROCESS

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

Section 2. INSTALLATION OF MECHANISM FOR PARTICIPATION IN POLICY AND PROGRAM FORMULATION IN THE LOCAL GOVERNMENT

It is important to consult and provide venue for the expression of views relevant to municipal government policies. It is therefore proper that seven to twelve (7-12) years old and the thirteen to eighteen (13-18) years old are convened through their representatives once a year basis, specifically during the Children's month, every October of every year. NGO's concerned with these groups of children shall be a part of the process in both preparation and evaluation of the convention. The Sangguniang Bayan shall also include in the People's Hour during sessions a portion where children could express views on matters affecting them.

Section 3. ORGANIZING CHILDREN'S ORGANIZATIONS

The Special Office for Children's Welfare shall organize children's or young organizations in coordination with other concerned agencies. The said office shall facilitate the organization, strengthening and monitoring of the functionality of children's organizations and encourage children's participation in the barangay and municipal level in matters that affects their rights and welfare. These organizations shall be organized purposely to (1) serve as a venue to voice out their concerns and influence public policies; (2) serve as a venue for their social, mental and spiritual concerns.

Article IV PROTECTION RIGHTS OF CHILDREN

Section 1. PROGRAM ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION

There shall be a comprehensive program to be formulated by the Municipal Council for the Protection of Children (MCPC), and the Special Office for Children's Welfare, with MSWDO acting as Secretariat in coordination with other government agencies and the private sectors concerned within one (1) year from the effectivity of the ordinance to strictly enforce the provisions of RA 7610 or "Special Protection of Children against Child Abuse, Exploitation and Discrimination Act", to protect children against abuse and discrimination which endanger child survival and normal development. Part of the comprehensive plan to be formulated by the Municipal Council for the Protection of Children (MCPC), is the recruitment and development of the families to be licensed by the DSWD, Regional Office No. V and move towards the establishment of "*Aruga at Kalinga sa Barangay*," a pool of foster parents to respond to the needs for temporary protective custody of Children in Need of Special Protection (CNSP) by virtue of RA 10165 "Foster Care Article of 2012".

Section 2. BARANGAY COUNCIL FOR THE PROTECTION CHILDREN (BCPC)

Every barangay shall establish a Barangay Council for the Protection of Children which shall be responsible for their child-constituents' wellbeing.

Section 3. CRISIS CENTER FOR WOMEN AND CHILDREN

The Local Government Unit of Gubat shall establish a shelter for victims of abuses such as physical, psychological, emotional, and sexual abuse, and provide for an aftercare program for the child-victim. The center shall also be a shelter for abandoned and neglected children. Specially trained staff of the MSWDO shall be in charge of the operation of the shelter.

Section 4. CHILDREN'S RIGHTS CAMPAIGN

The Local Government Unit of Gubat headed by MCPC and BCPC, and the Parent Teachers Community Association (PTCA), shall conduct continuous information dissemination campaigns on the rights and responsibilities of a child, at least twice a year or as needed in every barangay. The PNP Gubat will likewise conduct continuous information dissemination campaigns, or as the need arises.

Section 5. CHILD SAFETY FROM TRAFFIC

Each Punong Barangay shall designate barangay tanod responsible for the safety of children crossing the street, especially to and from their schools.

Section 6. CHILD SAFETY ON VEHICLES

Over speeding and overloading is prohibited. Private vehicles and public utility vehicles, especially those transporting children, which shall violate this ordinance will be subjected to the penalties imposed under the Transportation and Traffic Code of the Municipality of Gubat and Article VII of this Code.

Republic Act 10666 (*An Act Providing for the Safety of Children aboard Motorcycles*) provides that it shall be unlawful for any person to drive a two-wheeled motorcycle with a child on board unless:

1. The child passenger can comfortably reach his/her feet on the standard foot peg of the motorcycle;
2. The child's arms can reach around and grasp the waist of the motorcycle driver;
3. The child is wearing a standard protective helmet

Section 7. REGULATION ON SALE OF CIGARETTES AND ALCOHOLIC BEVERAGES AND OTHER SIMILAR COMMODITIES

The Local Government Unit of Gubat prohibits the sale of cigarettes or other tobacco products and of alcoholic beverages and other similar commodities to children/minors.

