

AN ORDINANCE PROVIDING FOR THE 2022 REVISED NAGA CITY CHILDREN'S WELFARE CODE:-

Be it ordained by the Sangguniang Panlungsod of the City of Naga, that:

CHAPTER 1. Title, Policy, Principles, and Definition of Terms

Title, Policy, and Principles

Section 1. This Ordinance, which shall be known and cited as the "2022 Revised Naga City Children's Welfare Code":

(A) Reiterates its adherence to the general principles provided for in the 1987 Constitution that lays out in broad strokes the State's responsibility to the rights and welfare of children in favor of their development, and as such, the Local Government of Naga City shall give utmost priority for its local execution in terms of programs and projects for that purpose;

(B) Recognizes the primary role of parents or legal guardians in child rearing, and as such, the Local Government of Naga City shall only provide assistance to the development of children in cases where it is not possible for the parents and legal guardians to rear their children. In this case, they shall be referred to private and public welfare institutions;

ARTICLE XV, SECTION 3(2): 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 developments.

ARTICLE II, SECTION 13: The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

(C) Adheres to the general framework of the 1989 UN Convention on the Rights of the Child which provides, among others, four general principles as follows:

(1) "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration";

(2) "State parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given weight in accordance with the age of maturity of the child";

(3) The third principle is that of the survival and development of the child. "Survival" is an amplification of the right to life. The term "development" relates to the individual child and should be interpreted in broad sense. It adds a qualitative aspect to the right to life and implies that law, policy, and administrative action must look beyond the physical survival of the child to issues of cognitive, emotional, social, and cultural development;

(4) The fourth is the right of children to non-discrimination.

(D) Adopts the provisions of:

(1) Republic Act (R.A.) No. 9231, otherwise known as the "Special Protection of Children Against Abuse, Exploitation, and Discrimination Act.";

(2) R.A. No. 10410, otherwise known as the "Early Years Act (EYA) of 2013";

(3) R.A. No. 10821, otherwise known as the "Children's Emergency Relief and Protection Act";

(4) R.A. No. 11036, otherwise known as the "Mental Health Act";

(5) R.A. No. 11037, otherwise known as the "Masustansyang Pagkain para sa Batang Pilipino Act"; and

(6) R.A. No. 10666, otherwise known as the "Children's Safety on Motorcycle Act"

Article 2

Definition of Terms

Section 2. When used in this Code, the term:

(A) "Children" refers to persons below eighteen (18) years of age or persons over eighteen years of age but are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, and discrimination because of physical or mental disability or infirmity;

(B) "Survival Rights" refers to the rights of the children to demand from the state, their parents or legal guardians for

adequate living standard, access to basic health services and social security;

(C) "Developmental Rights" pertain to the access of the child to educational opportunities, relevant information, play, leisure, cultural activities and the right to freedom of thought, conscience, and religion;

(D) "Protection Rights" are those rights of children to be protected against all forms of child abuse, exploitation, and discrimination in situations where the children are considered in extremely difficult circumstance;

(E) "Participation Rights" are those rights the children asserts as described in the 1989 UN Convention for the Rights of Children which says that the children have the freedom to express themselves on matters affecting his or her life.

(F) "Child Abuse" refers to the abuse or maltreatment of the child, whether habitual or not, which includes:

- (1) Psychological, physical, and sexual abuse, neglect, cruelty, and emotional maltreatment;
- (2) Any act, in words or in deed, which debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being;
- (3) Unreasonable deprivation of his or her basic needs of survival such as food, clothing, and shelter; or
- (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development, permanent incapability, or death.

(G) Circumstances which gravely threaten or endanger the survival and normal development of children which include, but are not limited to, the following:

- (1) Being in a community where there is armed conflict or being affected by armed conflict-related activities;
- (2) Working under conditions hazardous to life and morals which unduly interfere with their normal development or working without provisions for their education;
- (3) Living in or fending for themselves in the streets without the care of parents or guardians or any adult supervision needed for their welfare;
- (4) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and lacks or has inadequate access to basic services needed for a normal quality of life;
- (5) Being with family members or guardians having psychological problems grave enough for them to commit

incest, siblings' rape, lascivious acts, and other forms of physical and mental abuse;

- (6) Being a victim of man-made or natural disaster or calamity;
- (7) Being a victim of an illegal transnational union or child trafficking;
- (8) Recruitment of children in the Armed Forces of the Philippines, its civilian units, or other armed groups;
- (9) Circumstances analogous to those above stated circumstances that endanger the life, safety or normal development of children.

(H) Comprehensive Children's Support System Against Child Abuse, Exploitation and Discrimination refers to the coordinated program of services and facilities to protect the children against:

- (1) Child prostitution and other sexual abuse;
- (2) Child trafficking;
- (3) Obscene publications and indecent shows;
- (4) Exploitation;
- (5) Other acts of abuse;
- (6) Circumstances which gravely threaten or endanger the survival and normal development of children as prescribed in the 1989 UN Convention of the Rights of the Child.

(I) Comprehensive Support System for the Development of Children also refers to the coordinated program of services and facilities outlined in Section 3 of RA 6972 and as prescribed by the UN Convention on the Rights of the Child;

(J) Children's Affairs Office (CAO) is the Secretariat of the Naga City Council for the Welfare and Protection of Children (NCCWPC), the body which shall act as the overall coordinating body for the execution of the programs and projects under this ordinance.

(K) Junk Foods are foodstuffs which are processed with artificial flavors, coloring, and preservatives which have been found to contain carcinogenic elements harmful for the body or those sold beyond their expiry periods;

(L) Anti-Social Related Activities are those acts against property, chastity, and persons which include, but are not limited to, the following:

- (1) Petty crimes such as snatching, shoplifting, misrepresentations;
- (2) Using and pushing prohibited drugs;
- (3) Selling or distribution of lewd/obscene reading materials;
- (4) Pimping for young and adult prostitutes, sexual perversions, and doing or participating in obscene shows;
- (5) Gambling of any form;
- (6) Rape and incest; and
- (7) All other circumstances as defined in the existing laws.

TITLE II. SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

CHAPTER 2. General Framework

Article 3

The development and survival of children are determined by both external and internal factors so that it is the shared responsibility of the parents, siblings, and relatives, which shall be known as the internal factor, and the State, civil society, and community, which shall be known as the external factor, to provide the necessary environment, support, assistance, and other initiatives for the children to become responsive and productive members of the society.

Article 4

The Naga City Government, representing the State, shall ensure, to the maximum extent possible, the survival and development of the child by providing facilities, programs, and projects for the said purpose and at the same time facilitate and mobilize the civil society and the community to reinforce and strengthen the initiatives for the general welfare of the children.

CHAPTER 3. Programs, Projects, and Initiatives for the Preservation of the Rights of Children to Survival and Development

Article 5

The Naga City Government shall establish the following programs, projects, and initiatives to contribute to the survival and development of the children.

Section 3. Maintain monitoring of registration of births and complete the immunization series for the prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis, and such other diseases for which vaccines have been developed for the administration to children up to six years of age.

Section 4. Maintain growth and nutritional monitoring among children up to six years of age and provide nutritional feeding and supervision of nutritional intake at home.

Section 5. Provide facilities where children of working parents can be taken cared of during the day, and whenever feasible, a facility where children up to six years of age of parents working at night can be taken cared of during the night.

Section 6. Establish a community-based program that will build a network of households and develop it into a functional "care giver" mechanism where adult members are mobilized to take care of the children of working parents during the working hours. In this regard, the social welfare development officer of Naga City shall provide supervision, training, and seminars to adults mobilized as 'care givers' of working parents. Furthermore, in cases where children are left to the care of paid domestic elderly relative or older children without adequate and competent adult supervision, the social welfare development officer shall provide the same supervision, training, and seminars.

Section 7. Develop a program that will pool intellectual resources through a network of surrogate parents-teachers who will

provide intellectual and mental stimulation to the children, supervised wholesome recreation with balanced program of supervised play, mental stimulation activities, and group activities with their peers.

Section 8. Establish a center that will serve as the sanctuary for the abused, neglected, or exploited children which will provide shelter to children in urgent need of protection from imminent danger, cruelty, and abuse. The center, which shall be established through the barangay local governments, shall also conduct rescue operation of children in clear danger with law enforcement agencies when the situation merits.

Section 9. Foster Care Parenting for Abused Children shall be implemented following the provisions of Ordinance No. 2000-023.

Section 10. Establish a Reproductive Health Care Center for pregnant mothers for prenatal check-up, neonatal services, delivery of infant under conditions that shall prevent or minimize risk of mother and child; Provided that high-risk mothers shall be referred to the proper tertiary or secondary care service personnel and children who are at risk from condition or illness will be brought for care; Provided further, that traditional hilot and barangay health workers are provided with the basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care for mother and child who are at risk.

Section 11. Organize a Barangay Council for the Protection of Children (BCPC) that will ensure the protection and development of children, and lobby to the barangay council programs, projects, and initiatives that will enhance the protection and concerns of the children.

Section 12. Institute in the children and Educare centers learning exercises and modules that raise awareness and respect the participation of children in decision-making processes.

Section 13. Maintain a pool of trained and specialized educare or child development workers with an upgraded salary scheme commensurate to the tasks assigned.

Section 14. *Early childhood care and development program.* The Naga City Government shall establish a program that will cater to the needs of 0 to 2-year-old children. The Council, City Health Office, and the City Social Welfare and Development Office shall outline the program content and beneficiaries according to actual needs and economic standing. Primarily, the program shall be designed to cater to the most needy beneficiaries or the 'poorest of the poor' in Naga City.

Section 15. *Population-based educare centers.* The Naga City Government shall establish at least one Educare Center in each barangay which shall implement programs for children, including the Early Childhood Care and Development Program and other related programs the Council has assigned. The general principles upon which the educare centers are to be established shall be based on the population ratio that the Council and the City Social Welfare and Development Office will determine.

Section 16. *Role of primary health care program in children's health.* The promotion of primary health care program in the barangays shall give specific emphasis on monitoring the children's health. As such, a barangay child health officer shall be employed and a salary commensurate to the assigned task will be paid.

To ensure that the implementation of the Primary Health Care Program will give specific emphasis on children's health, the following strategies shall be pursued:

- (A) Apply readily available technology and provide adequate nutritious food and safe drinking water in connection with the health programs intended for the children.
- (B) Establish a comprehensive Parent's Orientation Development Program which include courses on reproductive health, child health, and child rearing practices in the context of Filipino psychology;
- (C) Monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms that violate the code;
- (D) Conduct massive information and education campaigns on breast-feeding. Whenever possible, students in all levels shall be required to take breast feeding course which shall be integrated in the curricula.

Article 6

Parenting Orientation Courses a Requirement for Marriage License

Section 17. Marriage license applicants shall be required to attend in the Parenting Orientation Course I, among other requirements, prior to the issuance of marriage license by the Civil Registrar. This course becomes an integral part of existing Family Training Seminar on Reproductive Course Council, in close coordination with the City Health Office and the City Civil Registry Office, shall upgrade the Family Planning Seminar in cognizance of this ordinance.

Section 18. Parent-applicants for birth certificates of their first-born child(ren) shall be required to participate in Parenting Orientation course II, as a follow-up to the first course, before issuance of Certificate of Live Birth by the Civil Registrar without prejudice to the early registration of birth requirement under existing laws.

Section 19. Modules for these courses shall be designed by the Council and the City Social Welfare and Development Office in close coordination with an NGO child focused program.

Section 20. Implementing guidelines for this provision shall be formulated by the Council and the City Social Welfare and Development Office in close coordination with the Office of the Civil Registrar.

Article 7

Comprehensive Training Course on Child Health

Section 21. All health practitioners employed in government, non-government organizations, private institutions, or other institutions shall be required to complete a Comprehensive Training Course on Child Health which shall be designed by a task force headed by the City Health Officer and whose members shall be determined by the local chief executive. No one shall be allowed to practice her or his protection without the updated certificate of completion of the training.

Violation of this provision constitutes a penalty of cancellation of the license to practice their profession in Naga City.

Article 8

Declaration of Child Friendly Hospital

Section 22. The local government of Naga City shall declare all hospitals here as a child friendly hospital, as such, all hospitals in this city are required to set-up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanism and gadgets.

Article 9

Creation of a Children's Concern Unit at the Naga City Hospital

Section 23. A children's concern unit at the Naga City Hospital which shall especially attend to children of poor and indigent families shall be created. The children's concern unit shall ensure pediatric assistance and facilities for the treatment of illness and physical rehabilitation. Such protective and physical placement shall be evaluated regularly by a competent team composed of multi-disciplinal professionals. This multi-disciplinal special hospital shall not, however, assume the function of the primary health care available at the barangay level. The Naga City Pediatric Society shall be involved in the final promulgation of program of the Naga City Hospital under a task force which shall be formed by the City Health Office and the Council within one year from the effectivity of this ordinance.

As part of the support system for child's health, government health practitioners are required to undertake special training on pediatric care through the Naga City Child Health Institute, which shall be established by the local government of Naga City within two years from the effectivity of this ordinance.

The Naga City Child Health Institute shall monitor the operations of all private and government-owned hospitals' pediatric units to ensure the implementation of child-friendly measures.

Article 10

Maternal New-Born Child Health and Nutrition (MNCHN)

Section 24. Policy. It shall be the policy of this LGU to fully support and ensure effective implementation of the MNCHN and CSR strategy as part of its strong commitment to local health sector reform implementation. It shall support the engagement of all concerned health care facilities to form a coordinated MNCHN service delivery network, mobilize the participation of the community to be covered and served, and strengthen collaboration

with other groups of stakeholders within and outside the health sector and also beyond its administrative jurisdiction.

Section 25. Definition of terms. For purposes of this Article, the following terms and phrases are hereby defined:

(A) "MNCHN Core Package of Services or Integrated MNCHN Services" refers to a package of services for women, mothers, and children covering the spectrum of (1) known appropriate clinical case management services in preventing direct causes of maternal and neonatal deaths, and which are within the capacity of the health system to routinely provide; and (2) known cost-effective public health measures capable of reducing exposure to and the severity of risks for maternal and neonatal deaths that are within the capacity of the health system to routinely provide;

(B) "MNCHN Service Delivery and Network" refers to the network of facilities and providers within the city-wide health system offering MNCHN Core Package of Services, including the communication and transportation systems supporting this network. The following health providers are part of the MNCHN Service Delivery Network:

(1) "Community level providers" refer primarily to Barangay Health Stations (BHS) and its health staff (e.g. midwife) and volunteer health workers (e.g. barangay health workers) that typically comprise the Community Health Team or Barangay Health Team. These teams implement MNCHN Core Package of Services identified for the community level. Their functions include advocating for birth spacing and counseling on family planning services; the tracking and master listing of pregnant women; assisting pregnant women and their families in formulating a birthing plan, early detection and referral of high-risk pregnancies, and reporting maternal and infant deaths. The teams shall also facilitate discussions of relevant community health issues, particularly those affecting women and children.

(2) Facilities both public and private with Skilled-Birth Attendants are capable of attending to uncomplicated deliveries. These shall be appropriately linked to the nearest BEmONC- or CEmONC-capable facilities.

(3) Basic Emergency Obstetric and Newborn Care (BEmONC)-capable facilities are capable of performing the following six signal obstetric functions: parenteral administration of oxytocin in the third stage of labor; parenteral administration of loading dose of anticonvulsants; parenteral administration of initial dose of antibiotics; performance of assisted deliveries; removal of retained products of conception; and manual removal of retained placenta. These facilities are also able to provide emergency neonatal interventions, which include the minimum: newborn resuscitation; treatment of neonatal sepsis/infection; and oxygen support. It shall also be capable of providing blood transfusion services on top of its standard functions.

9

(4) Comprehensive Emergency Obstetric and Newborn Care (CEmONC)-capable facilities can perform the six signal obstetric functions as in BEmONC facilities, as well as provide caesarean delivery services, blood banking and transfusion services, and other highly specialized obstetric interventions. It is also capable of providing neonatal emergency interventions, which include at the minimum, the following: newborn resuscitation; treatment of neonatal sepsis/infection; oxygen support for neonates; management of low birth weight or premature newborn; and other specialized neonatal services. Province-wide or city-wide health system refers to the default catchment area for delivering integrated MNCHN services. It is composed of public and private providers organized into systems such as Inter Local Health Zones (ILHZ) or health districts for provinces and integrated urban health systems for highly-urbanized cities. Service arrangements with other LGUs may be considered if provision and use of integrated MNCHN services across provinces, municipalities, and cities become necessary.

(5) "Service Coverage Indicators" refers to parameters which reflect coverage or utilization of services. For MNCHN Strategy, the following indicators are monitored:

(a) "Antenatal care (ANC) coverage" is an indicator of access and use of health care during pregnancy. It constitutes screening for health and socioeconomic conditions likely to increase the possibility of specific adverse pregnancy outcomes, providing therapeutic interventions known to be effective, and educating pregnant women about planning for safe birth, emergencies during pregnancy, and how to deal with them (WHO; Indicator definitions and metadata 2008);

(b) "Contraceptive Prevalence Rate (CPR)" is the proportion of married women aged 15-49 reporting current use of any method, i.e. pill, IUD, injectable, male condom, mucus/Billings/ovulation, Standard Days Method (SDM), and Lactational Amenorrhea Method (LAM);

(c) "Facility-Based Deliveries (FBD)" is the proportion of deliveries in a health facility to the total number of deliveries;

(d) "Fully Immunized Children (FlC)" is the ratio of children under 1 year of age who have been given BCG, 3 doses of DPT/Pentavalent and OPV and measles vaccine to the total number of 0-11 month-old children;

(e) "Skilled-Birth Attendant Deliveries (SBA)" is the proportion of deliveries attended by skilled health personnel to the total number of deliveries. Skilled health professionals refer exclusively to people with midwifery skills (for example,

midwives, doctors, and nurses) who have been trained to proficiency in the skills necessary to manage normal deliveries and diagnose or refer obstetric complications.

(f) "Vitamin A supplementation coverage (VAS)" is the proportion of 6-59 month-old preschoolers given Vitamin A capsules twice a year.

(6) "Contraceptives" pertains to the modern methods of family planning, such as, but not limited to, pills, condoms, and injectable.

(7) "Commodity Self-Reliance" is a multi-sectoral effort which seeks to ensure the self-sufficiency in MNCHN services and commodities in its ability to sustain the provisions of affordable quality health services to eliminate unmet needs. It requires the capacity to forecast, finance, procure, and deliver MNCHN services and commodities to all men and women who need them, when they need them.

(8) "LGUs" refers to the Provincial Government and its component cities and municipalities.

(9) "Commodities" refers to the supplies to be used such as TB drugs, Vitamin A, zinc supplements, ferrous sulfate with folic acid, contraceptives, syringes and needles, STI screening supplies, and medicines.

(10) "NHTS families" refers to individuals as determined and defined by the DSWD's NHTS-PR as the poorest of the poor and priority for the distribution of MNCHN commodities.

(11) "National Household Targeting System for Poverty Reduction (NHTS-PR)" is a data management system that identifies who and where the poor are in the country. Specifically, the system aims to: formulate a unified criteria for the selection of the poorest population, facilitate the sharing of solid database for public and private social protection stakeholders; and reduce leakages (exclusion and under-coverage of poor, as well as inclusion of non-poor).

