ORDINANCE NO.16-172

AN ORDINANCE ENACTING THE MUNITNILA CITY WELFARE CODE FOR CHILDREN.

               Hon. Coun. Bal Nieves
               Hon. Coun. Stephanie G. Teves
               Hon. Coun. Louisito A. Arcaiga
               Hon. Coun. Ringo A. Teves
               Hon. Coun. Alexander B. Diaz
               Hon. Coun. Ma. Dhesiree G. Arzvalo
               Hon. Coun. Luvi P. Constantino
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               Hon. Coun. Rafael T. Sevilla
               Hon. Coun. Vergel C. Uianday
               Hon. Coun. Robert A. Abas
               Hon. Coun. Robert P. Baes

WHEREAS, on 9th day of June, 2014, the 7th Sangguniang Panlungsod approved Ordinance No. 14-056, “otherwise known as ordinance providing for a comprehensive children and family support system in Muntinlupa City, and for other purposes”;

WHEREAS, on March 21, 2016 the City Mayor Hon. Atty. Jaime R. Fresnedi, endorsed to the City Council the proposed Muntinlupa City Welfare Code for Children;

WHEREAS, the abovementioned ordinances although complementing each other, are basically distinct and separate as Ordinance No. 14-056 deals with the support of the family in general, and Ordinance No. 16-172 amplified the basic rights of children as a distinct personality in the community;

NOW THEREFORE, ORDAIN, AS IT IS HEREBY ORDAINED, by the 7th Sangguniang Panlungsod ng Muntinlupa, in a Session Assembled that:

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. Title – This Ordinance shall be known as the “Muntinlupa City Welfare Code for Children.”

SECTION 2. Declaration of Policy and Principles – It is hereby declared that the policy of Muntinlupa City to develop a community that is safe, peaceful, progressive, sustainable and anchored on respect for the rights of all its citizens, foremost among which are children.
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The City of Muntinlupa recognizes the inherent rights of the child as enshrined in the 1987 Philippine Constitution, other existing laws and international instruments. It is committed to adhere to the following core principles in all its endeavors for the survival, development, protection and participation of children in the city:

a. Non-Discrimination – Government shall ensure that all children are able to enjoy their rights irrespective of their or their parent's or legal guardian's race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability, birth or other status.

b. Best Interests of the Child – All decisions and actions of governments through their courts of law, administrative authorities, legislative bodies and both public and private social organizations must be done with the best interests of child as paramount consideration.

c. Right to Life, Survival and Development – Every child has the inherent right to life, survival and development that includes the physical, mental, emotional, social and cultural aspects of the child's well-being.

d. Respect for the Views of the Child – Children have the right to be heard and participate on all matters that affect them. The child's views shall be given due weight in accordance with age and maturity.

SECTION 3. Legal Bases – This Code is based and anchored on the laws and international instruments referred to in Annex A hereof.

SECTION 4. Definition of Terms – As used in this Code, the following terms shall mean:

a. Abandoned child - refers to a child who has no proper parental care or guardianship, or whose parents have deserted him/her for a period of at least three (3) continuous months, which includes a foundling.

b. 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.
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c. **Children** - as defined under Republic Act No. 7610, as Amended, refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;

d. **Child abuse** - as defined in the same law, refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;

3. Unreasonable deprivation of his basic needs for survival, such as food and shelter; or

4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.

e. **Child at risk** - refers to a child who is vulnerable to, and at risk of, committing criminal offenses because of personal, family and social circumstances, such as but not limited to, the following:

1. Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or the guardian refuse, are unwilling, or unable to provide protection for the child;

2. Being exploited including sexually or economically;

3. Being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;

4. Coming from a dysfunctional or broken family;

5. Being out of school;

6. Being a member of a gang;

7. Living in a community with a high level of criminality or drug abuse; and

f. Child labor - refers to any work or economic activity performed by a child that subjects the child to any form of exploitation or is harmful to the child's health and safety or physical, mental or psychosocial development.

g. Child trafficking – refers to the recruitment, transportation, transfer or harboring, or receipt of children with or without their consent, within or across national borders for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of children or other forms of sexual exploitation, forced labor or services, slavery, servitude, removal or sale of organs, and engagement in armed activities.

h. Children in conflict with the law (CICL) – children who are alleged as, accused of, or adjudicated as, having committed an offense under Philippine laws.

i. Children with disabilities – refers to children who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others.

j. 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 an armed conflict or being affected by an armed conflict-related activities;

(2) Working under conditions hazardous to life, safety and normal which unduly interfere with their normal development;

(3) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life;

(4) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;

(5) Being a victim of a man-made or natural disaster or calamity; or
(6) Circumstances analogous to those abovedstated which endanger the life, safety or normal development of children.

k. Comprehensive program against child abuse, exploitation and discrimination refers to the coordinated program of services and facilities to protected children against:

(1) Child Prostitution and other sexual abuse;
(2) Child trafficking;
(3) Obscene publications and indecent shows;
(4) Other acts of abuses; and
(5) Circumstances which threaten or endanger the survival and normal development of children.

l. Court-appointed special advocates/guardians ad-litem – refers to a person appointed by the court to protect the best interests of the child where a case is pending involving a child who is a victim of, accused of, or a witness to a crime, or a child who is a witness in non-criminal proceedings.

m. Early Childhood Care and Development (ECCD) System – refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from zero (0) to age four (4), to promote their optimum growth and development. These programs include:

(1) Center-based programs, such as the day care service established under Republic Act No. 6972, public and private pre-schools, kindergarten or school-based programs, community or church-based early childhood education programs initiated by non-government organizations or people’s organizations, workplace-related child care and education programs, child-minding centers, health centers and stations; and

(2) Home-based programs, such as the neighborhood-based play groups, family child care programs, parent education and home visiting programs.

n. Family and Community Support System – refers to the various formal and alternative means of providing parents with information, skills, and support systems to assist them in their roles as their children’s primary caregivers and educators.
c. **Gender equality** – refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of development, and with the State recognizing that all human beings are free and equal in dignity and rights.

p. **Inter-generational responsibility** – refers to the principle of holding the natural resources in trust for future generations such that every generation has a responsibility to the next to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful economy.

q. **Neglected child** - refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:

(1) There is physical neglect when the child is malnourished, ill-clad and without proper shelter. A child is unattended when left by himself or herself without proper provisions and/or without proper supervision.

(2) There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked, or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in moral danger or exposed to gambling, prostitution and other vices.

r. **Pornography** – refers to any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

s. **Pornographic games** – refers to those games that reveal audio, visual or other forms of pornography.

t. **Prostitution** – refers to 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 any other consideration.

u. **Sexual exploitation** – refers to participation by a child in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, and fraud or through abuse of the child’s vulnerability.
v. City Government — refers to the Local Government of Muntinlupa

SECTION 5. Rules of Construction — Any provision of this Code which may be ambiguous or vague shall be reasonably construed in a manner that gives effect to the purpose for which this Code or the specific provision has been enacted and in accordance with the best interests of the child.

SECTION 6. Rights of Children — All children shall be entitled to the rights herein set for their respective of their or their parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability, birth or other status.

(a) Survival and Development Rights — These are rights to the resources, skills and contributions necessary for the survival and full development of children. These rights require not only the existence of the means to fulfill the rights but also access to them. They also address the needs of child refugees, children with disabilities and children of minority or indigenous groups.

(1) The inherent right to life, and the State, as parens patriae, as well as the City, has an obligation to ensure the survival and development of every child;

(2) The right to have a name and nationality;

(3) The right to have their identities preserved by being registered upon birth;

(4) The right to live with, and be cared for by their parents and if the parents are separated, to stay in contact with both parents: Provided, That these will be to the best interests of the child;

(5) The right to family reunification. Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family;

(6) The right to parental care taking into consideration the best interests of the child;

(7) The right to the care, assistance, and protection particularly if their parents or guardians fail or are unable to provide them with their fundamental needs for growth, development and improvement;
(8) For the abandoned and neglected children, the right to a review of the appropriateness of services being extended by the government to determine if these are based on their best interests;

(9) The right to affordable and quality health care that shall be assured through the provision of, or access to, safe drinking water, nutritious food, a clean and safe environment and information to help them stay healthy;

(10) For underprivileged children, the right to be given the necessary assistance by the government directly or through their parents in order for them to live dignified lives;

(11) The right to a standard of living that is able to meet their physical and mental needs;

(12) The right to compulsory and quality kindergarten and basic education that shall develop their personality, skills, talents and abilities to the fullest;

(13) For minority and indigenous children, the right to learn about, and practice their own culture, language and religion;

(14) The right to a well-rounded development of their personality to the end that they may become happy, useful and active members of society. Gifted children shall be given opportunity and encouragement to develop their special talents. Emotionally disturbed or socially mal-adjusted children shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care. The physically or mentally challenged shall be given the treatment, education and care required by their particular condition so that they may enjoy a full and decent life and achieve the greatest degree of self-reliance and social integration possible.

(15) The right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life;

(16) The right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of their character;
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(17) The right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of their leisure hours;

(18) The right to live in a community and a society that can offer them an environment free from pernicious influences and conducive to the promotion of their health and the cultivation of their desirable traits and attributes;

(19) The right to an efficient and honest government that will deepen their faith in democracy and inspire them with the morality of the constituted authorities both in their public and private lives; and

(20) The right to grow up as free individuals in an atmosphere of peace, understanding, tolerance, and universal unity, and with the determination to contribute their share in the building of a better world.

(b) Protection Rights – These rights include:

(1) The right to privacy to protect them from attacks against their way of life, their good name, their families and their homes;

(2) The right to be protected from all forms of abuse, mental or physical violence, neglect, exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to their physical, mental, emotional, social and moral development;

(3) The right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, nor to unlawful attacks to their honor and reputation;

(4) The right to be protected from work that threatens their health, education and development, especially from the worst forms of child labor;

(5) The right to be protected from the use of harmful drugs and from being used in the drug trade;

(6) For children in conflict with the law, the right to treatment which promotes their sense of dignity and worth, takes the children’s age into account and aims their reintegration into society;
(7) For refugee children, the right to special protection prescribed under existing laws and international instruments; and

(8) The right to be protected in times of war and situations of armed conflict.

