



MUNICIPAL ORDINANCE NO. 2023-31

“AN ORDINANCE ENACTING THE CHILDREN’S WELFARE CODE OF BUSTOS, BULACAN.”

Motioned by:

Hon. Kyle Gabrielle DR. Navarro
Chairman

Committee on Youth, Children, Games and Sports

Authored by:

Hon. Phillip Wryner B. Santos
Chairman

Committee on Social Services

WHEREAS, Article XV Section 3(2) of the Philippine Constitution declares that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;

WHEREAS, Section 2 of Republic Act 7610 (R.A. 7160) also known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act”, declares that it shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control;

WHEREAS, Section 447 (a)(5)(xiv) of R.A. 7160 or the Local Government Code of 1991 states that the Sangguniang Bayan, as the legislative body of the Municipality, shall enact ordinances that will provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

TANGGAPIN NG SANGGUNIANG BAYAN

BAKURAN NG BAHAY PAMAHALAANG BAYAN NG BUSTOS, BULACAN

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WHEREAS, the Municipality of Bustos recognizes that children are important assets of society and it is only when children are able to exercise their rights that they develop their full potentials as significant members of the community, and in order to support this cause, laws relating to children's rights are needed to be codified to properly implement it in the municipality;

NOW THEREFORE, be it ordained by the Sangguniang Bayan of Bustos duly assembled, that:

**ARTICLE I
GENERAL PROVISIONS**

SECTION 1. Title. This Ordinance shall be known as the "The Children's Welfare Code of Bustos, Bulacan."

SECTION 2. Scope of Code. It shall apply to persons below eighteen (18) years of age or over but is unable to fully take care of or protect him or herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition. "Child" or "minor" as used in this Code, shall refer to such persons.

SECTION 3. Declaration of Policy and Principles. It is hereby declared to be the policy of the Municipality of Bustos that the rights of children to their survival, protection, participation, and development must be given high 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, NGOs and communities to nurture and care for children, from infancy including the earliest stages of childhood to adolescence.

It shall be the policy of the Municipality of Bustos to ensure that the programs aimed at the achievement of goals for the survival, protection, participation, and development of children must be given priority when resources are located. Every effort shall be made by the Municipality of Bustos to ensure that such programs are protected in times of economic austerity and structural adjustments.

**ARTICLE II
DEFINITION OF TERMS AND RULES OF INTERPRETATION AND
CONSTRUCTION**

SECTION 4. Definition of Terms. For purposes of this Code, the following terms shall mean:

- a. **Abandoned Child** – a child who has no proper parental care or guardianship, or whose parent(s) have deserted him/her for a period of at least three (3) continuous months, and has been judicially declared as such.

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- b. **Child** – a person below eighteen (18) years of age or over but is unable to fully take care of or protect him or herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- c. **Child Abuse** – 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 the child’s 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/her growth and development or in his/her permanent incapacity or death.
- d. **Child-Caring Institution** refers to any twenty-four-hour resident group care service for the physical, mental, social and spiritual well-being of nine or more mentally gifted, dependent, abandoned, neglected, handicapped or disturbed children that is coordinated with the Municipal Social Welfare and Development Office (MSWDO)
- e. **Child Exploitation** – It is hiring, employment, persuasion, inducement, or coercion of a child to perform in obscene exhibitions and incident shows, whether live, on video or film, or to pose or act as a model in obscene or pornographic materials, or to sell or distribute said materials.
- f. **Child-Friendly Spaces** – refer to spaces where communities create nurturing environments for children to engage in free and structured play, recreation, leisure and learning activities. The child-friendly space may provide health, nutrition, and psychosocial support, and other services or activities which will restore their normal functioning.
- g. **Children in Conflict with the Law (CICL)** – children who are alleged as accused of or adjudged as, having committed an offense under Philippine laws.
- h. **Children in Emergency or Disaster Situations** – refers to children or group of children affected by a disaster, calamity, or other emergency situation.

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- i. **Children in Street Situation (CISS)** – children who depend on the streets to live and/or work, whether alone, with peers or with family; and (b) a wider population of children who have formed strong connections with public spaces and for whom the street plays a vital role in their everyday lives and identities.
- j. **Child Labor** – refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental, or psychosocial development.
- k. **Children of Indigenous People.** - refers to Indigenous People who are below eighteen (18) years of age or over but is unable to fully take care of or protect him or herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
- l. **Child Pornography** – refers to any representation, 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.
- m. **Child Prostitution** – Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate, or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.
- n. **Child Sexual Abuse** – It is the employment, use, persuasion, inducement, enticement, or coercion of a child to engage in, or assist another person to engage in sexual intercourse or lascivious conduct or the molestation or prostitution of, or the commission of incestuous acts, on a child.
- o. **Child 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, fraud or through abuse of the child's vulnerability.
- p. **Child Trafficking** – refers to the recruitment, transportation, transfer or harboring, or receipt of children with or without their consent or knowledge 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.

- q. **Differently-abled children** – 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 an equal basis with others.
- r. **Cruelty** – It is any word or action which debases, degrades, or demeans the dignity of a child as a human being.
- s. **Dependent child** – refers to one who is without a parent, guardian, or custodian or one whose parents, guardian, or other custodian for good cause desired to be relieved of his care and custody and is dependent upon the public for support.
- t. **Displaced Children** – refers to children or group of children, whether separated or together with their families, who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effect of armed conflict and situations of generalized violence.
- u. **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.
- v. **MHO** – shall refer to the Municipal Health Office of Bustos.
- w. **MSWDO** – shall refer to the Municipal Social Welfare and Development Office of Bustos.
- x. **Municipality** – shall refer to the Municipality of Bustos, Bulacan.
- y. **Newborn Screening** – means the process of collecting a few drops of blood from the newborn onto an appropriate collection card and performing biochemical testing for determining if the newborn has a heritable condition.
- z. **Parent education** – 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. These include public and private parent education programs linked to center, home and media-based child care and education programs.
- aa. **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.

bb. **Positive discipline** – refers to an approach to parenting that teaches children and guides their behavior, while respecting their rights to healthy development, protection from violence and participation in their learning.

cc. **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.

dd. **Reproductive Health (RH)** – refers to the state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity, in all matters relating to the reproductive system and to its functions and processes.

ee. **Rugby** - refers to the contact cement product which contains Toluene which is a substance listed in Table II of the 1988 U.N. Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances

ff. **Substance Abuse** – refers to use and consumption of alcohol, tobacco, marijuana, sniffing rugby, glue or other kinds of inhalants and illegal drugs. Likewise, it also involved the substance mentioned in Presidential Decree No. 1619, which provides that it penalizes the use, possession, or the unauthorized sale to minors of volatile substances such as rugby, for the purpose of inducing intoxication or in any manner changing, disturbing the auditory, visual, or mental processes.

gg. **Violence Against Children (VAC)** – defined as “physical maltreatment, emotional abuse, sexual abuse, neglect or negligent treatment, or commercial and other forms of exploitation, resulting in actual or potential harm to the child’s health, survival, development, or dignity in the context of a relationship of responsibility, trust, and power.

It involves at least four main types of interpersonal violence:

- *Maltreatment* (including violent punishment) involves physical, sexual, and psychological/emotional violence; and neglect of infants, children and adolescents by parents, caregivers, and other authority figures, most often in the home but also in settings such as schools.

- *Bullying* (including cyber-bullying) is unwanted aggressive behavior by another child or group of children who are neither

siblings nor in a romantic relationship with the victim. It involves repeated physical, psychological, or social harm, and often takes place in schools and other settings where children gather, and online.

- *Sexual violence* includes non-consensual completed or attempted sexual contact and acts of a sexual nature not involving contact (such as voyeurism or sexual harassment); acts of sexual trafficking committed against someone who is unable to consent or refuse; and online exploitation.
- *Emotional or psychological violence* includes restricting a child's movements, denigration, ridicule, threats and intimidation, discrimination, rejection and other non-physical forms of hostile treatment.

SECTION 5. Rules of Interpretation and 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.

ARTICLE III RIGHTS OF THE CHILD

SECTION 6. Rights of the Child. Pursuant to Section 3 of P.D. 603 or the Child and Youth Welfare Code, all children shall be entitled to rights, irrespective of the child's or his/her parent's or legal guardian's race, color, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

SECTION 7. Survival Rights. Survival rights ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:

- a) The inherent right to life, and the State, as *Parens Patriae*, as well as the Municipality has an obligation to ensure every child's survival and development;
- b) The right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception and protect his/her right to be born well;
- c) The child shall be registered immediately after birth and shall have the right from birth to a name, status, to acquire a nationality and,

as far as possible, the right to know and be cared for by his or her parents;

- d) To preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference;
- e) The right to a wholesome family life that will provide him or her with love, care and understanding, guidance and counseling, and moral and material security. The Municipality shall ensure that the child is well cared of and supported by his/her parents, unless deemed incompatible with the child's best interest;
- f) The dependent, orphaned or abandoned child shall be provided with the nearest substitute of a home;
- g) To live with his or her parents unless this is deemed to be incompatible with the child's best interests;
- h) To maintain contact with both parents, if separated from one or both, unless incompatible with the child's best interest;
- i) To grant the child refuge or asylum whether or not accompanied by his or her parents and encouraged the child in getting reunited with his or her family;
- j) The right to be supported by family;
- k) The right to be cared;
- l) The right to a standard of living adequate for his/her physical, intellectual, spiritual, moral, and social development. Towards this end, the child shall be provided with a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life;
- m) A disabled child has the right to special care, education, and training to help him or her enjoy a full and decent life in dignity and achieve the greatest degree of self-reliance and social integration possible;
- n) A child who is placed by the State for reasons of care, protection or treatment is entitled to have the placement evaluated regularly;
- o) The right to the highest standard of health and medical care attainable with special emphasis on the provision of primary and preventive health care, public health, education, and the reduction of infant mortality;
- p) To be entitled to the benefits of social security programs that may be availed of by his or her parents or legal guardians. In cases where the parents/guardians are unable to provide for the child's basic needs, the Municipality may assist with material help or support programs.

SECTION 8. Development Rights. Development rights refer to the rights of a child to education to develop her or his personality, talents, and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights:

- a) The right to a well-rounded development of her or his personality to the end that she or he may become a happy, useful, and active member of society. Specifically:
 1. The gifted child shall be given the opportunity and encouragement to develop her or his special talents and skills;
 2. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 3. The physically or mentally disabled child shall be given treatment, education and care required by her or his particular condition;
- b) To freedom of thought, conscience, and religion, subject to proper guidance by his/her parents or legal guardian;
- c) To make educational and vocational information accessible to the youth, and to undertake measures that would promote regular school attendance and prevent dropouts;
- d) The right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:
 1. The development of the child's personality, talents, and mental and physical abilities to the fullest extent;
 2. The preparation of the child for responsible adult life in a free society;
 3. The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of others;
 4. The development of respect for the natural environment.
- e) This right shall include the right to avail of early childhood care and development (ECCD) programs, primary, secondary, and tertiary education, appropriate to the evolving capabilities of the child;
- f) To compulsory and quality elementary and high school education and access to higher levels of education. Quality Primary education must be compulsory, and higher education must be available and accessible to all based on capacity by every appropriate means;
- g) Children of minority communities and indigenous populations have the right to enjoy their own culture, to profess and practice his or her own religion, or to use his or her own language;
- h) The right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
- i) The right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world;
- j) The right to avail himself or herself of appropriate information and materials on matters of interest to him/her, especially, those aimed

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at the promotion of his/her social, spiritual, and moral well-being and physical and mental health;

- k) The right to rest and leisure, to engage in play and in safe and wholesome recreational activities appropriate to his/her age and to participate freely in cultural life and arts.

SECTION 9. Protection Rights. Protection Rights cover those rights protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation.

- a) The right to protection against physical, mental, psychological, or emotional abuse, violence, injury, or maltreatment;
- b) The right to protection against rape, incest, sexual harassment, acts of lasciviousness, seduction, abduction and other forms of sexual abuse and violence;
- c) The right to quality care by his/her parents/guardians and to be protected against their neglect, negligent treatment, and abandonment;
- d) The right to be protected from child prostitution, child pornography, child sex tourism and other forms of commercial sexual exploitation, as provided for under R.A. 9208 and R.A. 7610;
- e) The right to quality care by his/her parents/guardians and to be protected against their neglect, negligent treatment, and abandonment;
- f) The right to be protected from the use of narcotic and psychotropic drugs, cigar, cigarette, liquor, intoxicating beverages, volatile substances and from being involved in their production or distribution;
- g) The right to be protected from economic exploitation and from performing any work that is likely to be hazardous or will interfere with the child's health or physical, mental, spiritual, moral, or social development, in relation to R.A. 7658, as amended by R.A. 9231;
- h) The right to be protected from any type of harm or harsh treatment. The government has the mandate to closely monitor and review the treatment of the child under the care of his/her custodian;
- i) Differently-abled child has the right to special care, education, and training to help him/her enjoy a full and decent life in dignity and to achieve the greatest degree of self-reliance and social integration possible;
- j) Every child, who comes in conflict with the law, shall be entitled to the following rights:
 1. To be treated with dignity in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental reasons of others; taking into account and aims at his or her reintegration into society;
 2. To be presumed innocent until proven guilty according to law;

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- 3. To have the free assistance of an interpreter if the child cannot understand or speak the language used;
 - 4. To be informed of his/her rights under United Nations Convention on the Rights of the Child (UNCRC) and other international instruments in relation to CICAL, R.A. 7438, R.A. 8493, P.D. 603 and the Rules and Regulations on the Apprehension, Investigation, Prosecution and Rehabilitation of Youth Offenders; and
 - 5. The right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.
- k) The right to be free and to be protected from all other forms of exploitation prejudicial to any aspects of the child's welfare;
 - l) The right to be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's health or physical, mental, spiritual, moral, or social development in relation to R.A. 7658, as amended by R.A. 9231;
 - m) The right to be protected from child prostitution, child pornography, child sex tourism and other forms of commercial sexual exploitation, as provided for under R.A. 9208 and R.A. 7610;
 - n) The right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of her or his leisure hours;
 - o) The right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes;
 - p) No child shall be subjected to arbitrary or unlawful interference neither with his or her privacy, family, home, or correspondence, nor to unlawful attacks on his/her honor and reputation;
 - q) 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;
 - r) To be protected from work that threatens his or her health education and development, especially from the worst forms of child labor; and
 - s) To be protected from the use of narcotics and psychotropic drugs and from being involved in their production or distribution.

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SECTION 10. Participation Rights. Participation Rights refer to the child's rights to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights:

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- a) The right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;
- b) The right to an opinion who is capable of forming his or her own views;
- c) The right to express his or her views freely or without fear of rejection in all matters which affects his or her life and his or her opinion should be given due weight depending on his or her age and maturity;
- d) To meet with others, to join or form associations and of peaceful assembly;
- e) To 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.

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SECTION 11. *Non-Discrimination Rights.* The rights of the child shall be respected without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, gender, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

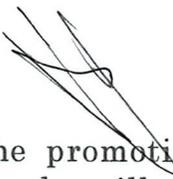
Any child capable of forming a view has the right to express such views freely in all matters affecting him or her and the child's views shall be given due weight in accordance with age and maturity.

ARTICLE IV RESPONSIBILITIES OF THE CHILD

SECTION 12. *Responsibilities of the Child.* Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents, and other factors shall:

- a) Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and the bidding of a clean conscience;
- b) Love, respect and obey his or her parents, and cooperate with them in the strengthening of the family;
- c) Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
- d) Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society;
- e) Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;

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- f) Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; 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 aspiration for unity and prosperity, and the furtherance of world peace.

ARTICLE V
ROLES AND FUNCTIONS OF VARIOUS SECTOR

SECTION 13. *The Family.* The Municipality recognizes the family as the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. It is also responsible for most of the child's early education and development including the molding of character, physical, emotional, and spiritual progress and the realization of the child's existence as dignified human being with the recognition of his/her inherent rights.

The family has the primary responsibility of nurturing and protecting the child from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

SECTION 14. *Primary Right of Parents.* Pursuant to Child and Youth Welfare Code Presidential Decree No. 603 and Family Code, the parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

- a) Rights under the Family code. Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family code over the person and property of their children.
- b) Right to Discipline Children. Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this Code. Parents may require from their children obedience to just and reasonable rules, suggestions, and admonitions.

