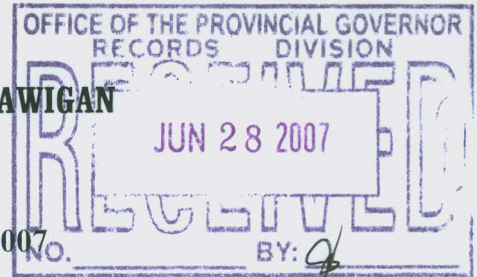




Republic of the Philippines
PROVINCE OF BENGUET
La Trinidad

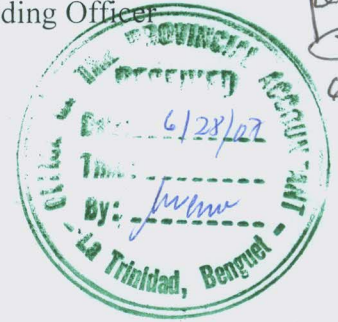
OFFICE OF THE SANGGUNIAN PANLALAWIGAN



REGULAR MEETING – JUNE 18, 2007

PRESENT:

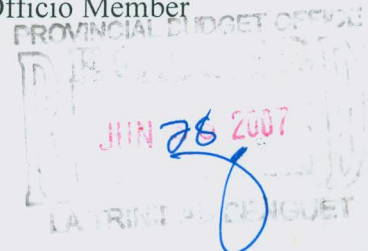
- HON. CRESCENCIO C. PACALSO, Vice Governor and Presiding Officer
- HON. FERNANDO M. ARITAO, Board Member
- HON. JUAN M. NAZARRO, JR., Board Member
- HON. MARCIANO T. INSO, SR., Board Member
- HON. JOHN B. KIM, Board Member
- HON. APOLINARIO T. CAMSOL, Board Member
- HON. LISO L. AGPAS, Board Member
- HON. JOHNNY S. UY, Board Member
- HON. JOSEPH A. COSENTE, Board Member
- HON. WILLIAM H. ESTEBAN, PCL President, Ex-Officio Member
- HON. EDDIE P. AMUASEN, Liga ng mga Brgy. President, Ex-Officio Member
- HON. KRISTINE GRACE D. YUBOS, SKF President, Ex-Officio Member



Handwritten notes: 'rec'd', 'DSWD', '6/28/07', and other illegible scribbles.

ABSENT:

- HON. ALOYSIUS G. KATO, Board Member
- HON. SARIO M. COPAS, Board Member

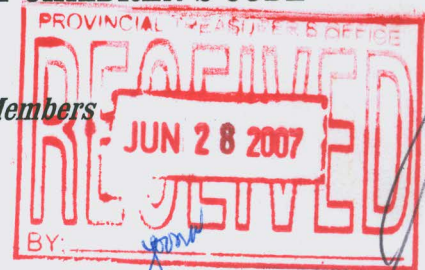


PROVINCIAL ORDINANCE NO. 07-118

AN ORDINANCE KNOWN AND CITED AS THE BENGUET CHILDREN'S CODE

Author: HON. LISO L. AGPAS

Co-sponsors: All Sangguniang Panlalawigan Members



EXPLANATORY NOTE

WHEREAS, the Philippine Government is a signatory of the United Nations Convention on the Rights of the Child (UNCRC), World Declaration on the Survival, Development, and Protection of Children;

WHEREAS, the Philippines has several laws and the Philippine Plan of Action for Children (PPAC) to implement the rights of children pursuant to these international instruments;

WHEREAS, the Province of Benguet recognizes that children are important assets of society and it is only when children are able to exercise their rights that they develop their full potentials;

WHEREAS, there is a need to codify the laws relating to children's rights to apply particularly to the Province of Benguet and streamline the various child-friendly programs of existing government agencies and non-government organizations (NGOs) in providing services for children in Benguet;

Handwritten signatures and initials at the bottom of the page, including a large blue signature on the right side.

WHEREAS, there exist local practices that violate children's rights and thus ordinances are needed to protect them from these practices;

NOW, THEREFORE, on motion duly seconded,

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF BENGUET, IN SESSION ASSEMBLED, THAT:

Article 1
TITLE, SCOPE, PURPOSE, DEFINITION OF TERMS

Section 1. Title.— This ordinance shall be known and cited as the “Benguet Children’s Code”.

Section 2. Declaration of Policy and Principles.— The Provincial Government recognizes the vital role of children in nation building, hence, it 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.