(c) **Participation Rights** – Children are entitled to the freedom to express opinions and to have a say in matters affecting their social, economic, religious, cultural and political life. Participation rights include:

(1) The right to express their views and opinions on all matters that affect them and that their opinion should be given due weight considering their age and maturity;

(2) Freedom of expression, except if it will violate or jeopardize the rights or reputation of others or for the protection of national security, public order, public health or morals;

(3) Freedom of thought, conscience and religion, subject to proper guidance by their parents or legal guardian;

(4) The right to have access to, and share, information; and

(5) The right to meet with others and to join or form associations;

**SECTION 7. Responsibilities of Children** - All children, regardless of the circumstances of their birth, sex, religion, social status, political antecedents and other factors shall:

(a) Strive to lead upright and virtuous lives in accordance with the tenets of their religion, the teachings of their elders and mentors, and the biddings of a clean conscience;

(b) Love, respect and obey their parents, and cooperate with them in the strengthening of the family;

(c) Extend help, love and thoughtfulness to their brothers and sisters;

(d) Exert their utmost to develop their potentials for service, particularly by undergoing a formal education suited to their abilities, in order that they may become assets to themselves, their families and society;

(e) Respect not only their elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country, and the principles and institutions of democracy;
(f) Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind that they will eventually be called upon to discharge the responsibility of leadership in shaping the nation’s future; and

(g) Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and prosperity, and the furtherance of world peace.

ARTICLE II
SURVIVAL AND DEVELOPMENT OF CHILDREN

SECTION 8. Birth Registration – The City Government shall establish a system to ensure the one hundred percent (100%) registration of births in the City of Muntinlupa to guaranty the right of the child to identity.

SECTION 9. Care and Development of Children – The care and development of children shall be a primordial concern of the City of Muntinlupa. The City Government shall establish a system for the care and development of all children that shall have programs on health, nutrition, early education and social services to promote their optimum growth and development. These programs include:

(a) Center-based programs, such as child development centers, public and private pre-schools, kindergarten or school-based programs, elementary and high schools, community or church-based education programs initiated by non-government organizations or people’s organizations, workplace-related child care and education programs, child-minding centers, health centers and stations; and

(b) Home-based programs, such as the neighborhood-based play groups, family day care programs, parent education and home visiting programs.

SECTION 10. Health Care Program for Children – The City Government shall formulate and implement a primary health care and nutrition program for children with the following objectives:

(a) To combat disease and malnutrition within the framework of primary health care which includes, among others, the application of readily available technology and through the provision of adequate nutritious food and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
(b) To establish a comprehensive parents orientation development program which includes gender-responsive courses on reproductive health, child health and child-rearing practices in the context of Filipino psychology;

(c) To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of violators of said Act;

(d) To conduct massive information and education on breastfeeding; and

(e) To complete the immunization of children against diseases for which vaccines have been developed; and

(f) To implement the pertinent provisions of the ECCD Law on children's health and nutrition.

SECTION 11. Integrated Health Service for Children with Disabilities – An integrated health service for children with disabilities shall, as far as practicable, be established by the City Government which shall include, but not be limited to:

(a) Prevention of disability through immunization, nutrition, environmental protection and preservation, and genetic counseling;

(b) Early detection of disability and timely intervention to arrest disabling condition; and

(c) Medical / Developmental treatment and rehabilitation.

SECTION 12. Child-friendly Hospitals – The City Government shall ensure that all hospitals in the city have child-friendly policies, services and facilities such, as but not limited to, rooming-in facilities and pediatric mechanisms, equipment, tools and gadgets.

SECTION 13. Nutrition Program – The City Government shall promote good nutrition for all children and towards this end, shall establish and implement the following:

(a) Community-based and school feeding program for children;

(b) Nutrition education program for parents which shall include the promotion of the use of iodized salt in every household;

(c) Breastfeeding program for nursing mothers to ensure that infants are exclusively breastfed up to six (6) months;
(d) Provision of adequate nutritious food and access to clean drinking water for all children; and

(e) Regulation of food in public and private elementary and high schools to ensure that only nutritious food and beverage are sold to children in these schools.

SECTION 14. Access to Quality Basic Education – The City Government recognizes the right of every child to education and shall endeavor to exert all efforts to fulfill this right by ensuring that children in the city have access to quality public basic education.

SECTION 15. Tutorial Program - The City Government shall develop and institutionalize a Tutorial Program for children in public elementary and high schools. Said program shall be devised based on the general need of some children for additional instructions in order for them to cope and have a better grasp and understanding of what is being taught in school.

SECTION 16. Educational Assistance Program – The City Government shall establish or strengthen existing programs that provide educational assistance to children in public kindergarten, elementary and high schools. This may include, but not limited to, scholarship grants, loans, subsidies and work for education programs.

SECTION 17. Public Libraries – The Muntinlupa City Public Library shall develop a section for children that shall have child-appropriate facilities, information and materials from a diversity of national and international sources, especially those aimed at promoting and developing the social, spiritual and moral well-being as well as the physical and mental health of children. All barangays shall likewise have a library for children.

SECTION 18. Safety of Children in Schools – All private and public schools in the city shall develop their respective disaster risk reduction and management plans. The City Disaster Risk Reduction and Management Office shall coordinate with the officials of these schools in order to capacitate them in this respect.

The City Government shall ensure that food being sold to students in schools and within a one hundred (100)-meter radius from these schools are safe for consumption. It shall also ensure that cigarettes, alcohol and other banned substances are not sold to children. Coordination and consultations with school authorities and periodic inspections in coordination with said school officials and the Philippine National Police, shall be conducted in this respect by the relevant departments of the City Government.
School buildings shall also be regularly inspected by the City Engineer’s office to ensure their structural integrity and that they are not constructed in a fault or other dangerous areas as well as to ensure their compliance to relevant laws on the construction of such structures.