Section 8. CHILDREN IN CONFLICT WITH THE LAW (CICL)

The municipal government shall adopt measures to ensure that the rights of CICL are upheld and protected by all levels of local government in compliance with the provisions of the Republic Act No. 9344 (*Juvenile Justice and Welfare Act OF 2006*). Towards this end, the LGU shall, among others:

1. Formulate a Comprehensive Juvenile Intervention Program, in accordance with Chapter 2 of Republic Act No. 9344, embodying the detailed strategy to realize the objectives of juvenile intervention and delinquency prevention to be instituted from the barangay to the municipal level;
2. Once a child in conflict with law is rescued, the Law Enforcement Agency (LEA) takes custody of the child.
3. Within 8 hours from taking custody, the Law Enforcement Agency (LEA) shall immediately:
 - a. Inform the child's parents/guardian/relatives.
 - b. Inform the Municipal Social Welfare and Development Office.
 - c. Inform the lawyer or Public Attorney's Office (PAO)
 - d. Refer the child for medical examination/test.
 - e. Conduct initial interview to gather data on CICL.
 - f. LEA shall determine initially the offense and the corresponding imposable penalty for the offense committed.
4. Determine the age of the child at the time of the commission of crime.
5. If the child is 15 years and 1 day old or above, the LEA shall turn over child's physical custody to MSWDO (but police Art. 125 of the Revised Penal Code).
6. MSWDO shall prepare report containing assessment on discernment within 7 working days.

8.1 Procedure if the Child is 15 years old or below

All cases of children fifteen (15) years old and below at the time of the commission of the crime, shall immediately be dismissed and the child shall be referred to appropriate local social welfare and development officer. Such officer, upon thorough assessment of the child, shall determine whether to release the child to the custody of his/her parents, or refer the child to prevention programs as provided under this Act. Those with suspended sentences and undergoing rehabilitation at the youth rehabilitation center shall likewise be released, unless it is contrary to the best interest of the child.

8.1.2. CHILD DETAINED PENDING TRIAL-

If the child is detained pending trial, the Family Court shall also determine whether or not continued detention is necessary, and if not, determine appropriate alternative for detention.

8.1.3. Children Who Reach the Age of Eighteen (18) Years Pending Diversion and Court Proceedings.

If a child reaches the age of eighteen (18) years pending diversion and court proceedings, the appropriate diversion authority in consultation with the municipal social welfare and development officer or the Family Court in consultation with the Social Services and Counseling Division (SCCD) of the Supreme Court, as the case may be, shall determine the appropriate disposition. In case the appropriate executes the judgment of conviction, and unless the child in the conflict with the law has already availed of probation under Presidential Decree or other similar laws, the child may apply for probation if qualified under the provisions of the probation law

Children Who Have Been Convicted and Are Serving Sentence.-Persons who have been convicted and are serving sentence at the time of the effectivity of this Act, and who were below the age of eighteen (18) years at the time the commission of the offense for which they were convicted, and are serving sentence, shall likewise benefit from the retroactive application of this Act. They shall be entitled to appropriate dispositions provided under this Act, and their sentences shall be adjusted accordingly. They shall immediately release if they are so qualified under this Act or other applicable law.

8.1.4. SYSTEM OF DIVERSION- CHILDREN IN CONFLICT WITH THE LAW SHALL UNDERGO DIVERSION PROGRAMS WITHOUT UNDERGOING COURT PROCEEDINGS SUBJECT TO THE CONDITIONS HEREIN PROVIDED

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 local social welfare and development officer or other members of the LCPC shall conduct mediation, family conferencing and conciliation, and where appropriate, adopt an indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives 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 penalty is not more than six (6) years imprisonment, the local social welfare and development officer shall meet with the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in accordance with the 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.

8.2 Child is above 15 years old but acted without discernment

1. Determine if the child is dependent, abandoned, neglected, or abused.
2. If she/he is, the MSWDO after consultation with the child's parents/guardian/relatives taken into account the best interest of the child, may recommend for the parents/guardian/relatives to file for Petition for Voluntary Commitment or Involuntary Commitment as the case maybe.
3. Where the child's safety is in danger (as determined by MSWDO and LEA), the MSWDO shall encourage the family members for temporary custody with DSWD or NGO through Voluntary Commitment, otherwise the child shall be released to parents/guardians/relatives.