(12) "Pantawid Pamilyang Pilipino Program (4Ps)" is a poverty reduction strategy that provides grants to extremely poor households to improve their health, nutrition, and education particularly of children aged 0-14. It provides cash assistance to the poor to alleviate their needs (short-term poverty alleviation) and invests in human capital to break the intergenerational poverty cycle.

(13) Kalusugan Pangkalahatan (KP) - Universal Health Care (UHC); continuing health sector reform program which primarily aims to improve financial risk protection of the poor, upgrade and modernize health facilities, and implement key interventions to achieve health-related Millennium Development Goals.

Section 26. MNCHN/CSR framework. The City of Naga believes that the goal of rapidly reducing maternal and neonatal mortality shall be achieved through effective population-wide provision and use of integrated MNCHN services as appropriate to any locality in the country.

MNCHN reforms, improvement, and changes in local health systems shall, among other results, create the following intermediate results that can significantly lower the risk of dying secondary to pregnancy and child birth: Every pregnancy is wanted, planned, and supported; Every pregnancy is adequately managed throughout its course; Every delivery is facility-based and managed by skilled birth attendants; Every mother and newborn are provided with safe, effective, affordable post-partum and post-natal services.

The City of Naga likewise believes that the Commodity Self-Reliance (CSR) Strategy shall create the following supply conditions necessary to eliminate the unmet needs and ensure the availability of MNCHN packages of interventions: The phasing up of domestically provided supplies to replace those quantities of foreign-donated commodities; The increase in levels of domestic supplies of commodities made available to meet the needs of additional future users of commodities; The increase in levels of other commodities such as TB drugs, Vitamin A capsules, zinc supplements, ferrous sulfate with folic acid, syringes and needles, STI screening supplies, and medicines to meet the needs of mothers and children;

Section 27. MNCHN/CSR program implementation. The City of Naga shall institute measures towards establishing systems and mechanisms for an effective implementation of MNCHN strategy province-wide.

The City of Naga encourages facility-based deliveries either public or private, attended by skilled birth professionals. Community Health Teams (CHT) shall advocate for birth spacing and counseling on responsible parenthood; refer pregnant women to facilities; track and master list pregnant women; assist pregnant women and their families in formulating a birthing plan, early detection, and referral of high-risk pregnancies; report maternal and infant deaths to the CHO; and participate in regular maternal and neonatal death review and discussions of relevant community health issues.

The City of Naga recognizes the great contribution of private professional health providers and private health facilities in meeting the MNCHN needs of local communities. These professionals are part of the referral and service delivery network for MNCHN. They are likewise expected to advocate birth spacing and counseling on responsible parenthood; refer pregnant women in facilities; track and master list pregnant women; assist pregnant women and their families in formulating a birthing plan, early detection, and referral of high-risk pregnancies; report maternal and infant deaths to the CHO; and participate in regular maternal and neonatal death review and discussions of relevant community health issues.

7
The City of Naga realizes the need to support all efforts including: public-private partnership for MNCHN towards ensuring quality in the process of generating, maintaining, and reporting

of all MNCHN indicators and validity and utilization for LGU planning, financing, and policy decision making; the engagement of all concerned health care facilities and providers, both public and private, to a coordinated MNCHN service delivery network; mobilization and participation of the community to be covered and served; and strengthening connections with other groups/stakeholders within and outside the health sector and also beyond its administrative jurisdiction.

The City of Naga fully supports the implementation of the MNCHN/CSR Strategy that includes, among others, the implementation of the following interventions:

MNCHN. This LGU recognizes that reforms in service delivery, governance, regulation, and financing are needed for a sustained improvement of the health status of mothers and children. The LGU shall undertake the following steps to implement the MNCHN/CSR Strategy:

(A) This LGU shall organize the City-KP MNCHN Coordinating Council. Building the MNCHNICSR Service Delivery Network and ensuring its sustainability would entail analysis of the existing situation in the locality and assessment of gaps in service delivery, utilization and health systems in general, as well as identifying and planning appropriate interventions to address these gaps. To begin this process, the LGU shall organize a team coming from the City Health Office and other relevant members of the locality like DOH Center for Health Development, donors, nongovernment organizations (NGOs), civil society groups, and the like. From this team, the LGU can assign a coordinating body to oversee the direction and progress of implementation of the MNCHN Strategy after assessment and initial planning.

(B) This LGU shall know the MNCHN/CSR Situation. The MNCHN/CSR TWG's initial work shall be to assess the MNCHN situation in the LGU. Assessing the LGUs' current level of performance against national data would provide the city an idea of targets they should set to be able to contribute in achieving target MNCHN indicators. The MNCHN Management Team can use Health Outcome Indicators or Health Service Coverage Indicators to assess the LGUs' situation.

Health indicators shall be collected and used to monitor the health status of a population. The City of Naga recognizes that these health indicators either (1) reflect impact or outcomes or (2) cover utilization of services. For MNCHN, health outcome indicators are Maternal Mortality Ratio (MMR), Neonatal Mortality Rate (NMR), Infant Mortality Rate (IMR), Under-five Mortality Rate (UFMR), and proportion of underweight 6 to 59-month-old children while Service Coverage indicators are Contraceptive Prevalence Rate (CPR), Antenatal Care (ANC), Facility-based Deliveries (FBD), Fully Immunized Children (FIC), and Vitamin A supplementation coverage.

7 This LGU shall likewise validate the data or report received from local health sources (both private and public). If the health information system has not been revisited or revised to comply with standards, available data may not reflect an accurate health situation of the locality.

(C) This LGU shall prioritize population groups and areas. This LGU shall compare performance of the city with national targets using MNCHN/CSR Health Outcome or Service Coverage Indicators.

(D) This LGU shall designate facilities in the Service Delivery Network through public private partnerships:

- (1) This LGU shall organize the Community Health Team (CHT) and its Facility;
- (2) This LGU shall designate the CEmoNC-capable Facility;
- (3) This LGU shall designate the BEmoNC-capable Facility;
- (4) This LGU shall designate the community-based BEmoNC Facility (i.e. lying in);
- (5) This LGU shall identify Skilled-birth Attendant Facilities.

(E) This LGU shall install mechanisms to ensure access to MNCHN Services. Aside from providing the MNCHN Core Package of services, this LGU shall ensure presence of support services that would ensure access by priority populations and a source of safe blood supply and health promotion activities to increase demand for services.

(F) This LGU shall plan appropriate interventions for service delivery, governance, regulations, and financing (as shall be reflected in the MNCHN/CSR Ordinance).

(G) This LGU shall take the lead in implementing strategies and activities meant to improve health-seeking behavior among communities that will result in women and families seeking health care providers for their MNCHN needs.

(H) This LGU shall determine and manage funding sources for planned interventions.

(I) This LGU likewise supports the implementation of key activities for MNCHN/CSR implementation covering key interventions in the areas of:

- (1) Policy;
- (2) Financing;
- (3) Service Delivery;
- (4) Governance and Systems Development for Sustainability;
- (5) Monitoring and Evaluation.

(J) To focus on key MNCHN/CSR interventions, among others, this LGU shall:

- (1) Organize, train, and deploy community health teams (CHT) to transform needs to effective demand, specifically help family members assess health risk, deliver key messages, and formulate health implementation plan, as well as guide these families navigate through the health system and provide adequate information to families on PhilHealth.

(2) Build capacities of health staff for effective MNCHN/CSR service provision (FPCBT1, FPCBT2, AMSTL, LAPM, EINC, BEMONC, QAP).

(3) Implement MNCHN integration to reduce unmet needs for and deliver key messages for mothers.

(4) Provide orientation/information to LGUs on the DOH AO on ICV compliance, including the roles and key activities on ICV compliance.

(5) Formulate the local NHIP plan that includes key interventions such as increasing coverage/enrollment, accreditation of health facilities, provision of information to members and providers on benefits/access to PhilHealth benefits, improving claims management, and effective implementation of "no-balance billing scheme".

(6) Allocate funds and procure MNCHN/CSR commodities and ensure free access of CCT and NHTS families.

(7) Conduct regular data quality check (DOC) and generate reliable data on CPR as bases for planning, financing, and policy development, and ensure sustained DQC activities and support through dedicated personnel and availability of forms.

(8) Establish and implement the stock and inventory management system (SIMS) to build LGU capacities in tracking MNCHN/CSR commodities in health facilities, including related medical supplies.

Section 28. *Financing of the MNCHN/CSR program.*

(A) Funding. Funding will be on the following sources:

(1) Regular Budget of the City Health Office - The City Health Office shall allocate fund in their annual budget for the purpose;

(2) Lump Sums and other trust funds - The Program shall be included as a priority to be funded from the 2Aolo Development Fund, Gender and Development (GAD) Fund, and PHILHEALTH capitation and reimbursement;

(3) MNCHN Grants, aids, donations, and other forms of assistance from the National Government and the private sector.

Furthermore, for the funding for subsequent years The City Health Office shall integrate the Program as part of the regular services being delivered by local health facilities. As such it will continue to identify funding sources including but not limited to those identified above to be confirmed by the Local Finance Committee during the preparation of the LDP/AIP.

9. (B) Cost recovery scheme. Within one (1) year from its implementation, the City Health Office in coordination with Local Finance Committee shall prepare and submit for consideration of the Sangguniang Panlungsod a scheme of cost recovery consisting of

charges for services rendered and cost of supplies, provided that safety nets for the poor are properly observed.

Proceeds of cost recovery schemes shall accrue to the MNCHN/CSR Special Account under the General Fund which shall automatically appropriated for the Program in the subsequent year.

(C) Reporting. To ensure monitoring and proper management of the funds, the City Accounting Office shall prepare a Program Report (preferably quarterly) detailing actual expenses for personnel, supplies, training, and other related activities.

Section 29. Program management.

(A) Creation and composition. There shall be created a MNCHN/CSR Coordinating Council, hereinafter referred to as "Council", which shall be composed of the following:

- | | |
|-------------|--|
| Chairman | - Mayor |
| Co-Chairman | - SP Chairman, Committee on Health |
| Members | - City Health Officer |
| | - Naga City Hospital |
| | - City Planning Office |
| | - City Budget Office |
| | - City Population and Nutrition Office |
| | - City Social Welfare and Dev't. Officer |
| | - General Services Officer |
| | - City DepEd |
| | - Local PhilHealth |
| | - Local PNP |
| | - Liga ng mga Barangay |
| | - Sanggunian Kabataan |
| | - DOH- Center for Health Development Bicol |
| | - Civil Society Organization/Academe (Naga City People's Council; Naga College Foundation; University of Nueva Caceres; CamSur Medical Society; IMAP Naga; FPOP Naga/CamSur Chapter; Naga City Council for Women; Isarog Family Health and Training, Inc.; HELP Learning Center) |

(B) Duties and Functions. The Council shall be the over-all coordinating and implementing body for the implementation of the MNCHN/CSR Strategy and Plan in the City of Naga. In addition, the Council shall perform and exercise the following duties and responsibilities:

- (1) Formulate and recommend to the Sanggunian the full implementation of a comprehensive MNCHN/CSR plan for the entire city in consultation with other stakeholders and oversee its implementation;
- (2) Undertake program monitoring and evaluation and provide a program feedback mechanism;
- (3) In close coordination with the barangay governments and other agencies concerned, conduct and update data on MNCHN;

- (4) Provide support in strengthening capacities for MNCHN/CSR service provision through the conduct of training courses and other capacity building activities
- (5) Provide support in the conduct of activities related to MNCHN education and counseling of clients about spacing and limiting and safe motherhood;
- (6) Perform such other duties and function as it may deem fit for the efficient and effective implementation of the program;
- (7) Establish and maintain linkages with local, national or even international population-serving organizations or institutions;

(C) Meeting and Quorum. The Council shall meet at least once in every quarter or as often as necessary at an expressed call of the chairman or at least fifty percent + one (50% +1) members of the Council. Provided, that a notice shall be sent to the members at least twenty-four (24) hours before the meeting will be held. The Council shall decide by a majority vote of all the members present during a meeting, with the existence of a quorum, on any matter before it.

Fifty percent + one (50 % + 1) of its members present shall constitute a quorum.

(D) Program Secretariat and MNCHN/CSR Focal Person. There shall be constituted, within thirty (30) days from the approval of this Ordinance, a program secretariat to be headed by the MNCHN/CSR Focal Person.

The Focal Person shall be designated by the Mayor upon recommendation of the Council.

The Focal Person shall provide technical and administrative support, consolidating and documenting proceedings, and manage overall implementation of the MNCHN/CSR plans and complementary actions, and providing for such other assistance as may be required by the Council. Submit an annual report on all activities regarding the status of the program and its finances to the Mayor and to the Sangguniang Panlungsod.

Section 30. Procurement and distribution procedure and program beneficiaries' qualifications and disqualifications.

(A) Procurement Requirement. In the procurement of MNCHN commodities by the LGU, the policies, rules and regulations of R.A. No. 9184 or the Government Procurement Reform Act and that of the Commission on Audit (COA) shall strictly be observed.

(B) Identification of MNCHN Commodity Requirements. The City Health Officer shall identify the MNCHN commodity requirements using the forecast of commodities based on validated/verified current users data, as well as other related materials necessary in the implementation of the program.

(C) Priority Beneficiary for the Program. The priority beneficiary of the Program shall be women and children who belong to the poorest

of the poor. For this purpose, the Council shall utilize the DSWD list of NHTS-PR families and CCT/4Ps Families for identifying the poor.

The Council may employ other means-testing instruments or procedures to ascertain the qualifications of the program applicant.

(D) Distribution of MNCHN Commodities. - To ensure constant availability of commodities to the poor, a workable system of distribution and dispensing of MNCHN commodities shall be adopted. Midwives and other authorized dispensers through the City Health Office shall be issued commodities and recorded accordingly through the LGU's Stock and Inventory Management System (SIMS).

A report on utilization, balances of stocks and monthly collections shall be submitted regularly to the City Health Office as a pre-requisite for subsequent issuance of commodities.

Section 31. Implementing rules and regulations. - The Council shall, within a period of six (6) month/s after the approval of this Ordinance, formulate the Implementing Rules and Regulations and likewise shall form an integral part of this ordinance and the same shall take effect after proper dissemination and publication in the offices concerned and after posting at two (2) conspicuous places in the City.

Article 11

Comprehensive Newborn Screening System in the City of Naga and
Enhancing the Implementation of Expanded Newborn Screening
Program

Section 32. Declaration of Policy. It is hereby declared as the policy of the City Government of Naga to adopt adequate measures to promote the Newborn Screening System within its jurisdiction and to ensure the right of the newborn baby to have an opportunity to undergo newborn screening and thus be spared from the heritable conditions that can lead to mental retardation and death if undetected and untreated.

Section 33. Objectives. This Article is enacted with the following objectives:

(A) To ensure the people with proper information on the nature and benefits of Newborn Screening in the life of every newborn baby;

(B) To ensure that parents recognize the rights of every children to survival and full and healthy development as individual;

(C) To protect every newborn baby from certain heritable conditions that can result in mental retardation and death if left undetected and untreated through Newborn Screening.

Section 34. Definition of Terms. For the purpose of this Article, the following terms shall mean:

(A) Comprehensive Newborn Screening is a newborn screening system that includes, but is not limited to education of relevant stakeholders; collection and biochemical screening of blood samples taken from newborn; tracking and confirmatory testing to ensure

the accuracy of the screening results, drugs and medical/surgical management and dietary supplementation to address the heritable condition; and evaluation activities to assess long term outcome, patient compliance and quality assurance.

(B) Recall means a procedure for locating a newborn with a heritable condition for purposes of providing the newborn with appropriate laboratory to confirm the diagnosis and, as appropriate, provide treatment.

(C) Treatment means provision of prompt, appropriate and adequate medicines, medical, surgical management or dietary prescription to a newborn for the purposes of treating or mitigating the adverse health consequences of the heritable condition.

(D) Follow-up means the monitoring of a newborn with a heritable condition for the purpose of ensuring that newborn patient complies fully with the medicines and dietary prescriptions.

(E) Health institutions refers to hospitals, infirmaries, health centers, lying-in centers or puericulture center with obstetrical and pediatric services whether public or private.

(F) Health practitioners refers to physicians, nurse, midwives, nursing aides, medical technologist and traditional birth attendants.

(G) Heritable conditions means any condition that result in mental retardation, physical deformity or death if left undetected and untreated and which is usually inherited from the genes of either both biological parents of the newborn.

(H) UP Manila NIH refers to the University of the Philippines Manila National Institute of Health.

(I) Newborn means a child from the time of complete delivery to 30 days old.

(J) Newborn Screening is the process of collecting a few drops of blood from the newborn onto an appropriate collection card and performing biochemical testing for the determining if the newborn has heritable conditions.

(K) Expanded Newborn Screening means expanded screening which will include 22 more disorders from the six disorders, such as Hemoglobinopathies and additional metabolic disorders.

(L) Newborn Screening Center refers to a facility equipped with a newborn screening laboratory that complies with the standards established by the NIH and provides all required laboratory test and recall/follow up programs for newborn with heritable conditions.

(M) Newborn Screening Reference Center refers to the central facility at the NIH that defines testing and follow up protocols, maintains an external laboratory proficiency testing program, oversees the national testing database and case registries, assists in training in all aspects of the program, oversees content of educational materials, and acts as secretariat of the Advisory Committee on Newborn Screening.

(N) Parent Education refers to various means of providing parents/legal guardians information about newborn screening.

Section 35. Scope. This ordinance shall cover all hospitals, health infirmaries, health centers, lying-in centers or puericulture centers and pediatric services within the jurisdiction of the City of Naga except to private hospitals, health infirmaries, health centers, lying-in centers, puericulture centers which is directly monitored by the Department of Health.

Section 36. Performance of Newborn Screening. Newborn Screening shall be performed immediately after 24 hours from birth but not later than due after delivery. A newborn placed in an intensive care in order to ensure survival may be exempted from the 3 days requirement but must be tested within 7 days of age.

It shall be the joint responsibility of the parent(s) and the practitioner or other person delivering the newborn to ensure that Newborn Screening is performed.

Section 37. Quality Samples. Health institutions must maintain an acceptable number of unfit and unsatisfactory samples (less than 0.05% of the total samples) to maximize the use of available resources and prevent the prolonging of screening time, thereby, putting the newborn at risk from the effects of the NBS disorders if present.

Section 38. Refusal to be Tested. A parent or legal guardian may refuse testing on the grounds of religious beliefs, but shall acknowledge in writing their understanding that refusal for testing places their newborn at risk for undiagnosed heritable conditions. A copy of this refusal shall be made part of newborn's medical record and refusal shall indicated in the National Screening Database.

Section 39. Program Management. The office of the City Mayor through the City Health Office headed by the City Health Officer shall be the lead agencies for the effective implementation of this Ordinance.

Section 40. Duties and Functions of the City Health Officer. Unless otherwise provided by law, the City Health Officer have the following functions:

(A) To implement, monitor, supervise, and evaluate the newborn screening implementation in all hospitals situated within the jurisdiction of the City of Naga.

(B) To establish a functional Case Management Referral System with strategically National Comprehensive Newborn Screening System Treatment Network (NCNBSS).