SECTION 19. Safety and Access to Transportation, Schools, Malls, Recreational Facilities and Other Similar Structures of Children with Disabilities – The special needs of children with disabilities on safety in, and access to, transportation, schools, malls, recreational facilities and such other similar structures shall be given prime importance by the City Government. The City Engineer’s Office and other concerned departments of the City Government shall conduct periodic inspections and assessments on the transportation system and structures in the city in order to ensure the attainment of this objective.

SECTION 20. Clean and Healthy Environment – The City Government shall ensure the implementation of the law banning smoking in public places and conveyances and other laws intended to promote and protect the health of the citizenry. It shall also ensure the judicious disposition, utilization, management, renewal and conservation of the natural resources of the city for the full enjoyment of children and the generations yet unborn consistent with the principle of inter-generational responsibility and the precautionary principle, especially in dealing with toxic chemicals. Towards this end, it shall:

(a) Create an urban garden in every barangay and public school in the city;

(b) Regulate the use of non-biodegradable materials in schools and business establishments; and

(c) Prohibit the purchase, use and improper disposition or storage of mercury, lead and other toxic substances in all private and public elementary and high schools.

SECTION 21. Leisure, Play and Culture – The City Government shall provide appropriate and equal opportunities for cultural, artistic, recreational and leisure activities of children. In pursuit thereof, it shall endeavor to:

(a) Invest in the production of local literature or other relevant materials for children;

(b) Ensure that every barangay has a playground, park or other recreational facility for children; and

(c) Recognize children who are gifted in sports or the performing arts and provide access to resources for the further development of their talents.
SECTION 22. Consideration of Needs of Children in Local Plans – The City Government shall consider the special needs of children in the formulation, planning and implementation of local plans such as but not limited to the Local Disaster Risk Reduction and Management Plan and Local Climate Change Action Plan.

ARTICLE III
PROTECTION OF CHILDREN

SECTION 23. Integrated Quick Response System to Child Abuse, Trafficking and Exploitation - The City Government shall establish an integrated quick response system that will provide a mechanism for immediate, appropriate and holistic response to cases involving child abuse, sexual exploitation, child trafficking, child pornography, child prostitution and child labor. The system shall be child-friendly and have gender-sensitive procedures that prevent revictimization. It shall also include protocols in providing immediate response to child abuse, trafficking and exploitation cases and systems for the documentation and monitoring the status of actions taken on cases of child abuse, sexual exploitation, child trafficking, child pornography, child prostitution and child labor.

SECTION 24. Muntinlupa City Child Protection Network – A Muntinlupa City Child Protection Network (MCCP Network) shall be established by the City Government in order to synergize efforts of all concerned sectors and stakeholders in the protection of children in the city. It shall be a multi-sectoral group consisting of key government agencies, civil society organizations, faith-based groups, non-government organizations, schools and other stakeholders. An accreditation system shall be formulated for organizations other than government agencies.

SECTION 25. Children’s Desk - The City Government shall coordinate with the Philippine National Police to ensure that all police stations in the city have children's protection desks manned twenty-four (24) hours a day and seven (7) days a week with child and youth relations officers who are trained to handle cases involving children.

SECTION 26. Social Welfare Officer for Children – The City Government shall, as far as practicable, ensure that each barangay shall have at least one (1) social welfare officer for children.

SECTION 27. Legal Protection of Children – The City Government shall coordinate and cooperate with the local courts in creating and maintaining an environment that will allow children to give reliable and competent evidence, minimize trauma to children, encourage them to testify in legal proceedings and facilitate the dispensation of justice to victims of child abuse, sexual exploitation, child trafficking, child pornography, child prostitution and child labor. In pursuit thereof, it shall endeavor to:
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(a) Train all members of the Katarungang Pambarangay on children's rights and child protection to ensure a child-sensitive barangay justice-system;

(b) Support the establishment of child-friendly courtroom facilities in all family courts in the city;

(c) Establish a program for training and utilizing court-appointed special administrators/guardians ad litem to uphold and protect the best interests of the child in cases where the child is a witness, victim or accused in a criminal case, as well as a witness in non-criminal proceedings; and

(d) Provide access to free interpretation services for speech and/or hearing-impaired children who are witnesses, victims, or accused in a criminal case or witnesses in non-criminal proceedings. Such services shall be extended to the child whenever said child is present at any stage of the proceedings, regardless of whether the child is on the witness stand or not.

SECTION 28. Child Protection Unit (CPU) - The Ospital ng Muntinlupa shall establish a child-friendly unit using a multi-disciplinary approach and networking in providing comprehensive medical and psycho-social services to abused children and their families to prevent further abuse and to initiate the process of healing. It shall provide training for its medical and other key professionals in the recognition and management of abused children.

SECTION 29. Child Protection Policy – All government offices in the city shall be encouraged to formulate a child protection policy that sets standards of conduct and behavior for all its officials and employees to ensure that the rights of children are promoted and protected. The City Government shall coordinate with the Department of Education Division Office in Muntinlupa to ensure that the Child Protection Policy issued by the Department of Education is implemented in all public elementary and high schools in the city.