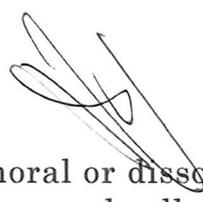
SECTION 15. *General Duties of Parents.* Parents shall have the following general duties toward their children:

- a) To give their child affection, companionship and understanding;

- b) To extend to their child the benefits of moral guidance, self-discipline, and religious instruction;
- c) To supervise their child's activities, including their recreation;
- d) To inculcate in their child the value of industry, thrift, and self-reliance;
- e) To stimulate their child's interest in civic affairs, to reach them the duties of citizenship, and develop their commitment to their country;
- f) To advise their child properly on any matter affecting their development and well-being;
- g) To always set a good example;
- h) To ensure that their children are able to access all health services provided by government;
- i) To have their child immediately registered after birth and give their child a name;
- j) To rear their child responsibly, provide quality education and send them to school, subject to certain exceptions allowed by law;
- k) To provide them with adequate support, as defined in Article 194 of the Family Code; and
- l) To administer their child's property, if any, according to their best interest, subject to the provisions of Article 225 to 227 of the Family Code.

SECTION 16. Liabilities of Parents. Parents and guardians are responsible for the damage caused by the child under their parental authority in accordance with the Civil Code. Likewise, there is criminal liability for any parent who does the following acts:

- a) Conceals or abandons the child with intent to make such child lose his/her civil status;
- b) Abandons the child under such circumstances as to deprive him/her of the love, care, and protection he/she needs;
- c) Sells or abandons the child to another person for valuable consideration;
- d) Neglects the child by not giving him/her the basic education as mandated by RA 9155 and which the family's station in life and financial conditions permit;
- e) Causes, abates, or permits the truancy of the child from the school where he/she is enrolled. "Truancy" as here used means absence without cause for more than twenty school days, not necessarily consecutive. It shall be the duty of the teacher in charge to report to the parents the absences of the child the moment these exceed five schooldays;
- f) Improperly exploits the child by using him/her, directly or indirectly, such as for purposes of begging and other acts which are inimical to his/her interest and welfare;
- g) Inflicts cruel and unusual punishment upon the child or deliberately subjects him/her to indignations and other excessive chastisement that embarrasses or humiliates him/her;

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- h) Causes or encourages the child to lead an immoral or dissolute life;
 - i) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership; and;
 - j) Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that the parent permitted or ordered the child to drive.

SECTION 17. *Extended Families.* Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to force majeure or in their own best interest, arrangement shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children's upbringing in their own cultural milieu.

Extended families, relatives and community institutions shall be given support to help meet the special needs of orphaned, displaced, and abandoned children. Efforts must be made to ensure that no child is treated as an outcast of society.

SECTION 18. *Family Affairs.* Whenever proper, parents shall allow the child to participate in the discussion of family affairs, especially in matters that particularly concern him/her. In cases involving his/her discipline, the child shall be given a chance to present his/her side.

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

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

SECTION 19. Role of Women. Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation's social and economic development.

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

SECTION 20. Role of Fathers. Fathers play a vital role in their children's lives and they shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

Equal opportunity shall be provided for the children for them to benefit from the health, nutrition, education, and other basic services for their full growth.

SECTION 21. General Duties of the Community. To ensure the full enjoyment of the right of every child to live in a society that offers or

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guarantees him or her safety, health, good moral environment and facilities for his or her wholesome growth and development, it shall be the duty of the community to:

- a) Bring about a healthy environment necessary to the normal growth of children and the enhancement of their physical, mental, and spiritual well-being;
- b) Help institutions of learning whether public or private, achieve the fundamental objectives of education;
- c) Organize or encourage movements and activities for the furtherance of the interests of children and youth;
- d) Promote the establishment and maintenance of adequately equipped playgrounds, parks, and other recreational facilities;
- e) Support parent education programs by encouraging its members to attend and actively participate therein;
- f) Assist the Municipality in addressing issues relating to children-in-conflict with the law and design and implement preventive programs;
- g) Aid in carrying out special projects for the betterment of children in the remote areas or belonging to cultural minorities, Indigenous People or those who are out of school; and
- h) Cooperate with private and public child welfare agencies in providing care, training and protection to destitute, abandoned, neglected, abused, disabled children and children-at-risk.

SECTION 22. Role of Schools and Other Educational Institutions. Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. In addition to the role of all educational institutions to impart knowledge and skills to their students, they shall likewise institute programs and services that will include proper values formation.

Educational institutions, from the primary to the tertiary level, shall provide creative, innovative and appropriate recreational, cultural and artistic activities to develop the child's full potentials and talents. They shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED).

Pursuant to Child and Youth Welfare Code Presidential Decree No. 603 Every elementary and secondary school shall organize a parent-teacher association for the purpose of providing a forum for the discussion of problems and their solutions, relating to the total school program, and for insuring the full cooperation of parents in the efficient implementation of such program. All parents who have children enrolled in a school are encouraged to be active members of its PTA, and to comply with whatever obligations and responsibilities such membership entails. Parent-Teacher Association all over the country shall aid the municipal and other local

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authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.

Public and private educational institutions shall not discriminate against differently-abled children in enrollment and admission. As much as possible, they shall provide special classes for differently-abled children.

SECTION 23. Role of Media. The media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children and highlighting the advocacy against violence on children, ensuring that messages on child protection reach the broadest number of people. They should use their power to protect the rights of children by relaying consistent messages through the Tri-Media (Print, Broadcast and Video) a balanced approach. Media shall refrain from showing any form of violent and pornographic materials and shall be instrumental in increasing awareness about the rights of the child, the causes and effects of violence against children and the mechanism for rescue.

They shall endeavor to show wholesome and educational materials during prime-time viewing. Likewise, they shall follow existing guidelines in dealing with children-victim of violence by sensationalizing reports of rape and other forms of violence against children. Special attention should be given to effective anti-drug awareness campaigns and delinquency prevention.

SECTION 24. Role of Municipality of Bustos. The Municipality shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation to provide for the proper development and welfare of the children in the community.

SECTION 25. Role of the Sangguniang Kabataan. The Sangguniang Kabataan (SK) as established under the Municipality of Bustos Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the welfare of children for this purpose. It is encouraged that the SK shall devote at least 50% of its annual budget to prevention programs for the youth.

SECTION 26. Role of the Private Business Sector. The private business sector, particularly those who have direct contact with the child, have a corporate social responsibility to all children. The conduct of their business should consider the best interest of the child. The private business sector is encouraged to become involved and to support programs, projects and services for children, especially those provided in this Code.

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Bookstores, libraries, internet cafés and other sources of information shall ensure that children have access to information appropriate to their evolving capacities. Obscene, pornographic and violent materials shall not be made accessible to children.

Restaurants, KTV bars, nightclubs, hotels, motels and other business establishments in entertainment, tourism and travel industry, and gambling centers including cockpits, which provide access to adult entertainment, shall ensure that the child is not allowed within their premises. It shall be the responsibility of the owners to require proof of age before employment in night clubs, bars, karaoke, etc. Owners/managers/operators of these establishments shall post a visible and legible notice disallowing minors from entering the premises.

It shall be the responsibility of owner/operator/manager of business establishments to verify the age of the person seeking employment. All employers shall not engage a child in work that endangers health, safety and normal development.

Shopping malls/centers, boutiques, novelty stores, video arcades and other gaming centers shall monitor the presence of school-aged children during school hours in their premises. The presence of these children shall be reported to the schools to which these children belong. In cases where these children are not enrolled in schools, the parents and/or guardians shall be informed.

It shall be the responsibility of internet café owners/operators to regulate the exposure of children to pornography and violence in the internet.

Private business sector shall provide summer job trainings for new high school graduates with intentions to pursue college. This program shall allow the students an insight on the value of earning money and learn the value of work necessary for their future.

All business establishments within the Municipality must establish their child protection policies which will be certified by the MSWDO. The said certification will be part of the requirement for application or renewal of their business permit.

SECTION 27. Responsibility of Private and Public Doctors, Midwives and Other Health Care Providers. It shall be the responsibility of all doctors, midwives, dentists and other health care providers to educate parents on proper care and nutrition of the child. They shall also exercise due diligence in ensuring the safe delivery of the child. The physician, nurse, midwife, in attendance at birth or the parents of the newborn shall have the duty to register the birth of the newborn child in accordance with the Civil Registry Law.

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All cases of child abuse shall be treated with utmost confidentiality so as to protect the identity of the child.

SECTION 28. Responsibility of Police. All cases of child abuse (medical and police records, etc.) shall be treated with utmost confidentiality so as to protect the identity of the child.

SECTION 29. Responsibility of the Custodian/Center Where Child is Placed. The custodian of the child or the center where the child is placed for purposes of care, protection or treatment shall regularly review the condition of the child and report the same to the MSWDO.

**ARTICLE VI
LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN**

SECTION 30. Creation of the Bustos Local Council for the Protection of Children (LCPC). Local Council for the Protection of Children (LCPC) is a council fully harnessed to be an efficient and effective advocate of child's rights that implements all children's programs at the local levels.

The composition and its functions shall be based on the Department of the Interior and Municipality of Bustos Memorandum Circular No. 2021-039 or the Comprehensive Guidelines for the Establishment, Strengthening, and Monitoring of the LCPC at all Levels and for other Purposes and other legal basis such as the Republic Act No. 7160 o also known as the, "Municipality of Bustos Code of 1991."

**ARTICLE VII
CHILD RIGHT FOR STREAMING**

SECTION 31. Comprehensive Program for Children. The Municipality shall plan and implement a sustainable Comprehensive Programs for the Welfare and Development of the Children of Bustos in partnership with the LCPC, MHO, Local Health Board (LHB), Municipal Nutrition Council (MNC), Local School Board (LSB), and in cooperation with the different concerned government agencies, non-government organization (NGOs), and the Barangays.

The Municipality shall, within one (1) year from the effectivity of this Code and every three (3) years thereafter, formulate a comprehensive program for children such as the Annual Work and Financial Plan, Comprehensive Juvenile Intervention Program and five-year Local Development Plan for Children.

The Local Chief Executive through the Sangguniang Bayan shall ensure the implementation of the said Program of Services for the Survival of children by way of an Annual Budget and/or Supplementary Budget

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together with manpower component which shall be appropriated and provided respectively for the implementation of the said Program of Services for the Survival of Children.

SECTION 32. Comprehensive Plan for the Welfare of the Children. The Comprehensive Plan for the Welfare of the Children of Bustos shall include provisions that shall respond to the prevailing issues on the rights of children and shall institutionalize programs and services already existing for the promotion of the Survival, Development, Protection, Participation and Non-discrimination Rights of the Children of the Municipality. It shall also emphasize prevention of children's rights violations to include prevention of child abuse, juvenile delinquency, drug addiction, and other children's problems.

The Municipality shall, within one (1) year from the effectivity of this Code and every Municipality of Bustos term of office thereafter, formulate a comprehensive program for children covering at least a three-year period.

SECTION 33. Periodic Review and Assessment of the Comprehensive Children's Programs. The Comprehensive Children's programs shall be reviewed and assessed yearly by the Municipality in coordination with the LCPC. The council shall review programs and their effectivity in preventing children's rights violations based on the indicators identified in the program. The programs may be modified accordingly.

**ARTICLE VIII
RIGHT TO SURVIVAL**

SECTION 34. Compulsory Pre-Natal Check-Up for Pregnant or Expectant Women and Mothers. Pre-natal check-up shall be compulsory for pregnant/expectant mothers for the duration of their pregnancy, especially during the first trimester, at the Bustos Rural Health Units or in any barangay health stations.

A pregnant/expectant mother shall be required to undergo pre-natal check-up for the duration of her pregnancy, especially during the first trimester, which shall include at least four complete pre-natal check-ups, immunization against tetanus, sufficient doses of Vitamin A and iron for pregnant/lactating mothers and emergency obstetric care to pregnant women who are at risk, at the Bustos Rural Health Unit nearest her residence.

The MHO shall provide free basic pre-natal check-up to pregnant/expectant mothers, subject to the rules and regulations that may be promulgated by the said office, schedules, procedures and available resources to carry out the purposes of this Code.

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SECTION 35. Reproductive Health Care Center. All birth deliveries are facility based and attended by skilled birth personnel. The Municipality shall establish Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will remove or minimize risk to mother and child.

That high-risk mothers shall be referred to the proper tertiary or secondary care service personnel and children who are at risk from any condition or illness will be brought for care including the Bustos Community Hospital.

SECTION 36. No Home Birth Delivery. The Municipality, through the MHO, hereby discourages pregnant or expectant mothers and women to deliver their infants at home, even under the assistance/guidance of a midwife to avoid health risks for the mother and the infant through the Municipal Ordinance No. 2023-03 or also known as, "Ligtas na Pagbubuntis Ordinance."

SECTION 37. Comprehensive Newborn Screening. The Municipality, through the MHO and Bustos Community Hospital (BCH), shall ensure that all newborn infants in this Municipality is offered the opportunity to undergo newborn screening and thus be spared from heritable conditions that can lead to mental retardation, serious health complications and death, if undetected and untreated. Thus, the Municipality hereby adopts the Comprehensive Newborn Screening System implemented by the Department of Health in accordance with Republic Act No.9288, otherwise known as the "Newborn Screening Act of 2004".

SECTION 38. Birth Registration. The Municipality shall establish a system to ensure the 100% registration of births in the Municipal Civil Registrar to guarantee the right of the child to identity and the monitoring of registration of births.

It shall likewise establish Bustos Barangay Civil Registration System (BBRS) as a grassroots mechanism to facilitate and sustain one hundred percent (100%) registration.

The Municipal Civil Registrar in coordination with the barangay shall adopt measures to conduct roving birth registration team to ensure that all children within their jurisdiction are registered especially the children in need of special protection.

SECTION 39. Early Childhood Care and Development. Pursuant to Republic Act No. 8980 or the "Early Childhood Care and Development Act", the Municipality shall promote the care of children from conception to age five (5) through the Early Childhood Care and

Development Program by giving emphasis on child programs consisting of facilities, equipment, food supplements, essential drugs, and other teaching and IEC supplies and materials as contained in the barangay health and nutrition program.

SECTION 40. Child Care and Maternal Health. Every barangay shall improve the health status of pregnant women, mothers, and children consistent with ECCD policies and programs with the goal that:

- a) All children 0-1-year-old are weighed monthly;
- b) All children are well-nourished and mothers with underweight children undergo a Nutrition Education Program;
- c) All HIV-exposed newborns and HIV positive mothers are identified and receive enhanced case follow-up, care, and support;
- d) Complementary feeding from six months onwards;
- e) Vitamin A supplementation;
- f) Appropriate treatment of diarrhea, pneumonia, deworming, and neonatal sepsis; and
- g) Oral health care.

SECTION 41. Promotion of Breastfeeding. Pursuant to Executive Order No 51 dated October 10, 1986 or "The Milk Code of the Philippines" and Republic Act No. 7600 or "The Rooming-In and Breastfeeding Act of 1992", the Municipality, through the MHO, shall protect and promote breast feeding of newborn infants and shall create an environment where basic physical, emotional, and psychological needs of mothers and infants are fulfilled through the practice of rooming-in and breastfeeding.

All infants are exclusively breastfed up to about 6 months. Breastfeeding shall be initiated within the first hour, exclusive for the first six months, and continued up to two years. Bottle feeding shall be allowed only when the mother has been informed by the attending health personnel of the advantages of breastfeeding and the proper techniques of infant formula feeding.

Health personnel under the MHO and BCH shall inform pregnant women and mothers of the importance of mother's milk, its benefits to the infant and superiority over breast milk substitute, and the advantages of breastfeeding their infants.

All government and private establishments in the Municipality are required to establish breastfeeding areas within their facilities for the mothers to nurse their babies or pump their milk if necessary. The breastfeeding area needs:

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- a) A clean, private, multi-purpose space (not a toilet) with a table and comfortable chair to breastfeed or express milk and an electric outlet in order to pump milk as necessary.
 - b) A sink, soap, water, and paper towels nearby for cleaning hands and equipment.