It recognizes that children have the rights as provided in the United National Convention on the Rights of the Child and other laws.

It recognizes the importance of effectively promoting, fully enhancing, and institutionalizing the survival, development, participation, and protection of rights of children within the framework of advancing their general welfare in the furtherance of integrated sustainable and equitable development.

It believes in a holistic protection and development of all children through a strong partnership between and among government agencies, NGOs, and the private sector serving with the highest degree of professionalism and competence in an atmosphere of unity, solidarity, and teamwork.

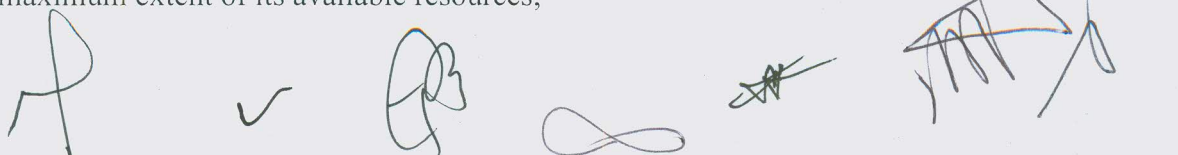
Section 3. Purposes.— This Code is enacted with the following purposes:

- a. To ensure the protection of children against all forms of abuse and exploitation;
- b. To advocate for children’s rights and promote their welfare and development;
- c. To ensure that children’s rights are given priority attention both in government and civil society;
- d. To improve the quality of life of Benguet children enabling them to fully develop their potentials and participate in community life and nation building; and
- e. To ensure that no child is left out in Benguet.

Section 4. Duties and Responsibilities of the Provincial Government.— It is the duty of the provincial government to defend the right of children for assistance including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

In accordance with the United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a State Party, the Provincial Government of Benguet shall:

- a. Undertake all appropriate legislative, administrative, and other measures for the promotion of the rights recognized in the UNCRC. With regard to economic, social, and cultural rights of a child, the province shall undertake such measures to the maximum extent of its available resources;

The bottom of the page contains several handwritten signatures and initials in black ink. From left to right, there is a large stylized signature, a checkmark, a signature that appears to be 'AB', a signature that looks like a loop, a signature with a star-like mark, and a large, complex signature on the right side.

- b. Ensure to the maximum extent possible that the survival, development, protection, and participation rights of the child shall be given due consideration;
- c. Take all appropriate legislative, administrative, social, and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s, or any other person/s who has the care of the child;
- d. 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 his or her age and maturity; and
- e. Render appropriate assistance to parents and legal guardians in the performance of their child rearing responsibilities and shall ensure the development of institutions, facilities, and services for the care of children.

Section 5. Definition of Terms.— The following terms used in this ordinance shall be defined as follows:

- a. “Child” refers to a male or female below 18 years of age or older but unable to fully take care of oneself, or “specially abled children”.
- b. “Child abuse” refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 1. Psychological and physical abuse, neglect, cruelty, sexual abuse, and emotional maltreatment;
 2. Any act by deeds or words which debases, degrades, or demeans the intrinsic worth and dignity of a child as a human being;
 3. Unreasonable deprivation of his or her basic needs for survival, such as food and shelter; or
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or in his or her permanent incapacity or death.
- c. “Special Concerns” are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
 1. Working under conditions hazardous to life, safety, and morals which unduly interfere with their normal development;
 2. Living in or fending for themselves in the streets or urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 3. Being children of indigenous peoples and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;
 4. Being a victim of a human-made or natural disaster or calamity; or
 5. Analogous circumstances which endanger the life, safety, or normal development of children.
- d. “Day Care” is the provision of substitute parental care and stimulating activities for the total development of children three to five (3-5) years old when their parents are unable to take care of them during part of the day because of work and some other situation.



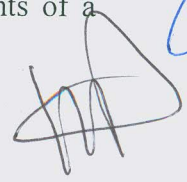
- e. "Day Care Center" is a facility where day care services are provided by an accredited day care worker, particularly for children, in the three-to-five (3-5) year age bracket.
- f. "Diversion" shall refer to an alternative child-appropriate process of determining a juvenile's responsibility for an alleged offense as well as in determining the measures, if any, to be undertaken by the juvenile and other persons without resorting to formal court adjudication.
- g. "Diversion Programs" shall refer to programs that juveniles are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.
- h. "Community reintegration programs" shall refer to the programs established for the purpose of rehabilitation and preparing the child for reintegration into the community.
- i. "*Katarungang Pambarangay*" shall refer to Section 408-422 of the Local Government Code of 1991 which is commonly known as the *Katarungang Pambarangay Law*.
- j. "Specially abled children," "children with disabilities," or "children with special needs" are children with either physical or mental infirmities whether congenital or acquired after birth.