8.3 Child is above 15 years old but acted with Discernment (Offense with penalty not more than 6 years)

1. Punong Barangay shall review report on CICL and consult MSWDO to determine if diversion is appropriate;
2. If diversion is appropriate, the Diversion Committee (MSWDO, Brgy. Kagawad, Lupon Tagapamayapa member, BCPC member, Chief tanod, Member of Task Force on Child and Youth Development, NGO representative, PTA President, Representative of Faith-based Organization) shall convene to conduct diversion proceedings with the child, child's parents/guardian/relatives, and the victim;
3. A diversion contract should be formulated and agreed upon by the concerned persons with their respective signatures appearing on the diversion contract;
4. Where no diversion contract is reached or agreed or in case the diversion becomes unsuccessful, the case shall be forwarded to the Police or Prosecutor indicating reason/s for failure of diversion proceedings;
5. The barangay, through the assistance of the BCCW shall supervise diversion program and the MSWDO shall conduct monitoring of the progress and compliance therewith;
6. A terminal report on Diversion Program shall be made after its complete implementation which shall not be beyond two (2) years.

8. 4. A. TREATMENT OF CHILDREN BELOW THE AGE OF CRIMINAL RESPONSIBILITY.

Children below the Age of Criminal Responsibility. If it has been determined that the 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 local social welfare and development officer who will determine the appropriate programs in consultation with the child and to the person having custody over the child. If the parents, guardians, or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following: a duly registered nongovernmental or religious organization; a barangay official or a member of the Barangay Council for the Protection of Children (BCPC) a local social welfare and development officer; or when and where appropriate, the DSWD. If the child abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to

Presidential Decree No. 603, otherwise, known as "The Child and Youth Welfare Code".

8.4. B. REHABILITATION OF CHILDREN IN CONFLICT WITH THE LAW

Children in conflict with the law, whose sentences are suspended, may upon the 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.

If the community-based rehabilitation is availed of by a child in conflict with the law, he/she shall be released to parents, guardians, relatives or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development officer, and in coordination with his/her parents/guardian, the child in conflict with the law shall participate in community-based programs, which shall include, but not limited to:

1. Competency and life skills development;
2. Socio-cultural and recreational activities;
3. Community volunteer projects;
4. Leadership training;
5. Social services;
6. Home-life services;
7. Health services;
8. Spiritual enrichment; and
9. Community and family welfare services.

In accordance therewith, the family of child in conflict with the law shall endeavor to actively participate in the community-based rehabilitation.

Based on the progress of the youth in the community, a final report will be forwarded by the local social welfare and development officer to the court for the final disposition of the case.

If the community-based programs are provided under Article II are considered as diversion measures, the programs enumerated above shall be made available to the child in conflict with the law.

8.4. C. CRITERIA OF COMMUNITY-BASED PROGRAMS.

Every LGU shall establish community-based programs that will focus on the rehabilitation of the child. All programs shall meet the criteria to be established by the Juvenile Justice and Welfare Council which shall take into account the purpose of the program, the need for the consent of the child and his/her parents or legal guardians, and the participation of the child centered agencies whether public or private.

Section 9. CRIMES OR OFFENSES COMMITTED WITH THE AID OF CHILDREN

The LGU shall establish a system to ensure that all crimes/offenses allegedly committed by children are thoroughly and immediately investigated to determine whether children are being used by adults to aid in the commission

thereof, and that necessary criminal charges are filed against the responsible adults. If the child is fifteen (15) years old or younger, the criminal complaint filed against the adult shall clearly indicate that the crime or offenses was committed with the aid of such child, to ensure that the same shall be appreciated as an aggravating circumstance that will increase the penalty for the crime, when appropriate, in accordance with Article 14 paragraph 20 of the Revised Penal Code.