SECTION 42. Compulsory Basic Immunization Program. Basic immunization against certain diseases shall be compulsory for infants and children below eight (8) years of age, including BCG Vaccination against tuberculosis, Inoculation against diphtheria, tetanus and pertussis, oral poliomyelitis immunization, protection against measles, Hepatitis B and immunization against Rubella. The MHO shall provide free basic immunization services to infants and children below eight (8) years of age, subject to the rules and regulations promulgated by the office.

It shall be the duty of the parents, guardian, or person having custody of the infant or child to see to it that such infant or child is presented for basic immunization services at such place and time as specified by the MHO. The head of an institution where infants or children are educated, treated, cared for, or committed by law for preventive or rehabilitative services shall provide basic immunization services and, be made by the said institution with the MHO for free immunization services. It shall be the duty of all schools, public and private, to coordinate with MHO to provide basic immunization services to all pre-school and primary school entrants who have not received such immunization, subject to rules and regulations promulgated by the MHO.

SECTION 43. Nutrition Program. The Municipality shall promote good nutrition for all children and towards this end it shall establish and implement the following:

Community-based and in-school feeding program for children;

- a) Nutrition education program for parents, which includes the promotion of the use of iodized salt in every household;
- b) Breastfeeding program for nursing mothers to ensure that infants are exclusively breastfed up to 6 months;
- c) Importance of breastfeeding and maternal nutrition during the first 1000 days of the newborn;
- d) Supplemental feeding for lactating mothers for 120 days;
- e) Provision of adequate nutritious food and access to clean drinking water for all children, taking into consideration the dangers and risks of environmental pollution;
- f) Regulation of the sale of food in public and private elementary and high school levels to ensure that schools sell only nutritious food and beverage to children; and
- g) Growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake at home.

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SECTION 44. *Promotion of Iodized Salt.* The Municipality shall continue promoting the use of Iodized Salt in their Establishments and All Food Outlets/Manufacturers/Processors through the implementation of Republic Act No. 8172, otherwise known as "The Asin Law" or through the Municipal Ordinance No. 109 S. 2022 or "An Act Promoting Salt Iodization Nationwide and for Related Purposes".

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SECTION 45. *Promotion of Fortified Food Products.* The Municipality shall continue to make available to the consuming public fortified food to combat nutritional deficiencies, particularly among school-aged children in compliance to Republic Act No. 8976 or "The Philippine Food Fortification Act of 2000".

SECTION 46. *Nutritional Program for Children.* The Municipality, in coordination with the Department of Health and in partnership with Non-Government Organizations (NGOs), shall continue implementing the Nutritional Program for Children by providing adequate funds for the purpose. The said campaign must promote essential health services for children including Vitamin A provision, deworming, promotion of breastfeeding and iodized salt utilization, and immunization.

SECTION 47. *Child-Friendly Hospitals.* All hospitals in Bustos shall set up child-friendly policies, services and units to include rooming-in facilities and pediatric-appropriate mechanisms, equipment, tools and gadgets.

There shall be an established Women and Children Protection Unit/Child Protection Policy in response to the increasing number of women and children who consult due to violence, rape, incest, and other related cases. All hospital staff shall also train to handle children and women who are victim of abused.

All hospitals, public and private, within the Municipality must establish their child protection policies which will be certified by the MSWDO. The said certification will be part of the requirement for application or renewal of their business permit.

SECTION 48. *Primary Health Care.* The MHO, through the Rural Health Unit, shall implement the primary health care program and nutrition programs for children in coordination with the concerned agencies. Each Rural Health Unit shall have a Child Health Officer who shall monitor child health in the barangay level.

The Municipality, through the MHO in particular shall take appropriate measures:

- a) To combat disease and malnutrition within the framework of primary health care through, inter alia, application of readily available technology and through the provision of adequate

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- 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 childrearing practices in the context of the Filipino psychology;
- c) To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms which violate such code;
- d) To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breastfeeding education program. Integrating information on breastfeeding shall be an integral part of all school curriculums;
- e) To conduct adolescent-friendly massive information and education on HIV/AIDS.

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SECTION 49. *Integrated Health Service for Differently-abled children.* The Municipality shall provide an integrated health service for differently-abled children which shall include the prevention of disability through immunization, nutrition, environmental protection and preservation and genetic counseling early detection of disability and timely intervention to arrest disabling condition; and medical treatment and rehabilitation. It shall also train its field health personnel in early detection and intervention and in the provision of medical attention to differently-abled children.

The Municipality, through the MSWDO and MHO, shall initiate Early Detection and Disability Prevention Seminar among Day Care Parents, and shall conduct eye screening, ear/hearing care among Early Childhood Care and Development children.

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Training program for educators and health professionals handling specially-abled Differently-abled Children shall form part of the priority programs of the Municipality. The Municipality, through the MHO and MSWDO and in partnership with NGOs, shall provide assistive devices, whenever feasible, to differently-abled children.

The Municipality through Municipal Social Welfare and Development Office together with Persons with Disability Affairs Office shall provide parents of differently-abled children a proper training and involvement in helping their Differently-abled Children and ensure that they will be given the services they need.

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Through the Persons with Disability Affairs Office, a support group shall be created to provide mutual aid and emotional support for the people who share the same predicament. The value of support groups has, for some time, been shown to benefit of children with disability through faster recoveries and increased their well-being. It is made up of parents with

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common interests and experiences who have been through, or are going through with similar circumstance.

The Municipality shall make a periodic comprehensive survey on the specially-abled children in the municipality, which is child-focused and specific. It aims to achieve a more systematic coordination of health services, nutrition, and education for Differently-abled Children.

SECTION 50. Clean and Healthy Environment. The Municipality shall ensure the judicious disposition, utilization, management, renewal, and conservation of the Municipality's natural resources 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. It shall develop and implement programs and services towards this end, which shall include the following:

- a) The creation of a garden in every barangay (Gulayan sa Barangay) and public school (Gulayan sa Paaralan);
- b) Regulation of the use of non-biodegradable materials in schools and business establishments; and
- c) Prohibition on the purchase, use and improper disposition or storage of mercury, lead, and, and other toxic substances in all private and public schools in the elementary and high school levels.

SECTION 51. Climate Change Adaptation and Mitigation. The Municipality shall consider the special needs of children in the formulation, planning and implementation of its Local Climate Change Action Plan, pursuant to Section 14 of Republic Act No. 9729 (The Climate Change Act of 2009). It shall further capacitate the officials at the barangay level to identify issues concerning or affecting children and implement the most applicable solutions relevant to climate change adaptation and mitigation. Such as the planting of trees in schools, public lands of the municipality.

**ARTICLE IX
RIGHT TO DEVELOPMENT**

SECTION 52. Access to Quality Primary and Secondary Education. The Municipality recognizes the right of every child to education and with a view to achieving this right progressively and on the basis of equal opportunity, it shall, in particular:

- a) Establish and maintain a system of quality public education in the elementary and high school levels;
- b) Make available the provision of basic learning needs in all children including out-of-school youth;

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- c) Develop different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- d) Make higher education accessible to all on the basis of capacity by every appropriate means;
- e) Make educational and vocational information and guidance available and accessible to all children;
- f) Take measures to encourage regular attendance at schools and the reduction of drop-out rate, and repetition in the first three grades.
- g) Ensure that differently-abled children are provided with access to quality education and ample opportunities to develop their skills and learning institutions consider their special needs with respect to the use of school facilities, class schedules, physical education requirements, provision of auxiliary services and other pertinent considerations;
- h) Consistent with Fair and Equitable Access to Education Act, there shall be at least a ratio of 35 students per classroom for primary levels (Grades 1-3) and 45 students per classroom for intermediate levels (Grades 4-6) to address congestion in schools; and
- i) Adopt a total community commitment in attaining basic education competencies for all.

SECTION 53. *Barangay Day Care Center.* Consistent with the policies and programs of Republic Act No. 6972 or the Barangay Level Total Development and Protection of Children Act and in line with Republic Act. N0.8980 or "Early Childhood Care and Development (ECCD) Act," there shall be a day care center established in every barangay with a total development and protection of children program.

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Children four (4) to five (5) years old, provided that the child is four (4) years old by October 01, may be admitted to the Early Childhood Care and Development with the consent of the parents or guardian, where basic education and primary health care services shall be provided to them.

The Office of the MSWDO shall formulate the criteria for the selection, qualifications, capability development through seminars/trainings and accreditation of barangay day care workers and the standards for the implementation of the total development and protection of children program. A pool of trained day care or child development workers with an upgraded salary scheme commensurate to the tasks assigned.

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SECTION 54. *Child- Friendly Schools and Zones of Peace.* All school in the Municipality shall be child- friendly and zones of peace. The Municipality shall exert effort in building a network of child-friendly schools to raise the level of enrollment, reduce the number of out-of-school children and school leavers, improve student achievement, and respond

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strategically to the unique realities and needs of children in their respective localities.

The Municipality shall likewise promote school environment that reflects respect for human rights and children's rights; and promotes a spirit of understanding, peace, tolerance and friendship regardless of ethnic or religious affiliations, creating a safe, protective and caring environment for children.

SECTION 55. In-School Feeding Program. An in-school feeding program shall be established in every public elementary school and day care center to eliminate malnutrition as the cause of poor academic performance and provide an incentive to ensure regular school attendance. Undernourished children shall be provided at least one (1) full meal a day for free while in attendance in school, subject to implementing guidelines to be passed subsequent to this Code.

SECTION 56. Municipality of Bustos Educational Assistance Program. The Municipality shall establish an educational assistance program that will provide access to scholarship assistance program to economically marginalized but deserving high school, senior high school and college students. Such assistance may be in the form of scholarship grants, students' loan programs, subsidies and other incentives to qualified students in both public and private schools.

The Municipality shall fund an assistance to the following programs;

1. Educational /financial assistance for in school children particularly in Solo Parent, PWD and Indigent people; and
2. Municipal Scholarship Programs

Funds to be appropriated on the said programs shall not be less than Three Million Pesos (P3,000,000.00).

SECTION 57. Leisure Play and Culture. The Municipality shall respect and promote the right of the child to participate fully in cultural and artistic life and shall provide appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. In pursuit thereof, the Municipality shall, in particular:

- a) Invest in the production of local literature or other relevant materials for children, especially those made by children and indigenous children;
- b) Ensure that every barangay has a playground/park, gymnasium or other recreational facility for children and mount occasional sports and recreational activities;
- c) Establish a regular cultural program appropriate for each children's age-group and gender and it shall be designed with due respect to cultural diversity;

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- d) Recognize children who are gifted in sports or the performing arts and provide access to resources for the further development of their talents, which may be in the form of grants, subsidies, and other incentives to qualified children; and
- e) Invest in the production of local literature or other relevant materials for children to support socio-cultural development;
- f) Pursuant to the Department of Education Department Order No. 41 S.2017 or the Policy Guidelines on Madrasah Education in the K to 12 Basic Education Program, provide Muslim learners with appropriate and relevant educational opportunities while recognizing their cultural context and unique purposes for participating in the educational program offerings; and
- g) As provided by Article 3 Section 15 of the National Children's Welfare Code, children have the right to rest and leisure, to engage on play and recreational activities appropriate to their ages and internalize freely their cultural life and arts. As supported by the same code, the Municipality shall institute mechanism and endeavor to provide safe, clean, easily accessible, adequately sized parks and playgrounds to promote the child's basic rights to develop his or her full potential. Therefore, there is a need to establish a children's parks and playgrounds in all barangay in the Municipality to serve not only as an alternative learning setting for children to develop and acquire skills but also as a way for children to feel relevant and valued by the community.

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SECTION 58. Public Libraries. The Bustos Aklatang Bayan shall develop a children's section that shall provide access to child-appropriate facilities, information and material from a diversity of national and international sources, especially those aimed at the promotion of the child's social, spiritual and moral well-being and physical and mental health. All barangays shall likewise establish a children's library and a summer reading and literacy program for children.

In order to ensure the effective and efficient operation of the library, it shall be manned by professionally trained personnel with support staff. The Bustos Aklatang Bayan shall be managed by municipal librarian and librarian personnel.

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SECTION 59. Orientation Courses on Parenting. Couples who intend to marry and are applying for a Marriage License shall be required to attend an Orientation Course on Responsible Parenthood with Gender and Child Sensitivity to be conducted by the concerned offices of the Municipality, prior to the issuance of license by the Office of the Municipal Civil Registrar. This course shall become an integral part of the existing Family Planning Seminar or Reproductive Health Course. The MSWDO and the MHO, together with the Municipal Population Office shall synchronize the family planning seminar with this provision.

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

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As a follow-up to the Parenting Orientation Course, parents/guardians shall also be required to participate in another Parenting/Orientation Course, during the school year a child is enrolled in either a public or private day care center in Bustos. Such course may also be incorporated in Parent Teacher Association (PTA) activities for the school year in the elementary and high school levels.

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As mandated to R.A. 11908 or "The Parent Effectiveness Service Program Act" to strengthen parental involvement in their children's development and learning. The Municipality shall give priority to the provision and expansion of knowledge and skills of parents and parent-substitutes on parenting to be able to respond to parental duties and responsibilities on the areas of early childhood development, behavior management of younger and older children, husband-wife relationships, prevention of child abuse, health care, and other challenges of parenting. It assists parents and parent-substitutes to develop and strengthen their knowledge and skills so they can assume the major educational role in their child's growth and development.

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This shall be implemented through Municipal Social Welfare and Development Office and Municipal Population Office, and shall be conducted in every barangay to help them understand the importance, functions, and characteristics of the family, and inform them of the family's strengths and weaknesses to enable them to reflect building on their strengths to address their weaknesses so that they can be responsible members of the community.

ARTICLE X RIGHT TO PROTECTION

SECTION 60. Program on Child Abuse and Exploitation. The Municipality shall establish a mechanism to provide an integrated quick response system that will provide immediate, appropriate, and holistic response to cases involving child abuse, sexual exploitation, child trafficking, child pornography, child prostitution and child labor. Towards this end, it shall ensure child-friendly and gender-sensitive procedures that prevent victimization, formulate and/or strengthen protocols in providing immediate response to specific issues and institute systems to document reported cases and monitor the status of actions taken.

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There shall be a comprehensive program to be formulated by the MSWDO and the LCPC, other government agencies, and the private sector concerned within one (1) year from the effectivity of this Code, to protect children against child prostitution, exploitation, sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse, and circumstances which endanger child survival and normal development.

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The Municipal Social Welfare and Development Office shall designate a Registered Social Worker in handling cases of children who are victims of abuse and child exploitation to ensure the proper interventions needed by the child will be given.

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The Municipality shall appropriate fund assistance for the following:

- a) Children in conflict with the Law;
- b) Child at Risk;
- c) Child in Street Situation; and--
- d) Assistance for Children in Crisis Situation.

SECTION 61. Violence Against Women and Their Children (VAWC) Desk. Ensure that all police stations have children's desks with child and youth relations officer who render service 24 hours a day and 7 days a week to handle cases involving children and who are trained in children's rights, as well as gender and child sensitivity.

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The Municipality shall prioritize the establishment and functionality of the barangay Violence Against Women and Children (VAWC) desks. The barangay VAWC desk shall serve as one of the key reporting and referral mechanism for cases of violence, abuse, and exploitation of children in the barangay during all phases of emergency response and recovery.

All barangay shall have VAWC Officers and shall undergo annual training that aim to improve awareness, skills and functions in handling cases of women and their children organized by Municipal Social Welfare and Development Office.

The following are the functions of the Barangay VAWC:

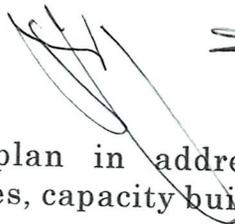
- a) Assist VAC victims in securing Barangay Protection Order (BPO) and accessing necessary services;
- b) Respond to gender-based violence cases brought to the barangay;
- c) Record the number of gender-based violence cases handled by the barangay and submit a quarterly report on all VAC cases to the DILG Municipal Field Office and the Municipal Social Welfare Development Office (MSWDO);
- d) Keep VAC case records confidential and secured, and ensure that only authorized personnel can access it;

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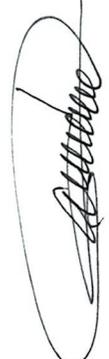
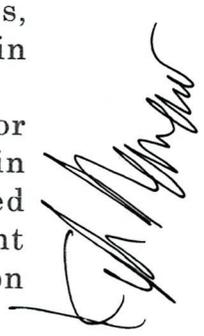
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- e) Develop the barangay's gender-responsive plan in addressing gender-based violence, including support services, capacity building, and referral system;
 - f) Coordinate with and refer cases to government agencies, non-government organizations (NGOs), institutions, and other service providers as necessary;
 - g) Address other forms of abuse committed against children; and
 - h) Lead advocacies on the elimination of VAC in the community and perform other related functions as may be assigned.

