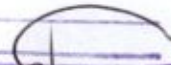


PROPOSED ORDINANCE NO. XXXX-XXX

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PROPOSED ORDINANCE ENACTING PARENTAL RESPONSIBILITY, PROVIDING FOR COMPREHENSIVE PROGRAMS ON POSITIVE PARENTING, CHILD PROTECTION AND COMMUNITY EDUCATION:-

Sponsor: City Councilor Gilda Gayle R. Abonal-Gomez
Co-Sponsors: City Councilor Elmer S. Baldemoro
City Councilor Jefson Romeo B. Felix
City Youth Councilor Kathleen Mae T. Morata
City Youth Councilor Andrew Gian R. Adan
City Youth Councilor Joshua S. Constantino

WHEREAS, the 1987 Philippine Constitution requires the government to safeguard and advance the rights of children, while acknowledging the essential role of the family as the basic unit of society and the primary environment for raising children;

WHEREAS, the exercise of parental authority and responsibility is principally governed by the Family Code of the Philippines, specifically Title IX Articles 209 to 233, which serves as the primary legal framework outlining the rights and duties of parents over their unemancipated children both in personal and property matters.

WHEREAS, parental authority includes the rights and duties of parents to care for, educate, discipline, support, and protect their children for the full development of their moral, physical, intellectual and social wellbeing;

WHEREAS, Republic Act No. 4881, or the Parent Effectiveness Service Program Act, encourages responsible parenting by offering training programs designed to enhance parents' skills and abilities in raising children and managing their families;

WHEREAS, the City of Naga acknowledges the crucial responsibility of parents and legal guardians in safeguarding the survival, growth , protection, and rights of children to participate, as outline in the Local Government Code of 1991 and the Revised Children's Welfare Code of Naga City or Ordinance No. 2022-036;

WHEREAS, the City of Naga endorses the enforcement of programs aligned with the Expanded Solo Parents Welfare Act or Republic Act No. 11861 and advocates for the use of positive, non-violent disciplinary methods for children as stipulated in Ordinance No. 2013-026, to promote a caring and secure family atmosphere;

WHEREAS, it is imperative to create a comprehensive Code of Parental Responsibility that clearly defines the duties and obligation of parents and guardians in the City of Naga, aligned with national legislation and local policies, to ensure that the best interests and welfare of children are upheld;

Now therefore

SECTION 1. SHORT TITLE. This Ordinance shall be known as the "The Naga City Ordinance on Parental Responsibility."

SECTION 2. PURPOSE. This ordinance establishes guidelines to uphold and enforce parental responsibilities in nurturing and protecting children. It mandates the creation and implementation of comprehensive programs that promote positive and non-violent parenting techniques, strengthen child protection measures and engage the community through education and advocacy.

SECTION 3. – DECLARATION OF PRINCIPLES. The City of Naga is committed to advancing responsible parenting by providing education, training and support services, safeguarding the rights and wellbeing of children; and reinforcing the collective responsibility of parents, guardians, communities, and the local government to ensure the holistic development of Filipino children.

SECTION 4. DEFINITION OF TERMS. The following terms shall mean as follows:

4.1 *Children* shall refer to individuals under eighteen years old at the time of any related proceeding, or those above 18 who are unable to adequately care for or protect themselves from abuse, neglect, cruelty, exploitation or discrimination due to a physical or mental disability or condition.

4.2 *Parents* shall include the mother, father, guardian and those exercising substitute parental authority over the child, as defined under Article 216 and Article 217 of the Family Code.

4.3 *Parental Authority and Responsibility* shall encompass the nurturing and upbringing of a child to foster civic consciousness and competence, as well as to promote the development of their moral, mental and physical character and overall wellbeing.

4.4 *Special Parental Authority and Responsibility* shall be exercised by the school, its administrators and teachers, or by any individual, entity or institution providing child care which under their supervision, instruction or custody. This authority and responsibility extend to all authorized activities conducted both on and off the premises of the school, entity or institution.

4.5 *Neglect* is a failure by the parents to adequately perform parental duties.

SECTION 5. EXERCISE OF PARENTAL AUTHORITY. Consistent with the provisions of Article 211 of the Family Code, both – the father and the mother – are jointly responsible for exercising parental authority and fulfilling their duties over their children. This joint authority covers all aspects related to care, upbringing and welfare of their children. Responsibility is shared equally, emphasizing collaboration and mutual support in decisions regarding their children's upbringing and wellbeing.

5.1 If the parents are separated, the parent appointed by the Court shall exercise parental authority and responsibility.

5.2 If one parent is absent or passes away, the remaining parent will continue to exercise parental authority and responsibility. The surviving parent's marriage does not change this authority unless a court designates someone else to be the guardian of the child's person or property.