(C) To create a program for purposes of information, education, communication, screening and recall on the Newborn Screening System; and

(D) Establish rules and regulations related to the implementation of this ordinance.

Section 41. *The City Mayor.* It shall be the responsibility of the City Mayor, through the City Health Officer to monitor and evaluate the implementation of the Newborn Screening System and to perform other roles and responsibilities as may deem necessary for the effective implementation of this ordinance.

Section 42. *The Sangguniang Panlungsod.* The office of the Sangguniang Panlungsod shall enact local ordinances and resolutions integrating Newborn Screening System in the health delivery and shall encourage creative financial packages to make Newborn Screening accessible to the most economically-deprived populace. Unless otherwise provided by law, no collection of Newborn Screening Test shall be collected more than the maximum standard imposed by the Department of Health.

Section 43. *Birth Deliveries.* All birth deliveries within the jurisdiction of the City of Naga shall be required to perform newborn screening test in every newborn baby without prejudice to the provision of Section 7, Chapter 1 of this Ordinance.

Section 44. *Recall.* Birthing facilities situated within the city shall establish a recall system for purposes of locating a newborn with possible heritable condition for purposes of providing the newborn with appropriate laboratory to confirm the diagnosis and, as appropriate, provide treatment. The City NBS Recall Team shall be created through this ordinance and will be composed of:

- (A) Office of the Mayor through the City Health Officer
- (B) NBS Coordinator
- (C) Health Worker (Midwife/Nurse) assigned to the area where the patient resides
- (D) City Social Welfare and Development Officer
- (E) Bgy. Official of the area where the patient resides

Section 45. *Functions.* The NBS Recall Team shall have the following functions:

- (A) Facilitate/assist in the coordination of the recall of the screened positive newborn;
- (B) Provide assistance (financial/logistics) for laboratory, transportation and other expenses incurred in the confirmatory testing of the patient;
- (C) Referral to social institutions of indigent client;
- (D) Maintain close coordination with the Newborn Screening Center and DOH Regional Office for the recall of screened positive newborns;
- (E) Assist in the referral to specialist or if not feasible co-management with specialist via phone or electronic mail (email);
- (F) Help in the transport of client to higher level facility (specialty hospitals/tertiary hospitals) for appropriate management. Patient should be accompanied by licensed health professional during the transport period;

(G) Ensure that patient being recalled have given information about the disorder, undergone confirmatory testing and received appropriate management;

(H) Provide report about the results of the recall including actions taken to Newborn Screening Center;

(I) Assistance to newborn screening patient includes but is not limited to transportation expenses, meals, laboratory fees, medicines, and nutritional supplementation.

Section 46. Monitoring of Confirmed NBS Patient. Monitoring and follow up of patients confirmed to have the disorders shall be done regularly by the attending physician, appropriate subspecialist or the City Health Office. Report forms about the status of the patients shall be accomplished by the attending physicians to be submitted to the NSCs.

Section 47. Newborn Screening Fee. Government health facilities such as hospitals and lying-in centers are authorized to collect fee/cost for the performance of the Newborn Screening Test the amount of Five Hundred Fifty Pesos (Php550.00) for the regular 6 test and One Thousand Five Hundred Pesos (Php1,500.00) and an allowable maximum service fee of Fifty Pesos (Php50.00) which shall not be more than the prescribed amount imposed by the Department of Health.

Section 48. Appropriation. The cost for the purchase of the newborn screening kits and other related expenses for the newborn screening services shall be charged against the City Health Office and the City Hospital, chargeable against the 20% City Development Fund, PhilHealth Capitation Fund, and other existing appropriation which can be aligned for this purpose.

The City Health Office shall integrate the Newborn Screening Program as part of the regular services being delivered.

As such it will continue to identify funding sources during the succeeding years after the approval of this ordinance.

Section 49. Sanction. Except in private hospitals, health infirmaries, health centers, lying-in centers or puericulture centers with obstetrical and pediatric services where the management and monitoring is under the Department of Health, refusal to provide the Newborn Screening services to the newborn babies in City Hospital, health infirmaries, health centers, lying-in centers or puericulture centers with obstetrical and pediatric services within the jurisdiction of this city shall be dealt administratively for comment of judge.

Article 12

Supporting the Full Implementation of the National Immunization Program (NIP) of the Department of Health (DOH) in the City of Naga

Section 50. Purpose. The primary purpose of this Article is to safeguard the health and wellbeing of children from all forms of vaccine preventable diseases through the full implementation of the National Immunization Program (NIP) in the City of Naga and to ensure that parents recognize the rights of every children to

survival and full and health development as individual through the full implementation of the immunization program.

Section 51. Definition of Terms. For purposes of this Article, the following terms are hereby defined, based on the World Health Organization and the Department of Health, such as:

(A) National Immunization Program (NIP) - an organizational component of the centers for disease control and prevention, charged with preventing disease, disability, and death from vaccine-preventable diseases in children and adults;

(B) Vaccine Preventable Diseases - vaccination against a range of bacterial and viral diseases is an integral part of communicable disease control world-wide. Vaccination against a specific disease not only reduces the incidence of that disease, it reduces the social and economic burden of the disease on communities. Very high immunization coverage can lead to complete blocking of transmission for many vaccine preventable diseases (VPDs). The world-wide eradication of small pox and the near eradication of polio from many countries provide excellent examples of the role of immunization in disease control;

(C) Immunization - is the process whereby a person is made immune or resistant to an infectious disease, typically by the administration of a vaccine. Vaccines stimulate the body's own immune system to protect the person against subsequent infection or disease.

(D) Epidemic Outbreak - is the sudden occurrence of a disease in a community, which has never experienced the disease before or when cases of that disease occur in numbers greater than expected in a defined area.

(E) Vaccines - is a biological preparation that improves immunity to a particular disease. A vaccine typically contains an agent that resembles a disease-causing microorganism, and is often made from weakened or killed forms of the microbe, its toxins or one of its surface proteins.

(F) Morbidity - the rate of disease in a population

(G) Mortality - the proportion of deaths to population

(H) Tuberculosis - An infection caused by Mycobacterium tuberculosis. It usually attacks the lungs, but other parts of the body can also be affected, including the bones, joints and brain.

(I) Diphtheria - A bacterial infection cause by Corynebacterium diphtheria. The infection can involve almost any mucous membrane, but the most common sites of infection are the tonsils and pharynx,

(J) Tetanus - A common cause of neonatal and maternal mortality whenever maternal protection with tetanus toxoid is low and proper umbilical cord care practices are not followed. Tetanus, also known as lockjaw, is caused by a bacillus (Clostridium tetani) that is present in the soil and in the animal and human feces.

(K) Pertussis - also called whooping cough, is a highly contagious, acute bacterial disease affecting the respiratory tract.

(L) Poliomyelitis - a disease of the central nervous system caused by three closely related polio viruses: type 1,2 and 3.

(M) Measles - is characterized by a variety of symptoms, including 3C's cough, coryza (runny nose), conjunctivitis, fever, rash, ear infections, and brain inflammation.

(N) Mumps - sometimes called infectious parotitis, is an infection caused by a virus affecting primarily the salivary glands. Mumps is mostly a mild childhood disease, often affecting children between 5-9 years old.

(O) Rubella - an infection caused by a virus. Congenital rubella syndrome (CR's) is an important cause of severe birth defects.

(P) Hepatitis B - is a viral infection of the liver. Acute infection either resolves or progresses or chronic infection, which may lead to cirrhosis or liver cancer several decades later.

(Q) Influenza - is caused by a virus that attacks mainly the upper respiratory tract - the nose, throat and rarely also the lungs. The infection usually lasts for about a week.

Section 52. Roles and Responsibilities.

(A) Local Government of Naga

- (1) Implement the National Immunization Program (NIP) in the City Government of Naga in accordance with the provisions set forth in the Philippine Constitution, and applicable laws on the various guidelines and directives issued by the Department of Health (DOH);
- (2) Ensure adoption of laws that guarantee the full implementation of the NIP through the creation of local policies and legislations;
- (3) Ensure that the efficient delivery of immunization services are being carried out through their functional City Health Office
- (4) Ensure provision of adequate number of permanent trained health service providers based on the plantilla positions (MDs, Nurses and Midwives);
- (5) Ensure all health care practitioners/workers are capable of providing right information to mothers and guardians on the importance of immunization and how this benefit children from vaccine preventable diseases;
- (6) Ensure that all target populations for the immunization program receive their recommended immunization against vaccine preventable diseases (i.e.):
 - (a) All infants should have complete routine immunization at 12 months of age

- (b) Children under 4 years old and 11 months complete their recommended immunization following DOH guidelines on catch-up immunization
- (c) Pregnant women receive their tetanus diphtheria vaccines and other vaccines as recommended by DOH
- (d) School children receive their vaccines at grade 1, grade 4 and grade 7 following DOH recommendation
- (e) Senior Citizens
- (f) Other target population as recommended by DOH guidelines.
- (7) Ensure appropriate budget for the operation and implementation of the program as reflected on the LGU's yearly Work and Financial Plan;
- (8) Ensure appropriate budget for the continuing information, education and training programs of health personnel on the benefits and rationale of immunization of children against vaccine preventable diseases;
- (9) Ensure availability of adequate supplies required for the implementation of the NIP;
- (10) Ensure operation of the cold chain including equipment used for the NIP through provision of budget for repair, maintenance and upkeep of the same;
- (11) Ensure daily immunization service is available at City Health Office; every Wednesday in Barangay Health Station;
- (12) Provide support for school-based immunization activity including but not limited to encouraging parents and guardians as this is a basic right of the child;
- (13) Provide support to Adverse Events Following Immunization (AEFI) case/s including but not limited to transportation, medicines, hospital referrals, communication to family and communities.

(B) City Health Office

- (1) Ensure full implementation of the National Immunization Program (NIP) following all directives and guidelines issued by the Department of Health (DOH);
- (2) Initiate conduct of information dissemination on the important and benefits of immunization against vaccine preventable diseases through mother's class, barangay assembly/fora and other information drive;
- (3) Detect and report AEFI cases (both minor and serious AEFI) to the next higher level (Barangay-City-Province-Region) using prescribed AEFI Reporting Form;

- (4) Provide appropriate immunization services to all target population, including but not limited to assisting mothers/guardians refer patient/s with AEFI;
- (5) Ensure timely request of vaccines using updated forms and reporting of stock data be made at the next higher level;
- (6) Ensure active master listing of the whole community to ensure that all health services due are received accordingly.
- (7) Ensure a proper logistics distribution plan at all levels;
- (8) Conduct regular immunization related activities every week as recommended by DOH CHD Bicol;
- (9) Monitoring of cold chain facility to ensure potency of vaccines;
- (10) Review, consolidate and submits report to reporting facilities following the agreed reporting schedule and corresponding reporting forms in reporting;
- (11) Conduct and document NIP activities initiated by the City Health Office;
- (12) Ensure attendance/s to Performance Implementation Reviews (PIR), Capacity Enhancement Activities and Program Updates;
- (13) Prepare and ensure a comprehensive plan of activities requiring budget for NIP that should be integrated on the Annual Work and Financial Plan and their corresponding PPMP.

Section 53. Funding. An initial budget of Two Hundred Thousand Pesos (P200,000.00) shall be appropriated for the purpose for the operation and implementation of all activities in relation to this Article, chargeable against the existing appropriation of the City Government of Naga, subject to relevant laws, rules, and regulations. Likewise, expenditures for the succeeding years for the full implementation and operation of the National Immunization Program shall be included in the annual budget of the City Government of Naga under the Office of the City Health, subject to the usual budget preparation process.

Article 13

Special Focus on Children with Disabilities

Section 54. The local government of Naga City shall give special focus on children with disabilities by implementing programs and projects that will develop and enhance their skills and empower them to be able to participate in the society productively. The city government will make a periodic comprehensive survey on children with disabilities which shall serve as basis for the programs and projects intended for their development.

Section 55. *Training program for educators and health professionals.* A training program for educators and health professionals who handle children with disabilities shall from part of the priority of the local government of Naga City.

Article 14
Street Children

Section 56. *Purpose.* This Article is enacted as one of the measures designed to control the proliferation of "street children" in the City of Naga and to encourage private voluntary initiatives that address their needs.

Section 57. *Definition of terms.* As used in this Article, the following terms shall mean as defined herein:

(A) "Street Children" - refers to persons below eighteen (18) years old who regularly spend at least four (4) hours every day on the streets begging or simply loitering in the streets;

(B) "Private Institutions" - refers to private organizations or associations undertaking or implementing programs and projects addressing the needs of street children.

Section 58. *Prohibition against giving of alms or any other financial remuneration to children in the streets.* It is hereby declared illegal and prohibited the giving directly of alms in the form of money or any other financial remuneration, such as, but not limited to, "parking assistance fee" usually given by motorists to children in the streets.

Section 59. *Call and encouragement to private voluntary initiatives and financial contributions to private institutions and organizations.* To properly channel the goodwill and support of individual citizens for the upliftment of street children, contributions or financial support which are otherwise usually directly given to children in the streets should be channeled to private organizations or charitable institutions that implement programs and projects for street children.

For this purpose, selected business establishments and private/public offices within the territorial jurisdiction of the City of Naga are required to put up a sealed can/box within their establishments where voluntary contributions may be placed or dropped by those who desire to support programs and projects responding to the needs of street children. The proceeds of these donations/contributions shall be used solely to fund programs directly addressing the needs of street children. For this purpose, a memorandum of agreement shall be executed between the NCCWPC, the receiving establishment, and the beneficiary institution or organization.

The NCCWPC is hereby authorized to formulate the necessary details of the implementing mechanism thereof.

Section 60. *Role of the Naga City Philippine National Police (PNP).* In accordance with its law enforcement function, the Naga City PNP is hereby specifically tasked to ensure that no children proliferate the streets of the City of Naga. For this purpose, any member of the Naga City PNP is enjoined to immediately inform or

call the attention of the City Social Welfare and Development Office the moment he/she sees children loitering in the streets. The members of the Naga City PNP are also enjoined to call the attention of any street children and explain this provision to them.

Section 61. *Call for action upon parents of street children.* It is an acknowledged fact that the real and lasting solution to the plight of street children is in their respective homes. Therefore, the underlying objectives of this Ordinance will only be truly achieved if parents will perform their duties and responsibilities as parents of their children. For this purpose, the City Social Welfare and Development Office is hereby mandated to establish and intensify the partnership undertakings with the parents of street children in the City of Naga to effectively respond to this social malady.

Section 62. *Comprehensive program for street children.* To effectively respond to the issues concerning street children, the Naga City Council for the Welfare and Protection of Children (NCCWPC) is hereby mandated to formulate, and in partnership with concerned private organizations and NGOs, a comprehensive program for street children.

Section 63. *Penalties.* Any person found violating any of the provisions of this Article shall be penalized as follows:

- (A) First violation - Warning
- (B) Second violation - Fine in the amount of five hundred pesos (P500.00);
- (C) Third violation - Fine in the amount of one thousand five hundred pesos (P1,500.00)
- (D) Third violation and subsequent violation - Fine in the amount of five thousand pesos (P5,000.00).

Article 15

Barangay Level Recreational and Cultural Facilities and Program

Section 64. A barangay-level program for the revival of indigenous games that reflect the cultural diversity in Naga City shall be installed. The local government of Naga City shall allocate space for recreation and provide recreational facilities appropriate for each children's age-group and gender which shall be designed and informed of the cultural diversity.

Article 16

Advocacy Program for Local Children's Literature

Section 65. The local government of Naga City shall launch a program that aims to popularize local children's literature that focus on the value formation and touch on the Bicolano culture. The local government of Naga City shall mobilize writers for this purpose and invest in the production of this literature for children and other relevant materials.

Article 17

Children's Parks and Playgrounds

Section 66. Purpose. This Article is enacted to guarantee unto our children, and ensure and facilitate their enjoyment of the right to play which is very important not just in their physical and brain motor development but also in their psycho-social well-being.

Section 67. Mandatory allocation of areas for children's parks and playgrounds. To attain the objectives of this Article, the following are hereby mandated:

- (A) Upon subdivision owners/developers: All subdivision developers/owners are hereby mandated to allocate a portion of the subdivision equivalent to an area of at least five (5) square meters for every residential lot/house/house & lot generated which shall be devoted exclusively for children's parks and playgrounds or a ratio of 5:1 (5 square meters of children's parks and playgrounds for every 1 residential lot generated for sale); provided, however, that this provision shall be without prejudice to existing national legislation pertaining to this matter.
- (B) Upon the Barangay Councils in the 27 Barangays of Naga City, the respective Barangay Councils in the 27 Barangays of Naga City, in consultation with the Barangay Council for the Protection of Children (BCPC), are hereby enjoined to identify an area sufficient to be utilized as Children's Parks and Playgrounds in their respective barangays and furnish the Naga City Council for the Welfare and Protection of Children (NCCWPC) the list of the identified area/s. Once identified, the Barangay Council shall make the necessary arrangement with the landowner to achieve the purposes of this Article and if no voluntary arrangement is effected, the Barangay Council concerned shall make the necessary recommendation to the City Government of Naga for the expropriation thereof.
- (C) Upon Homeowners Associations in Existing Residential Subdivisions: the Homeowners Association in subdivisions already existing at the time of the effectivity of this Ordinance shall designate sufficient portion of the open spaces in the subdivision to be utilized exclusively as children's parks and playgrounds; provided, that when such open spaces have already been donated to the City Government of Naga, the Homeowners Association shall make the necessary recommendation to the City Government of Naga for the utilization of the designated portion as children's parks and playgrounds. Except upon grounds of safety and security, the recommendation of the Homeowners Association shall be respected.

Section 68. Duty to operate and maintain the children's parks and playgrounds. Once designated, the duty to operate and maintain the children's parks and playgrounds shall be the joint responsibility of the Barangay Council and all the Parents in the community. For this purpose, the Barangay Council for the Protection of Children (BCPC), in consultation with the different Non-government organizations, people's organizations, such as the Barangay People's Council (BPC) or the homeowners association in the case of subdivisions, and other community organizations in the

barangays shall formulate the necessary policies and rules and regulations on the use and maintenance of the facility.

Section 69. Mandatory exclusive use. Areas designated as children's parks and playgrounds shall be utilized exclusively for the purpose and this fact shall be annotated in the Certificate of Title covering the same; provided, however, that recreational facilities available for adults but which are also appropriate for children shall be allowed therein up to not more than fifty percent (50%) of the total area. Any person found guilty of violation of this provision shall suffer the penalty of imprisonment for a period ranging from one (1) month to six (6) months or fine of P3,000.00 to P5,000.00 or both, at the discretion of the court; provided, that when the violator is a juridical person, the Officers thereof shall also be liable.

Section 70. Mandatory tree planting. To ensure cleanliness and healthful environment, the respective Barangay Councils for the Protection of Children (BCPC), In partnership with the City Environment and Natural resources Office (ENRO), and in collaboration with organized groups and concerned individuals in the community, shall provide appropriate and sufficient number of waste bins within the facility and plant the same with trees and flowering plants especially lining the boundaries thereof.