SECTION 30. Street Children – Rescue operations undertaken by the City Government to take street children away from the streets shall be conducted in accordance with pertinent laws on the protection of children and in a manner that takes into consideration their rights and dignity. Such rescue operations shall be governed by the primary objective of helping street children change through transformation, reformation and rehabilitation processes that will equip them with the proper values, skills, training or education in order to become productive and responsible citizens in the future. Every effort shall be exerted by the City Government to reconcile street children who are separated from their families unless this shall not be to the best interests of the children concerned.
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Barangay officials, shall, henceforth, be mandated to monitor street children in their respective barangays and as far as practicable, maintain a record of the number, sex, and estimated ages of the street children. This record shall be updated on a quarterly basis.

SECTION 31. Involuntary Commitment of an Abandoned or Neglected Child – The Social Services Department shall, whenever appropriate, file a petition for involuntary commitment of an abandoned or neglected child in accordance with the provisions of Presidential Decree No. 603 (PD 603).

SECTION 32. Legal Protection to Victims of Child Trafficking – Pursuant to Section 17 of Republic Act No. 9208, the City Government shall ensure, through proper coordination with concerned offices and agencies, that victims of child trafficking shall not be penalized for crimes directly related to the acts of trafficking as enumerated in said law or in obedience to the order made by the trafficker in relation thereto.

SECTION 33. Children in Emergency or Disaster Situations – The City Government shall, as far as practicable, ensure that children shall be given first priority in the delivery of services in emergency or disaster situations. All efforts shall be extended to ensure that children are not separated from their parents or families. In case of separation, the reunification of children with their parents or families shall be given utmost priority and immediate action. The City Government, the CDRRMO, shall also ensure that all evacuation centers in the city have child-friendly spaces.

SECTION 34. Children in Conflict with the Law (CICL) – Measures shall be adopted by the City Government to ensure that the rights of CICLs are upheld and protected at all levels in the local government in compliance with the provisions of Republic Act No. 9344 (RA 9344), as amended. It shall formulate a Comprehensive Juvenile Intervention Program that shall contain a detailed strategy of the City Government to realize the objectives of juvenile intervention and delinquency prevention from the barangay to the city level.

SECTION 35. Crimes or Offenses Committed with the Aid of Children – The City Government shall establish a system to ensure that all crimes or 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 the 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 offense was committed with the aid of the child to ensure that this situation 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 36. Separate Youth Homes for Boys and Girls - It shall be ensured by the City Government that boys and girls who are placed in the custody of youth homes shall be housed in separate facilities that provide the necessary services appropriate to their needs to promote their welfare and development.

SECTION 37. Cancellation of Business Permits /Licenses and Closure of Establishments Engaged in the Worst Forms of Child Labor – The Business Permit and Licensing Office (BPLO) shall initiate proceedings for the permanent cancellation and revocation of the business permit/license of establishments if they are found to have engaged children in prostitution or obscene or lewd shows or where the violation of any provision of Republic Act No. 7610, as amended, resulted in the death, insanity or serious physical injury of a child in such establishment. Coordination shall be done by the City Government with the Department of Labor and Employment for the immediate and permanent closure of such establishments, as provided by law.

SECTION 38. Regulation of Internet Cafes and Similar Establishments – The City Government shall monitor and regulate the establishment and operation of internet cafes and similar establishments located within its jurisdictions in order to prevent violations of the provisions of Republic Act No. 9775. The business permit/license of establishments found to be violating any of the provisions of said law shall be cancelled and revoked permanently.

SECTION 39. Regulation of Playing of Video Games and Other Similar Equipment – All minors, particularly school children, shall be prohibited to play video games, machines and other similar equipment or gadgets in amusement centers, malls and other similar establishments in the city during school hours on weekdays, except during holidays and when the school year has ended. Owners of such establishments shall also ensure that video games being played by children shall not be pornographic and ultra-violent. The sale and distribution of ultra-violent and pornographic video games, machines and other similar pieces of equipment to minors shall also be prohibited. The City Government shall meet with the operators of such establishments in order to come up with the pertinent guidelines to implement this provision.

SECTION 40. Confidentiality of Information – City Government and Barangay officials and employees shall ensure the confidentiality of any and all information on all cases of child abuse, exploitation and discrimination in order to protect the victims and their families.
ARTICLE IV
PARTICIPATION OF CHILDREN

SECTION 41. In Decision-Making – Children in the family, school, community, institution or an organization shall be heard without any form of discrimination. Every child has the right to express his or 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 adults to provide opportunities for children to express their views, obtain information and make their ideas known.

SECTION 42. In Local Policy-Making and Implementation – The City Government shall provide mechanisms to institute the consultation and participation of children in all actions and decisions of the City Government that will affect them. Particularly, it shall:

(a) Ensure that children participate in the formulation of the city’s local development plan for children;

(b) Include at least one (1) child advocate for the protection of children in the city and barangay councils for the protection of children; and

(c) Ensure that the Sangguniang Kabataan design and implement programs, projects and activities to encourage child participation especially those aged 15 to below 18.

SECTION 43. Establishment and Strengthening of Children’s Groups – Leadership development among children and the formation of children’s groups or associations shall be encouraged and given importance by the City Government. It shall, as far as practicable, make available technical assistance, funding and other forms of support to these endeavors.

SECTION 44. Annual Summit for Children – There shall be an annual summit for children in the City of Muntinlupa every November in celebration of Children’s Month which shall be planned and conducted with the participation of children. The summit shall, among others, be a forum to discuss the present state of children in the city and other issues affecting them so that appropriate measures may be formulated to address these.