Section 10. CHILD TRAFFICKING

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered as "trafficking in persons"

10. 1. QUALIFIED TRAFFICKING IN PERSONS. The following are considered as qualified trafficking:

- A. When the trafficked person is a child;
- B. When the adoption is effected through Republic Act 8043, otherwise known as the "Inter-country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or bondage;
- C. When the crime is committed by a syndicate or in a large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;
- D. When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;
- E. When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;
- F. When the offender is a member of the military or law enforcement agencies;
- G. When the offender is a member of the military or law enforcement agencies; and
- H. When by reason or on occasion of the act of trafficking in persons the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

10. 2. ATTEMPTED CHILD TRAFFICKING. "In cases where the victim is a child, any of the following acts shall be deemed as attempted trafficking in persons:

- A) Facilitating the travel of a child who travels alone to a foreign country or territory without valid reason therefor and without the required clearance or permit from the Department of Social Welfare and Development or a written permit or justification from the child's parent or legal guardian;

B) Executing, for a consideration, an affidavit of consent or a written consent for adoption;

C) Recruiting a woman to bear a child for the purpose of selling the child; and

D) Simulating a birth for the purpose of selling the child; and

Soliciting a child and acquiring the custody thereof through any means from among hospitals, clinics, nurseries, day care center, refugee or evacuation

Section 11. CHILD PORNOGRAPHY. Any representation, or involved in real or whether visual, audio or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of child engaged or involved in real or simulated explicit sexual activities.

Explicit Sexual Activity includes actual or simulated-

1. Sexual intercourse or lascivious acts including, but not limited to, contact involving genital to genital, or oral to genital, anal to genital, or oral to anal, whether between persons of the same or opposite sex;

2. Bestiality;

3. Masturbation;

4. Sadistic or macochistic abuse;

5. Lascivious exhibition of the genitals, buttocks, breasts, pubic area and/or anus; or

6. Use of any object or instrument for lascivious acts

Section 12. UNLAWFUL OR PROHIBITED ACTS. It shall be unlawful for any person:

A. To hire, employ, use, persuade, induce or coerce a child to perform in the creation of a production of any form of child pornography;

B. To produce, direct, manufacture, or create any form of child pornography;

C. To publish, offer, transmit, sell, distribute, broadcast, advertise, promote, export, or import any form of child pornography;

D. To possess any form of child pornography with the intent to sell, distribute, publish, or broadcast; Provided that possession of three (3) or more articles of child pornography of the same form shall be *prima facie* evidence of the intent to sell, distribute, publish or broadcast;

E. To knowingly, wilfully and intentionally provide a venue for the commission or prohibited acts as, but not limited to, dens, private rooms, cubicles, cinemas, houses or in establishments purporting to be a legitimate business.

F. For film distributors, theatres and telecommunication companies, by themselves, or in cooperation with their entities, to distribute any form of child pornography;

G. For a parent, legal guardian or person having custody or control of child to knowingly permit the child to engage, participate or assist in any form of child pornography;

H. To engage in the luring or grooming of a child;

I. To engage in pandering of any form of child pornography;

J. To willfully access any form of child pornography;

K. To conspire to commit any of the prohibited acts stated in this Section. Conspiracy to commit any form of child pornography shall be committed when two (2) or more persons come to an agreement concerning the commission of any of the prohibited acts and decided to commit it; and

L. To possess any form of child pornography.

12.1. Who may File a Conflict- complaints on cases of any form of child pornography and other offenses punishable under this Code may be filed by the following:

A. Offended party;

B. Parents or guardian;

C. Ascendants or collateral relative within the third degree of consanguinity;

D. Officer, social worker or representative of a licensed child caring institution;

E. Officer or social worker of the Department of Social Welfare and Development (DSWD)

F. Local social welfare development officer;

G. Barangay chairman;

H. Any law enforcement officer

I. At least three (3) concerned responsible citizens residing in the place where the violation occurred; or

J. Any person who has personal knowledge of the circumstances of the commission of any offense against this Act.

Section 13. Duties of an Internet Service Provider (ISP). All internet service providers (ISPs) shall notify the Philippine National Police (PNP) or the National Bureau of Investigation (NBI) within seven (7) days from obtaining facts and circumstances that any form of child pornography is being committed using its server or facility. Nothing in this section may be construed to require an ISP to engage in the monitoring of any user, subscriber, or customer, or the content of any communication of any such person: Provided that the ISP shall be held civilly liable for damages on account of any notice given in good faith in compliance with this section.

Furthermore, an ISP shall preserve such evidence for purpose of investigation and prosecution by relevant authorities.

An ISP shall, upon the request of proper authorities, furnish the particulars of users who gained or attempted to gain access to an internet address which contains any form of child pornography.

All ISPs shall install available technology, program or software, to ensure that access to or transmittal of any form of child pornography will be blocked or filtered.