SECTION 62. Social Welfare Officer for Children. The Municipality shall ensure that at least one (1) Local Social Welfare and Development Officer devoted to children's concerns is assigned.

The Municipality through Municipal Social Welfare and Development Office shall designate a Registered Social Worker that perform a role of making home visits to investigate reports of abuse or neglect, assess children's living situations, and provide services. These services can include counseling, parent education support as well as helping families apply for social benefits or child care assistance.

SECTION 63. Child Friendly Justice System. The Municipality shall endeavor to support the judicial system in creating and maintaining an environment that will allow children to give reliable and competent evidence, minimize trauma to children, encourage children to testify in legal proceedings and facilitate the ascertainment of truth. In pursuit thereof, it shall endeavor to:

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- a) Train all members of the Katarungang Pambarangay on children's right and child protection to ensure a child-sensitive village justice system;
 - b) Support the setting up of child-friendly courtroom facilities in all family courts;
 - 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 child witnesses in non-criminal proceedings;
 - 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, provided that such services shall be extended whenever the child is present at any stage of the proceedings, regardless of whether the child is on the witness stand; and
 - e) 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.

SECTION 64: *Development of A Comprehensive Local Juvenile Intervention Program.* A Comprehensive Local Juvenile Intervention Program covering at least a three-year period shall be instituted in the Municipality from the barangay to the Municipal level.

The Municipality in coordination with the LCPC, shall call on all sectors concerned, particularly the child-focused institutions, NGOs, people's organizations, educational institutions, and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs. Such programs shall be implemented consistent with the national program formulated and designed by the Juvenile Justice and Welfare Council (JJWC). The implementation of the Comprehensive Local Juvenile Intervention Program shall be reviewed and assessed annually by the Municipality in coordination with the LCPC.

Training and workshop on the formulation of Comprehensive Barangay Local Juvenile Intervention Program shall be conducted annually together with Punong Barangay and VAWC Officers, which will be spearheaded by MSWDO.

SECTION 65. *Special Protection Must Be Provided on the Impact of a Disaster.* The Municipality recognize child's right to protection from disasters and their right to participate in measures to reduce disaster risk in their communities.

As mandated in Republic Act 10821 or the Children's Emergency Relief and Protection Act the Municipality and Barangay shall establish child-friendly spaces which seek to protect children, nursing mothers and pregnant women before, during and after disasters, calamities or any emergency situation.

Child friendly spaces shall offer activities such as psycho-social counseling, games, educational activities, art therapy sessions and supplementary feedings.

SECTION 66. *Child Protection Policy.* All government offices shall adopt a Child Protection Policy that sets standards of conduct and behavior for public officials and employees to ensure that they promote and protect the rights of children. Provided, that all public schools in the elementary and high schools levels, as well as other relevant agencies shall abide by the Child Protection Policy issued by the Department of Education.

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SECTION 67. Protection of Children Within the Family. Subject to the provision of Article 55 and 231 of Family Code; Section 19 and 21, Article VI of the Domestic Adoption Act; applicable provision of Revised Penal Code Act No. 3815; The Child and Youth Welfare Code (P.D. No. 603), The Anti-Rape Law, R.A. No. 7610 or Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act, the Municipality has the inherent duty to act as *parens patriae* (father of his country) and protector of children/minors against parents or family members.

SECTION 68. Prohibition of Corporal Punishment. The Municipality explicitly prohibits all corporal punishment of children in all settings, including the home.

There is corporal punishment when the child is subject to physical and degrading forms of punishment such as, but not limited to the following:

- a) Harsh whipping or blows to any part of a child's body, with or without the use of an instrument such as a cane, shoes, broom, stick, whip or belt, tail of a stingray (*pagi*), and other objects through acts such as but not limited to (a) beating, (b) kicking, (c) hitting, (d) slapping, (e) lashing or (f) spanking;
 - b) Acts perpetrated as a form of punishment for an offense committed by the child, such as but not limited to (a) pinching, (b) pulling ears or hair, (c) shaking, (d) twisting joints, (e) cutting and shaving hair, or (f) dragging or throwing a child;
 - c) Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as but not limited to (a) holding a weight or weights for an extended period, (b) kneeling on salt, seeds, stones or pebbles, (c) squatting, or (d) standing or sitting in a contorted position, whether under the heat of the sun or not;
 - d) Confinement, including being shut in a confined space or material, tied up, hung in a sack or forced to remain in one position for an extended period of time; locking up the child in a cabinet or *aparador* or any closed structure; placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned;
 - e) Bringing the child in contact with or exposure to, as punishment or for the purpose of discipline, external substances, such as burning or freezing materials, water, smoke, pepper, alcohol, excrement, urine or other dangerous or unhygienic substances causing certain degree of suffering, however light;
 - f) Use of hazardous tasks as punishment or for the purpose of discipline, including those that are beyond a child's strength. Such tasks include but not limited to (a) sweeping, digging or standing under the heat of the sun or (b) unprotected cleaning of toilets;
 - g) Stripping the child or his/her clothes;
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- h) Tying up the child or otherwise detaining him/her;
- i) Exposing the child to be bitten by ants or other insects; and
- j) Any other physical act perpetrated on a child's body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light.

SECTION 69. Promote Positive Discipline. The Municipality adopts an alternative form of child discipline by the parents for purposes of disciplining their children to foster a more harmonious relationship between parents and children.

The positive and non-violent approach of disciplining a child shall include, but not limited, to the following:

- a) **Beat-the-Clock** which refers to a motivational technique that uses the child's competitive nature to encourage completion of tasks on parent's timetable;
- b) **Grandma's Rule** which refers to a contractual agreement that allows a child to do what the child pleases as soon as what the parent wants has been accomplished;
- c) **Neutral Time** which refers to the taking advantage of time that is free from conflict, such as the time after a tantrum has passed and the child is calm and receptive, to teach new behavior to the child;
- d) **Praise** referring to a verbal recognition of a behavior that a parent wants to reinforce;
- e) **Reprimand** referring to statements that include a command to stop the behavior, a reason why the behavior should stop, and an alternative to the behavior;
- f) **Rule** which refers to a pre-determined behavioral expectation that includes a stated outcome and consequence; and
- g) **Responsibility Building** which refers to making a child perform age-appropriate simple household chores.

ARTICLE XI RIGHT TO PARTICIPATION

SECTION 70. Participation Rights in Decision Making Processes. Children in the family, school, community or their organization or institution shall be heard without any form of discrimination.

Every child regardless of sex and age 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 the adults to provide opportunities for children to express his or her views, obtain information, make ideas or information known, regardless of religion, age and sex.

The Municipality shall allow and adopt measures for participation of children and youth sector in municipal meetings to join discussions with adults in various decision-making committees and be given the opportunity to participate in community improvement efforts and community development.

SECTION 71. Participation in Policy-Making and Implementation. The Municipality shall institute mechanisms for meaningful participation by children in decision-making processes on issues that directly affect them. It shall in particular:

- a) Ensure that children participate in designing and implementing the Municipal Development Plan for children;
- b) Include at least three (3) children advocates in the LCPC;
- c) Ensure that the Municipality shall design and implement programs and activities to encourage child participation, especially for children ages 15 to below 18;
- d) Create opportunities for children and young people to express their views, advocate their rights and concerns, and participate in community development.
- e) Ensure that children participate in public hearing of local laws and other matters pertaining to their welfare.

SECTION 72. Right to Suffrage. According to the Chapter II, Section 4 of the Republic Act No. 10742 or the "Sangguniang Kabataan Reform Act of 2015", there shall be in every barangay a Katipunan ng Kabataan to be composed of all citizens of the Philippines residing in the barangay for at least six (6) months, who are at least fifteen (15) but not more than thirty (30) years of age, and who are duly registered in the list of the Commission on Elections (COMELEC) and/or the records of the Sangguniang Kabataan secretary. Therefore, children ages 15-17 have the right to elect Sangguniang Kabataan Chairperson and Members.

The Municipality and the Commission on Elections (COMELEC) shall formulate appropriate measures for the implementation of the active participation of children in the SK elections which includes but not limited to voter's education forum and ensuring child-friendly voting facilities.

SECTION 73. Children Organization. The Municipality shall activate and empower Children Organization to implement or conduct activities geared towards child and youth development, including but not limited to gender sensitivity seminar, activities concerning about environmental protection like tree planting and clean up, sports fest and workshops on children and youth issues and concerns.

The Municipality shall organize children's organization through Barangay in coordination with other concerned agencies. This will be facilitated by the LCPC to strengthen and monitor the functionality of children's

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organization and encourage children's participation in the Municipality and barangay level in matters that affect their rights and welfare.

SECTION 74. Annual Children's Summit. The Municipality shall conduct an annual children's summit every November in celebration of Children's Month, which shall be planned and implemented with the participation of children. Participants in the Summit shall include children and parents and representatives from the LCPC, the Barangay Council for the Protection of Children, civil society organizations and schools.

The agenda for the Summit shall include the following matters at a minimum:

- a) Annual State of the Municipal Children Report to be delivered by the Municipal Mayor as the Chairperson of the LCPC;
- b) Consultation with stakeholders, including children on their assessment of the implementation of the Local Development Plan for children and Annual Investment plan; and
- c) Consultation with stakeholders including children on strategies for moving forward in the implementation of the plans.

Provided that age-appropriate mechanisms shall be established to ensure that children with ages seven (7) to twelve (12) years old and thirteen (13) to below eighteen (18) years old are involved in the planning and implementation of the Summit. Provided, further that at least fifty percent (50%) of the participants are children.

**ARTICLE XII
RIGHT TO NON-DISCRIMINATION**

SECTION 75. Program on Child Discrimination. There shall be a comprehensive program to be formulated by the MSWDO and the LCPC within one (1) year from the effectivity of this Code, to protect children against discrimination which endanger child survival and his/her physical, emotional and mental development.

SECTION 76. Equal Rights of Boys and Girls. The Municipality guarantees fundamental equality of boys and girls rights. It shall also ensure that a child has equal access to resources and to development results and prohibits discrimination solely on the basis of sex of children.

The Municipality prohibits gender stereotyping in education, child labor, prostitution, cultural biases and socialization practices in the family, poor health and nutrition. All children shall be protected from all forms of abuse and exploitation caused by negative cultural attitudes and practices as well as in the economic exploitation of child labor.

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The Municipality shall adopt mechanisms to offset or address sex or gender-based disadvantages or limitations, as a result of which children are denied or restricted in the recognition and protection of their rights and in their access to and enjoyment of opportunities, benefits, or privileges.

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SECTION 77. *Non-Discrimination of Differently-Abled Children.* The Municipality undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all differently-abled persons without discrimination of any kind based on disability.

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Discrimination on the basis of disability means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.

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Appropriate measures for the implementation of the full and effective participation and inclusion in society of Differently-abled Children shall be initiated.

**ARTICLE XIII
CHILDREN IN EDUCATIONAL INSTITUTIONS**

SECTION 78. *Right to Education.* Every child has the right to education. This right shall include the right to avail of Early Childhood Care and Development (ECCD) programs, primary, secondary and tertiary education, appropriate to the evolving capabilities of the child. Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children.

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SECTION 79. *Child-Friendly Methods.* All educational institutions shall maintain quality education and use child-friendly methods in teaching the child. The school should have a healthy, and protective learning environment provided with appropriate architecture, services, policies, and actions.

The institutions should be inclusive, gender sensitive, employs teaching methods that are suited to the child's age, abilities and ways of learning, and encourages children to work together to solve problems. The institutions should be effective for all children, healthy for all children, protective of all children, and inclusive and gender sensitive, and that involve families and community institutions.

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SECTION 80. *Student Body Organizations.* All educational institutions shall give their full support to student body organizations.

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The school administration shall conduct periodic consultations with students regarding matters affecting their students. The student representatives shall be elected by the student body to sit in School Governance Council (SGC) and other recommendatory and decision-making bodies in the school.

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SECTION 81. Strengthening of Child Protection Policy in Schools. Educational institutions have their manual and Department of Education Orders with regards to Child Protection Policy which addresses the role, responsibilities, and practices of the school in relation to child protection. It shall outline the objectives of the program of education to prevent child abuse in the school, to develop children's self-esteem, assertiveness and self-protective skills, to teach children that they should always tell an adult about any situation which they find unsafe, upsetting, threatening, dangerous or abusive, to give children the skills necessary to enable them to recognize and resist abuse/victimization/bullying, peer abuse, young people bullying and abuse by school employees.

SECTION 82. General Conduct in Schools. Educational Institution shall provide provisions of General Conduct which includes that any physical contact between school personnel and the child should be in response to the needs of the child and not the needs of the adult; school personnel should not do things of a personal nature for a child which the child can do for him/herself; and inappropriate physical contact like rough physical play and horseplay are regulated.

It shall also include provisions that all children should be treated with equal respect, and favoritism is not acceptable. School personnel should never engage in or allow the use of inappropriate language or behaviors, sexually provocative games or sexually suggestive comments about or to a child, and the use of sexually explicit or pornographic material.

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SECTION 83. Protect Children Both Within and Outside the School. Teachers have a general duty of care to ensure that arrangements are in place to protect children from harm. All educational institution should formulate programs for the development of their student's self-esteem, confidence, independence of thought and the necessary skills to cope with possible threats to their personal safety both within and outside the school.

All educational institutions shall ensure the safety of children within and outside school premises during school hours and authorized school activities (e.g., educational trips, academic contests, cultural contests like Minasa Festival, scout jamborees etc.).

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SECTION 84. Prohibition of Selling, Distribution and Bringing Junk Foods. All educational institutions shall ensure the safety of children within and outside school premises during school hours

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and authorized school activities. It shall be venue for the development of desirable eating habits of pupils/students. This shall include discouraging the students from patronizing non-nutritional food products (junk foods) sold within and outside school premises during school hour.

Prohibited Acts:

- a) School canteen owners and operators are strictly prohibited from selling junk foods to students;
- b) Junk foods as provided in DEPED Order No. 13, Series of 2017 are hereby enumerated as;
 1. Any product containing caffeine (for school canteens);
 2. Any processed fruit/vegetable juice with added sugar of more than 20 grams or 4 teaspoon per serving;
 3. Any jelly or slushies;
 4. French fries, bicho-bicho;
 5. Instant noodles;
 6. All types of heavily salted snacks such as chips;
 7. Chicharon; and
 8. Chicken skin, bacon, deep fried food including fish ball, kikiams etc.

SECTION 85. Prohibiting Hazing, Criminal Street Gangs and Groups engaging in Combats. Students in elementary and secondary levels are prohibited to participate in any gang-style group activities including but not limited to hazing.

The educational institutions are instructed to coordinate with local units, of the Department of Interior and Local Government and Municipality, the MSWD, and the Philippine National Police in order to monitor and control the proliferation of criminal street gangs and similar organizations in elementary and secondary schools within the territorial jurisdiction of the Municipality.

It is hereby declared that Municipality will adopt, impose policies and regulations that would ensure the welfare and protection of minors, both in-school and out-of-school youth particularly on issues connected with the operation, and recruitment of members of criminal street gangs. Their development shall be given consideration in all of its government programs.

Subject to Revised Penal Code and Special Penal Laws committed by parties, the masterminds and officers of such gangs or criminal organization who are found guilty of abetting criminal activities performed by their child members should be penalized. Moreover, this code shall penalize the parents or ward of the child which commanded, encouraged, or allowed the minor to commit a criminal act.