Section 71. Mechanism for enforcement. To effect faithful enforcement of this Article, the following are hereby mandated:

- (A) All applications for Development Permit for Residential Subdivisions that do not comply with the provisions of this Article, particularly Section 3 (a) and Section 5 hereof, shall be denied;
- (B) All donations made for the development and operation of children's parks and playgrounds mandated under this Ordinance shall entitle the donor certain tax benefits. For this purpose, the City Treasurer is hereby required to recommend to the Sangguniang Panlungsod appropriate tax incentive schemes.

Section 72. Role of the Naga City Council for the Welfare and Protection of Children (NCCWPC). The NCCWPC is hereby mandated to monitor compliance with the provisions of this Article and to recommend measures necessary for its effective enforcement.

Article 18

Summer Enhancement and Enrichment Program (SEEP)

Section 73. Rationale. Having full access to and being able to complete primary education is a recognized right of our school age children. More than this and given our changing complex and competitive environs, the need to raise the level and quality of education in the city is becoming an urgent and pressing concern. In this light, conducting at least remedial classes every summer in all public elementary and high schools within the city's territorial jurisdiction is imperative. Through this, it is expected that schoolchildren's knowledge will be enhanced and/or enriched in preparation for the academic challenges of the coming school year.

Section 74. *The Summer Enhancement and Enrichment Program.*

The summer enhancement program is a summer remedial class mainly for tool subjects English, Mathematics and Science. It is open to all public schoolchildren especially those who, after the regular school year, have to undergo remediation on their said subjects. Enrichment classes may likewise be conducted upon the recommendation of the City Schools Division Superintendent and approval of the School Board.

Section 75. *Program coverage.* Only schoolchildren from Grade 1 to Third year who have been identified by their class advisers may join the program free of any charge or fee.

Section 76. *Program duration.* The program shall be conducted every summer and shall last for one (1) month or at least twenty (20) learning hours per subject on a Monday to Friday schedule.

Section 77. *Objectives.* The Program aims to raise the level and quality of education in Naga City. Specifically, it seeks to:

- (A) Remediate the difficulty of academically challenged learners;
- (B) Enhance and/or enrich the pupils/students' learning aptitude without cost to parents;
- (C) Encourage focus on academics;
- (D) Utilize summer time for worthwhile activities; and
- (E) Inspire school children to aspire and to dream big.

Section 78. *The City Schools Division, Department of Education.* The program will not materialize and the objectives for which it was conceived will not be achieved without the indispensable cooperation and active participation of the City Schools Division, Department of Education. Having in mind that the program is not part of the agency's regular curriculum, the Department of Education's continuing involvement, as main program partner, shall be fervently sought. If warranted and whenever necessary, the city shall avail of the services of the locally funded teachers.

Section 79. *Implementing guidelines.* The following general guidelines, which are non-exclusive, shall be observed in the implementation of the program comes summer time, to wit:

(A) The City Schools Division, through its concerned responsible officials, shall:

- (1) Identify the participating teachers who will handle the concerned subjects and conduct the prescribed summer classes. Preference must be given to teachers residing in the barangay where the concerned school is located;
- (2) Identify the elementary pupils and high school students who have to undergo summer classes and notify them thereof not later than the end of the month of February of every applicable year;
- (3) Require the parents of the participating schoolchildren to issue a written permit for their children and to undertake that they will oblige them to regularly attend the summer classes;

(4) Prepare and/or periodically review a syllabus for each of the subjects involved which shall be used by participating teachers;

(5) Conduct separate yearly orientation training for participating teachers in the summer enhancement program and summer enrichment program before the formal start thereof;

(6) Supervise the participating teachers and monitor actual conduct of summer classes;

(7) Prepare, formulate and administer pre-test before the start of the program every summer and post-test at the end thereof. Within a reasonable time, it shall prepare a summary report of the results of the tests administered copy furnish the School Board; and

(8) Prepare and submit to the School Board and the Committee on Education of the Sangguniang Panlungsod a yearly evaluation of the program.

(B) The School Board, through the School Board Administrator and the Chairman of the Committee on Education of the Sangguniang Panlungsod, and in addition to the directive specified in the other provision hereof, shall:

(1) Closely coordinate with concerned officials of the Department of Education for the effective implementation of the program;

(2) Make available to the participating pupils, students, teachers and DepEd officials such facilities and resources necessary in the conduct of activities related to the program; and

(3) Ensure due recognition of the voluntary nature of the hard work of the participating individuals, including the prompt payment of the teachers' honorarium.

(C) To ensure maximum learning effectiveness, a one (1) to twenty five (25) teacher-pupil ratio shall be strictly observed for remediation classes and a one (1) to forty (40) teacher-pupil ratio for other summer classes.

(D) The Division of City Schools of the Department of Education is advised to issue detailed operating guidelines for the more effective implementation of this program copy furnished the School Board and the Sangguniang Panlungsod. However, the absence of such implementing rules shall not delay the implementation hereof, this ordinance being self-executory.

(E) The twenty seven (27) barangays through their Punong Barangays, the Chairperson of the Committee on Education and the Sangguniang Kabataan are hereby directed to take active participation in the program by, among others, conducting an information dissemination campaign and ensuring that the identified academically challenged pupils and students actually attend their summer classes.

Section 80. Funding. Full funding support for the Summer Enhancement and Enrichment Program shall be provided for under the annual budget of the Naga City School Board. In the allocation of the required fund, the School Board shall favorably consider, among others, an honorarium of at least One Thousand Pesos (₱ 1,000.00) per subject per participating teacher.

In furtherance of the purposes herein provided, the concerned barangays and/or the Sangguniang Kabataan may allocate such fund as may be necessary to support or augment the funding requirement of this program in their respective territorial jurisdiction, subject to availability of funds.

TITLE III. PROTECTION RIGHTS OF CHILDREN

CHAPTER 4. General Framework

Article 19

Program on Child Abuse, Exploitation, and Discrimination

Section 81. A comprehensive program shall be formulated, within one (1) year from the effectivity of this Code by the Children's Affairs Office through the Naga City Council for the Welfare and Protection of Children and the Naga City Social Welfare and Development Office, after consultation with other government agencies, private sector, nongovernment organizations, and child welfare institutions that are concerned with protection and development of children's rights and welfare.

Article 20

Child Prostitution and Other Sexual Abuse

Section 82. Children, whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or groups, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

Section 83. The penalty as prescribed in Section 5 of RA 7610 shall be imposed upon the following:

(A) Those persons who engage in or promote, facilitate, or induce prostitution which include, but are not limited to the following:

- (1) Acting as procurer of a child prostitute by means of written or oral advertisements or other similar means;
- (2) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
- (3) Entering into relationship with or taking advantage of a child as prostitute;
- (4) Threatening or using violence towards a child to engage him or her as a prostitute or participants in indecent shows;
- (5) Giving monetary consideration, goods, or other pecuniary benefit to a child with the intent to engage in child prostitution.

(B) Those persons who commit the act as stated in Article III of R.A. No. 7610 shall be penalized accordingly as prescribed therein.

Article 21

Obscene Publication and Indecent Shows

Section 84. Any person who shall hire, employ, use, persuade, coerce, or force a child, whether live or in video, to pose or model in obscene publications or pornographic materials shall suffer the penalty prescribed in RA 7610 insofar as it is applicable.

Section 85. *Sanctions for Establishments or Enterprises which Promote, Facilitate, or Conduct Activities Constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications, and Indecent Shows.* All establishments or enterprises that promote or facilitate child prostitution and sexual abuse and exploitation, trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under the ordinance. A sign that says: "CHILD RIGHTS VIOLATOR" will be conspicuously posted outside the establishment(s) or enterprise(s) by the Naga City Council for the Welfare and Protection of Children for such periods as the Council shall determine.

Section 86. *Requirement of establishment to post notices against child abuse.* All establishments such as Hotels, Sauna Baths, Motels, and Nightclubs shall be required to post notices against child abuse as requisite to renewal/approval of business license.

Article 22

Child Trafficking

Section 87. Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration or barter, shall suffer the penalty as prescribed in Article IV of R.A. No. 7610.

Article 23

Attempt to Commit Child Trafficking

Section 88. *There is an attempt to commit child trafficking under Article 7 of this Ordinance:*

- (A) When a child, below 15 years old, travel alone to or from Naga City without clearance issued by the City Social Welfare and Development Office (CSWD) or written permit or justification from the child's parents or legal guardian. Written permits issued should be attested by the Punong Barangay.
- (B) When a pregnant mother, father, or guardian executes an affidavit of consent for adoption for a consideration; or consents, participates, or in any manner causes the registration of the birth of such child in the name of another with or without consideration;
- (C) When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;

- (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 caring institutions who can be offered for the purpose of child trafficking; or
- (F) When any person, authority, agency, or institution witnesses who have knowledge but fails to report transactions related to circumstances in child trafficking.

Section 89. The penalty prescribed in Article IV of R.A. No. 7610 insofar as it is applicable shall be imposed upon the principals of the attempt to commit child trafficking under this ordinance. In addition, a one-month community service shall be imposed for the commission and omission of acts under Article 7. Such service shall be defined by the Social Development Committee of the City Development Council.

Article 24

Other Acts and/or Conditions Prejudicial to the Child's Development

Section 90. It shall be unlawful for any person to sell liquor, cigarette, illegal drugs, and other items detrimental to the development of the child.

Section 91. For the purpose of this ordinance, the penalty for commission of such act as prescribed in Article IV of R.A. No. 7610 insofar as it is applicable shall be entrusted to the care of the Naga City Council for the Welfare and Protection of Children.

Section 92. All establishment selling liquors or cigarettes shall be required to post notices or warning signs that ban selling of liquor and cigarettes to children as a condition for the approval/renewal of their business license.

Article 25

Regulation on Children's Exposure to Commercial Video Games

Section 93. Commercial establishments whose business involved renting of electronic video games are prohibited from catering to children during school days from 7 o'clock in the morning to 5 o'clock in the afternoon. Business permit(s) of concerned commercial establishment(s) who violate the prohibition shall subjected to suspension for fifteen (15) days during the first offense and one (1) month suspension of the same for the second offense.

Section 94. *Movie and fun houses are prohibited to admit children during school hours; Sanctions to movie and fun houses admitting children during school days from 7 o'clock in the morning to 5 o'clock in the afternoon. All movie houses and fun houses admitting children during school days from 7 o'clock to 5 o'clock p.m. shall be subjected to the same penalty imposed on Commercial Video Games catering to children during school days/hours insofar as the first and second offense is concerned. Cancellation of the*

business permit and closure of movie & fun houses shall constitute the penalty for the third offense.

Article 26

Children Involved in Anti-Social and Related Activities

Section 95. Children who are involved in anti-social or related activities shall be registered in the rehabilitation program that shall assist the children to rebuild themselves and reintegrate them in mainstream society.

Section 96. *Monitoring of suspended cases of children and appropriate assistance.* Application for suspension of sentences of children involved in anti-social activities shall be done by the children's concern in the Children's Affairs Office. A special team from such office shall monitor closely case(s) involving children in court to adequately enforce the suspension of sentence(s). Appropriate and responsive rehabilitation program shall be accorded to them under the supervision of the Naga City Council for the Welfare and Protection of Children.

Section 97. The NCCWPC shall maintain a Hotline for around-the-clock reporting and monitoring of cases against child abuse.

Section 98. *Appointment of child and youth relations officer and police procedures.* The Naga City Police Station shall assign a Child and Youth Relations Officer, preferably a female police officer, who will be tasked to handle cases involving children. Child-friendly police procedures, which are contained in the Police Handbook on the Management of Cases of Children, shall be followed, even in difficult circumstances. Each police officer shall be provided with a copy of the Police Handbook for guidance.

Section 99. *Special courses for PNP members.* A special course that deals with handling child delinquents and abused children shall be designed and obligatorily given to the members of Philippine National Police in Naga City.

Section 100. The NCCWPC, in close coordination with PNP Child Protection Team and interested groups, shall be tasked to design and initiate the conduct of training seminar on the special course.

Section 101. Police Brutality being the state or quality of being harsh, ruthless, cruel, or unrelenting to children who are suspected of committing crimes, misdemeanor or antisocial activities during arrest, apprehension, investigation, and interrogation or when applied to children-suspects under the custody of police authorities shall be prohibited and dealt with appropriate action from the People's Law Enforcement Board (PLEB).

Case or cases of brutality that the police officer(s) committed against children shall be filed in PLEB who will determine the appropriate penalty or penalties without prejudice to the provisions of the Revised Penal Code.

Article 27

Employment of Children

Section 102. Children, as defined in this ordinance, shall not be employed; Provided, that:

- (A) the minimum requirement as stated in Section 12 of R.A. No. 7610 shall be present; and
- (B) the employer shall register the child or children they employed to the Children's Affairs Office.

The NCCWPC shall provide guidelines, rules, and regulations regarding the employment of children in any establishment in Naga City and shall be tasked to implement this provision of this ordinance.

Section 103. The Naga City Government shall prohibit the employment of children in certain advertisements. No person, natural or juridical, shall be allowed to employ a child or children in order to model for commercials or advertisements that promote alcoholic beverages, intoxicating drinks, tobacco and its by-products, junk foods, and/or the depiction of violence.

Section 104. Penalties. Any person who shall violate this provision of the ordinance shall be imposed with penalty as prescribed in Section 16 of R.A. No. 7610 insofar as it is applicable.

**CHAPTER 5. Programs, Projects, and Initiatives for the
Preservation of the Rights of Children to Protection**

Article 28

Naga City Council for the Welfare and Protection of Children

Section 105. The Naga City Council for the Welfare and Protection of Children (NCCWPC) is hereby created as the policy-making and planning body of the City Government of Naga on programs and activities promoting the welfare of children and protecting their rights. It shall also serve as the evaluator of all programs, projects, and policies affecting the Nagueño children.

Section 106. Definition of terms. For purposes of this Article, the following terms shall mean:

- (A) Children - persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental impairment or condition;
- (B) NCCWPC - the Naga City Council for the Welfare and Protection of Children;
- (C) CAO - the Children Affairs Office;
- (D) BCPC - the Barangay Council for the Protection of Children;
- (E) CWC - the Council for the Welfare of Children.

Section 107. Composition of the NCCWPC. The NCCWPC shall be composed of the following:

Chairperson - City Mayor
Co-Chairperson - Chairperson, SP Committee on Children

Members

- DILG City Director
Liga ng mga Barangay President
SK Federation President
Superintendent, DepEd-Division of City Schools
City Planning and Development Officer
City Budget Officer
City Health Officer
City Social Welfare and Development Officer
City Population and Nutrition Officer
PNP City Director
City Treasurer
City Accountant
City Civil Registrar
City Agriculturist
City Environment and Natural Resources Officer
Metro Public Employment Services Officer
City Legal Officer
City Prosecutor
Provincial Director, DOLE-Camarines Sur
Presiding Judge, Family Court
Jail Warden, Bureau of Jail Management & Penology
Director, Commission on Human Rights
Provincial Head, Philippine Information Agency
Head, CWSDO-ECCD Division
Administrator, Naga City School Board
Executive Director, JMR Good Governance Center
Chairperson, Kapisanan ng mga Brodkaster sa Pilipinas
Chairperson, Naga City People's Council
Executive Director, HELP Learning Center
Head, Naga City Disaster Risk Reduction and Management Office
Head, City Events, Protocol, and Public Information Office
Head, Persons with Disability Affairs Office
Head, Naga City Youth Development Office
Head, Public Safety Office
President, Rotary Club of Naga
President, Federation of Barangay
Committee Chairperson on Children
Chairperson, Bantay Familia Inc.
President, National Auxiliary Chaplaincy Philippines
Parents-Teachers Association [PTA] President
Child Representative - President, Federation of Barangay Children Organization

7. The membership of the representatives coming from the non-government organization, private sector, and agencies/offices outside of the city government shall commence upon their acceptance of the invitation from the City Mayor.

The members may designate a permanent alternate member to represent in the meetings and activities.

Section 108. Functions. The Naga City Council for the Welfare and Protection of Children shall have the following functions:

(A) Adopt plans, programs, and policies for children that are gender-fair, culturally relevant, and responsive to the needs of diverse groups of children 0 to below 1-8 years of age;

(B) Prepare Annual Work and Financial Plan for programs on children;

(C) Recommend provision of appropriations on children programs to the Sangguniang Panlungsod of Naga;

(D) Recommend local legislations promoting child survival, protection, participation, and development, especially on the quality of television shows, media prints, and coverage which are detrimental to children, and with appropriate funding support;

(E) Provide coordinative linkages with other agencies and institutions in the planning, monitoring, and evaluation of plans for children;

(F) Advocate for the establishment and maintenance of playgrounds, educare centers, and other facilities necessary for child and youth development;

(G) Monitor and evaluate the implementation of the program and submit quarterly status reports to Council for the Welfare of Children (CWC);

(H) Performs such other functions as provided for in the ECCD and other child related laws.

In the performance of its functions, the NCCWPC may request the assistance of any other offices within the City Government of Naga and may seek out wider stakeholders' participation to accomplish the objectives and purposes of this Article.

Section 109. Meetings and quorum. The regular meetings of the NCCWPC shall be held every quarter and Special Meeting as need arises on the date and at the place to be determined by the body and the agenda of which shall include policies/programs/projects/activities relative to the promotion of the rights and welfare of children. The chairperson or co-chairperson of the NCCWPC may call for a special meeting as he/she may deem necessary. The NCCWPC may adopt its own internal rules of procedure at it may deem necessary for the orderly conduct of its meetings, operation, and effective performance of its functions. The Children's Affairs Office (CAO), referred to in the succeeding Section, shall serve as the Secretariat of the NCCWPC.

Article 29

Strengthening the Barangay Councils for the Protection of Children (BCPC) in the 27 Barangays of the City of Naga by Providing Incentives through the Institutionalization of the Most-Child Friendly Barangay Awards

Section 110. Purpose. This Article is promulgated in order to:

- (A) Protect and promote the rights and welfare of children;
- (B) Enhance the efficiency, competence, and responsiveness of barangay governments in Naga City; and
- (C) Establish a sustainable mechanism that will continually drive the barangays to effectively and sustainably implement innovative programs for protecting and promoting children.

Section 111. Coverage. This Article shall cover all barangay governments of Naga City and shall focus on the effectiveness and innovativeness of their respective programs on the protection and promotion of children rights and welfare.

Section 112. The Most Child-Friendly Barangay Award. The Most Child-Friendly Barangay Award is hereby established to be conferred to barangays of the City of Naga which have met the criteria and conditions prescribed in this Article, as confirmed and validated by the Awards Committee comprised herein.

Section 113. Criteria. The Most Child-Friendly Barangay Award shall be conferred to outstanding barangays which have gained the highest points in the following criteria:

- (A) Functionality of Barangay Council for Protection of Children - 30pts.

This refers to the effectiveness and efficiency of operation of the BCPC. This criteria is divided into the following:

(1) Organization			3 pts.
(a)	An LCPC is organized through a Sangguniang Barangay resolution/ordinance or executive order of the Punong Barangay	1.5 pts.	
(b)	Composition of BCPC is in accordance with DILG MC No. 2002-121	1.5 pts.	
(2) Meetings			3 pts.
(a)	Conduct of regular quarterly meetings which are supported by minutes of meetings duly signed by the BCPC secretary	0.75 pt. for every quarterly meeting	
(3) Policies, Plans, and Budget			9 pts.
(a)	Policies/Programs/Projects/Activities of the BCPC provided funding in the barangay annual budget	3 pts.	
(b)	Crafting of Annual Work and Financial Plan	2 pts.	
(c)	The Annual Work and Financial Plan of the BCPC is included in the Barangay Development Plan and Barangay Investment Plan	2 pts.	
(d)	At least two policies for each major child right have been developed and recommended through a resolution	1 pt.	