5.3 If the parents are deceased, absent, or deemed unfit, the surviving grandparent shall assume parental authority and responsibility. When there is more than one surviving grandparent, the court will designate which grandparent will take on the role.

5.4 If there are no parents or a court-appointed guardian, substitute parental authority over the child shall be exercised by the following individuals in this order: the surviving grandparent; the

eldest sibling who is over 21 years old, provided they are suitable and qualified; the person currently caring for the child over 21 years old, unless they are unfit or disqualified;

5.5 For foundlings, abandoned, neglected, abused or similarly situated children, parental authority shall be granted through expedited court procedures to the heads of children's homes, orphanages, or comparable institutions that are officially recognized by the appropriate government agency.

SECTION 6. SPECIAL PARENTAL AUTHORITY AND CHILD-CARE INSTITUTIONS. The school, including its administrators, teachers, or any person or organization given charge of a minor, shall hold special parental authority and responsibility for the child during the time they are under their care, guidance or custody. This authority extends to all approved activities, both within and outside the school or institution's premises.

SECTION 7. NON-RENUNCIATION/TRANSFER OF PARENTAL AUTHORITY AND RESPONSIBILITY. Parental authority and responsibility cannot be relinquished or handed over to others except in circumstances specifically allowed by law.

SECTION 8. SUSPENSION OR TERMINATION OF PARENTAL AUTHORITY. Parental authority permanently ends in the following situations:

- 8.1 the death of the parents;
- 8.2 the death of the child; and
- 8.3 the emancipation of the child

Additionally, unless restored by a final court ruling, parental authority also ceases in these cases:

- 8.4 the child's adoption;
- 8.5 the appointment of a general guardian;
- 8.6 a court's judicial declaration of the child's abandonment for legally specified purposes;
- 8.7 a final court decision removing parental authority from the concerned party; or
- 8.8 a judicial declaration that the person exercising parental authority is absent or incapacitated.

SECTION 9. PARENTAL DUTIES AND RESPONSIBILITIES. The following are the responsibilities parents have towards the child:

- 9.1 to give love, affection, guidance, companionship and understanding;
- 9.2 to offer the advantages of ethical guidance, personal discipline and spiritual teaching;
- 9.3 to ensure that the essential necessities for living, such as food, clothing and shelter, are met along with sufficient support;
- 9.4 to encourage breastfeeding for newborn until the age of two;
- 9.5 to ensure access to appropriate medical care and health services regularly provided by the City Government, including complete immunizations for preventable diseases in children up to 8 years old, and facilitate newborn screening tests within the first 48 hours after birth but no later than three days after delivery.

9.6 to prevent circumstances that could jeopardize the child's physical safety, put the child at risk of harm, or hinder the child's healthy development;

9.7 to supervise the child's activities, both inside and outside the home, including recreational pursuits;

9.8 to ensure that the child receives appropriate education based on the family's capabilities, which includes overseeing the child's school attendance and academic progress, as well as participating in parent-teacher meetings and relevant school activities when necessary.

9.9 to encourage the child's involvement in public matters, educate him about the responsibilities of being a citizen and foster his dedication to the community by providing opportunities to create or participate in social, cultural, educational, recreational, civic or religious groups and other beneficial community activities; and

9.10 to protect the child from developing dependencies on alcohol, drugs, smoking, gambling and other harmful habits or behaviors.

SECTION 10. PROHIBITED ACTS. Legal responsibility will be imposed on any parent having parental authority and duties who commit the following

10.1 NEGLECT OF THE CHILD as follows:

10.1.1 leaves the child in conditions that deny the necessary love, care and protection;

10.1.2 fails to provide the child with an education that is appropriate to the family's social status and financial capabilities;

10.1.3 neglects or declines, without valid reason, to enroll the child for education;

10.1.4 causes, allows or fails to prevent the child from skipping or being absent from school;

10.1.5 neglects to keep track of the child's school attendance and academic progress and unjustifiably misses parent-teacher meetings when requested by the school;

10.1.6 allows the child to have, carry or use a deadly weapon, no matter who owns it;

10.1.7 allows the child to have or use alcoholic beverages, illegal drugs, cigarettes and to participate in gambling or other harmful and immoral activities;

10.1.8 permits or mandates the child to drive without a valid license or with a license that the parent knows was obtained illegally. If the vehicle driven by the child belongs to the parent, it is assumed that the parent allowed or instructed the child to drive;

10.1.9 permits the child to ride a motorcycle (a) without wearing the required protective helmet, or (b) even when wearing the helmet, allows the child to ride on a motorcycle that is overloaded;

10.1.10 permits the child to ride in a tricycle that is carrying more than 5 passengers, or E-tricycle with more than 6 passengers, whether these are for hire or not