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Prohibited Acts:

- a) The creation and maintenance of a criminal juvenile organization or a gang for the purpose of using minors to commit any criminal act under existing laws.
- b) Organizing and for facilitating an initiation rite, including acts of hazing, which requires the commission by a minor of a criminal act.
- c) Recruiting any minor to join a criminal juvenile organization or criminal street gang.
- d) Allowing a natural or adopted child, or a ward of a legal guardian, to join a criminal juvenile organization and to participate in any illegal activity of a criminal juvenile organization.

The Municipality shall provide assistance for the children who are part of a gang such as:

- 1. Educational assistance
- 2. Free training through PESO
- 3. Financial Assistance
- 4. Technical education program

SECTION 86. Differently-abled children in Enrolment. Public and private educational institutions shall not discriminate against differently-abled children in enrolment and admission. As much as possible, they shall provide special classes for differently-abled children.

The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding and shall be entitled to treatment and competent care. The physically or mentally challenged child shall be given the treatment, education and care required by his/her particular condition.

Child who has specific toileting needs will have a special needs assistant assigned to him/her. The school and parents/legal guardian should address and an agreement should be reached as to how the school can meet those needs.

SECTION 87. Gifted Child. The gifted child shall be given opportunity and encouragement to develop his/her special talents and skills. Parents and the schools shall endeavor to discover the child's talents or aptitudes, if any, and to encourage and develop them. If the child is especially gifted, the parents shall report this fact to the National Center for Gifted Children or to other agencies concerned so that official assistance or recognition may be extended to him/her.

The Special Science Elementary School Project (SSES Project) is intended for gifted children in public elementary schools, and aims to produce scientifically literate students who will opt to be educated in special science high schools. It shall adhere to the guidelines pursuant to Department of Education Department Order No. 57, s. 2011.

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ARTICLE XIV
DISPLACED CHILDREN

SECTION 88. *Right of Displaced Children.* The displaced children who suffer and traumatized by conflict and exposed to intense stress aggression and heightened fear should be protected. There should be a supportive environment to overcome psychosomatic disorders, anxiety and depression, aggressive and regressive behavior and emotional instability needed for child survival.

SECTION 89. *Assistance During Displacement, Resettlement or Local Integration of the Displaced Children.* The Municipality shall provide immediate relief and humanitarian assistance to internally displaced families, children and communities. Humanitarian assistance shall not be diverted for any political or military reasons. All authorities concerned shall grant and facilitate the free passage of humanitarian assistance to the internally displaced and ensure rapid, safe and unimpeded access of persons engaged in giving such assistance, their transport and supplies, to the displaced communities.

ARTICLE XV
CHILDREN IN EMERGENCY OR DISASTER SITUATIONS

SECTION 90. *Comprehensive Emergency Program for Children.* The Municipality shall adopt Emergency Program for Children which shall be implemented immediately after the declaration of a state of calamity to protect the children and support their immediate recovery. Appropriate measures should be in placed to protect children who have lost the security of their normal family and community relationships, the familiarity of their surroundings, suffer serious psychosocial stress, experience school disruption, and have to seek refuge in overcrowded evacuation centers without adequate health and water and sanitation services.

In cooperation with national agencies and appropriate government institution, the Municipality shall provide a package of social services and interventions designed to protect, access to basic services and rehabilitate children affected directly or indirectly by disaster, calamity and in situation of emergency.

In emergency or disaster situations, children shall be given first priority in the delivery of services. All efforts shall be exerted to ensure that children are not separated from their parents/family. In case of separation, the reunification of children with their parents/family shall be given utmost priority and immediate attention.

The Municipality shall engage all relevant departments and stakeholders for the implementation of the program, and shall integrate the same in the Municipal Disaster Risk Reduction and Management plans and budget.

**ARTICLE XVI
CHILD LABOR**

SECTION 91. *Child to be Protected from Economic Exploitation.* The Municipality recognizes the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or deleterious work or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

Pursuant to RA No. 7658 in relation to Republic Act No. 9231 which allows employment of children below fifteen (15) years of age under exceptional circumstances, the Municipality shall adopt measures and guidelines regarding protection of these working children. All corporal and humiliating and degrading punishment of children by persons who employ them are prohibited.

Department of Labor and Employment Department Order No. 65-04 Rules and Regulations Implementing Republic Act No. 9231, Amending R.A. 7610, as Amended Chapter 5 Section 15 of this Act states the hours of work of a working child as follows:

- (a) For a child below 15 years of age, the hours of work shall not be more than twenty (20) hours a week, provided that the work shall not be more than four hours at any given day;
- (b) For a child 15 years of age, but below 18, the hours of work shall not be more than eight hours a day, and in no case beyond 40 hours a week; and
- (c) No child below 15 years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child 15 years of age but below 18 shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.

Sleeping time as well travel time of a child engaged in public entertainment or information from his/her residence to his/her workplace shall not be included as hours worked without prejudice to the application of existing rules on employee's compensation.

SECTION 92. *Cancellation of Business Permits/License and Closure of Establishments Engaged in the Worst Forms of Child Labor.* In accordance with Republic Act No. 9231 or "An Act Providing for

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the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child”, the Municipality shall recognize the prohibition and immediate action for the elimination of the worst forms of child labor. The Municipal 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 engage children in prostitution and sexual abuse; indecent or obscene or lewd shows, or where the violation of any provision of a child employed in such establishment.

The Municipality shall institute the recognition for child labor-free and child-friendly firms to encourage employers to stop child labor in their businesses and supply chains.

**ARTICLE XVII
CHILDREN IN CONFLICT WITH THE LAW**

SECTION 93. Children in Conflict with the Law. The Municipality shall adopt measures to ensure that the rights of Children ICL are upheld and protected by all levels of the Municipality in compliance with the provisions of the Juvenile Justice and Welfare Act of 2006 (Republic Act No. 9344). Towards this end, the Municipality shall, 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.

SECTION 94. Protection of Children Trapped into Substance Abuse. It is the duty of the Municipality to improve existing rehabilitation programs, prevention education programs involving young people to be involved in life skills education and youth health and development promotion. The Municipality shall provide measure to teach youth with skills on how to avoid opportunities of drug abuse and live productive drug and violence free lives.

The schools should take immediate action on all reports of drug use or sales, threats, bullying, gang activity or victimization. Anyone caught bringing a gun or drugs to school should be reported immediately to the appropriate law enforcement agency.

The Municipality through Municipal Social Welfare and Development Office shall conduct a diversion program that 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.

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The Municipality shall establish a team of educators, students, parents, law enforcement and barangay and business leaders to develop a plan for creating a safe, disciplined and drug-free school and community. These policies should include zero tolerance for weapons, violence, gangs, and use or sale of alcohol, tobacco and drugs to children.

All Children in conflict with the law as a subject of diversion program the MSWDO shall designate a registered social worker to provide intervention that 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.

SECTION 95. Deterrence of Criminal Gangs. It is hereby declared that Municipality will adopt, impose policies and regulations that would ensure the welfare and protection of minors, both in-school and out-of-school youth particularly on issues connected with the operation, and recruitment of members, of criminal street gangs. Their development shall be given consideration in all of its government programs.

Subject to Revised Penal Code and Special Penal Laws committed by parties, the masterminds and officers of such gangs or criminal organization who are found guilty of abetting criminal activities performed by their child members should be penalized. Moreover, this code shall penalize the parents or ward of the child which commanded, encouraged or allowed the minor to commit a criminal act.

Prohibited Acts:

- a) The creation and maintenance of a criminal juvenile organization or a gang for the purpose of using minors to commit any criminal act under existing laws.
- b) Organizing and for facilitating an initiation rite which requires the commission by a minor of a criminal act.
- c) Recruiting any minor to join a criminal juvenile organization or criminal street gang.
- d) Allowing a natural or adopted child, or a ward of a legal guardian, to join a criminal juvenile organization and to participate in any illegal activity of a criminal juvenile organization.

The Municipality shall provide assistance for the children who are part of a gang such as:

- 1. Educational assistance
- 2. Free training through PESO
- 3. Financial Assistance
- 4. Technical education program

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SECTION 96. *Best Interests of the Child and Child Participation.* Proceedings before any authority should be conducted in the best interests of the child and in a manner, which allows the child to participate and to express himself or herself freely. Participation of children in program and policy formulation and implementation related with juvenile justice and delinquency prevention shall be ensured by the concerned government agency.

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SECTION 97. *Presumption of Minority: Determination of Age.* The child shall enjoy the presumption of his/her minority. He/she shall enjoy all the rights of a child until he/she is proven to be eighteen (18) years old or older. The child's age may be determined from the child's birth certificate, baptismal certificate or any other pertinent document such as affidavits. In the absence of these documents, age may be based on information from the child himself, testimonies of other persons or the physical appearance of the child. In case of doubt as to the age of the child, it shall be resolved in favor of the minority.

SECTION 98. *Diversion.* Pursuant to Section 23 to Section 31 of 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, the Municipality recognize diversion as 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.

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A system of diversion is hereby established wherein Juveniles shall, as much as possible, be referred to alternative measures without undergoing court proceedings. Diversion shall apply to a child or youth as defined in this Code and subject to the conditions here in after provided.

SECTION 99. *Level of Diversion.* Diversion shall be conducted at the barangay and police levels to be assisted by the MSWDO. Aside from the Court, the Lupong Tagapamayapa, Barangay Council for the Protection of Children (BCPC), Women and Children's Desk Officer and the Child and Youth Relations Unit (CYRU) are competent authorities to conduct diversion proceedings.

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SECTION 100. *Duty to Inform Child of His/Her Offense.* The competent authorities are duty-bound to explain to the minor in a language known and understood by her/him the consequence of her/his act and/or omission. The minor's responsibility for the commission of any felony shall be explained to her/him with a view towards counseling and rehabilitating her/him, and avoiding her/his contract with the criminal justice system and indemnifying the victim/s if there be any.

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SECTION 101. *Termination of Case.* If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explained to both parties.

SECTION 102. *Diversion Programs, When Proper.* Where the parties and/or the competent authorities decide that the child must undergo a diversion program, such a continuing program for the rehabilitation and reintegration of the child shall be formulated with the cooperation of the complainant and the child.

SECTION 103. *Assistance of Parents, Guardian and/or Social Worker.* In all diversion proceedings, the participation of the parents, of not inimical to the interest of the child, or legal guardian and the local social welfare and development officer shall be mandatory.

SECTION 104. *Custody and Supervision.* No child from initial contact until the case is filed in the Family Court shall be removed from parental supervision, whether partly or entirely, unless the circumstances of his or her case make protective custody necessary. The competent authorities conducting diversion proceeding shall immediately commit the child to the custody of the parents or legal guardian or legal guardian who shall be responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, BCPC member or the Municipal Social Welfare and Development Officer. If necessary, the Local Social Welfare Office in coordination with DSWD may refer the child to the appropriate child-caring institution.

SECTION 105. *Manner of Investigation of a Child in Conflict with the Law.* In addition to the manner of investigation of a child in conflict with the law provided by Republic Act No. 9344 or An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council Under the Department of Justice, a child shall only be investigated or his statement secured in the presence of his parent/guardian, the nearest relative, Barangay Council for the Protection of Children concerned member, or the local social welfare and development officer and his/her counsel.

In their presence, the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her own choice, if he/she does not have one yet, in a language that is clearly understood by the child, the parents or guardian. In no case should a child be investigated by the police or a statement be extracted from him in the absence of them. Such investigations should be conducted within the legal detention period.

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If the child cannot be represented by counsel of his own choice, the CYRU or the Child and Youth Relations Officer shall contact a member of the Public Attorney's Office (CYRO), to assist the child and will handle the cases involving juveniles in conflict with the law. Any confessions and admissions in violation of these rights are inadmissible as evidence against the child. Respect for the human rights of the child shall be of paramount consideration during the custodial investigation.

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In no case should deceit, false promises or intimidation, or harsh treatment be employed against the child during the investigation process. Third degree methods of physical punishment or any device that will tend to affect the physical and mental health of the youth should never be used. They shall refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension and avoid violence or unnecessary force.

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In interviewing the child, there should be sufficient privacy, avoiding unnecessary interruptions as much as possible. The child should feel comfortable in a separate interview room.

SECTION 106. Diversion When Proper. After investigation, if the imposable penalty for the offense is not more than six (6) years of imprisonment, the law enforcement officer, CYRU/CYRO in consultation with the child, his/ her parents or guardians and the local social welfare and development officer shall adopt the appropriate diversion program pursuant to 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.

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In cases when a child has no parent or legal guardian, the nearest relative, a member of a child focused group, a religious group or the BCPC, shall act as his legal guardian. If found to be neglected, abandoned and abused, aside from the above dispositions, the MSWD/DSWD shall file a petition for involuntary commitment under P.D 603.

SECTION 107. Subject of the Investigation of Child in Conflict with the Law. The police should investigate the facts of the offense thoroughly to include the following:

- a) Facts and circumstances surrounding the alleged offense; including the including testimonies, documentary of object evidence in order to determine whether an offense is probably committed or not;
- b) Record of any police action;
- c) Record of any previous court or social agency action;
- d) Attitude of the child, his/her parents, and the complainant toward the act; and
- e) Adjustment of the child in the home, school and community.

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SECTION 108. Duty of the CYRU when there is No Diversion.

Where the offense does not fall under the preceding paragraph or if the child, his parents or guardians do not consent to a diversion, the CYRU shall forward the records of the case of the child under custody to the prosecutor or judge concerned for the conduct of inquest and/or preliminary investigation to determine whether or not the child should remain under custody and correspondingly charged in court. The document transmitting said records shall display the word child in bold letters.

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SECTION 109. Apprehension of Children in Conflict with the Law.

The arresting police officers must serve the child a warrant of arrest in a legal, humane and responsible manner. They shall not employ unnecessary force in arresting or searching the child. They must be in plain clothes and avoid using marked vehicles. In cases of warrantless arrest and seizures, they must avoid using vulgar or profane words and a tone that will attract the attention of people around the child.

The arrest, detention or imprisonment shall be used only as a measure of last resort and for the shortest appropriate period of time. Upon the apprehension of a juvenile, his/her parents or guardian shall be immediately be notified of such apprehension, and where such immediate notification is not possible, the parents or guardian shall be notified within the shortest possible time thereafter.

The arresting police officers should take the child by the hands instead of collaring or dragging him. Unless absolutely necessary, handcuffs or other instrument of restraint shall not be used on the child.

The arresting police officers should take the child to any available government medical or health officer in the area for a physical and mental examination immediately after apprehension, as provided for under Art. 190 of P.D. No. 603. The examination and treatment papers shall form part of the records of the case of the child. For drug users/dependents, the police should facilitate the conduct of a drug test with the Dangerous Drugs Board or any accredited physician in the locality and refer the case to appropriate agencies for assistance; the examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same.

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Pursuant to Article 209 of P.D. No. 603. The arresting police officers should inform the Senior Social Worker of the Department of Social Welfare and Development or other accredited NGOs of the apprehension of the child within eight (8) hours so that immediate intervention can be provided and they should inform the parents within eight (8) hours about the arrest and ask them to come to the police station.

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The Municipality together with the Philippine National Police shall establish specialized police units and to developing binding protocols and handbooks for the police in arresting children conflict of laws and that all law enforcement personnel involved in children's cases should receive appropriate training.

Arresting police officers are further prohibited from committing the following acts during arrest:

- a) Resort to vulgarity or profanity;
- b) Brand the child, calling him words such as thief, liar, burglar, etc. in the presence of other people;
- c) Lose his temper;
- d) Use of physical force;
- e) Oppression which imports acts of cruelty, severity, or excessive use of authority.

SECTION 110. Detention of the Child Pending Trial. If the youth detention center is not available, a separate section of the municipal jail exclusively designed for youthful offenders should be made. Ensure that the detention of the child is necessary, and the child be secured in quarters separate from that of the opposite sex and adult offenders.

**ARTICLE XVIII
CHILDREN DIRECTLY AFFECTED BY HIV/AIDS AND OTHER
SEXUALLY- TRANSMITTED DISEASES (STDS)**

SECTION 111. Control of Sexually Transmitted Diseases in Children. The Municipality shall protect and promote the right to health of the people and instill health consciousness among children and shall adopt an integrated and comprehensive approach to health development which shall give priority for the needs of the children directly affected by HIV/AIDS and other sexually-transmitted diseases (STDs).