	(i) 2 policies on child survival - 0.25 pt. (ii) 2 policies on child development - 0.25 pt. (iii) 2 policies on child protection - 0.25 pt. (iv) 2 policies on child participation - 0.25 pt.		
(e)	The policies developed are approved by the Sangguniang Barangay (at least two policies for each major child right) (i) 2 policies on child survival - 0.25 pt. (ii) 2 policies on child development - 0.25 pt. (iii) 2 policies on child protection - 0.25 pt. (iv) 2 policies on child participation - 0.25 pt.	1 pt.	
(4) Accomplishments, pro-rated as follows:			15 pts.
(a)	PPAs undertaken are based on the approved work and financial plan	6 pts.	
(b)	State of Children's Report	3 pts.	
(c)	Accomplishments are reflected in the LGU Annual Report	2 pts.	
(d)	Accomplishments are documented	2 pts.	
(e)	Accomplishments are included in the SOBA	2 pts.	

(B) Standards of Child-Friendly Barangay

- 30 pts.

(1) Child Health			5 pts.
(a)	All children are registered at birth	1 pt.	
(b)	All infants are exclusively breastfed up to about 6 months	1 pt.	
(c)	All children are fully immunized against tuberculosis, diphtheria/pertussis/tetanus, measles, and polio	1 pt.	
(d)	All children 0-2 years old are weighed monthly and quarterly for children over one year	1 pt.	
(e)	All children are nourished well and, hence, are not underweight nor overweight	0.5 pt.	
(f)	All children are given one dose of Vitamin A starting at 6-11 months; 1-5 years old are given Vitamin A capsules twice a year	0.5 pt.	
(2) Maternal Health			5 pts.
(a)	All births are attended to by trained personnel	1 pt.	
(b)	All pregnant women get at least 4 complete pre-natal check-ups	1 pt.	
(c)	All mothers are fully immunized against tetanus	1 pt.	
(d)	All pregnant/lactating mothers are given sufficient dose of Vitamin A and iron	1 pt.	
(e)	All pregnant women who are at risk get emergency obstetrical care	0.5 pt.	

(f)	All pregnancies are spaced at least 2 years apart	0.5 pt.	
(3) Child Development			5 pts.
(a)	All children 3-5 years old attend early education program or center-based day care services	2 pts.	
(b)	All children 6-17 years old are completing basic education programs (both elementary and high school) through regular or alternative delivery modes	2 pts.	
(c)	All children graduating in elementary and high school attain mastery level of nationally defined competencies (can pass the required achievement test)	1 pt.	
(4) Protection from Risk			5 pts.
(a)	All illiterate parents/caregivers are enrolled in functional literacy program	1 pt.	
(b)	All children are removed from exploitative and hazardous labor, prostitution, and pornography	1 pt.	
(c)	All children in conflict with the law are separated from adult detainees	1 pt.	
(d)	All cases of physical and sexual abuse and violence are eliminated in the home and community	2 pts.	
(5) Promotion of safe and liveable homes			5 pts.
(a)	All families have safe drinking water	2 pts.	
(b)	All families use only iodized salt	1 pt.	
(c)	All families use sanitary latrines/toilets	1 pt.	
(d)	All fathers and mothers share in the care and rearing of children	1 pt.	
(6) Children Participation			5 pts.
(a)	All children participate in socio-cultural and community development activities and the views of children aged 12-17 are sought and duly considered in local government decisions that affect them	3 pts.	
(b)	There is a Barangay Children Organization	2 pts.	

(C) Presence of Four (4) Gifts - 20 pts.

The following tools should be available in the barangay:

- (1) Local Development Plan for Children - 5 pts.
- (2) Local Annual Investment Plan for Children - 5 pts.
- (3) State of the Children's Report - 5 pts.
- (4) Local Code for Children - 5 pts.

(D) Innovations - 10 pts.

(1) Expanded Membership	If BCPC has expanded membership in addition to the members prescribed under DILG MC No. 2002-121, points shall be given as follows:		2 pts.
(a)	1-2 additional members	0.5 pt.	

(b)	3-4 additional members	1.5 pts.	
(c)	More than 5 additional members	2 pts.	
(2)	More Meetings If BCPC conducts more meetings than the required four quarterly meetings, points shall be given as follows:		2 pts.
(a)	3 or more special meetings	2 pts.	
(b)	2 special meetings	1 pt.	
(3)	More Crafted Policies If BCPC crafted more than two policies for each major child right, points shall be given as follows:		2 pts.
(a)	10 or more additional policies	2 pts.	
(b)	7-9 additional policies	1.5 pts.	
(c)	4-6 additional policies	1 pt.	
(d)	1-3 additional policies	0.5 pt.	
(4)	More policies are adopted and legislated If more than two policies for each major child right were adopted and legislated by the Sangguniang Barangay, points shall be given as follows:		2 pts.
(a)	10 or more additional policies	2 pts.	
(b)	7-9 additional policies	1.5 pts.	
(c)	4-6 additional policies	1 pt.	
(d)	1-3 additional policies	0.5 pt.	
(5)	More activities If BCPC conducts more activities than those reflected in the work and financial plan, points shall be given as follows:		2 pts.
(a)	3 or more additional activities	2 pts.	
(b)	2 additional activities	1 pt.	
(c)	1 additional activity	0.5 pt.	

(E) Child-Friendly Local Governance Audit Criteria - 10 pts.

Per MC No. 2014-80 of the Department of the Interior and Local Government, the following criteria shall be noted:

(1)	Reduction in under-five mortality rate (Note: If under-five mortality increased, no point shall be awarded)	2 pts.
(2)	Completion rate for elementary schooling (Note: Computation of point is equivalent to the barangay's elementary completion rate multiplied by 3, i.e., if a barangay has an elementary completion rate of only 60%, then its score in this criteria is 1.8 pts.)	3 pts.
(3)	Existence of an ordinance establishing Barangay Violence Against Women and their Children (VAWC) Desks and Case Disposal Rate of VAWC Desks (Note: Existence of an ordinance shall be given 1 point, while computation of the other 2 points is equivalent to the case disposal rate of VAWC Desks multiplied by 2, i.e., if a barangay has a disposal rate of only 60%, then it will be given another 1.2 pt. In total, the barangay will be accorded 2.2 pts.)	3 pts.
(4)	PhilHealth accreditation for Maternal Care Services and Primary Care of health facilities within the jurisdiction of the barangay	2 pts.

(Note: Computation of point is equivalent to the percentage of health facilities accredited by PhilHealth for Maternal Care Services and Primary care over the total number of health facilities in the barangay, i.e. if there are ten health facilities in the barangay and only eight are PhilHealth accredited for Maternal Care Services and Primary Care, then the barangay will only gain 0.8 points. If a particular barangay, however, has no health facility within its jurisdiction, it will be accorded 1 point.)	
---	--

Section 114. *Composition of the Most Child-Friendly Awards Committee.* The Most Child-Friendly Awards Committee is hereby constituted and shall be composed of the heads, or his/her assigned representatives, of the following offices:

- Chairman - DILG-Naga City
- Co-Chairman - Naga City People's Council (NCPC)
- Members - City Social Welfare and Development Office (CSWDO)
- City Health Office (CHO)
- Kapisanan ng mga Brodkaster sa Pilipinas (KBP)
- NGO member of the Naga City Council for the Welfare and Protection of Children (NCCWPC)

Section 115. *Duties and functions of the Most Child-Friendly Barangay Awards Committee.* In order to efficiently and effectively implement the Most Child-Friendly Barangay Awards, the Committee composed in the preceding section shall:

- (A) Craft and implement guidelines on the efficient implementation of the Most Child-Friendly Barangay Award;
- (B) Review and suggest amendments, if necessary in the criteria provided in this Article;
- (C) Search, validate, review, evaluate, and select the Most Child-Friendly Barangay Awardees following the established guidelines, rules, and criteria of the awards; and
- (D) Submit to the City Mayor on or before October 31 of every year the list of the Most Child-Friendly Barangay Awardees.

Section 116. *The Secretariat.* The Children Affairs Office (CAO) shall provide the secretariat functions of the Most Child-Friendly Barangay Awards Committee.

Section 117. *Functions of the Secretariat.* The secretariat shall have the following functions and duties:

- (A) Serve as repository of all documents, memorabilia, pictures, and other related information on the Most Child-Friendly Barangay Awards;
- (B) Provide the Most Child-Friendly Barangay Awards Committee with the various forms, guidelines, and criteria of the awards;

- (C) Assist in the search of the Most Child-Friendly Barangay Awardees;
- (D) Plan and conduct a Most Child-Friendly Barangay Awards Presentation in October of every year during the celebration of the Children's Month.

Section 118. *Selection and evaluation period.* The selection and evaluation period shall cover the months of September of the preceding year to August of the current year. The evaluation and assessment shall be conducted in the month of September of the current year.

Section 119. *Awarding and presentation of the Most Child-Friendly Barangay Awardees.* Awarding and presentation of the Most Child-Friendly Barangay Awardees shall be in November of every year. The event shall be one of the highlights of the celebration of the Children's Month.

Section 120. *The awards.* Recipient of the Most Child-Friendly Barangay Awards shall be given the following prizes:

- (A) 1st Place - One million pesos (₱1,000,000) worth of projects and Trophy;
- (B) 2nd Place - Seven hundred thousand pesos (₱700,000) worth of projects and trophy;
- (C) 3rd Place - Five hundred thousand pesos (₱500,000) worth of projects and trophy;
- (D) 4th Place - Three hundred thousand pesos (₱300,000) worth of projects and trophy;
- (E) 5th Place - Two hundred thousand pesos (₱200,000) worth of projects and trophy;
- (F) 6th-10th Place - One hundred thousand pesos (₱100,000) worth of projects and trophy.

Provided, that the 1st to 5th Place must have a rating of not less than 85% and the 6th to 10th place must have a rating of not less than 80% to qualify for cash award. In the event that the first five (5) highest ranks scored less than 85% but not less than 80%, the cash award shall be 50% of what is provided in this Article. This same rule shall apply for the 6th to 10th place, i.e., when the score is less than 80% but not less than 75%. Provided further, that the winners having a rating of less than 75% shall not be entitled to the cash award. Provided finally, that entries having a rating of 75% but not included in the Top Ten (10) shall receive a consolation price of Fifty Thousand Pesos (₱50,000) worth of projects and a plaque.

Section 121. *Utilization of cash award.* The cash prize awarded under this Article shall be utilized solely on projects directly addressing child welfare, protection, and development.

Section 122. *Funding.* The City Government of Naga shall appropriate an annual budget for the purposes of the successful and efficient implementation of the Most Child-Friendly Barangay

Awards. The said amount shall be included in the Naga City Council for the Welfare and Protection of Children (NCCWPC)/Children Affairs Office of at least one percent of the city's total Internal Revenue Allotment (IRA) under the Special Purpose Appropriation of the current year.

Article 30
Children's Affairs Office

Section 123. *Children's Affairs Office (CAO).* The Children's Affairs Office is hereby created under the direct supervision of the Office of the City Mayor with the following functions:

- (A) Serve as secretariat of the NCCWPC;
- (B) Provide technical assistance and support to Barangay Council for the Protection of Children (BCPC);
- (C) Provide technical assistance and support to Federation of Barangay Children's Organization;
- (D) Establish and maintain database on children in the city;
- (E) Assist children in need of special protection and refer cases filed against child abusers to proper agencies/institutions;
- (F) Conduct capability building programs to enhance knowledge and skills in handling children's program;
- (G) Assist in the functions and other organizational matters of the Naga City Council for the Welfare and Protection of Children;
- (H) Develop a comprehensive social development and welfare program for children and submit the same to the NCCWPC for the latter's adoption;
- (I) Coordinate and work with appropriate offices and agencies of the government in providing such welfare services, privileges, and benefits to the intended beneficiaries;
- (J) Exercise such other powers and perform such other duties and functions as may be assigned by the City Mayor or as may be prescribed by law or ordinance.

Section 124. *Composition and structure of the Children's Affairs Office (CAO).* The CAO shall be composed of an Executive Director, Community Affairs Assistant II, and two (2) Administrative Aide IV (Bookbinder II) to carry out the functions and objectives of the NCCWPC. Such number of employees in either casual or job order positions may be appointed, designated, or assigned by the City Mayor to maintain the office. Other plantilla positions deemed necessary in CAO shall be created in the future as its clientele increases and its duties and functions expand.

Section 125. *Duties and functions.* The following plantilla positions are hereby created in conformity with the qualification standards set by the Civil Service Commission in terms of salary grade for local government units and its functional descriptions:

(A) Community Affairs Assistant II

Salary Grade: 8

Education: Completion of two (2) years studies in college

Experience/Training: 1 year of relevant experience/4 hours of relevant training

Eligibility: CS Subprofessional; 1st level Eligibility

Duties: Develop, promote, and monitor the implementation of policies, plans, programs, and services for the development of children in coordination with the NCCWPC, local, and national government agencies.

(B) Two (2) Administrative Aide IV (Bookbinder II)

Salary Grade: 4

Education: Elementary school graduate

Experience/Training: None required

Eligibility: None required

Duties: Assist in the documentation, file-keeping, and other administrative duties in the Children's Affairs Office.

Section 126. Appropriation. The amount necessary to carry out the funding of the plantilla positions shall be chargeable in the annual budget of the CAO-NCCWPC. (Ordinance No. 2022-016).

Article 31

Establishment of Barangay Violence Against Women and their Children (VAWC) Desks in the 27 Barangays of Naga City and Search for the Best Barangay Violence Against Women and their Children (VAWC) Desks

Section 127. Barangay Violence Against Women and Children Desks. All 27 barangay governments of the City of Naga should establish and maintain a Barangay Violence Against Women and Children (VAWC) Desks which operation should be financed by the barangay's Gender and Development (GAD) Fund and other fund sources as may be deemed necessary by the concerned barangay.

Section 128. Search for Best Barangay VAWC Desk. The Search for Best Barangay VAWC Desk, which shall commence from January to December of the year and culminate with an Awarding Ceremony every March of the subsequent year, is hereby institutionalized with the following criteria:

(A) Personnel (30%). This particular indicator measures the manner of designating the VAWC Desk Person and his/her personal capacities and attributes that ensure a gender-sensitive and responsive manner of addressing cases of VAWC in the barangay.

(B) Service Delivery (50%). As the issue of VAWC cases require a holistic approach, this particular indicator gauges the mechanisms or specific services established by the barangay for women and children who are victim-survivors of VAWC cases. In particular, this will look into the following:

- (1) Physical facilities;
- (2) Observance of protocol in handling VAWC cases in the barangay level as prescribed under JMC 2010-2; and

(3) Reporting and monitoring system.

(C) Advocacy and Fund Source (20%). This indicator assesses the concrete programs adopted by the barangay in order to engage not only the VAWC victim-survivors but, more importantly, the community in the campaign against VAWC. This also looks into the allocated funds for the operations of the barangay VAWC Desk and for the implementation of anti-VAWC programs and activities.

Section 129. Committee on Search for Best Barangay VAWC Desk.

A search committee is hereby instituted to be composed of the following:

Chairman:	Chairperson of the SP Committee on Women
Co-Chairman:	Chairperson of the SP Committee on Children
Members:	City Director, DILG-Naga
	City Social Welfare and Development Officer
	Representative, Sentro ng Alternatibong
	Lingap Panlegal-Naga Chapter
	Representative, Naga City Bantay Familia
	Representative, Naga City People's Council
	Representative from the academe, to be
	appointed by the mayor
	Representative from the private sector, to be
	appointed by the mayor

Section 130. Awards. The following awards shall be conferred to the chosen Best Barangay VAWC Desks:

- (A) First Place - ₱100,000 worth of projects and a plaque;
- (B) Second Place - ₱70,000 worth of projects and a plaque;
- (C) Third Place - ₱30,000 worth of projects and a plaque.

Article 32

Promoting Positive Discipline of Children

Section 131. Purpose. This Article is enacted to impose upon parents, teachers, guardians, and all persons legally responsible for the care and custody of the child the preservation and protection of the latter's dignity and welfare at all times to the end that the child becomes a useful and active member of the society.

Section 132. Definition of terms. The following terms as used in this act shall be defined as follows:

(A) "Child" refers to a person who is below eighteen (18) years of age, or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;

(B) "Corporal punishment" refers to punishment or penalty for an offense or imagined offense, and/or acts carried out to discipline, train or control a child, inflicted by an adult or by another child, which result in or likely to result to physical maltreatment or psychological harm or suffering to the child.

A.

(1) "Physical maltreatment" refers to punishment or penalty which causes bodily harm, including but not limited to the following:

- (a) 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, through acts such as not limited to, (1) beating, (2) kicking, (3) hitting, (4) slapping, or (5) lashing;
- (b) Acts perpetrated as a form of punishment for an offense committed by the child, such as but not limited to (1) pinching, (2) pulling ears or hair, (3) shaking, (4) twisting joints, (5) cutting and shaving hair, or (6) 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 (1) holding a weight or weights for an extended period, (2) kneeling on salt, seeds, stones, or pebbles, (3) squatting, or (4) standing or sitting in a contorted position;
- (d) 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;
- (e) Asking a child to do tasks such as sweeping, digging, and standing under extreme weather conditions such as heat and rain, as punishment for an infraction or misdeed, or unprotected cleaning of toilets; the usual cleaning and beautification of school surroundings shall not be considered as punishment to students;
- (f) 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;
- (g) 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;

(2) "Psychological harm or suffering" refers to acts or omissions causing mental or emotional suffering to the child, such as but not limited to:

- (a) Deliberate neglect of a child's mental, emotional, physical, social, and spiritual needs when said neglect is intended as punishment;
- (b) Verbal Abuse which consists of scolding, swearing, yelling, blaming, insulting, ridiculing, demeaning, and criticizing through the use of harsh, angry, and derogatory words or remarks;

1.

(c) Making a child look or feel foolish in front of one's peers and/or the public;

(d) Other acts or omissions which belittle, humiliate, blame, ignore, or isolate the child.

(C) "Foster parents" refers to persons duly licensed by the Department of Social Welfare and Development (DSWD) to provide planned, temporary, and substitute parental care to children.

(D) "Guardians" refers to judicially appointed guardians and other persons, including relatives, with physical custody of the child.

(E) "Parents" refers to biological parents, step parents, adoptive parents, and the common-law spouse or partner of the parent.

(F) Persons legally responsible for the child, including those exercising special or substitute parental authority shall refer to the following, in default of parents or a judicially appointed guardian, and in the order indicated:

- (1) The surviving grandparent;
- (2) The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
- (3) The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

(G) "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. The positive and non-violent approach of disciplining a child shall include, but not be limited to, the following:

- (1) "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;
- (2) "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;
- (3) "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;
- (4) "Praise" referring to a verbal recognition of a behavior that a parent wants to reinforce;
- (5) "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;
- (6) "Rule" which refers to a pre-determined behavioral expectation that includes a stated outcome and consequence;
- (7) "Time Out" or to take the child out of a situation because of inappropriate behavior, making the child face a blank wall for several minutes or until the child calms down,

A

child will be turned over to the principal or to the prefect of discipline;

(8) "Responsibility Building" which refers to making a child perform age-appropriate simple household chores.