ARTICLE V
CHILDREN AND THE FAMILY

SECTION 45. Primary Role of the Family – The family shall be the central unit responsible for the survival, development, protection and participation of children in the city. The City Government shall exert all efforts to preserve the integrity of all families in the city.
SECTION 46. Primary Role of Parents – Parents shall be primarily responsible for the nurturing, protection and disciplining of their children from infancy to adolescence in accordance with law. It shall be their primary obligation to provide for all the needs of their children and to inculcate in them the proper values necessary for the formation of their good character. In pursuit of these, parents shall have the following duties to their children:

(a) To give them affection, companionship and understanding;

(b) To extend to them the benefits of moral guidance, self-discipline and religious instructions; send their children to schools offering pre-elementary and basic education;

(c) To supervise their activities, including their recreation;

(d) To inculcate in them the value of industry, thrift and self-reliance;

(e) To stimulate them in civic affairs, teach them the duties of citizenship and develop their commitment to their 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 194 of the Family Code;

(i) To administer their property or properties, if any, according to their best interests, subject to the provisions of Articles 225 to 227 of the Family Code;

(j) To send them to schools in order for them to be provided basic education; and

(k) To ensure that they are able to access all health services provided by the government; and

(l) To give their newborn child a name and have said child registered in the Office of the City Registrar;

SECTION 47. Family and Community Support Program – In order to enhance the capacity of parents or legal guardians to raise their children in a healthy, loving and nurturing environment and in a manner that is consistent with the normal growth and development of a child, parent education shall be incorporated into the following:
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(a) Pre-marriage counseling seminars provided by the city;  

(b) Orientation for parents or legal guardians in public and private child development centers, elementary and secondary schools, including but not limited to, values formation, seminar on the rights of the child, and responsible parenthood; and  

(c) Social welfare programs and services of the city.  

Parent education shall include a reinforcement and expansion of existing training and capability building programs targeted at parents. These programs shall incorporate, when appropriate, training modules on children's rights, positive non-violent discipline, child abuse, juvenile justice, character development, and values formation.  

ARTICLE VI  
THE MUNTINGLUPA COUNCIL FOR THE PROTECTION OF CHILDREN  

SECTION 48. The Muntinlupa Council for the Protection of Children – The Muntinlupa Council for the Protection of Children (MCPC) created under Muntinlupa City Ordinance No. 02-073 enacted by the Sangguniang Panlungsod of Muntinlupa on 05 December 2002 on its 10th Special Session and approved by the City Mayor on 08 January 2003, hereinafter referred to as the Council, shall have the same membership and duties and responsibilities as provided under said Ordinance.  

It shall also mandate the Sangguniang Barangays in the City of Muntinlupa to create their own Barangay Council for the Protection of Children.  

SECTION 49. Secretariat – The City Mayor shall appoint representatives from the Planning and Development Office, Social Services Department and City Attorney’s Office to serve as members of the Secretariat of the Council.  

SECTION 50. Committees and Sub-Committees – The Council may organize committees or sub-committees to facilitate the performance of its functions. It may also call upon other departments or offices of the City Government and other agencies for necessary assistance and support.  

SECTION 51. Meetings – The Council and its Committees shall hold regular meetings at least once every quarter or as often as may be necessary in order to hasten the facilitation of their mandated tasks.
SECTION 52. Quorum – A majority of all the members of the Council, its Committees or sub-committees shall constitute a quorum. Said bodies shall not transact business without a quorum. An approval of the majority of the members present during meetings shall be required for the adoption of policies, proposals, programs, projects, activities or decisions.

SECTION 53. Allowance – The members and staff of the Council and its Committees or sub-committees shall be entitled to at least Three Thousand Pesos (PhP3,000.00) as allowance for every meeting actually attended subject to the usual accounting and auditing laws, rules and regulations.

SECTION 54. Muntinlupa City Development Plan for Children – Within one hundred and eighty (180) days from the effectivity of this Code, the Council shall formulate the Muntinlupa City Development Plan for Children (MCDPC).

It shall be comprehensive, integrative, sustainable and be governed by multi-sectoral and inter-agency collaboration between the city and national governments, among service providers, families and communities, and among the public and private sectors, non-government organizations, professional associations and academic institutions. Systems, programs, projects, activities and services that provide for the basic holistic needs of children for survival and development, protection and participation shall be necessary components of the Plan to promote the optimum growth and development of children.

The MCDPC shall also promote the inclusion of children with special needs, provide for reasonable accommodation and accessible environments for children with disabilities and advocate respect for cultural and linguistic diversity.

The MCDPC shall be reviewed and revised every five (5) years, or as often as may be necessary.

SECTION 55. Resource Development – The Council shall establish a resource development system that shall enhance the funding support and human resource base for the implementation of this Code, including public-private partnerships and collaboration with international and local donor organizations.

SECTION 56. Annual State of the City’s Children Report – An Annual State of the City’s Children Report shall be prepared by the Council that shall contain, at a minimum, an assessment of the MCDPC, an accounting of all funds allocated by the different departments and offices of the City Government for programs, projects and activities for children and future courses of action.
ARTICLE VII
ROLES OF SECTORS

SECTION 57. The Barangay – The Barangay shall ensure the enjoyment of the right of every child to live in a society that offers or guarantees safety, health, good moral environment and facilities for wholesome growth and development to children. In this respect, it shall be the responsibility 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, and other recreational facilities;

(e) Support parent education programs by encouraging its members to attend and actively participate therein; Assist the city in addressing issues relating to CICLS and design and implement preventive programs; and

(f) Cooperate with public and private child welfare agencies in providing care, training and protection to destitute, abandoned, neglected, abused, disabled children and children-at-risk.