Pursuant to The Philippines AIDS Prevention and Control Act (RA 8504) which provides the legal basis for education and information; safe practices and procedures, including donation of blood, tissues or organs; guidelines on surgical procedures; penalties for unsafe practices and procedures; community-based services and control of sexually transmitted diseases, the Municipality shall launch public awareness campaign and prevention education activities targeting highly vulnerable populations including women, children and young people, street children, sexually exploited children and substance abusers (particularly injecting drug users) who are highly vulnerable to HIV/AIDS and other sexually-transmitted diseases (STDs).

The Municipality shall coordinate with the appropriate agency to address the 'deafening silence' of children affected by HIV and AIDS and other sexually-transmitted diseases (STDs) and will coordinate in strengthening

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the national monitoring and evaluation system in data collection and reporting to the National AIDS Registry. Likewise, the Municipality shall coordinate with proper agencies as to treatment of children affected by HIV and AIDS.

**ARTICLE XIX
CHILDREN IN STREET SITUATION (CISS)**

SECTION 112. Children Living or Working on the Street. It is also the declared policy of the Municipality to eliminate the presence of Children in Street Situation (CISS) in its jurisdiction by promoting their welfare through strengthened programs aimed at protecting their rights at the community level.

SECTION 113. Coverage. This shall cover stowaway or runaway children, children on the street and children of the street:

- a) **Stowaway or runaway children** - children who actually live and work on the streets who have run away from their families;
- b) **Children on the street** - Children who spend a majority of their time on the street for livelihood but return home to their families on a regular basis;
- c) **Children of the street** - Children who also spend a majority of their time living, playing and working on the street, but seldom return to their families in communities or not at all. They generally do not go to school and decide to live on the streets because of problems at home that include extreme poverty, violence and substance abuse.

SECTION 114. Services to CISS. The Municipality shall provide easier access to services that include health and nutrition, educational assistance, effective parenting sessions, emergency medical and feeding services, livelihood and skills training.

CISS shall be provided with adequate nutrition, clothing and shelter as well as with social and health services and educational opportunities, including vocational and life-skills training, in order to support their full development and provide them with adequate protection and assistance. Street children who are victims of physical, sexual and substance abuse shall be provided with adequate protection, recovery and social reintegration services and promote reunification with their families. It shall conduct immediate rehabilitation program for street children identified as prohibited substance abusers.

**ARTICLE XX
CHILD TRAFFICKING**

SECTION 115. Legal Protection to Victims of Child Trafficking. Victims of child trafficking shall be recognized as victims of

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the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking enumerated in Republic Act No. 9208 or in obedience to the order made by the trafficker in, relation thereto. In this regard, the consent of a trafficked child to the intended exploitation shall be irrelevant.

The Municipality shall monitor, document and maintain a databank of illegal recruiters and suspected traffickers. It shall likewise adopt measures for restoration of the physical and mental well-being of trafficked persons and adopt community education and development activities in respective communities by guiding and promoting family and community empowerment to prevent and suppress trafficking.

In coordination with proper agencies, the Municipality shall establish vocational training and support for trafficked person's reintegration into the community and support for victims and witnesses who assist in the prosecution of offenders.

SECTION 116. Attempt to Commit Child Trafficking. There is an attempt to commit child trafficking under preceding section of this Code:

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

**ARTICLE XXI
DIFFERENTLY-ABLED CHILDREN**

SECTION 117. Right to Special Protection of Differently-Abled Children. Differently-abled children have the right to special care,

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education, and training to help him/her enjoy a full and decent life in dignity and to achieve the greatest degree of self-reliance and social integration possible. They shall likewise be protected from violence, exploitation, and abuse, including from economic exploitation, sexual exploitation and abuse, sale, trafficking, and any similar practices prejudicial to the child's welfare.

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SECTION 118. Coverage of Differently-abled Children. It covers children with learning disability, hearing impaired, mentally challenged, behavior problem, orthopedically handicapped, autistic children, speech defectives, chronically ill and those with cerebral palsy and mentally gifted/fast learners.

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SECTION 119. Awareness-Raising. The Municipality undertake to adopt appropriate measures to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; and to combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.

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SECTION 120. Education. The Differently-abled Children shall have access to quality education that would provide them the opportunity to recognize their potentials for development and enhance their capability to express their rights and place in the society. Likewise, it shall support provision of adequate educational services to Differently-abled Children through the establishment and institutionalization of special education center programs and providing special education classes in public schools in the municipalities.

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SECTION 121. Assistance to Differently-abled Children. Pursuant to Private Education Student Financial Assistance Program created by virtue of R.A. 6725, the Municipality shall provide financial assistance to economically marginalized but deserving Differently-abled Children pursuing post-secondary or tertiary education. Such assistance may be in the form of scholarship grants, student loan programs, subsidies, and other incentives to qualified Differently-abled Children in both public and private schools. At least five percent (5%) of the allocation for the Private Education Student Financial Assistance Program created by virtue of R.A. 6725 shall be set aside for Differently-abled Children pursuing vocational or technical and degree courses.

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SECTION 122. Health Services. The Municipality shall protect and promote the right to health of disabled children and shall adopt an integrated and comprehensive approach to their health development which shall make essential health services available to them at affordable cost.

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The Municipality shall establish community-based rehabilitation programs for differently-abled children and standardized preventive interventions such as immunization and nutrition education. The community-based efforts in early detection of impairments and early interventions shall be given attention and the reporting and classification of various forms of disabilities shall be standardized.

SECTION 123. Barrier-Free Environment. Pursuant to Batas Pambansa Bilang 344, otherwise known as the "Accessibility Law" and R.A. 7277, the Municipality shall ensure the attainment of a barrier-free environment that will enable Differently-abled persons to have access in public and private buildings and establishments and such other places mentioned in Batas Pambansa Bilang 344.

SECTION 124. Accessibility. Differently-abled children shall have access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities. They shall also enjoy access to places for cultural performances or services, such as theatres, museums, libraries, and tourism services, and, as far as possible, enjoy access to monuments and sites of national cultural importance.

SECTION 125. Differently-abled Children in Accessing the Justice System. The Municipality shall assist Differently-abled Children in accessing the justice system by providing access to professionals such as interpreters and psychologists at all points in the judicial process.

The Municipality shall ensure unhindered access to public facilities and requiring signage and communication that is sensitive to the needs of Differently-abled Children, if necessary, interpreters and social workers should be present to make them comfortable and facilitate the process. The Municipality shall assist and cooperate with the appropriate agency as to access to Braille services, sign language and other communication facilities for Differently-abled Children to facilitate communication with Differently-abled Children who are visual and hearing impaired.

The Municipality shall assist and cooperate with the appropriate agency as to access to social workers, psychologists, and other medical professionals to assist mentally, psychologically and/or developmentally challenged in accessing the justice system. The Municipality, through appropriate office shall likewise appoint a focal person in handling complaints of Differently-abled Children in accessing the justice system and undergone sensitivity training.

SECTION 126. Services for Differently-Abled Children Provided by the Municipality. The Municipality, through the MHO and MSWDO and in partnership with NGOs, shall provide assistive devices,

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whenever feasible, to differently-abled children, such as but not limited to:

- a) Wheelchair
- b) Crutches
- c) Cane/Quad Cane
- d) Hearing Aid
- e) Walker
- f) Special Seats

The Municipality shall endeavor to provide regular physical therapy for children with cerebral palsy, Down syndrome, and hydrocephalus, educational or financial assistance for school children with physical deformities (speech impaired, clubfoot, blind, hearing impaired, epilepsy and polio) and mental disabilities.

ARTICLE XXII DEPENDENT, ORPHANED AND NEGLECTED CHILDREN

SECTION 127. *Right to Protection Against Dependent, Neglect, Abandonment and Surrendered.* Every child has the right to the care and custody of his/her parent(s) and be provided with love, care, understanding and security towards the full and harmonious development of his/her personality.

The Municipality shall protect children who are left unattended with no supervising adult in their house and those neglected and orphaned children who find themselves in the streets fending for themselves, vulnerable and easy prey not only to accidents but to illicit transfer, drug addiction, crimes, unwanted pregnancies, and commercial sexual exploitation.

SECTION 128. *Abandoned and Foundling Children.* Every child has the right to quality care by his/her parents/guardians and to be protected against abandonment. This is to provide social protection to children and youth when his or her parents or guardians are unable to provide for the basic needs for his or her proper growth and development.

Subject to 100% Birth Registration policy of the Municipality, it shall however be committed to take appropriate measures to register foundling children or deserted and abandoned infant or child found with unknown facts of birth and parentage.

SECTION 129. *Common Provisions.* Subject to strengthened Philippine Adoption Laws, both domestic and intercountry, and to availability of funds, there shall be established residential care as a major response to abandoned and neglected children. Pursuant to Republic Act No. 10165 Known as Foster Care Act of 2012. The Municipality shall

likewise strengthened and institutionalized the foster family care and legal guardianship as alternative parental care.

**ARTICLE XXIII
VICTIMS OF CHILD ABUSE AND VIOLENCE**

SECTION 130. Protection Against Abuse and Violence.

Pursuant to RA 7610 which seeks to protect children against all forms of abuse, exploitation, discrimination, and other conditions prejudicial to their development, it is the duty of the Municipality to protect children in all forms of child abuse and violence.

The Municipality mandates that efforts shall be made to focus on information dissemination at the barangay level regarding prevention of child abuse through raising awareness in the family, school, and community of the evils of child abuse.

There shall be a systematic effort at helping victims deal with the psychological trauma and scars of child abuse through proper psychological counseling programs that target both the abused child and the family.

The Municipality shall forge a working partnership with other concerned government agencies, as well as NGOs to raise the consciousness of the police force about the rights of children and the necessary police intervention for the protection of these rights, especially from exploitation, harm, and danger. Further, pursuant to RA 8551, the PNP Reform and Reorganization Act of 1998, the PNP shall amplified the institutionalization of the Women and Children's Desk in all police stations with the mandate to administer and handle cases involving women and children victims of gender-based crimes, particularly all forms of abuse and violence.

SECTION 131. Legal Protection Against Domestic Violence of Children. This Section shall likewise cover those children identified in RA 9262 known as the Violence Against Women and their Children Act. Pursuant to said law, the Municipality values the dignity of children and guarantees full respect for human rights and it recognizes the need to protect the family and its members, particularly children from violence and threats to their personal safety and security.

Further on Sec. 8 of RA 9262, the respective barangay through its Punong Barangay recognize its function in providing for the issuance of "Protection Orders" for the purpose of preventing further acts of violence against a woman or her child and granting other necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim from further harm, minimizing any disruption in

the victim's daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life.

Pursuant to Republic Act No, 7610 known as "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, the Municipality recognizes the role of the state that it can intervenes on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care or custody of the same.

Likewise, under EO 209 known as Family Code of the Philippines, the Municipality may assist children for filing of an action to suspend parental authority if the parent or the person exercising the same has committed any of the following acts: treats the child with excessive harshness or cruelty; gives the child corrupting orders, counsel, or example; compels the child to beg; or subjects the child or allows him to be subjected to acts of lasciviousness. More so that under, Section 232 thereof, if the person exercising parental authority has subjected the child or allowed him to be subjected to sexual abuse, such person shall be permanently deprived by the court of such authority.

SECTION 132. Sexual Violence in Children. The duty of the State to take all the necessary steps to protect children from being sexually abused or exploited. It is sexual abuse if it is committed through an act of rape, incest, acts of lasciviousness; and sexual exploitation if it is committed through forced or induced child into prostitution, pedophilia, and pornographic performances and others.

Pursuant to RA 7877, otherwise known as "The Anti-Sexual Harassment Act of 1995", the Municipality within its jurisdiction shall protect the dignity of every child, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students of those undergoing training, instruction, or education, and protect them from all forms of sexual harassment in the employment, education or training environment involving children

SECTION 133. Commercial Sexual Exploitation of Children. The Municipality has the duty to prevent the commercial sexual exploitation of children, including prostitution and other unlawful sexual activities and prohibit all forms of sale or trafficking in children, including by their parents. Pursuant to Section 5, 6, 9, and 10, under RA 7610, the child victims of such exploitation are not criminal and should be treated as victims.

The Municipality shall likewise implement community-based information campaign to provide informed choices to children and parents, activating

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barangay councils for the protection of children, strengthening labor inspectorate system and surveillance and rescue mechanisms and formulation of a comprehensive program framework against child prostitution.

SECTION 134. Strengthening of the Program to Address Violence and Abuse Against Children. The Municipality shall have a comprehensive program to be formulated, to protect children against child prostitution and other sexual abuse; child trafficking, obscene publications, and indecent shows; other acts of abuse; and circumstances which endanger child survival and normal development. It shall deal with violence against children which addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions.

The Prevention Components focuses on the following major strategies:

- a) Prioritization of education in child abuse prevention programs. The prevention focuses on educating the various stakeholders about personal safety, child development, parent-child relationship, and children's rights;
- b) Provision of support system for families and care-givers especially families at risks. This entails improving access to family-focused and community-based basic services such as livelihood and early childhood care and development;
- c) Establishment of effective, built-in screening and detection programs for children at risk and for abused children within basic social services at the barangay and municipal levels. Capabilities of ECCD implementers at the municipal levels shall be enhanced to integrate mechanisms for early detection and referral of disability and child abuse;
- d) Integration of child abuse prevention with other family support programs and initiatives for children;
- e) Establish and activate community "child watch".

The Municipality shall have program for the improvement of the psychosocial recovery and reintegration of rescued children into their families and communities. This includes the enhancement of support services for families; development of rehabilitation programs for the perpetrators and adoption of indigenous approaches in conflict resolution.

The Municipality likewise recognize the strengthening of the existing community structures such as the LCPC, organizing foster care, capability building of leaders, developing family-enrichment programs and organizing support systems in the community. Conduct of innovative, center-based as well as community-based psycho-social interventions.

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Enhancement of the technical capacities of program managers, supervisors, social workers, and other service providers.

Pursuant to RA 8505, the Municipality, through the MHO and MSWDO, shall implement measures that would ensure the protection, recovery, and rehabilitation to prepare the abused child for full integration into the mainstream of society.

SECTION 135. Children as Actors in Addressing Violence. The children are given opportunity to extract information to address violence. They shall be given the opportunity to provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programs and policies to address violence against them.

SECTION 136. Multi-Disciplinary Team. The Municipality shall create a Multi-Disciplinary Team that will provide assessment, and represents a variety of disciplines that interact and coordinate the effort to diagnose, treat and plan for children and families receiving child welfare services. It will consist of representatives from PNP, MSWD, MHO, lawyer/legal counsel, registered psychologist/psychometrician, and any volunteers from an accredited CSO appointed by the Municipal Mayor.

SECTION 137. Healing, Recovery, and Reintegration. The Municipality together with the Local Social Worker, with the help of the other team members, plays a crucial role in determining other psychosocial interventions geared towards healing, recovery, and reintegration. These psychosocial interventions, must commenced right after the first contact with the child and not when the child is about to be reintegrated to the community. It shall actively involve the participation of the child, the child's family, and the barangay in the development of the recovery and reintegration plan.

The Municipality shall likewise tap the Barangay VAWC Desk Officers as focal person with whom the monitoring of the child and his/her family shall be coordinated with.

The MSWDO social worker shall assist the child's family to address their identified problems such inadequate income to meet basic needs, poor health, out-of-school children, lack of knowledge on proper parenting, and rights of children. Interventions may be in the form of parent education, self-employment assistance, vocational/skills training, educational assistance for the children, and family counseling/therapy.

The Social Worker shall include the roles of the following duties and responsibilities:

- a) Identify people and communities in need of help;

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- b) Assess clients' needs, situations, strengths, and support networks to determine their goals;
- c) Help clients adjust to changes and challenges in their lives, such as illness, divorce, or unemployment;
- d) Research, refer and advocate for community resources, such as food stamps, childcare, and health care to assist and improve a client's well-being;
- e) Respond to crisis situations such as child abuse and mental health emergencies;
- f) Follow up with clients to ensure that their situations have improved;
- g) Maintain case files and records;
- h) Develop and evaluate programs and services to ensure that basic client needs are met; and
- i) Provide psychotherapy services.