An ISP who unknowingly, wilfully and intentionally violate this provision shall be subject to the penalty provided under Section 15 (k) of RA 9775.

Section. 14. Responsibility of Mall Owners/Operators and Owners or Lessors or other Business Establishments. All mall owners/operators and owners or lessors of the other business establishments shall notify the PNP or the NBI within seven (7) days from obtaining facts and circumstances that child pornography is being committed in their premises is a conclusive presumption of the knowledge of the mall owners/operators and owners or lessors of other business establishments of the violation should know or reasonably know that a violation of RA 9755 is being committed in their premises.

Photo developers, information technology professionals, credit card companies and banks and any person who has direct knowledge of any form of child pornography activities shall have the duty to report any suspected child pornography materials or transactions to the proper authorities within seven (7) days from discovery thereof.

Section 15. Duties of an Internet Content Host. An internet content host shall:

- A. Not host any form of child pornography on its internet address;
- B. Within seven (7) days, report the presence of any form of child pornography, as well as the particulars of the person maintaining, hosting, distributing or in any manner contributing to such internet address, to the proper authorities; and
- C. Preserve such evidence for purposes of investigation and prosecution by relevant authorities.

An internet content host shall, upon the request of proper authorities, furnish the particulars of users who gained or attempted to gain access to an internet address that contains any form of child pornography.

An internet content host who shall knowingly, wilfully and intentionally violate this provision shall be subject to the penalty provided under Section 15 (j) of Republic Act No. 9797: Provided, that the failure of the internet content host to remove any form of child pornography is hitting its server shall be conclusive evidence of wilful and intentional violation thereof.

Section 16. Authority to Regulate Internet Cafe or Kiosk. The local government unit (LGU) of the city or municipality where an internet cafe or kiosk is located shall have the authority to monitor and regulate the establishment and operation of the same or similar establishments in order to prevent the violation of the provisions of this Act:

- A. The judge, prosecutor or any officer of the law to whom the complaint has been referred to may, whenever necessary to ensure a fair and impartial

proceeding and after considering all circumstances for the best of the child conduct a closed-door investigation, prosecution or trial.

B. The name and personal circumstances of the child, including the child's immediate family, or any other information tending to establish his/her identity shall not be disclosed to the public;

C. Any record regarding a child shall be confidential and kept under the seal. Except upon written request and order of the court, a record shall be released only to the following:

1. Members of the court staff for administrative use;
2. The prosecuting attorney;
3. Defense counsel;
4. The guardian *ad litem*;
5. Agents of investigating law enforcement agencies, and
6. Other persons determined by the Court.

Section 17. ANTI-BULLYING IN SCHOOLS. All Elementary and Secondary Schools to Adopt Policies to Prevent and Address the Acts of Bullying in their Institutions.

17. 1. Acts of Bullying shall refer to any severe or repeated use by one or more students or a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property; creating a hostile environment at school for the other student; infringing on the right of another student at school or materially and substantially disrupting the education process or the orderly operation of a school, such as but not limited to the following:

A. Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons;

B. Any act that causes damage to a victim's psyche and/or emotional well-being;

C. Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes, and body; and

D. Cyber-bullying or any bullying done through the use of technology or any electronics means.

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

A. Prohibit the following acts:

1. Bullying on school grounds, property immediately adjacent to school grounds; at school-sponsored or school-related activities, functions or programs whether on or off school grounds; at school bus stops, on school buses or other vehicles owned, leased or used by a school; or through the use of technology or an electronic device that is not owned, leased or used by a school;

2. Bullying at a location, activity, function or program that is not school-related and through the use of technology or an electronic device that is not owned, leased or used by a school if the act or acts in question create a hostile environment at school for the victim, infringe on the rights of the victim at school, or materially and substantially disrupt the education process or the orderly operation of a school; and

3. Retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying;

B. Identify the range of disciplinary administrative sanctions that may be taken against a perpetrator for bullying or retaliation which shall be commensurate with the nature and gravity of the offense; provided that, in addition to the disciplinary sanctions imposed upon a perpetrator of bullying or retaliation, he/she shall also be required to undergo a rehabilitation program which shall be administered by the institution concerned. The parents of the said perpetrator shall be encouraged by the said institution to join the rehabilitation program;