SECTION 58. Educational Institutions – Educational Institutions shall work together with parents, community organizations and agencies concerned with the activities for children. It is the responsibility of the school administrations to design and provide guidelines for the protection of children within their school premises. The City Government shall coordinate with school officials to ensure that schools in the city have adequate classrooms and instructional materials and facilities.

It shall also be the responsibility of school officials to ensure that the school environment is free from hazards to the health and safety of students and that there are adequate safety measures for any and all emergencies. Schools shall provide adequate dental and medical services to their students while they are in school.
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School officials shall also endeavor to establish mechanisms that would help in the early detection, prevention and solution to abuses committed against children.

SECTION 59. The Media - The City Government shall partner with the media to inform and educate the general public on issues affecting children. Strategic partnerships with media establishments shall be undertaken for social marketing, alternative education and mass information and dissemination.

SECTION 60. Non-Government Organizations (NGOs) and People’s Organizations (POs) – They shall be partners of the City Government in promoting the welfare of children particularly along prevention, protection, rehabilitation and re-integration programs and services through involvement in advocacy and social mobilization, capacity-building, data collection and management and the conduct of research and policy studies on children.

SECTION 61. The Philippine National Police – The Philippine National Police shall ensure police visibility in places frequented by children especially in the evening to provide protection and immediate assistance in cases of harmful situations. Police officers and force multipliers barangay officials and tanods) shall escort minors found loitering in public places beyond ten o’clock in the evening to their proper domicile, to ensure their safety. They should also advice their parents and/or guardians to limit the time they allow their children to stay outside their homes to until 10:00 o’clock in the evening, or when necessary.

SECTION 62. Hospitals and Other Health Facilities - All hospitals and other health facilities as private physicians providing treatment for any case of maltreated or abused child shall within 48 hours from knowledge of the case report in writing to the City Fiscal, or to the LCPC or to the nearest office of the Department of Social Welfare and Development (DSWD)/Social Services Department (SSD).

SECTION 63. Office of the Civil Registrar – The Office of the Civil Registrar shall ensure the immediate registration of newborn children through regular coordination with the barangay health workers, midwives, hospitals, clinics and other health facilities. It shall also issue foundling certificates for abandoned children in coordination with the City Social Welfare and Development Office.
ARTICLE VIII
PROMOTION OF THE RIGHTS OF CHILDREN

SECTION 64. Promotion of the Code and Other Relevant and Related Laws and International Instruments – The City Government shall conduct a periodic information dissemination campaign in order to promote understanding of this Code, and other relevant and related laws on children. This shall be undertaken in schools, offices, churches and other relevant public spaces. Information, education and communication materials shall be produced in English and Filipino to facilitate a better understanding of their contents.

SECTION 65. Promoting Awareness of Their Rights – The City Government shall coordinate with school officials and authorities in order that a discussion of the rights of children as enshrined in existing laws and other international instruments as well as other relevant and related information shall be integrated in the curriculum of all public and private elementary and high schools in the city. The same shall be done in other youth training activities as may be appropriate.

SECTION 66. Promoting Children’s Rights Among Law Enforcers – The City Government, through the Social Services Department, shall devise a special course for law enforcers on children’s rights, with special focus on child-friendly procedures in the handling of children. It shall request the Chief of Police of Muntinlupa City to make this course compulsory and mandatory to all police officers assigned in the city.

SECTION 67. Promoting Children’s Rights Among Government Service Providers – Capacity-building efforts focused on understanding children at various life stages, addressing age-specific concerns and issues, and promoting and protecting children’s rights shall be spearheaded by the City Government for all government service providers in the city. Capability-building programs shall likewise focus on total child development and the exploration of culture and community-appropriate child development practices. Competency development shall be instituted through comprehensive and ladderized capability-building programs for service providers at different levels.

SECTION 68. Children’s Month and Children’s Day Celebrations – The city shall celebrate National Children’s Month every November and National Children’s Day on the 20th of November every year by conducting child-focused activities promoting the rights and responsibilities of children.
ARTICLE IX
FINAL PROVISIONS

SECTION 69. Annual Investment Plan – All departments and offices of the City Government, including the barangays, shall formulate an annual investment plan for programs, projects and activities on children.

SECTION 70. Penalties and Sanctions – Violations of any provision of this Code shall be penalized and sanctioned in accordance with the provisions of applicable administrative, civil service, special and other appropriate laws. Where specific penalties and/or sanctions are provided in this Code, the same shall be applied without prejudice to the imposition of other penalties as may be provided in other laws.

SECTION 71. Separability Clause – If any part or provision of this Code is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall remain valid and continue to remain in force and effect.

SECTION 72. Repealing Clause – All ordinances, rules and regulations, or parts thereof, in conflict or inconsistent with any of the provisions of this Code, are hereby amended or repealed accordingly.

SECTION 73. Effectivity Clause – This Code shall take effect upon approval and compliance with the mandatory posting and publication requirements prescribed under Republic Act No. 7160, otherwise known as the Local Government Code.

ENACTED, by the 7th Sangguniang Panlungsod of Muntinlupa this 13th day of June, 2016, on its 126th Regular Session.