SECTION 138. Citizen's Arrest in Case of Child Abuse. All citizens of the Philippines have the right and moral obligation to report to law enforcement officers and duly constituted authorities or his representatives, any violation or infraction of laws committed against children being committed in his presence. He can even arrest the perpetrator as authorized by law through "Citizen's Arrest." It is one's civic and moral duty to do so.

SECTION 139. Report of Child Abuse. Any person shall report, either orally or in writing, a case of child abuse, neglect, or exploitation. The report may be made to any of the following:

- a) Department of Social Welfare and Development (DSWD);
- b) Commission on Human Rights;
- c) Municipal Social Welfare and Development Office (MSWDO);
- d) Philippine National Police;
- e) National Bureau of Investigation;
- f) Other law enforcement agencies;
- g) Punong Barangay;
- h) Barangay Kagawad;
- i) Any member of the Barangay Council for the Protection of Children (BCPC); or
- j) Barangay helpdesk person or Violence Against Women (VAW) help desk officer.

The following government workers have the duty to report all incidents of possible child abuse:

- a) Teachers and administrators in public schools;
- b) Probation officers;
- c) Government lawyers;
- d) Law enforcement officers;
- e) Barangay officials;

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- f) Corrections officers; and
- g) Other government officials and employees whose work involves dealing with children.

The person who reports need not be the complainant but has knowledge of the incident and the child victim may or may not be with the person reporting the incident.

SECTION 140. *The Mandatory Reporters within 48 hours.* The following are mandated to make a report, either orally or in writing, to DSWD/MSWDO within forty-eight (48) hours, the examination and/or treatment of a child who appears to have suffered from abuse:

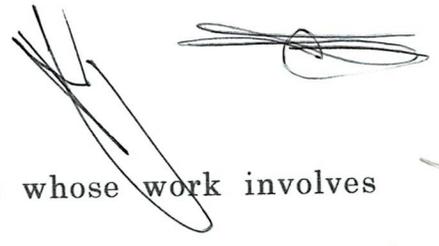
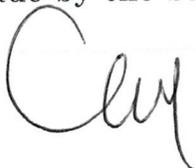
- a) Head of any public or private hospital, medical clinic and similar institutions; and
- b) Attending physician.

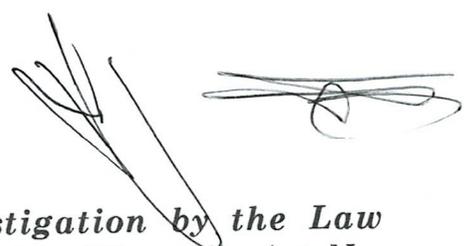
SECTION 141. *Reporting at the Barangay of Child Abuse.* The Municipality shall require its barangay to designate a child and gender-sensitive barangay kagawad or tanod, preferably female, who shall be in charge of its barangay help desk that shall receive and monitor all child abuse and VAWC-related cases, and refer the child victim to barangay VAWC Desk Officer.

When receiving a report, the barangay must enter the report in the barangay blotter exclusively for child abuse and domestic violence cases. This blotter must be always kept confidential. If the reporter is not the victim, interview the reporting person about the incident. If report is made by a child victim, interview only the child except to take the child's personal circumstances and to determine the necessity of referring the child for immediate medical attention. Only the designated barangay VAWC Desk Officer shall talk to the child.

Contact the child's parents/legal guardians. However, if the alleged perpetrator is a member of the family, the barangay shall immediately refer the MSWDO and/or the law enforcement officer who shall decide whether or not to notify the parents or guardians.

Within 24 hours, the barangay shall contact MSWDO and refer the case to the social worker for validation of complaint and assessment. If the MSWDO is unavailable and the case seemed to be high risk, like the alleged perpetrator lives under the same roof and no one in the household is protecting the child, there is threat to the safety of the child and her family, the child shall be directly endorsed to the Punong Barangay, the Bustos Kabataan Center as the temporary shelter for an emergency overnight placement or not more than 72 hours of stay. Thereafter, a report stating such endorsement to a crisis center or temporary shelter shall be made by the barangay to MSWDO.





SECTION 142. Reporting to and Investigation by the Law Enforcement Agency of Child Abuse. Section 27 of Republic Act No. 7610 states that complaints on cases of unlawful acts committed against the children as enumerated herein may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant 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;
- (f) Barangay chairman; or
- (g) At least three (3) concerned responsible citizens where the violation occurred.

Victims and witnesses may report directly to the nearest Law Enforcement Agency (LEA). They may either seek the assistance of any women and children protection desk of the PNP.

Reports received from people other than any of the above must also be entered in the separate and confidential Women and Children Protection Desk (WCPD) logbook which will be the basis for further validation and investigation.

SECTION 143. Joint Interview of the Child Victim. A joint interview by the social worker and the Law Enforcement Officer (LEO) is advisable to avoid repeated interviews that would re-traumatize the child. It must be conducted in an area where there are investigative services, otherwise, it must be conducted in a child-friendly interview room. If a complaint has already been made, it is advisable for the social worker and the LEO to conduct a joint interview.

Joint interview of the child victim shall be conducted by the MSWDO and the LEO as much as possible. When investigating a child abuse-related case, the LEO shall conduct the interview. The social worker shall be present during the interview. In case the social worker is not available, a trained law enforcement officer shall conduct the interview when the child has rested and is prepared to give a statement.

Before the interview, the social worker shall submit a list of questions to be asked by the LEO interviewer. Before terminating the interview, the LEO shall ask the social worker if there are additional or follow-up questions to be propounded.

If the child does not speak the local dialect, secure the assistance of an individual who understands and speaks the dialect of the child. If the child appears to be exhibiting trauma, shows extreme emotions, or becomes violent, pre-terminate the interview, and immediately refer the child to a psychologist or a counselor for proper intervention. Immediately contact MSWDO for further assessment and management and provision of other interventions such as temporary shelter and other services, as may be needed and appropriate.

Other resources required for the interview, such as facility and interview recording equipment should be provided by the Municipality.

SECTION 144. *Privacy of the Child Victim.* Subject to Section 29 of RA 7610 which provides for confidentiality and respect to the privacy of the child victim and the family. It is also required to keep the police blotter and other information and evidence confidential. Child victim name may be withheld from the public until the court acquires jurisdiction over the case.

SECTION 145. *Rescue of a Child Victim.* If, a rescue operation is necessary, based on the report received by either MSWDO or LEA, the social worker and the police shall immediately meet to plan the rescue and determine the action necessary to protect the child. Such agency shall contact the other team members: MSWDO, LEA, and the concerned barangay officials to map out the rescue operations, identify tasks and responsibilities, and identify support agencies or services. The LEA shall lead the rescue operation. The social worker, at a safe distance, shall take custody of the child victim. The barangay shall assist in securing the family and the community as a whole.

The barangay or the LEA, however, may immediately rescue a child if coordinating the rescue operations with the nearest available social worker would compromise the safety of the child (e.g., if child is in a far-flung area). As soon as the child is rescued, the child shall be endorsed to MSWDO and the rescue operations entered in the barangay and/or LEA blotter.

Immediately bring the rescued child to a Women and Children Protection Unit (WCPU) or a hospital to be examined by a doctor or if injured, provided with medical treatment.

SECTION 146. *Protective Custody of the Child Victim.* Subject to Section 28 of RA 7610 when investigation discloses sexual abuse, serious physical injury, or life-threatening neglect, the MSWDO social worker, with the assistance of the LEA and/or barangay, shall immediately remove the child from the home or the establishment where the child was found and must place the child under protective custody to ensure the child's safety.

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The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development pursuant to Executive Order No. 56, series of 1986. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

SECTION 147. Medical Evaluation/Medico-Legal Examination of the Child Victim. In all cases, the child shall be immediately referred to a WCPU or hospital for medical evaluation and/or medico-legal examination. The child shall be placed with a relative who is competent and willing to keep the child safe and protected. In the absence of a relative, the child may be placed in a MSWD-managed facility, an accredited child-caring institution, or a foster home.

When report of sexual abuse, serious injuries or life-threatening neglect is made to a WCPU doctor or social worker or to an NGO social worker, the latter shall immediately inform the MSWDO of the area where the subject child victim resides or may be found.

The MSWDO social worker who received the report shall immediately arrange overnight placement for the child while finalizing transfer of physical custody to a nearest kin or to a temporary shelter.

SECTION 148. The Role of the Municipal Social Worker Before and During Trial of a Child Abuse Case. The Municipal Social Worker should ensure the child is familiar with the physical set-up, the characters (i.e., judge, prosecutor, defense counsel, court interpreter, and other court staff), and the procedure and the child is physically, emotionally and psychologically prepared for a court hearing.

**ARTICLE XXIV
SPECIAL CONCERNS
A. PROHIBITING OF MINORS' ACCESS AND USE OF
ALCOHOL, CIGARETTES AND OTHER ADDICTIVE
SUBSTANCES**

SECTION 149. Anti-Underage Drinking. The Municipality recognizes the vital role of the youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. Towards this end, the Municipality shall undertake efforts to eliminate alcohol abuse and reduce underage drinking by prohibiting minors' access to alcohol, as stated in Kapasiyahan Bilang 2017-54.

The following acts are prohibited:

- a) The purchase of alcohol or intoxicating liquor of beverage by minors from vendors or other sources;

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- b) Purchasing or obtaining alcohol or intoxicating liquor of beverage for minors;
- c) Misrepresentations of one's age by presenting false identification or otherwise represent themselves as being of legal purchase age;
- d) Allowing the consumption or possession of any alcoholic or intoxicating liquor of beverage by a person under 18 years of age on an establishment's premises, no matter who purchased the alcoholic beverages or where they were purchased;
- e) Selling, giving, or otherwise providing alcohol to minors by an establishment which is licensed to sell alcoholic beverages, or for any employee of that licensee, to sell or furnish any alcoholic beverages at any time to a person under 18 years of age.

SECTION 150. Protection of Children from Vices. The Municipality protects and promotes the right to health of the children and instill health consciousness among them.

Pursuant to Section 9 of Republic Act No. 9211 or Tobacco Regulation Act of 2003 which provides unlawful transaction of minors involving tobacco and cigarettes, the Municipality prohibits:

- a) Selling or entertain the purchase of cigars, cigarettes, or any tobacco product to minors;
- b) To cause a minor to purchase cigars, cigarettes, or any tobacco product;
- c) The smoking of cigars, cigarettes, or any tobacco product;
- d) The sale of cigars, cigarettes, or any tobacco products by a minor; and
- e) Commanding a minor to purchase cigars, cigarettes, or any tobacco products.

SECTION 151. Prohibition of Selling Rugby and other Addicting Substances to a Child. It shall be unlawful for any person to sell rugby or any addicting substances to a child.

The Municipality prohibits the selling of cough syrup without prescriptions, and the selling of solvent, rugby, and other addicting substances to minors.

The Municipality shall implement programs, projects, activities, and necessary actions against substance abuse.

B. PROHIBITION OF SELLING FIRECRACKERS TO CHILDREN

SECTION 152. Prohibition of Selling and Use of Firecrackers of Children. No firecrackers or other pyrotechnic devices shall be sold, given or in any way share any type of fireworks or firecrackers to any

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person below eighteen (18) years of age. Children using firecrackers and other pyrotechnic devices must be strictly under adult supervision.

C. CONTROL ON CHILDREN’S EXPOSURE TO VIDEO GAMES, INTERNET CAFES AND OTHER AMUSEMENTS

SECTION 153. Control on Children’s Exposure to Commercial Video Games. Commercial establishments offering electronic video games and other similar items/machines to children shall be regulated as follows:

- a) All minors, particularly school children, are totally restricted to play video game machines and other similar equipment found in video arcades, amusement centers and other similar establishment located in Bustos, during school hours from 7:00 am to 5:00 pm, Mondays to Fridays and owners of the establishments are enjoined to strictly implement this prohibition;
- b) Minors may be allowed to play video game machines and other similar equipment in amusement centers, malls, video arcade or other similar establishments during weekends (Saturday and Sunday) from 9:00 am to 4:00 pm;
- c) Children 14 years old and below may only play video games rated as non-violent under the category of sports, adventure, racing, flight simulator and the like;
- d) Children 15-18 years old may play video games rated as less violent games under the category of sports, action, adventure, strategy, racing, flight simulator and the like.
- e) No video games and other similar items/machines shall be allowed to be established within fifty (50) meters radius from any learning institutions, places of worship and government offices.

In order to ensure compliance with this Section, video and computer games shops shall be required to install video monitoring systems within their establishments.

SECTION 154. Control on Children’s Exposure to Internet Cafes/Computer Shops. Internet cafes/computer shops/Pisonet catering to children except college students, shall not allow children to engage with internet activity during school hours. Showing cybersex and obscene scenes are strictly prohibited to children.

Owners or operators of internet cafes and other establishments offering computer services shall be required to provide a “lock out” and shall “disable” websites in the internet that are inappropriate for children and students. They shall likewise be required to post a specific time schedule for the use of computers by children and young students.

The internet cafes/computer shops/Pisonet within the Municipality shall not allow students to stay in the premises of the establishment during

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their class hours unless for specific educational or study purposes such as data research or statistical gathering duly authorized by the teacher and approved by their principal or a school head, requiring the students to wear proper uniform for easy identification; the establishments shall not offer online and network gaming services during class hours to students and/or minors; and the operator of the establishments should strictly observe curfew hours for minors and out-of-school youth which is until 9:00 pm only including Saturdays, Sundays and Holidays except when these minors or out-school youth are accompanied by their parents or guardians.

No internet cafes/computer shops shall be allowed to be established within fifty (50) meters radius from any learning institutions, places of worship and government offices.

The Municipality shall deputize personnel to render an on-the-spot inspection of internet cafes, video, Pisonet and computer game shops, and such other computer-related services operating within Municipality. Provided, however, that they shall review files and communications within the computer establishments to maintain system integrity and ensure that children and students are using the system in a considerate and responsible manner.

SECTION 155. Prohibition of Minors in Pool and Billiard Halls during School Days. Children shall be prohibited from pool and billiard halls during school days from 7:00 AM to 5:00 PM. A person must first show both his/her school identification card and residence certificate to serve evidence if he/she is not within the prohibited age level before he/she is allowed to enter to the recreational halls. No pool and billiard halls shall be allowed to be established within fifty (50) meters radius from any learning institutions, places of worship and government offices.

The operator of the aforementioned recreational halls must post a public notice to this effect at a conspicuous place on the recreational hall.

D. SAFETY OF CHILDREN TO PUBLIC UTILITY CONVEYANCE AND VEHICLES

SECTION 156. Safety of Children to Public Utility Conveyance. It is hereby declared that it is the policy of the Municipality to secure and safeguard its child passengers, particularly the passengers of public motor vehicles, from the ruinous and extremely injurious effects of vehicular accidents.

No children shall hang on or to ride on, the top and on the outside or rear end of any public utility conveyance or other mode of transportation. Tricycles, buses, van and jeepneys or any mode of transportation should

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only allow seating capacity to give children convenience during the transportation.

SECTION 157. Safety of Children Aboard Motorcycles. It shall be unlawful for any person to transport a child below seven (7) years old on a motorcycle along roads and highways whether as passengers in front or as a back rider: Provided, that a child seven (7) years of age and above may only be transported aboard a motorcycle if:

- a) He or she is wearing a standard protective helmet referred under Republic Act No. 10054, otherwise known as the "Motorcycle Helmet Act of 2009";
- b) The feet of the child can comfortably reach the footrest of the motorcycle; and
- c) The arms of the child can reach around and grasp the waist of the motorcycle driver.

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

SECTION 158. Limitation on the Number of Passengers. No motorcycle shall carry more than two (2) passengers, including the driver, while operating on a road or highway except in remote areas where a child to be transported requires immediate medical treatment and in an emergency situation.

SECTION 159. Safety of Children Aboard Tricycles. Tricycles are prohibited from conveying minors in front or at the back (commonly called "back-ride") of the driver's seat since they would be highly vulnerable to injury, even death, in case the vehicle gets in a collision or road crash.