C. Establish clear procedures and strategies for:

1. Reporting acts of bullying or retaliation;

2. Responding promptly to and investigating reports of bullying or retaliation;

3. Restoring a sense of safety for a victim and assessing the student's need for protection;

4. Protecting from bullying or retaliation of a person who reports acts of bullying, provides information during an investigation of bullying, or is witness to or has reliable information about an act of bullying; and

5. Providing counseling or referral to appropriate services for perpetrators, victims and appropriate family members of said students;

D. Establish students to anonymously report bullying or retaliation: Provided, however, that no disciplinary administrative action shall be taken against a perpetrator solely on the basis of an anonymous report;

E. Subject a student who knowingly makes a false accusation of bullying to disciplinary administrative action;

F. Educate students on the dynamics of bullying, the anti-bullying policies of the school as well as the mechanisms of such school for the anonymous reporting of acts of bullying or retaliation;

G. Educate parents and guardians about the dynamics of bullying, the anti-bullying policies of the school and how parents and guardians can provide support and such policies at home; and

H. Maintain a public record of relevant information and statistics on acts of bullying or retaliation in school; provided that the names of students who committed acts of bullying or retaliation

Section 18. CHILD PROSTITUTION AND OTHER SEXUAL ABUSE

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

The penalty as prescribed in Section 5 of Republic Act No. 7610 otherwise known as Special Protection of Children against Child Abuse shall be imposed upon the following:

- a. Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to the following:
 1. Acting as a procurer of a child prostitute by means of written or oral advertisement or other similar means;
 2. Including a person to be client of a child prostitute by means of written or oral advertisement or other similar means;
 3. Entering into relations with or taking advantage of a child as prostitute;
 4. Threatening or using violence towards a child to engage him/her as a prostitute or participating in indecent shows;
 5. Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.
- b. Those other persons who commit the acts as stated in the Article III of Republic Act No. 7610 and shall be penalized accordingly as prescribed in the same.

Section 19. OBSCENE PUBLICATIONS AND INDECENT SHOWS

Any person who shall hire, employ, use, persuade or coerce a child to perform obscene exhibitions and indecent shows, whether live in or in video, pose or model in publications or pornographic materials shall suffer the penalty as prescribed under R.A 7610.

Article V PROMOTION OF CHILDREN'S RIGHTS

Section 1. PROMOTION OF THE CHILDREN'S CODE AND RELEVANT LAWS

The municipality shall pursue effective dissemination of information and promote understanding of this code and relevant laws in all schools, offices, churches, and other relevant public spaces, information, education and communication materials shall be produced in English and Filipino/Bicolano and distributed to all barangays and local communities.

Section 2. PROMOTING AWARENESS OF CHILDREN'S RIGHTS AMONG CHILDREN.

The Convention on the Rights of the Child as well as other information on the rights shall integrated in the curriculum of all public and private schools in the elementary and high school levels. The same shall be done in other youth training activities as may be appropriate.

Article VI
IMPLEMENTING MECHANISM

Section 1. CREATION OF THE SPECIAL OFFICE FOR CHILDREN’S WELFARE

The Special Office for Children’s Welfare shall be created to oversee the implementation of this ordinance, which shall be a special unit under the Municipal Social Welfare and Development Office. A staff from the MSWDO shall be assigned to head this office. It shall be the special coordinating and implementing arm of the Local Government Unit of Gubat to focus on children’s specific programs and projects. In addition, it shall file complaints on cases of Local Government Unit of Gubat shall provide/establish temporary shelter for the abused and/or neglected children.

1.1 Components of the Municipal Special Office for Children’s Welfare

The Special Office shall have the following components to orchestrate its various program and projects consistent with the provisions of this Ordinance, national issuances and international covenants:

- a. Reception and Study Center
- b. Day Care Program
- c. Health and Nutrition Program
- d. Responsible and Family Planning Program
- e. Early Childhood Care and Development Program
- f. Children and Youth Counseling and Organizing Program
- g. Legal Assistance Program
- h. Sports and Recreation Program

Section 2. CREATION OF THE MUNICIPAL COUNCIL FOR THE Protection of Children (MCPC)

There shall be a created Municipal Council for the Protection of Children to be composed of the following:

- | | |
|--------------|--|
| Chairman: | Municipal Mayor |
| Co-Chairman: | Municipal Vice Mayor |
| Members: | Municipal Health Officer |
| | Municipal Social Welfare and Development Officer |
| | MNAO |
| | Municipal Budget Officer |
| | Municipal Treasurer |
| | MAO |
| | MPDO |
| | MLGOO |
| | ABC President |
| | Chief MPS |
| | Municipal President of PTCA |
| | DepEd District Supervisor |

Principals of Elementary Schools
 Principals of High Schools
 SB Member, Chairman Committee on Women and Children
 PNP Women and Children Desk Officer
 NGO/POs/Women's Organization
 PTA Federation Officer

2.1. The Role of the Municipal Council for the Protection of Children (MCPC).

The Municipal Council for the Protection of Children (MCPC) shall become the consultative assembly of the Special Office for Children's Welfare for its periodic planning and programming, assessment and evaluation. It shall assist the Special Office for Children's Welfare in the preparation of Municipal Plan of Action for Children, advocate for increased support and resources allocation for children, and ensure that the plans for children's welfare are incorporated in the Municipal Investment Plan.

Section 3. ESTABLISHMENT OF BAHAY PAG-ASA

There shall be established a Bahay Pag-asa which is a 24 hour child caring institution established, funded and managed by local government units (LGUs) and licensed and/or accredited non-government organizations (NGOs) providing short term residential care for children in conflict with the law who are above fifteen (15) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

3. 1. The Role of the Bahay Pag-asa.

The Bahay Pag-asa shall be an intensive juvenile intervention and intervention center. This will cater to children in conflict with the law in accordance with Sections 20, 20A and 20-8 of RA 10630.

3.2. Composition of the Bahay Pag-asa. It shall be a multidisciplinary team composed of a social worker, a psychologist/mental health professional, a medical doctor, an educational/guidance counselor and a Barangay Council for the Protection of Children (BCPC) member shall operate the "Bahay Pag-Asa.

Section 5. APPLICABLE NATIONAL LAWS AND MUNICIPAL ORDINANCES AFFECTING CHILDREN

The following are applicable national laws affecting children:

- a. *Republic Act No. 9208 as amended by Republic Act No. 10364* - An act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations, and for other. This Act shall be known as the "Anti-Trafficking in Persons Act of 2003".
- b. *Republic Act No. 9262* - An act defining violence against women and their children, providing for protective measures for victims, prescribing penalties

therefore, and for other purposes. This Act shall be known as the "*Anti-Violence Against Women and Their Children Act of 2004*".

- c. **Republic Act No. 7610** – An act providing for stronger deterrence and special protection against child abuse, exploitation and discrimination, and for other purposes. This Act shall be known as the "*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*".
- d. **Republic Act No. 9797** – An act defining the crime of child pornography, prescribing penalties therefore and for other purposes. This Act shall be known as the "*Anti-Child Pornography Act of 2009*".
- e. **Republic Act No. 9344** – An act establishing a comprehensive juvenile justice and welfare system, creating the juvenile justice and welfare council under the department of justice, appropriating funds therefore and for other purposes. This Act shall be known as the "*Juvenile Justice and Welfare Act of 2006*." It shall cover the different stages involving children at risk and children in conflict with the law from prevention to rehabilitation and reintegration.
- f. **Republic Act No. 7877** – An act declaring sexual harassment unlawful in the employment, education or training environment, and for other purposes. This Act shall be known as the "*Anti-Sexual Harassment Act of 1995*."
- g. **Republic Act No. 8369** – An act establishing family courts, granting them exclusive original jurisdiction over child and family cases amending Batas Pambansa Bilang 129, as amended, otherwise known as act of 1980, appropriating funds therefore and for other purposes. This Act shall be known as the "*Family Courts Act of 1997*."
- h. **Republic Act No. 10666** – "*An Act Providing for the Safety of Children aboard Motorcycles*."
- i. **Republic Act No. 8980** – An act promulgating a comprehensive policy and a national system for Early Childhood Care and Development (ECCD) providing funds therefore and other purposes.