(H) "Service providers" refers to any person who, in a residential or nonresidential setting, provides services to children. These include social workers, center administrators and personnel, house parents, health service providers, day care workers, volunteers, security guards in schools and centers, guards in a youth detention home, law enforcement officers, barangay officials and tanods, and jail officers.

(I) "Teachers and school officials and administrators" refers to persons exercising authority over students, including guidance counselors, prefect of discipline, physical education instructors, school personnel, scout masters, and Citizenship Advancement Training (CAT) and Citizen Military Training (CMT) or Reserved Officer's Training Corps (ROTC) commandants, tactical officers, and student officers.

(J) "Yayas, housemaids, and caregivers" refers to domestic workers with direct contact to the child

(K) "Institutions" refers to residential and nonresidential child-caring agencies, including youth homes, youth rehabilitation centers, drop-in centers, temporary shelters and orphanages, and churches or religious centers, including places of worship and parish centers.

Section 133. Prohibition. Corporal punishment of children as defined in Section 132(B) of this Code is hereby prohibited.

Parent, yayas, house helpers and caregivers, foster parents, guardians, relatives who have custody of the child, or other persons legally responsible for the child, including those exercising special or substitute parental authority, school teachers, personnel, and officers of both public and private academic and vocational institutions, employers and supervisors, service providers, priests, nuns, pastors and other members of religious congregations or churches, or any other person under whose care the child has been entrusted to and who inflicts corporal punishment on the child shall be liable under Section 135 of this Code.

If the act of corporal punishment is committed by another child, the offending child shall undergo the proper procedure under R.A. No. 9344.

Section 134. Promotion of techniques on positive and non-violent discipline. A comprehensive program shall be formulated and implemented to promote positive and non-violent discipline as an alternative to corporal punishment of children. A continuing information dissemination campaign regarding its benefits and techniques shall be conducted in the 27 barangays of Naga City and in educational and child-caring institutions therein. The Barangay Council for the Protection of Children (BCPC), in coordination with the City Social Welfare and Development Office (CSWDO), will be the primary implementing arm in the conduct of trainings per

barangay and will submit semi-annual reports to the Naga City Council for the Welfare and Protection of Children to assess the implementation of this Article.

Section 135. Penalty.

(A) Any person found violating Section 132(B) hereof shall be punished with the following:

- (1) First Offense: Reprimand to be given and supervised by the appropriate Barangay Council for the Protection of Children (BCPC);
- (2) Payment of a fine of not less than five hundred pesos (P500.00) but not more than one thousand five hundred pesos (P1,500.00) and/or be required to render community service for not more than thirty-six (36) hours at the discretion of the court;
- (3) Payment of a fine of not less than one thousand five hundred pesos (P1,500.00) but not more than two thousand pesos (P2,000.00) and/or be required to render community service of not more than forty-two (42) hours at the discretion of the court.

The Community Service Program shall be supervised by the BCPC where the offender resides. For this purpose, the CSWDO, in coordination with the BCPC, shall develop guidelines and measures that will effectively implement the penalty of community service. Provided, that, the services will promote and improve the positive parenting skills of the offender and promote the welfare and best interest of the children. Provided, further, that in all instances the offender/violator shall undergo the intervention program with the CSWDO.

(B) Provided that, if the act defined under Sec. 132(B) is committed for the first time by a school teacher, school official, or administrator, they shall be proceeded against under DepEd Administrative Order No. 40-2012 or the DepEd Child Protection Policy. Provided further, if the act is committed for the second or third time, the school teacher, school official, or administrator shall be penalized under this ordinance and the penalty for the second and third offense, as herein provided, shall be applied respectively.

(C) However, if the act committed resulted to any of the crimes penalized under Act No. 3815 otherwise known as "Revised Penal Code", or under R.A. No. 7610 otherwise known as the "Special Protection of Children Against Child Abuse", or under R.A. No. 9262 otherwise known as the "Anti-Violence Women and their Children Act", the same shall be prosecuted therein.

Section 136. Reporting. All cases of corporal punishment or humiliating or degrading punishment of children brought to the barangay or the police, or a healthcare provider, shall be reported to the local social welfare and development office within eight (8) hours from the time of the complaint, without prejudice to the continuation of the investigation or the filing of the appropriate criminal case. Failure to report within the prescribed period shall

be a ground for administrative action against the barangay official, police officer, or healthcare provider.

Section 137. *Who may file a complaint.* Complaints on acts of corporal punishment against a child may be filed by the following:

- (A) Offended party assisted by an adult;
- (B) Parents or guardians;
- (C) Ascendant or collateral relative within the third degree of consanguinity or affinity;
- (D) Officer, social worker, or representative of a licensed child-caring institution;
- (E) Officer or social worker of the DSWD or the local CSWDO;
- (F) Police officers, preferably those in charge of the Women and Children's Desk;
- (G) Barangay official;
- (H) Teacher, non-governmental organization (NGO) worker, health provider, day care worker; or
- (I) At least two (2) concerned persons from the place where the act occurred who have personal knowledge of the act.

Section 138. *Exemption from liability.* Any person who, in good faith, intervenes without using violence or restraint necessary to ensure the safety of the child victim, shall not be liable for any criminal or civil liability resulting therefrom.

Concerned individuals may also seek assistance from barangay authorities for appropriate action.

Section 139. *Duties of agencies.* The following agencies shall participate in the implementation and enforcement of this Article:

(A) The City Social Welfare and Development Office (CSWDO) shall:

- (1) Undergo training on children's rights as framework on positive discipline orientation and adopt and implement programs and services to promote the positive discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children;
- (2) Establish an intervention program which shall include counseling, anger management, and referrals to other rehabilitative services for the offender and the victim;
- (3) They shall also provide other assistance such as psychological interventions for the child and family, protective custody, temporary placement for the child, medical and legal services and seminars on children's rights to positive and non-violent discipline of children.
- (4) A topic on non-violent and positive approaches to child discipline shall be included in the Parent Effectiveness Service (PES) Program of the DSWD.

(B) The Naga City Council for the Welfare and Protection of Children (NCCWPC) and the Barangay Council for the Protection of Children (BCPC) shall support programs by taking the lead in the conduct of information dissemination regarding the promotion of positive and non-violent discipline of children, prevention of the use of

corporal punishment and humiliating or degrading forms of punishment of children, and the formulation of the necessary response to such cases.

(C) The Sangguniang Kabataan (SK) shall undergo training on children's rights and other laws pertaining to children and youth and shall adopt and include in its programs and services the prevention of corporal punishment and humiliating or degrading punishment of children.

Section 140. Funds. Two percent (2%) of the mandated budget allotted for NCCWPC/BCPC and two percent (2%) of the SK Budget per barangay shall go to parenting education sessions, training of service providers (e.g. day care teachers, social workers, barangay tanods) on positive discipline, support services (such as legal aid, medical services, transportation expenses, rehabilitative services, referral systems) for victims of corporal punishment and their families, and maintaining local social workers.

Article 33

Regulating the sale of a chemical compound/solvent commonly known as "rugby" and prohibiting hardware stores and other establishments within the city to sell to minors such chemical compound or its derivatives

Section 141. Rationale. Amid the introduction into the street culture of the use of chemical compound/solvent commonly known as "rugby" as an alternative to mind altering drugs, there is a need to regulate the sale of such chemical compound to prevent the damage it can cause to the users thereof and contribute to the maintenance of peace and order.

Section 142. Definition of terms. The terms for the purposes of this Article shall mean:

- (A) Minor - any person whose age is below 18 years old;
- (B) Rugby - a liquid chemical compound used as adhesive in making, repairing shoes/furniture, and other purposes with an odor akin to petroleum products which can alter the state of mind when sniffed;
- (C) Hardware store or establishment - any licensed or unlicensed store selling rugby;
- (D) Dispense - to sell, distribute, deal out, or give away with or without monetary consideration;
- (E) Owner - licensee or owner of the hardware store or establishment which is called the proprietor, president, manager, or any other name referring to the owner.

Section 143. Prohibition.

(A) It shall be unlawful for any minor to buy "rugby" from any hardware store or establishment within Naga City.

(B) It shall likewise be unlawful for any person or owner of hardware store/establishment to sell or to dispense solvent or

"rugby" to any minor, unless said minor is accompanied by his/her parents or persons above 18 years old.

Section 144. Penalty.

- (A) Any minor found violating Section 65 of this Article shall be penalized with a fine of not less than one thousand pesos (P1,000.00) but not more than three thousand pesos (P3,000.00) or an imprisonment of not less than seven (7) days but not more than one (1) month or both fine and imprisonment at the discretion of the court, with subsidiary imprisonment in case of insolvency;
- (B) Any owner of the hardware store or establishment found violating Section 65 of this ordinance shall be meted with the following punishment:
- (1) First (1st) Offense - a fine of not less than two thousand pesos (P2,000.00) but not more than three thousand pesos (P3,000.00), or an imprisonment of not less than one (1) month but not more than three (3) months, or both fine and imprisonment at the discretion of the court;
 - (2) Second (2nd) Offense - a fine of not less than three thousand pesos (P3,000.00) but not more than four thousand pesos (P4,000.00), or an imprisonment of not less than three (3) months but not more than six (6) months, or both fine and imprisonment at the discretion of the court;
 - (3) Third (3rd) Offense - a fine of not less than four thousand pesos (P4,000.00) but not more than five thousand pesos (P5,000.00), or an imprisonment of not less than six (6) months but not more than one (1) year, or both fine and imprisonment at the discretion of the court.

Article 34

Mandating the Creation of a "Task Force Anti-Rugby"

Section 145. Basis. This Article is hereby enacted pursuant to what has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights, which is hereunder quoted; to wit:

"DECLARATION OF THE RIGHTS OF THE CHILD

Proclaimed by General Assembly Resolution 1386(XIV) of 20 November 1959

-xxx-

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth;

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children;

Whereas mankind owes to the child the best it has to give;

Now therefore,

The General Assembly Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as individuals, and upon voluntary organizations, local authorities, and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

"The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually, and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration".

"The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate pre-natal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation, and medical services".

"The child shall in all circumstances be among the first to receive protection and relief".

"The child shall be protected against all forms of neglect, cruelty, and exploitation. He shall not be the subject of traffic, in any form".

"The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental, or moral development."

-xxx-

Section 146. Purpose. The purpose of this Article is to create a Task Force that shall, in coordination with organizations and agencies concerned with the welfare of children, help the city in its aim of safeguarding the welfare particularly of children who are into substance abuse, and prevent and stop the proliferation of street children who are engaged in and addicted to the use of rugby. The Task Force that shall be created will study and introduce citywide efforts that will monitor the strict implementation of Ordinance No. 2001-072 by the city and law enforcement agencies.

Section 147. Definition of terms. As used in this Article, the following terms shall mean:

- 7.
- (A) Ordinance No. 2001-072 - shall refer to the ordinance penalizing the sale of rugby to minors;
 - (B) Rugby - shall refer to a liquid chemical compound used as adhesive in making, repairing shoes/furniture, and other

purposes with an odor akin to petroleum products which can alter the state of mind when sniffed;

- (C) "Task Force Anti-Rugby" - shall refer to a special body created to closely coordinate with organizations and agencies concerned with the welfare particularly of children and study and introduce citywide efforts that will render the implementation of Ordinance No. 2001-072 by the city and law enforcement agencies more effective.

Section 148. Composition. The Board shall be composed of the following:

(A) Chairman of the Sangguniang Panlungsod Committee on Peace & Order, as Chairperson;

(B) Department Head of the City Social Welfare & Development Office, as Member;

(C) The Chief of Police or his authorized representative, as Member; and

(D) City Health Officer, as Member.

Section 149. Duties and functions of the Task Force. The Task Force shall have the following duties and functions:

(A) To study and introduce plans and programs for the effective and resolute implementation of Ordinance No. 2001-072 in the City of Naga, complementing the strategies and programs against banned substances and illegal drugs being undertaken by law enforcement agencies;

(B) To help the city, in close coordination with organizations and agencies concerned with the welfare of children, in attaining its aim of safeguarding particularly the welfare of street children in order to prevent and stop the proliferation of street children who are engaged in and addicted to the use of rugby;

(C) To identify the number and personal information as to the street children more particularly those engaged in and addicted to the use of rugby and the premises where its unlawful sale, delivery, or use is taking place;

(D) To call and bring to the attention of all the owners of hardware stores and other business establishments selling rugby the paramount importance of their cooperation in the effective implementation of Ordinance No. 2001-072;

(E) To safeguard the welfare and the rights of the children more particularly the rugby users and take active steps towards their rehabilitation and treatment.

Article 35

Curfew for Minors

Section 150. Legislative findings and declarations. It is in the best interest of public order and safety to regulate the movement of minor children during nighttime by setting disciplinary hours to protect them from neglect, abuse, cruelty, exploitation,

and other conditions prejudicial or detrimental to their development.

Section 151. Definition of Terms. The following words and phrases, whenever used in this Article, shall be construed as defined in this section:

(A) Barangay Council for the Protection of Children (BCPC) - refers to the Barangay Council that is in-charge of formulating guidelines for the protection of children, conduct of counselling sessions for the minors, parent/s or guardian/s; and coordination with proper government institution/s or agency for the general welfare of the minor found to be in violation of this ordinance.

(B) Children at Risk - a child or children who is/are vulnerable to and at the risk of committing criminal offenses because of personal, family, and social circumstances including those who suffered abuse, exploited, abandoned, out-of-schools, street children, gangsters, etc.

(C) Court - refers to a family court or any Regional Trial Court with the authority to adjudicate legal disputes and carry out or dispose the administration of penalty provided in the herein Article with the existing rule of law

(D) Curfew Hours - the hours from 10 o'clock in the evening up until 4 o'clock in the morning of the next day;

(E) Emergency - means an unforeseen combination of circumstances or the resulting state that calls for immediate action, including, but is not limited to: fire, natural disaster, vehicular accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;

(F) "Guardian" means:

- (1) A person who, under court order, is the guardian of the minor;
- (2) A public or private agency with whom a minor has been placed for custody by a court;
- (3) A person in charge of the custody or who is taking care of a minor, whether relative or not; or
- (4) A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her;

(G) Habitual Violator - refers to minor/s who frequently or repeatedly violates this Article;

(H) Law Enforcement Officer - refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod;

(I) Minor - means any person under eighteen (18) years of age;

(J) Parent - refers to both biological and adoptive parents who has actual custody of or living together with the minor children;

(K) "Public Place" - means a place located in the City of Naga where the general public, or a substantial group of people, have access, including, but not limited to: streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops and places of entertainment such as movie theaters, and similar places or establishments;

(L) Residence - means the house or place wherein the minor/s and his/her parent/s or guardian/s actually lives;

(M) "Remain" means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, barangay officials, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place;

(N) Barangay Officials - refers to those elected officials, including barangay tanods and BANKAT members;

(O) Naga City Children's Home (NCCH) - a center established by the City Government of Naga to care for the neglected male children;

(P) Naga City Women's Center (NCWC) - a center established by the City Government of Naga to care for the neglected/abused women and their children;

(Q) Counselling - for purposes of this Article, means a service offered to an individual or minor who is having development and/or emotional problem/s, including psycho-social problems. It involves active listening and emphatic understanding by a trained barangay, police, and other lay leaders tasked to conduct counselling and/or mentoring.

Section 152. Prohibited activities/offenses.

(A) All minor children are prohibited to roam around, loiter, wander, stay, or meander in all public places during curfew hours - from 10:00 o'clock in the evening until 4 o'clock in the morning of the next day - whether individually or in groups without lawful purpose or justifiable reasons;

(B) It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow the minor to remain in any public place within the city during curfew hours.

Section 153. Exemptions. Minor children under the following circumstances shall not be covered by the provisions of this Article:

(A) When the minor is accompanied by the minor's parent or guardian;

(B) Those on their way to or from a party, graduation ceremony, religious mass, and/or other extra-curricular activities of their school or organization wherein their attendance are required or otherwise indispensable, or when such minors are out and unable to go home early due to circumstances beyond their control as verified by the proper authorities concerned;

(C) When the minor is out in the street during the prohibited period for such purposes like doing some errand at the instance of his/her parent/s, guardian/s or relative/s; PROVIDED, that such minor is authorized to do so with/under a written and signed note/certification by any of the above-mentioned persons who allowed him/her to go out at night during curfew hours for legitimate purposes or errands; PROVIDED FURTHER, that such minor shall not loiter after performing his/her errand/s;

(D) Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident, law enforcers encounter, and similar incidents;

(E) When the minor is engaged in an authorized employment activity, or going to or returning home from the same, without any detour or stop;

(F) When the minor is in a motor vehicle or other travel accompanied by an adult in no violation of this ordinance;

(G) When the minor is involved in an emergency;

(H) When the minor is on the sidewalk next to his/ her residence or that of his/ her neighbor, provided that the latter does not complain to the authorities about the minor's presence;

(I) When the minor is out of his/her residence attending an official school, religious, recreational, educational, social, community or other organized activity sponsored by the city, barangay, school or other similar private civic/religious organization/ group (recognized by the community) that supervises the activity or when the minor is going to or returning home from, without any detour or stop, including declared holidays;

(J) When the minor can present papers certifying that he/she is a student and was dismissed from his/her class/es late in the evening or that he/she is a working student.

Section 154. *Obligations and Liability of Parent/s or Guardian/s.* The parent/s or guardian/s who are in actual custody of or living together with the minor are hereby mandated to supervise the conduct and activities of the child and see to it that the latter are already at home prior to and until after the occurrence of the curfew hours.

Section 155. *Community Involvement/Participation.* Any person who has personal knowledge of any minor roaming unchaperoned during the wee hours as provided in Section 3 hereof, must immediately call the attention of the barangay tanod or police in order to implement the provisions of this ordinance.

Section 156. *Penalties and manner of dealing with the violator.*

(A) For the 1st Offense - a minor found to be in violation of this ordinance for the first time, and upon determination as one not in conflict with the law (CICL), shall be brought to the nearest barangay hall/tanod outpost. The parent/s or guardian/s shall be summoned to fetch the minor. A counselling shall be conducted before the minor is turned over to his/her parent/s or guardian/s.

(B) In cases wherein the minor is found to be loitering in any other place outside of the barangay, the same shall be turned over to the barangay hall/tanod outpost of the minor's place of residency. The barangay officials are required to exert efforts to locate the parents or guardians of the child. In cases of failure to locate the parents or guardians, the child shall be brought to the NCCH or to the NCWC.

(C) If the minor is found to be in conflict with the law, the police officer shall observe the provisions of Section 21 of RA 9344, herein incorporated as Section 9 of this ordinance.

(D) For purposes of counselling, the following shall be observed:

- (1) If the minor is turned-over to barangay, it shall be done by the representative of BCPC;
- (2) If the minor is turned-over to the police station, it shall be done by the PNP Women's Desk personnel;
- (3) If the minor is turned-over to the NCCH or to the NCWC, it shall be done by the social worker on duty.