SECTION 160. Role of Municipality of Bustos Units. The Bustos Traffic Management Office (BTMO) that is in-charge of regulating the tricycle sector in the Municipality shall ensure that tricycle drivers shall not operate without first undergoing a training on the Safety of Children on Public Conveyance. A franchise shall not be granted until a certification issued by the BTMO to the driver/applicant has been presented.

E. CURFEW FOR MINORS

SECTION 161. Curfew Hours for Minors. No minor is allowed to stay, roam around or loiter in public places in the Municipality and be out of their homes from 10:00 PM to 4:00 AM, whether single or in group without any lawful purpose or justifiable reason.

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Billboards containing the title of the Curfew regulation and the exceptions shall be displayed in public places.

SECTION 162. Exceptions. The Curfew shall not apply on the following circumstances:

- a) If accompanied by the parents or guardians/custodian who is over eighteen (18) years of age who has a written permission of the minor's custodian to have the minor under his supervision;
- b) Travelling in connection with his/her employment, religious activity, or attendance at a function, activity or program sponsored by the city or school;
- c) Temporarily within the city or in city property while engaged in inter-town/inter-city travels;
- d) Attempting to obtain assistance in an emergency, such as but not limited to seeking the services of a medical officer, priest, funeral parlor operator and other unavoidable instances;
- e) In cases of holidays including but not limited to Christmas Season (December 16-25)
- f) Lenten Seasons, All Souls, All Saints Day, New Year, Barangay Fiesta, and all recognized holidays.

SECTION 163. Authority to Suspend the Curfew Regulations. The Municipal Mayor is hereby granted the authority to suspend the curfew regulations on the following occasions:

- a) Christmas: December 24 – 25;
- b) New Year: December 31 – January 1;
- c) Holy Week: Holy Wednesday – Easter Sunday;
- d) Minasa Festival – 3rd Week of January;
- e) All Saints' Day – November 1; and
- f) Other special occasions and/or other municipal festivities.

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

SECTION 164. Apprehension Pursuant to Curfew Regulation. Minor who is caught violating the curfew regulation shall be apprehended but shall not have any criminal record from the Philippine National Police except in the commission of a criminal act. In cases where a minor is apprehended, police authorities shall not use handcuffs. After inquiry conducted by the Municipal Social Welfare and Development Officer, assisted by the Philippine National Police, the minor shall be brought home immediately with the assistance of a Philippine National Police and Municipal Social Welfare and Development personnel who shall handover personally the minor to his/her custodian.

In case the apprehended minor resides outside the Municipality he/she will be handed over personally to the Philippine National Police Station of their respective town.

F. GAMBLING AND ILLEGAL BETTING

SECTION 165. Children in Gambling Place. Children are strictly prohibited to be at the gambling places where there is an existing gambling activity such as cockfighting, card playing, billiard game, coin betting, Mahjong, and other related gambling activities. Likewise, children shall not be allowed to be with their parents, guardians, relatives, and friends playing mahjong and other gambling activities. Parents bringing their children to gambling places shall be penalized in accordance to the penalty clause stipulated in this code.

SECTION 166. Children Betting Illegal Numbers. Children shall be strictly prohibited to bet illegal numbers such as masiao, jueteng, swer-tres, and others. Parents ordering their children to bet illegal numbers in behalf of their bet shall be penalized in accordance to penalty imposed in this Code.

SECTION 167. Children Betting in Online Sabong. Children shall be strictly prohibited to bet in electronic sabong or online sabong. Parents ordering their children to bet in online sabong in behalf of their bet and online sabong operators allowing children to bet shall be penalized in accordance to penalty imposed in this Code.

G. PROTECTION OF CHILDREN LIVING IN DORMITORIES AND BOARDING HOUSES

SECTION 168. Protection of Children Living in Dormitories and Boarding Houses. It is hereby declared the policy of the Municipality to promote and improve the condition of those living in dormitories and boarding houses especially those children.

SECTION 169. Dormitory or Boarding House License from Municipality of Bustos. It shall be unlawful for any person to own, keep, maintain or operate any dormitory or boarding house without first obtaining a license from the Municipality. The license which shall be posted in a conspicuous place shall specify the number of persons allowed to dwell or board in every dormitory or boarding house.

SECTION 170. Rental Discounts to Student Boarders. All boarding houses and dormitories shall give a discount of ten percent (10%) for all students. Students shall be required to present school registration cards or similar documents to serve as proof thereof.

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SECTION 171. Dormitory and Boarding House. The owners and operators of dormitories or boarding houses shall be properly and adequately lighted by natural or artificial means or both in consonance with the standards of illumination practices to all rooms, passageways and other parts of the premises especially those intended for reading and studying purposes. It shall provide a study room for general use by the persons dwelling on the same.

All buildings erected or repaired for use as boarding houses or dormitories shall have rooms with adequate ventilation and enough space for comfort. All bedrooms shall have a window. Beds shall be arranged in such manner as would provide adequate space to give the boarders enough room for mobility. There should be separate rooms according to biological sex and options for single occupation rooms.

All dormitories and boarding houses shall provide a lavatory for every ten boarders and such other necessary sanitary facilities as may be determined by the Municipality where such dwelling houses are located. Dormitories and boarding houses shall provide fire escapes and other firefighting facilities including but not limited to fire extinguishers and hose cabinet. All boarding houses or dormitories shall provide garbage receptacles to be disposed daily.

Every owner shall maintain in his boarding house or dormitory such basic first-aid medicine and equipment as may be necessary for emergency purposes.

All boarders shall be treated in a just and humane manner. In no case shall physical violence and other ignominious act be inflicted upon boarders.

H. BAN OF EXPLOITATIVE DANCE AND PRESENTATIONS

SECTION 172. BAN OF EXPLOITATIVE DANCE AND PRESENTATIONS. Activities with coercion that includes "exploitative dance and presentation" as defined in the ordinance is strictly prohibited.

A child shall not be allowed to wear sexy that is, provocative and revealing attires or outfits as may be further defined by the LCPC during gatherings, meetings, shows or any public appearances, and the like. Any program or show that allows children to wear sexy outfits shall be treated as indecent shows and the organizer of the said activity shall be subject to a penalty.

Any person or organizer caught promoting such "exploitative dance" or allows children to wear sexy outfits shall be punished by an imprisonment not exceeding on (1) year and fined with Two Thousand Five Hundred Pesos (P2,500.00) after due proceeding by the court of justice having jurisdiction thereof.

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I. BULLYING

SECTION 173. PREVENTION AND INTERVENTION PROGRAMS ON BULLYING. All public and private schools shall adopt bullying prevention programs. Said programs shall be applicable to all students regardless of risk or vulnerability to bullying and these shall be comprehensive, multi-faceted and shall involve all education stakeholders and personnel. The programs may include, among others:

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- a) Creating positive climate and environment conducive to the attainment of learning objectives, the development of healthy relationships and understanding of and respect for individual differences;
- b) Periodic assessment and monitoring of the nature, extent, and perceptions of bullying behaviors and attitudes of students;
- c) Conduct of activities for students, school personnel and service providers on how to recognize and respond to bullying.
- d) Coordination with various offices and councils especially LCPC and BCPC and other stakeholders.
- e) Discussion forums on anti-bullying act and school policies during PTA meetings and seminars and during leadership trainings of school organizations and councils.
- f) Subject to availability of funds, all public and private high schools are required to hire a registered and trained guidance counselor.

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There shall be intervention programs to promote continuity of comprehensive anti-bullying policies and involves series of activities designed to address issues influencing the student to commit bullying, factors that make a student a target of bullying and effects of bullying. These programs may include counseling, life skills training, education and other activities that will enhance psychological, emotional, and psychosocial well-being of both the victim and the bully.

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Sanctions for violations on anti-bullying provisions in this Code shall be in accordance with RA 10627 and its implementing rules and shall be as follows:

- a) All public and private schools shall include in the school's child protection or anti-bullying policy a range of disciplinary administrative actions that may be taken against perpetrator or bullying or retaliation;
- b) Bullying incidents or retaliation shall be treated according to their nature, gravity or severity. The school head may impose reasonable disciplinary measures on the bully or offending student that is proportionate to the act committed;
- c) Written reprimand, community service, suspension, exclusion or expulsion, in accordance with existing rules and regulations of the school or of the Department for public schools, may be imposed, if

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the circumstances warrant the imposition of such penalty, provided that the requirements of due process are complied with;

- d) In addition to the disciplinary sanction, the bully shall also be required to undergo an intervention program which shall be administered or supervised by the school's child protection committee; and
- e) Erring private schools shall suffer the penalty of suspension of their permits to operate.

If the bullying incident or retaliation resulted in serious physical injuries or death, the case shall be dealt with in accordance with provisions of RA 9344 or the "Juvenile Justice and Welfare Act" as amended.

J. OTHER PROHIBITED ACTS

SECTION 174. Other Prohibited Acts. In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

- a) **Illegal Recruitment** – Any person who recruits other persons for work shall be required to register with and secure a permit from the Office of the Punong Barangay in the place of recruitment with an undertaking not to recruit children;

There is a presumption of illegal trafficking when a person is found together with three or more minors not his/her relatives at the stations for the purpose of transporting the minors to another place without any permit from the Punong Barangay.

- b) **Peonage of Children** – offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
 1. Working in agricultural industries like rice and corn plantations or farms; and
 2. Working as house helpers.
- c) **Pre-arrangement for Marriage** – Subject to their customs and existing laws, prearrangement made by parents or guardians to marry off their children or wards is prohibited. One manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other;
- d) **Using Girls as Commodities in Benefit Dances** – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers;
- e) **Discrimination of Illegitimate Children** – For schools to discriminate illegitimate children as follows but not limited to the following:

1. Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy; and
2. Marriage contract of parents may be a requirement for enrolment of the child but not as a ground for not accepting the child in the school.

- f) **Expulsion by Reason of Pregnancy** – For schools to impose a penalty of expulsion against a child who has complied with all academic requirements by reason of her pregnancy. Schools may impose any other penalty which shall be made applicable to both the pregnant girl and her partner if he also enrolled in the same school;
- g) **Refusal to Graduate by Reason of Pregnancy** – For schools to refuse to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;
- h) **Refusal to Issue Clearances by Reason of Pregnancy** – For schools to refuse to issue clearances to a child by reason of pregnancy;
- i) **Pushing/Enticing Minors to Live-In Arrangements** – it shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration.
- j) **Discrimination of Children in Conflict with the Law.** To facilitate the reintegration to the school and community of children in conflict with the law and prevent them from re-offending, the school must allow the CICL to enroll in accordance to the Dep-Ed Order No. 18 Series of 2015.

ARTICLE XXV PROMOTION OF CHILDREN'S RIGHTS

SECTION 175. 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 and distributed to all barangays and local communities.

SECTION 176. Promoting Awareness of Children's Rights Among Children. The convention of Rights of the Child as well as other information on child rights shall be 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.

SECTION 177. Children's Month and Children's Day Celebration. The Municipality shall celebrate the National Children's Month in November and the National Children's Day on October 17 pursuant to Presidential Decree No. 267 and Presidential Decree No. 74

respectively by conducting child-focused activities promoting the rights and responsibilities of children.

**ARTICLE XXVI
RECOGNIZED CHILD-CARING INSTITUTIONS**

SECTION 178. The Municipality ensures the well-being, protection, and development of children who may be in need of care due to various reasons such as orphanhood, abandonment, abuse, or neglect. The following are the recognized child-caring institution within the Municipality:

- a. Bahay at Yaman ni San Martin de Porres, Inc. - Claro Santos St., Bonga Menor, Bustos, Bulacan
- b. Nazareth Home for Street Children Foundation, Incorporated - Bonga Menor, Bustos, Bulacan
- c. Bukal ng Buhay Foundation, Inc. - #403 Malamig, Bustos, Bulacan

**ARTICLE XXVII
FINAL PROVISIONS**

SECTION 179. Children's Fund. The Municipality Units shall appropriate funds as part of the annual budget for the implementation of children's programs. The Children's Fund shall be distinct and separate from the amount mandated under other laws, such as but not limited to the one percent (1%) of the IRA under the Juvenile Justice & Welfare Act of 2006.

SECTION 180. Annual Investment Plan. All levels of Municipality shall formulate an Annual Investment Plan to efficiently allocate the Children's Fund for its programs, projects and activities to implement this Code.

SECTION 181. Penalties and Sanctions. Violations of any provision of this Code shall be penalized in accordance with the provisions of applicable and pertinent national laws, civil service, special laws or other appropriate laws. When 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. The penalty for any violation of this Code, which is not penalized elsewhere in other section of this code or in national law, shall be imprisonment of six (6) months and/or a fine of Php2,500.00.

Any parent or guardian or teacher of the child or relatives within the fourth degree of consanguinity found to be grossly negligent in the performance of the duty imposed by this Code shall be punished as follows:

- a) For first time offenders, if the offender admits the offenses and is sincere and willing to reform, the penalty may be waived subject to the consent of the child, and the following measure imposed instead:
 1. Attendance in a parenting or any appropriate seminar;
 2. Community service of seven to ten (7 -10) days;
 3. Counseling session and family therapy.
- b) For second and subsequent offenses, the filing of appropriate charges based on Violence Against Children or R.A. 9262, R.A. 7610 or other pertinent laws.
- c) Operators and owners of entertainment centers, stores, and other business establishments found violating specific provisions of this Code shall be meted with the following penalties:
 1. First Offense - Fine of One Thousand Five Hundred Pesos (P1,500.00);
 2. Second Offense - Fine of Two Thousand Pesos (P2,000.00) and suspension of operation for at least one week but not more than one month;
 3. Third Offense - Fine of Two Thousand Five Hundred Pesos (Php2,500.00) and closure of the establishment and revocation of business permit.

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SECTION 182. Separability Clause. If for any reason or reasons, any part or provision of this Code shall be declared or deemed to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 183. Repealing Clause. Pertinent Provisions of the Municipal Ordinances, Executive Orders, Rules and Regulations or parts thereof which are inconsistent with this Code are hereby repealed modified accordingly. Provided, that provisions of existing Ordinance affecting or concerning children, consistent with this Code, existing national laws and the best interest of the child shall remain in force.

SECTION 184. Effectivity. This Code shall take effect immediately upon approval and compliance with the posting/publication requirements of the Municipality of Bustos Code.

APPROVED and ADOPTED, 11th of December, 2023 at at the Amado Raymundo Session Hall.

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[Handwritten signature]
Marie Niña Nikkie Perez, MA
 Sanggunian Bayan Member

[Handwritten signature]
Leo T. Santos
 Sanggunian Bayan Member

[Handwritten signature]
Phillip Wyner B. Santos
 Sanggunian Bayan Member

[Handwritten signature]
Juliet D.J. Dela Cruz
 Sanggunian Bayan Member

[Handwritten signature]


Aljhaneal E. Quiñones
Sanggunian Bayan Member


Soliman C. Santos
Sanggunian Bayan Member


Wilfredo G. Canoza
Sanggunian Bayan Member

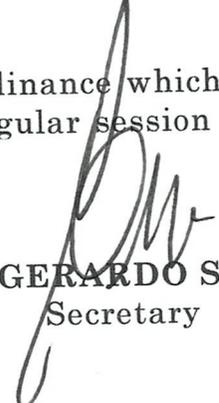

John Erick L. Perez
Sanggunian Bayan Member


Kyle Gabrielle DR. Navarro
SK President


Martin SJ. Angeles
Municipal Vice Mayor and
Presiding Officer of the Sangguniang Bayan

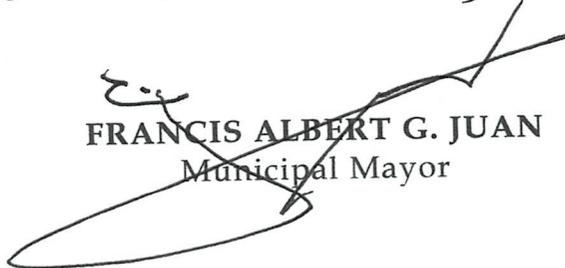
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CERTIFICATION:

I HEREBY CERTIFY that the foregoing ordinance which was duly adopted by the Sangguniang Bayan during its regular session on 11th of December, 2023.


ATTY. GERARDO S. BRIASA
Secretary

Attested:

Signed today, 13 of February, 2024


FRANCIS ALBERT G. JUAN
Municipal Mayor