The following municipal ordinances were also enacted by the Sangguniang Bayan for the protection of children:

- a. **Municipal Ordinance No. 2007 - 004 (Chapter VI, Article E)** Imposing curfew hours on all minors below Eighteen (18) years of age in the Municipality of Gubat from 9:00 PM to 4:00 AM of the following day and providing penalties thereof.
- b. **Municipal Ordinance No. 2007 - 004 (Chapter IV, Article F)** Elementary and Secondary school students are prohibited from entering movie houses and other similar establishment during school days and hours providing penalties for violations thereof.
- c. **Municipal Ordinance No. 2007 - 004 (Chapter VI, Article N)** Prohibiting storeowners restaurant, carenderia, videoke or beer garden to sell or serve alcoholic and other intoxicating liquors to minors and providing penalties for violation hereof.

d. Municipal Ordinance No. 2007 - 002 - (Chapter V, Article L) Anti-trafficking in Persons Ordinance

**Article VII
PENAL PROVISIONS**

Section 1. PENAL PROVISIONS AND/OR LIABILITY OF PARENTS/GUARDIANS

1.1 On sale of tobacco and alcoholic beverages. Any person or any business entity or establishment selling, distributing or supplying cigarettes or other tobacco products and alcoholic beverages to children or minors shall be meted with the following:

1 st Offense	-	Php 500.00
2 nd Offense	-	Php 800.00
3 rd and subsequent Offense	-	Php1,000.00

1.2 Children caught smoking or drinking alcoholic beverages. When a child is caught smoking cigarettes and/or drinking alcoholic beverages, the parents or legal guardians of minor shall be meted with the following penalties:

1 st Offense	-	reprimand of the parent/guardian by the Punong Barangay
2 nd Offense	-	P500.00 and counseling with the MSWDO
3 rd and subsequent offense	-	P 2000.00

Fifty percent (50%) of the proceeds from Section 37.1 and 37.2 shall accrue to the barangay, while 50% shall accrue to the Municipal Treasury. The Punong Barangays and the barangay tanods shall have the responsibility of apprehending violators of the ordinance within their respective jurisdiction.

1.3 Children on motorcycles. Any person who operates or drives a motorcycle in violation of Section 26 of this ordinance shall be fined accordingly:

1 st offense	-	P500.00
2 nd offense	-	P1000.00
3 rd and subsequent offenses	-	P2, 000.00

1.4 On child prostitution. Any establishments, enterprises or any persons which promote or facilitate child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts of child abuse shall be immediately closed and their permit and license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under R.A 7610.

A sign with words, "Child Rights Violator" shall be conspicuously display outside the establishments or enterprises by the Special Office for Children's Welfare for such period as the MCPC shall determine.

1.5 Other violations of the provisions of this ordinance shall be punished as follows:

1 st offense	-	admonition by the MSWDO and a fine of P500.00
2 nd offense	-	counseling by the MSWDO and with a notice of the imposition or criminal liability for subsequent apprehension and a fine of P1,000.00

3rd and subsequent offenses - the filing of criminal, civil and administrative cases applicable

Article VII ADMINISTRATIVE PROVISIONS

Section 1. APPROPRIATION OF FUNDS. To ensure the sustainable enforcement of this ordinance and all children related programs, projects and activities, the municipality shall annually appropriate sufficient funds under the Children's Welfare Fund of the Municipal Social Welfare and Development (MSWD) Office.

Article VIII FINAL PROVISIONS

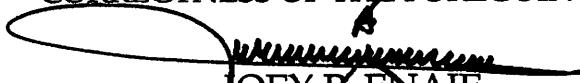
Section 1. AMENDATORY PROVISIONS. All ordinances, resolutions, executive orders and other issuances which are in conflict with the provisions of this ordinance are hereby repealed, amended and/or modified accordingly.

Section 2. REPEALING CLAUSE. If any provision or parts hereof be declared unconstitutional and/or null and void by competent authority, remaining provisions or portions thereof not affected thereby shall remain valid and effective.

Section 3. EFFECTIVITY. This ordinance shall take effect immediately after its publication for at least Three (3) times in a newspaper of general circulation in the Province of Sorsogon.

UNANIMOUSLY ENACTED AND APPROVED.

I HEREBY CERTIFY TO THE
CORRECTNESS OF THE FOREGOING:


JOEY P. ENAJE
Secretary to the Sangguniang Bayan

Attested by:


HONORABLE SIXTO F. ESTAREJA
Municipal Vice Mayor, Presiding Officer

Approved By:


HONORABLE SHARON ROSE G. ESCOTO
Municipal Mayor