
SECTION 2. - Guiding Principles - This Ordinance is in pursuit of the Philippine Government's commitment to the United Nations Convention of the Rights of the Child Principles of Restorative Justice and other applicable laws on child and youth welfare and protection.

ARTICLE II

SECTION 3. - Strengthening of the Naga City Council for the Welfare and Protection of Children (NCCWPC).- The existing Naga City Council for the Welfare and Protection of Children shall serve as the primary body to coordinate with and assist the city government in the formulation of comprehensive juvenile intervention and diversion programs and shall set policies for their implementation and for providing services for CICL.

ARTICLE III

SECTION 4. - Formulation of the City Juvenile Intervention Program (CJIP).- The City Mayor of Naga through the City Social Welfare and Development Officer (CSWDO) and in coordination with the Naga City Council for the Welfare and Protection of Children shall formulate a three-year Comprehensive City Juvenile Intervention Program (CJIP).

SECTION 5. - Implementation of the City Juvenile Intervention Program (CJIP) - The City Government of Naga shall implement the CJIP through a collaborative undertaking between and among the Sangguniang Panlungsod, City Mayor, community-based youth and school organizations, NGOs and other concerned agencies to address causes of offending, provide assistance to CICL and alternative modes to avoid the child's contact with the formal justice system.

SECTION 6. - Levels of Intervention and Roles of Stakeholders - The City Social Welfare and Development Officer shall formulate the City Juvenile Intervention Program for the following levels :

- 6.1 Primary Intervention, which includes general measures to promote social justice and equal opportunity which will indirectly tackle perceived root causes of offending
- 6.2 Secondary Intervention which includes measures to assist children at risk and to prevent them from offending.
- 6.3 Tertiary Intervention, which includes measures to address the needs of children who have committed an offense to prevent them from reoffending and to avoid unnecessary contact with the formal justice system and other measures to prevent reoffending.

SECTION 7. - Mobilization of Concerned Sectors/Institutions - The City Mayor through the Naga City Council for the Welfare and Protection of Children shall mobilize or call upon the participation of all sectors concerned particularly the child-focused institutions and government agencies involved in delinquency prevention, in the planning process and implementation of juvenile intervention and diversion programs.

SECTION 8. - Implementation of Intervention and Diversion Programs -

8.1 The City Mayor through the CSWDO and NCCWPC shall provide :

8.1.1 intervention programs for children 15 years old and below who have committed an offense;

8.1.2. intervention programs for children more than 15 years old but less than 18 years old who acted without discernment;

8.1.3. diversion programs for children more than 15 years old but less than 18 years old who acted with discernment and who have committed an offense with an imposable penalty of not more than 6 years;

8.2 The CSWDO shall ensure that the intervention programs shall address the causes of juvenile delinquency. Intervention programs shall include any or a combination of but not limited to the following : (Part VII IRR of RA 9344)

8.2.1 Guidance and counseling i.e. family counseling, regular home visitation;

8.2.2 Spiritual formation

8.2.3 Education and skills development;

8.2.4 Provision of support services to the family, e.g. education, health, skills training, etc.;

8.2.5 Referral to other agencies for appropriate services, e.g. education, health, skills training; and ;

8.2.6 Access to child and youth organizations in the community, such as but not limited to the Sangguniang Kabataan.

8.3 The CSWDO shall provide assistance in the conduct of diversion programs at the barangay, law enforcement and prosecution levels.

8.4 The CSWDO shall also:

8.4.1 develop policies and programs to ensure that children in conflict with the law are not subjected to discrimination in schools both private and public ;

- 8.4.2 coordinate with appropriate agencies such as TESDA, DepEd, DOH and CHED in the formulation of intervention and diversion programs;
- 8.4.3 find ways to promote and replicate good practices of intervention and diversion programs;
- 8.4.4 monitor compliance of CICL to intervention or diversion programs ;

SECTION 9. - Establishment of a Youth Facility - The City Government of Naga shall establish a Youth Facility for CICL in the following situations:

- 9.1 CICL with pending trial and commitment order
- 9.2 CICL with voluntary commitment
- 9.3 CICL with involuntary commitment

The Youth Facility to be established for CICL shall be a gender-fair delivery care facility.

Provided that the City shall provide appropriate programs for CICL and the CSWDO shall treat each category of CICL differently.

- 9.4. **CREATION OF A JUVENILE INTERVENTION DIVISION IN THE CSWDO** - Within thirty (30) days of the enactment of this ordinance , a separate division for juvenile intervention headed by duly licensed social worker as its Local Social Welfare Development Officer tasked to assist children in conflict with the law shall be created. This shall be under the administrative supervision of City Social Welfare and Development Officer. The City Mayor shall establish the Juvenile Intervention Division equipped with basic facilities and equipment to carry out its functions and shall appoint other personnel necessary to its operations.

SECTION 10. - Care and Maintenance of CICL - The existing DSWD Lingap Center situated at Barangay Calauag, Naga City, shall continually serve as the temporary youth detention homes adopting a gender-fair delivery care system.

The expenses for the care and maintenance of a CICL under institutional care shall be borne by his/her parents or those persons liable to support him/her. Provided that in the case his/her parents or those persons liable to support him/her are indigents, the City Government of Naga shall render financial assistance to help defray the expenses. Provided, further that in the event that the CICL is not a resident of the city where the offense was committed, the court upon its determination

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may require the LGU where the CICL resides to shoulder the cost .

SECTION 11. - After Care Support Services - The City Government of Naga through the CSWDO shall provide after care services for a period of six (6) months to the CICL who have been dismissed by the proper court because of good behavior as per recommendation by the DSWD Social Worker and/or any accredited NGO Youth Rehabilitation Center.

ARTICLE IV

SECTION 12. - Appropriation of Funds - The Sangguniang Panlungsod shall incorporate in its Annual Appropriation Ordinance funds for the immediate development of Information and Education Campaign materials (IEC) on the procedures and levels of intervention , implementation of intervention programs and conduct of diversion programs in accordance with Section 24, 26, 27, 30, 31 and 50 of the law. In addition, the City Government of Naga shall appropriate 1% of its annual IRA share per approved Ordinance No. 2008-077 for the strengthening and implementation of the programs of Naga City Council for the Welfare and Protection Children as provided for in Section 15 of RA 9344. The above appropriations shall be subject to the usual accounting and auditing rules and regulations.

ARTICLE V

SECTION 13. - Monitoring, Reporting and Evaluation System - The City Government of Naga through the Naga City Council for the Welfare and protection of Children shall monitor the implementation of the Comprehensive City Juvenile Intervention and Diversion Programs and submit report to the Juvenile Justice and Welfare Council through the DILG not later than March 30 of every year.

ARTICLE VII

SECTION 14. - Appropriations - The City Government of Naga shall allocate funds to carry out provisions of this Ordinance with an initial budget of Two Million Pesos (Php 2,000,000.00) subject to the usual accounting and auditing rules and regulations.

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SECTION 15. - Separability Clause - If for any reason or reasons any section of this Ordinance shall be held unconstitutional or invalid other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 16. - Repealing Clause - All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed and/or modified accordingly; provided that the rights that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 17. - Effectivity Clause - This Ordinance shall take effect upon its approval and after publication in a newspaper of local circulation.

ENACTED: November 17, 2009.

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WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

GIL A. DE LA TORRE
Secretary to the
Sangguniang Panlungsod

GABRIEL H. BORDADO, JR.
City Vice Mayor &
Presiding Officer

APPROVED:

JESSE M. ROBREDO
City Mayor