CONCURRED:

DISTRICT I:

COUN. ATTY. PATRICIO L. BONCAYAO, JR.
Member

COUN. BALIFIES
Member

COUN. STEPHANIE G. TEVES
Member

COUN. LOUISITO A. ARCIGA
Member
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COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD
Member

COUN. RINGO A. TEVES
Member

COUN. ALEXANDER B. DIAZ
Member

DISTRIBUT II:

COUN. MA. DHEISIREE G. AREVALO
Member

COUN. LUVI P. CONSTANTINO
Member

COUN. ELMER S. ESPELETA
Member

COUN. RAFAEL T. SEVILLA
Member

COUN. VERGEL C. ULANDAY
Member

COUN. ROBERT A. ABAS
Member

COUN. ROBERT P. BAES
Member

ABSENT:

COUN. ATTY. RAUL R. CORRO
Member

COUN. ENGR. NEPTALI S. SANTIAGO
Member

COUN. CELSO C. DIOKO
Sectoral Representative
President
Association of Barangay Captains
I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

CECILIA C. LAZARTE
Secretary

ATTESTED:

ARTEMIO A. SIMUNDAC
City Vice-Mayor/Presiding Officer

APPROVED:

ATTY. JAIME R. FRESNEDI
City Mayor
Date: JUN 21 2016

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ANNEX A

SECTION 3. Legal Bases.

a. 1987 Philippine Constitution;


c. Anti-Bullying Act of 2013 (Republic Act No. 10627);

d. Enhanced basic Education Act of 2013 (Republic Act No. 10533)

e. Early Years Act of 2013 (Republic Act No. 10410)

f. The Responsible Parenthood and Reproductive Health Act of 2012 (Republic Act No. 10354)

g. Kindergarten Education Act (Republic Act No. 10157)

h. Juvenile Justice and Welfare Act of 2006, As Amended (Republic Act No. 9344);

i. Violence Against Women and Their Children Act of 2004 (Republic Act No. 9262);

j. An Act Allowing Illegitimate Children to Use the Surname of their Father (Republic Act No. 9255);

k. Anti-Trafficking in Persons Act, As Amended (Republic Act No. 9208);

l. Family Courts Act of 1997 (Republic Act No. 8369);

m. Anti-Rape Law of 1997 (Republic Act No. 8353);

n. Anti-Sexual Harassment Act of 1995 (Republic Act No. 7877);

o. Special Protection of Children Against Abuse, Exploitation and Discrimination Act, As Amended (Republic Act No. 7610);

p. The Rooming-In and Breast-Feeding Act of 1992, As Amended (Republic Act No. 7600)

q. Education Act of 1982, As Amended (Batas PambansaBlg. 232)

r. Child and Youth Welfare Code of the Philippines, As Amended (Presidential Decree No. 603);

s. Labor Code of the Philippines, As Amended (Presidential Decree No. 442);
t. Children’s Emergency Relief and Protection Act (Republic Act No. 10821);

u. Anti-Child Pornography Act of 2009 (Republic Act No. 9775);

v. An Act to Establish in the Department of Labor a Bureau to be Known as Women and Minors Bureau (Republic Act No. 2714);

w. Philippine Midwifery Law, As Amended (Republic Act No. 2644)

x. ILO Convention No. 90, Night Work of Young Persons Employed in Industry;

y. ILO Convention No. 77, Medical Examination for Fitness for Employment in Industry of Children and Young Persons;

z. ILO Convention No. 59, Minimum Age for Admission of Children to Industrial Employment;

aa. An Act to Regulate the Employment of Women and Children, to Provide Penalties for Violation Hereof, and for Other Purposes, As Amended (Republic Act No. 679);

bb. Article 273 and 278 of the Revised Penal Code (Act No. 3815);

c. An Act to Regulate the Employment of Women and Children in Shops, Factories, Industrial, Agricultural and Mercantile Establishments, and Other Place of Labor in the Philippine Islands, to Provide Penalties for Violations Hereof and for Other Purposes. (Act No. 3071).


e. Department of Education Child Protection Policy (Department of Education Order No. 40, Series of 2012)

ff. An Ordinance Establishing the Muntinlupa Council for the Protection of Children (MCPC), Defining Its Compositions, Duties and Responsibilities and for Other Purposes (Muntinlupa City Ordinance No. 02-073)

gg. An Ordinance Mandating the Citywide Implementation of the Newborn Screening Program in the Different Barangays in the City of Muntinlupa (Muntinlupa City Ordinance No. 09-080);
hh. An Ordinance Prohibiting the Manufacture, Display, Sale, Distribution, Possession or Use of Firecrackers or Pyrotechnic Devices and the Exploding of Firecrackers or Other Similar Explosives Within the Territorial Jurisdiction of Muntinlupa City (Muntinlupa City Ordinance No. 14-002); and

ii. Kautusang Bayan na Nagbabawal sa Sino Mang Tao ang Pagtitinda sa Alimang Lansangan o bangketa (sidewalk vending) sa Nasasakupan ng Bayan ng Muntinlupa (Kautusang Bayan Bilang 68-10)

jj. Accessibility Law (Batas Pambansa Blg. 344)

kk. Magna Carta for Disabled Persons (Republic Act No. 7277)

ll. An Act Expanding the Benefits and Privileges of Persons with Disability (Republic Act No. 10154)

mm. Republic Act No. 9442 – Title Four – Chapter 1: Prohibition on Verbal, Non-Verbal Ridicule and Vilification Against Children with Disability

nn. Republic Act No. 10666 – An Act Providing for the Safety of Children Aboard Motorcycles