Prior to the turn-over of the minor, the parent/s or guardian/s shall be informed of the consequences they will be dealing with in cases of subsequent violations of the curfew ordinance.

(E) For the 2nd Offense - a minor found to be in violation of this ordinance for the second time, upon verification, will again be brought to the barangay hall/tanod outpost.

In cases wherein the minor shows a hostile attitude, utter profane or vulgar words or languages, the child shall be turned-over to the NCCH or NCWC.

Before his/her release, his/her parents or guardians will be required to attend, together with the minor, two (2) consecutive regular BCPC counselling sessions of the barangay where he/she is residing; PROVIDED, that the BCPC shall certify compliance or non-compliance thereof; PROVIDED FURTHER, that the BCPC shall be required to submit the certification to the CSWD within a period not more than ten (10) days from the date of violation;

In case of non-compliance, the CSWD shall prepare the corresponding complaint, and file the same with the Municipal Trial Court. A copy of the complaint shall be furnished the barangay concerned.

The parent/s or guardian/s of the minor who violated this ordinance for the second time, shall be required to render an aggregate number of hours equivalent to Thirty Six (36) Hours of Community Service or a fine of One Thousand Pesos (P1,000.00), or both, at the discretion of the court.

For purposes of community service, it shall be supervised by the Punong Barangay. It may include, but is not limited to:

gardening, community cleaning and rabuz. The Punong Barangay shall issue a certification of its completion.

In this instance, the minor may be required to render community services together with his/her parent and/or guardian.

(F) For the 3rd and every subsequent offense - a minor found to be in violation of this ordinance for the third time and subsequently thereafter, given the intervention prescribed in the preceding paragraphs, shall be turned over to the barangay hall/tanod outpost, except if the child shows a hostile attitude, utter profane or vulgar words or languages, the child shall be turned-over to the NCCH or NCWC for appropriate counselling and be subjected to the necessary rigorous intervention program.

His/her parent/s or guardian/s shall be penalized with a fine of Three Thousand Pesos (P3,000.00) or an imprisonment of not less ten (10) days but not more than fifteen (15) days, or both, at the discretion of the Court.

(G) In case a minor is a resident of another barangay, the minor shall be turned over to the barangay officials in the barangay of his place of residency. The barangay councils, thru the Pag-Iribang Bantay Barangay and the BANKAT Federation are strongly encouraged to adopt mechanisms to ensure coordination and cooperation in the rescue and turn-over of minors.

(H) In cases where a minor is a resident of another city or municipality, the minor shall immediately be turned over to the Naga City children's Home or Naga City Women's Center. The City Social Welfare and Development Officer (CSWDO) shall exert all efforts to locate the parent/s guardians of the minor thru coordination with other agencies.

(I) The barangays shall maintain a separate logbook for curfew violators, and shall ensure the confidentiality of the information of the rescued minors.

Section 157. Designation of a Lady Tanod. The Punong Barangay, thru the Barangay Council, is strongly encouraged to appoint/designate at least two (2) Lady Tanods to handle rescued women minors. It shall be the responsibility of these Lady Tanods to ensure proper care and protection of the rescued female minors.

Section 158. Reference to RA 9344. For purposes of clarity, the following procedures shall be observed in case a child taken into custody is in conflict with law:

"RA No. 9344, Section 21. - Procedure for Taking the Child into Custody. - From the moment a child is taken into custody, the law enforcement officer shall:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;

- (c) Properly identify himself/herself to the child;
- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing and making sexual advances on the child in conflict with the law;
- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of RA 9344;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over the custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's act with a view towards counselling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
 - (1) Whether handcuffs or other instruments of restraints were used, and if so, the reason for such;
 - (2) That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
 - (3) The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in

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

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell."

Section 159. *Oversight Committee on Curfew Implementation.* There is hereby created the Oversight Committee on Curfew Implementation that will oversee and review the implementation of this ordinance, composed of the following:

- Chairman - Chairperson, SP Committee on Public Safety, Peace & Order and Disaster Management
- Members - SP Members, Committee on Public Safety, Peace & Order, and Disaster Management
- SP Chairman & Members, SP Committee on Children
 - SK Federation President
 - President, Pag-Iribang Bantay Barangay
 - President, Barangay Committee on Protection of Children
 - President, Liga ng mga Barangay
 - President, Association of Barangay Kagawads
 - Chairman of Committee on Children
 - President, Federation of Barangay Children Organization

Section 160. *Massive Information Campaign.* The City Events, Protocol and Public Information Office is hereby mandated to conduct massive information campaign regarding the existence of this ordinance.

The Barangay Councils and the Sangguniang Kabataan of each barangay shall provide signboards and other information and education materials containing the prohibitions and penalties of this ordinance. Schools, both public and private, as well as other institutions concerned with the protection of children are encourage to disseminate this ordinance.

Article 36

Measures to Minimize the Risk of Children to Exposure and Infection with Coronavirus Disease 2019 (COVID-19)

Section 161. *Imposition of Enhanced Community Quarantine Measures against Spread of Disease.* In the implementation of enhanced community quarantine, the following prohibited activities or offenses shall be imposed to a minor, aimed at reducing the risk of exposure and infection against COVID-19 disease:

- (A) All minor children are prohibited to roam around, loiter, wander, stay or meander in all public places anytime of the day - whether singly or in groups without lawful purpose or justifiable reasons;
- (B) It shall be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control allow, the minor to remain in any public place within the city.

Section 162. Exemptions. Minor children under the following circumstances shall not be covered by the prohibition in Section 2 above:

- (A) When the minor is needed to be brought to a hospital or clinic for medical emergency needs, and shall be accompanied by the minor's parent or guardian;
- (B) When the minor is involved in an emergency;

Section 163. Obligations and Liability of Parent/s or Guardian/s. The parent/s or guardian/s who are in actual custody or living together with the minor child are hereby mandated to supervise the conduct and activities of their minor children and see to it that the latter shall stay at home at all times.

Section 164. Community Involvement/Participation in support of the Enhanced Community Quarantine. Any person who has personal knowledge of any minor roaming around, loitering, wandering, staying or meandering in any public place anytime of the day must immediately call the attention of the barangay tanod or police in order to implement the provisions of this ordinance.

Section 165. Mechanisms and guidelines on the imposition of penalties and manner of dealing with minors who are found to be offenders.

- (A) For the 1st Offense - a minor found violating this ordinance for the first time, and upon determination as one not in conflict with the law (CICL), shall be brought to the nearest barangay hall/tanod outpost. The parent/s or guardian/s shall be summoned to fetch the minor. A counselling shall be conducted before the minor is turned over to his/her parent/s or guardian/s.
- (B) In case the minor is found loitering in any other place outside of the barangay, the same shall be turned over to the barangay hall/tanod outpost where the minor is residing. The barangay officials are required to exert efforts to locate the parents or guardians of the child. Failure to locate the parents or guardians, the child shall be brought to the Naga City Children's Home or to the Naga City Women's Center.
- (C) If the minor is found to be in conflict with the law, the police officer shall observe the provisions of Section 21 of RA 9344, herein incorporated as Section 7 of this ordinance.
- (D) For purposes of counselling, the following shall be observed:
 - (1) If the minor is turned-over to barangay, it shall be done by the representative of BCPC;
 - (2) If the minor is turned-over to the police station, it shall be done by the PNP Women's Desk personnel;
 - (3) If the minor is turned-over to the NCCH or to the NCWC, it shall be done by the social worker on duty.

N

Prior to the turn-over of the minor, the parent/s or guardian/s shall be informed of the consequences they will be dealing with in case of subsequent violation of the ordinance.

Provided, that in the conduct of such counselling, the officers hereinabove, shall observe the strict compliance to social distancing measures.

- (E) For the 2nd Offense - a minor found violating this ordinance for the second time, upon verification, will again be brought to the barangay hall/tanod outpost.

The parent/s or guardian/s of the minor who violated this ordinance for the second time, shall be required to render an aggregate number of hours equivalent to Thirty Six (36) Hours of Community Service or a fine of One Thousand Pesos (P1,000.00), or both, at the discretion of the court.

For purposes of community service, it shall be supervised by the Punong Barangay. It may include, but not limited to, gardening, community cleaning and rabus. The Punong Barangay shall issue a certification of its completion.

In this instance, the minor may be required to render community service together with his/her parent and/or guardian, which the time and date shall be schedule after the lifting of this emergency period.

- (F) For the 3rd and every subsequent offense - a minor found violating this ordinance for the third time and every time thereafter, given the intervention prescribed in the preceding paragraphs, shall be turned over to the barangay hall/tanod outpost, except if the child shows a hostile attitude, utter profane or vulgar words or languages, the child shall be turned-over to the NCCH or NCWC for appropriate counselling and be subjected to the necessary rigorous intervention program.

His/her parent/s or guardian/s shall be penalized with a fine of Three Thousand Pesos (P3,000.00) or an imprisonment of not less ten (10) days but not more than fifteen (15) days, or both, at the discretion of the Court.

- (G) In case a minor is a resident of another barangay, the minor shall be turned over to the barangay officials of his place. The barangay councils, thru the Pag-Iribang Bantay Barangay and the BANKAT Federation are strongly encouraged to adopt mechanisms to ensure coordination and cooperation in the rescue and turn-over of minors.

- (H) In cases where a minor is a resident of another city or municipality, the minor shall immediately be turned over to the Naga City Children's Home or Naga City Women's Center. The City Social Welfare and Development Officer (CSWDO) shall exert all efforts to locate the parent/s

or guardian/s of the minor thru coordination with other agencies.

- (I) The barangays shall maintain a separate logbook for violators, and shall ensure the confidentiality of the information of the rescued minors.

Section 166. *Reference to RA 9344.* For purposes of clarity, the following procedures shall be observed in case a child taken into custody is in conflict with law:

"RA No. 9344, Section 21. - Procedure for Taking the Child into Custody. - From the moment a child is taken into custody, the law enforcement officer shall:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- (c) Properly identify himself/herself and present proper identification to the child;
- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of RA 9344;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;

- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
 - (1) Whether handcuffs or other instruments of restraints were used, and if so, the reason for such;
 - (2) That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
 - (3) The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell."

Section 167. Penalty for Law Enforcers. Any law enforcer found guilty of violating any provision of this ordinance shall be penalized as follows:

- (A) First Offense - Reprimand without prejudice to other penalties that may be applicable under the circumstances as defined under existing laws and ordinances;
- (B) Second Offense - A Fine of Three Thousand Pesos (P3,000.00) without prejudice to other penalties that may be applicable under the circumstances as defined under existing laws and ordinances;
- (C) Third Offense - A fine of Five Thousand Pesos (P5,000.00) without prejudice to other penalties that may be applicable under the circumstances as defined under existing laws and ordinances.

Section 168. Massive Information Campaign. The City Events, Protocol and Public Information Office is hereby mandated to conduct massive information campaign regarding the existence of this ordinance.

Section 169. Termination of Prohibition. The prohibition herein imposed shall automatically terminate without need of further action by the Sangguniang Panlungsod upon the lifting by the President of the State of Public Health Emergency and/or reduction of the public health alert for COVID-19 from Code Red to none, provided that the Sangguniang Panlungsod may lift the prohibition earlier if, upon its appreciation or upon the recommendation of the City Mayor, the same is no longer necessary.

Article 37

Anti-Truancy for Elementary Pupils and High School Students

Section 170. This Article shall cover the violations herein defined within the territorial jurisdiction of the City of Naga.

Section 171. Legislative findings and purpose. It is a standing policy of administrations of elementary and high schools that students who have incurred more than twenty (20) absences are considered drop-outs. In spite of this, "truants" or students playing hooky, or the so-called "bulakboleros" in Tagalog or "paralook" in Bicol, can be seen loitering in public places and entering internet cafes, business establishments, and playing video/computer games and billiards during school hours.

Worse, some students are occasionally found to be involved in prohibited activities during hours that they are supposed to be in school attending their classes. Because of truancy, some students also become victims of street crimes.

This Article, therefore, aims to protect the interests of students for the peace of mind of their parents and guardians, by isolating them from the effects of societal ills that destroy their student life and their future, and also to control and prevent juvenile delinquency. It will apply to elementary pupils and high school students enrolled in public and private schools in Naga City.

The Article proposes the establishment of a Truancy Board, and the deputation of all barangay captains, barangay tanods, BANKAT officers and members, school officials and teachers as action officers in the implementation of the ordinance.

Under this Article, corresponding disciplinary measures and penalties are imposed against the erring owners of business establishments, truant students, and their parents or guardians as well.

It is high time that the city government adopt a truancy system so that the best interests of children whom the government and parents have provided a place in school are protected.

Section 172. *Definition of terms.* The following words and phrases, whenever used in this Article, shall be construed as and defined in this Section:

- (A) "Student" means any elementary and high school student under eighteen (18) years of age enrolled in a public or private school in the City of Naga;
- (B) "Truant" means a student who is absent from school without valid cause;
- (C) "School" means public and private elementary and secondary school in the City of Naga;
- (D) "School Hours" means the time from 7:00 a.m. to 12:00 noon and from 1:00 to 5:00 p.m. during weekdays (Monday to Friday), except when a weekday falls on a holiday;
- (E) "Business Establishment" means internet cafes, computer shops/centers, video shops/centers, billiard halls,

movie houses and other similar entertainment establishments in the City of Naga;

(F) "Operator" means the owner, manager, administrator, lessee, or any person who operates and is responsible for the operation of a business establishment;

(G) "Parent" means a person who is a natural parent, adoptive parent, or step-parent of a minor;

(H) "Guardian" means:

(1) A person who, under court order, is the guardian of the person of a minor;

(2) A public or private agency with whom a minor has been placed for custody by a court;

(3) A person in charge of the custody or who is taking care of a minor, whether relative or not; or

(4) A person at least eighteen (18) years of age and authorized by a parent or guardian to accompany a minor in a public place or to have the care and custody over him/her.

(I) "Public Place" means a place located in the City of Naga where the general public, or a substantial group of people, have access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots or any unsupervised place, parks, and the common areas in and about churches, apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters and similar places and business establishments;

(J) "Linger or Stay" means to loiter or remain, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place or business establishment;

(K) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Section 173. Prohibited activities/offenses.

(A) It shall be unlawful for a student to linger, stay, or be in or upon a public place or business establishment during school hours.

(B) It shall be unlawful for a parent or guardian, teacher, and school authorities to knowingly permit, or by insufficient control

allow the student to linger or stay in any business establishment or public place within the city during school hours.

(C) It shall be unlawful for an operator of any business establishment to knowingly permit or by insufficient control allow a student to linger or stay and play computer/video, billiards, or other games during school hours.

Section 174. Exceptions. The activities prohibited by Section 5 shall not be unlawful in the following circumstances:

- (A) When the student is in a motor vehicle or other travel in no violation of this Article;
- (B) When the student is involved in an emergency;
- (C) When the student is going to or from a medical appointment; and
- (D) When the student has been permitted to leave school campus for some school-related activity and has in his/her possession a valid, school-issued, off-campus permit, letter, or authorization.

Section 175. Enforcement procedure. Before taking any enforcement action under this Article, a barangay captain, police officer, barangay tanod, or neighborhood crime watch enforcer (such as BANKAT officer or unit patrol member as defined in Ordinance No. 2003-020) shall ask the apparent offender's age and reason for being in the public place or business establishment. The officer or enforcer shall issue a citation to the violator, after reasonably believing that a violation was committed and explaining the circumstances of such violation under this Article, to be dealt with pursuant to the applicable provisions in Section 80 hereof.

The Truancy Board, created under this Article, shall deputize all barangay captains, barangay tanods, BANKAT officers and members, school officials, and teachers as action officers in the implementation of this Article.

Section 176. The Truancy Board and its composition. The Truancy Board herein created shall be composed of the following:

- (A) Chairman of the Board - Chairman, Sangguniang Panlungsod Committee on Peace & Order;
- (B) Vice Chairman of the Board - Superintendent, Division of City Schools, Naga City or his/her authorized representative;
- (C) Members of the Board
 - ABC President, Naga City
 - Head, Task Force Ordinance of the Naga City PNP and the city government
 - President, Pag-iribang Bantay Barangay Federation
 - President, Naga City Bantay-Kataid (BANKAT) Federation

Section 177. *Functions of the Truancy Board.* The Truancy Board shall have the following functions:

- (A) Make responsive and essential the implementation of the "Naga City Anti-Truancy Ordinance";
- (B) Deputize all barangay captains, barangay tanods, BANKAT officers and members, school officials, and teachers as action officers in the implementation of this Ordinance;
- (C) Control and prevent juvenile delinquency and in order that the health, safety, and welfare of students under the age of eighteen and public welfare will be protected;
- (D) Take active steps in ensuring the welfare of elementary pupils and high school students in the City of Naga.

Section 178. *Penalties and manner of dealing with the violator.*

(A) The penalty for a student who violates this Article shall be:

- (1) For the first offense - a student found violating this Article for the first time will be referred to the nearest police station, barangay hall, or tanod outpost for counseling before being properly turned over to his/her parent/s or guardian/s or to the concerned school authorities;
- (2) For every subsequent offense - a student found violating this Article for the second time and every time thereafter will be required to attend, for every offense, two (2) consecutive regular barangay council sessions of the barangay where he/she is residing for counseling by the barangay council, which shall include this matter as part of its session's agenda; PROVIDED, that the Barangay Chairman shall certify compliance or non-compliance by the concerned student with this penalty; PROVIDED FURTHER, that the violator shall be required to submit the certification issued by the Barangay Chairman to the apprehending officer and school administrator or principal within a period not to exceed two (2) months from date of violation; AND PROVIDED FURTHER, that every non-compliance with the prescribed penalty shall be automatically converted to a fine of two hundred pesos (P200.00) to be imposed against the violator's parent or guardian concerned on top of the fine already imposed upon said parent or guardian under Section 10(b) hereof.

(B) Any parent or guardian and teacher or school authorities in charge of the custody and in direct supervision of student who violated this Article shall be penalized with a fine of Three Hundred Pesos (P 300.00), or an imprisonment of not less than ten (10) days but not more than fifteen (15) days, or both such fine and imprisonment, at the discretion of the Court.

7. (C) Any operator of business establishment covered under this Article found violating any provision hereof shall be meted with the following penalties:

- (1) First Offense - a fine of not less than One Thousand Pesos (₱ 1,000.00) but not more than Two Thousand Pesos (₱ 2,000.00), at the discretion of the court;
- (2) Second Offense - a fine of not less than Two Thousand Pesos (₱ 2,000.00) but not more than Three Thousand Pesos (₱ 3,000.00), at the discretion of the court;
- (3) Third Offense - a fine of not less than three thousand pesos (P3,000.00) but not more than five thousand pesos (P5,000.00) and/or imprisonment of not less than thirty days and one day (31 days) but not more than six (6) months, at the discretion of the court;
- (4) Fourth Offense - the same penalty imposed for the 3rd offense and the business establishment concerned faces automatic closure, and the business permit of the operator will be cancelled and the establishment padlocked. The penalty will be lifted after one year and upon completion of necessary requirements, to wit: (1) Affidavit of Undertaking that the operator will not violate the ordinance again and that in case of any further violation by such operator, he/she shall be meted with the maximum penalty of permanent closure of his/her business establishment; (2) seminar with the City Mayor or his designated representative.