10.1.11 neglects to take the child to health centers to receive free pre-natal and post-natal care and Basic Immunization Services;

10.1.12 permits a child to stay or wander in public areas or outside their home during the curfew hours of 10:00 PM to 4:00 AM, as specified in City Ordinance No. 2021-051 , on three consecutive occasions;

10.1.13 permits the child to become a member of gangs, fraternities or sororities either inside or outside of school, and allows them to lead, join or participate in hazing and other initiation rites as defined under Republic Act 8049;

10.1.14 permits the child to purchase, sell or smoke cigarettes or other tobacco products which is prohibited under Republic Act 9211;

10.1.15 permits the child to take part in any form of gambling or illegal numbers game as defined under Presidential Decree No. 1602 as amended by Republic Act No. 9287.

10.2 ABUSIVE TREATMENT OF THE CHILD as follows:

10.2.1 wrongfully takes advantage of the child, either directly or indirectly, for activities like begging or other actions that harm his wellbeing and best interests;

10.2.2 imposes harsh and unacceptable punishment on the child or intentionally subjects him to shame, humiliation or excessive discipline that causes embarrassment;

10.2.3 promotes or influences the child to lead a life that is unethical or morally corrupt;

10.2.4 administering corporal punishment and child abuse through physical, verbal, mental violence, harassment, cruelty, exploitation or discrimination.

SECTION 11. PROMOTION OF POSITIVE AND NON-VIOLENCE DISCIPLINE AND EXPLICIT BAN ON CORPORAL PUNISHMENT AND HUMILIATING DISCIPLINE.

All parents within the jurisdiction shall be mandated to adopt positive and non-violent discipline techniques when dealing with their children, based on Ordinance No. 2013-026. Parents and those with special parental authority are strictly prohibited to administer any form of corporal punishment, humiliate or use degrading disciplinary methods at home, school or institutions. These approaches shall respect the dignity and rights of the child, fostering a nurturing and supportive environment for healthy development.

SECTION 12. INTERVENTIONS AND SUPPORT SERVICES.

12.1 The Local Government Unit of Naga shall create a comprehensive city-wide program involving multiple sectors that offer parenting education, skill-building and community interventions focused on positive discipline and utilize this framework where the Naga City Protection Center, Naga City Children's Affairs Office and City Social Welfare and Development Office, take the lead in organizing education, training and advocacy efforts.

12.2 The Parent Effectiveness Program shall be institutionalized pursuant to Republic Act 4881.

12.3 All barangays shall strengthen their respective Barangay Council for the Protection of Children (BCPC) to regularly monitor the fulfillment of parents' duties and responsibilities over their children, and to promptly report any instances of non-compliance.

12.4 Child Protection Committees shall be strengthened with representatives from parents, teachers, students, barangay official and social workers to ensure the effective upholding of parental duties and responsibilities, thereby preventing child neglect.

SECTION 13. MONITORING AND REPORTING. The City Social Welfare and Development Office (CSWDO) shall be the lead body to oversee the implementation of this ordinance, including monitoring, evaluation and policy recommendations. Barangay BCPCs shall file quarterly status reports to the Naga City Children's Affairs Office to be submitted to the CSWDO.

SECTION 14. PENALTIES. The prohibited acts mentioned in Section 10.1 shall be punishable as follows:

14.1 **FIRST OFFENSE** – a fine of One Thousand Pesos and eight hours of community service and parenting effectiveness sessions;

14.2 **SECOND OFFENSE** – a fine of Three Thousand Pesos and sixteen hours of community service and parenting effective sessions;

14.3 **THIRD OFFENSE** – maximum penalty of Five Thousand Pesos and twenty-four hours of community service and parenting effectiveness sessions;

The prohibited acts mentioned in Section 10.2 shall be punishable as follows:

14.4 **FIRST OFFENSE** – a fine of One Thousand Pesos or three months imprisonment, or both, at the discretion of the court;

14.5 **SECOND OFFENSE** – a fine of Three Thousand Pesos or six months imprisonment, or both, at the discretion of the court;

14.6 **THIRD OFFENSE** – a fine of Five Thousand Pesos or one year imprisonment, or both, at the discretion of the court;

SECTION 15. FUNDING. The local government shall provide additional and necessary funding and other necessary assistance for the effective implementation of this ordinance.

SECTION 16. REPEALING CLAUSE. All ordinances, resolutions, memorandum circulars, rules and regulations inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 17. SEPARABILITY CLAUSE. If for any reason any section or provision of this Ordinance is declared unconstitutional or invalid, the other sections or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 18. EFFECTIVITY. This Ordinance shall take effect immediately upon its approval.