Article 38

Adopting and Implementing the Provisions of R.A. No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006", specifically on the Prescribed Local Juvenile Intervention and Diversion Programs

Section 179. *Guiding principles.* This Article 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.

Section 180. *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.

Section 181. *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).

7. **Section 182.** *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 and provide assistance to CICL and

alternative modes to avoid the child's contact with the formal justice system.

Section 183. *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:

- (A) Primary Intervention, which includes general measures to promote social justice and equal opportunity which will indirectly tackle perceived root causes of offending;
- (B) Secondary Intervention which includes measures to assist children at risk and to prevent them from offending;
- (C) 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 184. *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 185. *Implementation of intervention and diversion programs.*

- (A) The City Mayor through the CSWDO and NCCWPC shall provide:
 - (1) intervention programs for children 15 years old and below who have committed an offense;
 - (2) intervention programs for children more than 15 years old but less than 18 years old who acted without discernment;
 - (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;
- (B) 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)
 - (1) Guidance and counseling i.e., family counseling, regular home visitation;
 - (2) Spiritual formation;
 - (3) Education and skills development;
 - (4) Provision of support services to the family, e.g. education, health, skills training, etc.;

- (5) Referral to other agencies for appropriate services, e.g., education, health, skills training; and
 - (6) Access to child and youth organizations in the community, such as, but not limited to, the Sangguniang Kabataan.
- (C) The CSWDO shall provide assistance in the conduct of diversion programs at the barangay, law enforcement, and prosecution levels.
- (D) The CSWDO shall also:
- (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;
 - (2) coordinate with appropriate agencies such as TESDA, DepEd, DOH, and CHED in the formulation of intervention and diversion programs;
 - (3) find ways to promote and replicate good practices of intervention and diversion programs;
 - (4) monitor compliance of CICL to intervention or diversion programs;

Section 186. *Establishment of a youth facility.* The City Government of Naga shall establish a Youth Facility for CICL in the following situations:

- (A) CICL with pending trial and commitment order;
- (B) CICL with voluntary commitment;
- (C) 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.

- (D) 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 a 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 the 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 187. *Care and maintenance of CICL.* The existing Naga City Children's Home situated at Metro Naga Sports Complex, Pacol, Naga City shall serve as the temporary children shelter 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 may require the LGU where the CICL resides to shoulder the cost.

Section 188. *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.

Section 189. *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 Sections 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 the Naga City Council for the Welfare and Protection of Children as provided for in Section 15 of RA No. 9344. The above appropriations shall be subject to the usual accounting and auditing rules and regulations.

Section 190. *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.

Section 191. *Appropriations.* The City Government of Naga shall allocate funds to carry out the provisions of this Article with an initial budget of Two Million Pesos (₱ 2,000,000.00), subject to the usual accounting and auditing rules and regulations.

Article 39

Safer Internet Day for Children Philippines

Section 192. *Basis.* Presidential Proclamation No. 417 declares every second Tuesday of February every year as "Safer Internet Day for Children Philippines" which is celebrated as a call to action to promote better and safer internet use for everyone. It was first introduced in 2004 in various countries in Europe and is currently being observed by more than 100 countries in the world to raise awareness on online issues faced by children.

Consequently the Department of Interior and Local Government issued Memorandum Circular No. 2020-013 enjoining all local government units to support the observance of the Safer Internet Day for Children Philippines.

Section 193. It is hereby declared the second week of February of every year as "Safer Internet Day for Children Philippines" in the City of Naga.

Section 194. The Children's Affairs Office, through the Naga City Council for the Welfare and Protection of Children and the Naga City Social Welfare and Development Office, shall conduct activities such as, but not limited to, the following:

- (A) Consultation with children and youth leaders, representatives, and organizations on the ASEAN Declaration on the Protection of Children from Online Abuse and Exploitation;
- (B) Announcement of Safer Internet Day for Children Philippines;
- (C) Orientation on preventing online child pornography.

Article 40

Prohibiting the Conduct of Caroling along City Streets, Roads, and on board any Kind of Vehicle

Section 195. Prohibition. It is hereby prohibited for children to conduct caroling activities along city streets, roads and on board of any kind of vehicle in the City of Naga;

Section 196. Penalties. The following penalties shall be imposed for violation of this Article:

- (A) First Offense: Reprimand;
- (B) Second Offense: Four Hours of Community Service to be rendered by the parent in his/her barangay;
- (C) Third and Succeeding Offense: A fine of ₱1,000.00 or eight hours of community service to be rendered by the parent in his/her barangay.

Article 41

Upholding the Rights of Children in all Phases of Disaster Risk Reduction and Management in Naga City

Section 197. Applicability. All the other protection and welfare rights of children in this ordinance are deemed supplemented by this Ordinance and made applicable in situations of disaster and/or emergency.

Section 198. Definition of Terms.

(A) Best Interest - The concept of child's best interest is complex and its content must be determined on a case-to-case basis. In application, the best interest of the child must be a "primary consideration" in all actions and decisions concerning a child, and must be used to resolve conflicts between different rights.

(B) Child - As defined in R.A. No. 7610, it refers to person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect,

cruelty, exploitation or discrimination because of a physical or mental disability or condition.

(C) Disasters - as defined in R.A. No. 10121, it means a serious disruption of the functioning of a community or a society involving widespread human, material, economic, or environmental losses and impacts, which exceeds the ability of the affected community or society to cope using its own resources. Disasters are often described as a result of the combination of: the exposure to a hazard; the conditions of vulnerability that are present; and insufficient capacity or measures to reduce or cope with the potential negative consequences. Disaster impacts may include loss of life, injury, disease and other negative effects on human, physical, mental and social well-being, together with damage to property, destruction of assets, loss of services, social and economic disruption, and environmental degradation.

(D) Disaster Mitigation- as defined in R.A. No. 10121, it is the lessening or limitation of the adverse impacts of hazards and related disasters. Mitigation measures encompass engineering techniques and hazard-resistant construction as well as improved environmental policies and public awareness.

(E) Disaster Preparedness - as defined in R.A. No. 10121, it is the knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the Impacts of likely, imminent or current hazard events or conditions. Preparedness action is carried out within the context of disaster risk reduction and management and aims to build the capacities needed to efficiently manage all types of emergencies and achieve orderly transitions from response to sustained recovery. Preparedness is based on a sound analysis of disaster risk and good linkages with early warning systems, and includes such activities as contingency planning, stockpiling of equipment and supplies, the development of arrangements for coordination, evacuation and public information, and associated training and field exercises. These must be supported by formal institutional, legal and budgetary capacities.

(F) Disaster Prevention - as defined in R.A. No. 10121, it is the outright avoidance of adverse impacts of hazards and related disasters. It expresses the concept and intention to completely avoid potential adverse impacts through action taken in advance such as construction of dams or embankments that eliminate flood risks, land-use regulations that do not permit any settlement in high-risk zones, and seismic engineering designs that ensure the survival and function of a critical building in any likely earthquake.

(G) Disaster Response - as defined in R.A. No. 10121, it is the provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected. Disaster response is predominantly focused on immediate and short-term needs and is sometimes called "disaster relief".

(H) Disaster Risk Reduction and Management - as defined in R.A. No. 10121, it is the systematic process of using administrative

directives, organizations, and operational skills and capacities to implement strategies, policies and improved coping capacities in order to lessen the adverse impacts of hazards and the possibility of disaster. Prospective disaster risk reduction and management refers to risk reduction and management activities that address and seek to avoid the development of new or increased disaster risks, especially if risk reduction policies are not put in place.

(I) Emergency - as defined in R.A. No. 10121, it refers to unforeseen or sudden occurrence, especially danger, demanding immediate action.

(J) Family Tracing and Reunification - as defined in R.A. No. 10821, it refers to the process where disaster response teams reunite families separated by natural and human catastrophes by bringing together the child and family or previous care-provider for the purpose of establishing or reestablishing long-term care.

(K) Hazard - as defined in R.A. No. 10121, it refers to a dangerous phenomenon, substance, human activity or condition that may cause loss of life, injury or other health impacts, property damage, loss of livelihood and services, social and economic disruption, or environmental damage.

(L) Non-discrimination - Proactive measures taken to ensure effective equal opportunities for all children, without distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, to enjoy the rights.

(M) Risk - as defined in R.A. No. 10121, the combination of the probability of an event and its negative consequences.

(N) Separated Children -refer to children who are unaccompanied and/or separated from both parents, or from their previous legal or usual primary caregiver or other relatives because of the happening of the disaster and/or emergency.

(O) Vulnerability - as defined in R.A. No. 10121, it is the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard. Vulnerability may arise from various physical, social, economic, and environmental factors such as poor design and construction of buildings, inadequate protection of assets, lack of public information and awareness, limited official recognition of risks and preparedness measures, and disregard for wise environmental management.

Section 199. *Children's Protection Plan and Program.* The Naga City Council for the Welfare and Protection of Children (NCCWPC) upon consultation with the Barangay Council for the Protection of Children (BCPC) and the Naga City Federation of Barangay Children's Organization (NCFBCO) shall formulate a Children Protection Plan and Program which shall be called, "The ABC of Children in Disaster and Emergency Situations". This shall be utilized and implemented as a guide in the meaningful involvement and protection of children in all phases (mitigation, preparedness, response, and recovery) of disaster and emergencies.

This plan and program shall tackle on the following:

(A) Information and Education - Children must be kept abreast of the risk status of their barangay, their vulnerability to disaster as well as of the community they belong, and the programs of the government specially the barangay to prevent the disaster and/or at least alleviate the impacts to the community and children.

(B) Coordination and Communication - In the preparation for any situation of disaster and/or emergency, children must be given the space and opportunity to be involved through meaningful participation wherein they are included in the assessment and processing of the situation, they can voice out their ideas and suggestions, and these ideas and suggestions are considered in the actual implementation of the program with the final view of always upholding the best interest of the child.

(C) Actions during the disaster and emergency - In the event of a disaster and/or emergency, children must be apprised of the actions that may be expected of them to perform in order for them to help their family and the community as well. Likewise, children must be informed and oriented with the obligations and programs of the LGU and the functions of its offices responsible for disaster and emergency situations such as but not limited to evacuation, immediate assistance, delivery of basic necessities and services like food, medicines, and shelter, and enhancement of safety and security measures on disaster-affected children.

(D) Post-disaster care - In the aftermath of a disaster, children must be assessed and guided in coping with the disaster and/or emergency situation. There should be plans and programs that must be established in consultation with the children in order to aptly provide and address their real needs which includes support system to the family and mental health.

(E) In the formulation and implementation of the guidelines for the children, non-discrimination and the best interest of the children shall always be considered and observed. Children with disabilities and those members of indigenous community shall be involved and indigenous knowledge and dispositions with regard to the situation shall likewise be heard and considered.

Section 200. Barangay Risk Profile. The Barangay Disaster Risk Reduction and Management Committee (BDRRMC) of every barangay shall maintain an updated Barangay Disaster Risk Reduction and Management (BDRRMC) Plan showing the identified hazards and risks in the barangay and the vulnerable sectors affected by such hazards and risks.

The BDRRMC shall likewise identify the place to be used as an evacuation center in the barangay and recommend to the City Disaster Risk Reduction and Management Office CDRRMO the construction of a permanent evacuation center, if the need requires. Pursuant to R.A. No. 10821, only in cases where there is no other available place or structure which can be used as a general evacuation center may a school or child development center be used as an evacuation center. In case a school is utilized for the purpose, guidelines laid in RA 10821 shall be followed.

Section 201. Data Management. Each barangay, through its Barangay Health Worker (BHW), must have an updated disaggregated data of all the children in their respective barangays clustering them according to different age levels, such as:

- (A) 0-5,
- (B) 6-10,
- (C) 11-15,
- (D) 16-18

and other details such as gender; enrolled or out of school; within or without the risk areas in the barangay, and the likes. In collecting and processing such data, the Data Privacy Law must always be observed.

Such disaggregated data will be utilized in events of disaster in order to come up with data-based dispositions and decisions involving children to better prepare and respond to the needs of children.

Section 202. Community-level Disaster Preparedness Education and Training Program. The BDRRMC, in coordination with the CDRRMO, shall design, manage and implement a community-level disaster preparedness education and training program for the children, parents/guardians, and responders. This program shall educate and capacitate the participants with sufficient information, knowledge and skills in the preparation, response, and recovery from situations of disaster and/or emergencies, taking in consideration the protection and upholding of the rights of children all throughout the phases of disaster.

(A) Education and Training Design - In addition to the procedures, measures and activities for disaster and emergency preparedness, response, and recovery, the education and training program shall specially focus in incorporating the protection and realization of the rights of the children including but not limited to:

- (1) Recognizing children both as holder of rights who should be given the opportunity to be meaningfully involved and as young individuals who need protection from the impacts of disaster;
- (2) Assisting the family in promoting and fulfilling the rights of children especially in disaster situations where life, survival, health, and safety of children are at a greater risk with respect to parental or legal guidance;
- (3) Strengthening the coping mechanism of children at the aftermath of disaster and/or emergency through proper interventions and programs;

(B) Education and Training Participants - The Community-level Disaster Preparedness Education and Training Program shall be conducted regularly, as the BDRRMC sees it proper, to the following participants:

- (1) Children - The implementor shall make sure that education and training program is designed as age-

appropriate but without discrimination to gender, color, religion, political-affiliation of family, disability, family status, and the likes, so that the participants will be able to properly learn and optimize their capacities;

- (2) Parents/Guardians - In the Filipino culture where parents are almost always the sole decision-maker in the family, it is fitting to involve the parents/guardians in this education and training program for the holistic approach towards the comprehensive protection of the rights of the children.
- (3) Responders - In order to conduct a child-responsive and conscious of the rights of the children in the delivery of service, representatives from the responders, not limited to the following, should be required to undergo the education and training program:
 - (a) Philippine National Police (PNP)
 - (b) Naga City Public Safety Office (PSO)
 - (c) Bureau of Fire Protection
 - (d) Red Cross
 - (e) Naga City Community Responders Program Management Office
 - (f) Media
 - (g) Non-government Organizations dealing with children
 - (h) Other Institutions with the capability and willingness to participate in the training process

(C) Maximizing Participation - The barangay should develop a mechanism to maximize the participation of the parents/guardians and children in their respective jurisdiction, taking into consideration the convenience in scheduling and implementation of the program, providing exemptions in special cases and offering incentives thereof and other encouraging strategies.

Section 203. Separated Children. The BDRRMC, in coordination with the CDRRMO, City Social Welfare and Development Office (CSWDO), and NCCWPC, shall formulate a protocol that must be implemented every happening of a disaster and/or emergency situation, in order to prevent the separation of children from its family.

Likewise, guidelines should be established for proper handling, care, protection and family tracing and reunification of displaced and foundling children after disaster and/or emergency situations.

Section 204. Enhanced Security and Safety of Children. The PSO, in coordination with the PNP, shall ensure the enhanced safety and security of the disaster-affected children, especially those who are in the evacuation centers against all forms of abuse and exploitation.

Disaster-affected children must also be protected from engaging into prohibited acts which result to crime, slight or serious in nature, using illegal drugs and substances and be

prevented from being used in production and trafficking of illegal drugs and substances.

Section 205. Appropriation. The amount necessary to implement this Ordinance is hereby appropriated and every year thereafter, in consonance with Ordinance No. 2018-055.

TITLE IV. PARTICIPATION RIGHTS OF CHILDREN

CHAPTER 6. General Framework

Article 42

Participation of Children in Decision-Making Process

Section 206. In deciding what is in a child's best interests, the child's own views must be considered where the child is able to express these. Thus, this ordinance reiterates the second principle stated in 1989 UN Convention on the Rights of the Child that the State' assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child'. This principle tends to be viewed somewhat simplistically, and it will be important for any new legislation pertaining to children in Naga City to ensure that ample opportunity is given for children to participate meaningfully in decisions affecting them.

Article 43

Barangay Children Organizations and Its Federation

Section 207. The Naga City Council for the Welfare and Protection of Children (NCCWPC) and the 27 Barangay Councils for the Protection of Children (BCPC) shall organize a Barangay Children Organization. The organization primarily aims to group the children and plan programs for the promotion and protection of child's rights and welfare as well as to hear their own sentiments on the program for children. The President of the Barangay Children Organization shall serve as the child representative to the BCPC.

Section 208. The Barangay Children Organization will form into federation and the President of the Federation of the Barangay Children Organizations (FBCO) shall serve as the Child Representative to the NCCWPC.

TITLE V. IMPLEMENTING MECHANISMS

CHAPTER 7. Formulation of Implementing Rules and Regulations

Article 44

The Council shall be tasked to formulate the implementing rules and regulations (IRR) of this ordinance within six (6) months after the approval of this ordinance.

TITLE VI. FINAL PROVISIONS

CHAPTER 8. Appropriations

Article 45

One percent (1%) of the Internal Revenue Allotment (IRA) or National Tax Allotment shall be appropriated annually to the Naga

City Council for the Welfare and Protection of Children (NCCWPC) as mandated by Section 15, paragraph 3 of R.A. No. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006" and the necessary amount in the respective offices and departments to carry out the implementation of this Ordinance.

Article 46

All 27 barangays of the City of Naga shall allocate one percent (1%) of their IRA for the strengthening and implementation of the programs of the Barangay Council for the Protection of Children (BCPC) as mandated by Section 15, paragraph 3 of R.A. No. 9344 otherwise known as the "Juvenile Justice and Welfare Act of 2006".

CHAPTER 9. Separability Clause

Article 47

If any provision of this ordinance is declared invalid or unconstitutional, the remaining provisions not affected thereby shall continue to be in full force and effect.

CHAPTER 10. Repealing Clause

Article 48

City Ordinance Nos. 2018-055, 2018-073, 2019-069, 2019-092, 2020-028, 2020-105, 2020-106, 2021-095, 2022-016 and all other ordinances, local issuances, or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

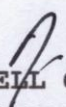
CHAPTER 11. Effectivity Clause


Article 49

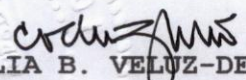
This Ordinance shall take effect upon its approval and after publication in a newspaper of local circulation.

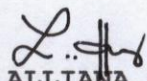
ENACTED: June 7, 2022.

WE HEREBY CERTIFY to the correctness of the foregoing ordinance.

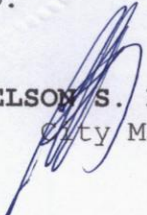

JOSSEIL C. ABIOG
Acting Secretary to the
Sangguniang Panlungsod

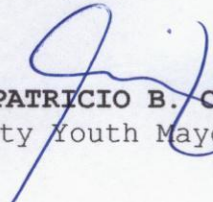

HANNAH MARIE B. VELASCO
City Youth Secretary to the
Sangguniang Panlungsod


CECILIA B. VELUZ-DE ASIS
City Vice Mayor
& Presiding Officer


LUISELLE ALLIANA G. HERNANDEZ
City Youth Vice Mayor
& Presiding Officer

APPROVED:


NELSON S. LEGACION
City Mayor 6/13/22


JOSE PATRICIO B. CAMATO
City Youth Mayor