Article 2

RIGHTS AND OBLIGATIONS OF THE CHILD

Section 6. *Rights of the Child.*— Survival/Protection/Development/Participation (Category)

- A. Every child shall possess and enjoy the following rights, which are classified into "survival", "development", "protection", and "participation rights".
- B. Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, political antecedents, and other factors, these rights categorically expounded as follows:
 - 1. *Survival rights* ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:
 - a. Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception;
 - b. Every child has the right to a wholesome family life that will provide him or her with love, care, and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home;
 - c. Every child has the right to a balanced diet, adequate clothing, safe shelter, proper medicinal attention, and all the basic physical requirements of a healthy and vigorous life.



2. *Developmental rights* refer to the rights of a child to education to develop her or his personality, talents, and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play, and leisure. The following are the development rights:
 - a. Every child has the right to a well-rounded development of her or his personality to the end that she or he may become a happy, useful, and active member of society specifically;
 1. The gifted child shall be given the opportunity and encouragement to develop her or his special talents;
 2. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 3. The physically and mentally disabled child known also as special child shall be given treatment, education, and care required by her or his particular condition;
 - b. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
 - c. Every child has the right to grow up as a free individual and with the determination to contribute her or his share in the building of a better world;
 - d. Every child has the right to education. Elementary and secondary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child shall be directed to:
 1. The development of the child's personality, talents, and mental and physical abilities to the fullest extent;
 2. The preparation of the child for responsible adult life in a free society;
 3. The development of respect for the child's parents, her or his cultural identity, language and values, religion, and the cultural background and values of others;
 4. The development of respect for the natural environment;
 - e. Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of her or his leisure hours;
 - f. Every child has the right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.
3. *Protection rights* cover those rights of protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, child labor, drug abuse, verbal and sexual abuse, and exploitation.



4. *Participation rights* refer to the child's rights to participate in matters that affect him or her most by providing all appropriate venues he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights:
- a. Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
 - b. Every child has the right to freedom of thought, conscience, and religion, subject to appropriate parental guidance;
 - c. Every child has the right to seek, receive, and impart information and ideas of all kinds;
 - d. Every child has the right to express his or her opinion freely and to have these opinions taken into account in any matter or procedure affecting him or her;
 - e. Every child has the right to privacy and shall be protected against unlawful interference with such privacy in the family, home, or correspondence, and to unlawful attacks against his or her honor or reputation.

Section 7. Responsibilities of the Child.— Every child, regardless of his or her circumstances of birth, sex, religion, social status, political antecedents, and other factors shall:

- a. Strive to live an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and a bidding of a certain conscience;
- b. Love, respect, and obey his or her parents and cooperate with them in the strengthening of the family;
- c. Extend to his or her brothers or sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
- d. Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society;
- e. Respect not only his or her elders but also the customs and traditions of his or her people, the memories of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;
- f. Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

Article 3

ROLES AND FUNCTIONS OF VARIOUS SECTORS AND INSTITUTIONS

Section 8. The Family.— The family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations. Governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. Child friendly initiatives shall be

The bottom of the page contains several handwritten signatures and initials in black ink. From left to right, there is a large, stylized signature, a smaller signature, a signature that appears to be 'A', a signature that appears to be 'B', a signature that appears to be 'C', and a signature that appears to be 'D'. There are also some scribbles and other marks.

started in the homes by making it child-friendly. Upbringing of children by their parents shall be anchored on providing opportunities to meet their four basic rights.

Section 9. Primary Obligations/Responsibility of Parents.— The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values, and norms of their society shall begin in the family. The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

Section 10. Rights Under the Family Code.— Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family Code over the person and property or their children.

Section 11. Rights to Discipline Children.— Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this Code. Parents may require from their children obedience to just and reasonable rules, suggestions, and admonitions.

Section 12. General Duties of Parents.— Parents shall have the following general duties toward their children:

- a. To give affection, companionship, and understanding;
- b. To provide them the opportunity to attain the basic elementary and secondary education;
- c. To extend to them the benefits of moral guidance, self-discipline, and religious instruction;
- d. To supervise their activities, including their recreation;
- e. To inculcate in them the value of industry, thrift, and self-reliance;
- f. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- g. To advise them properly on any matter affecting their development and well-being;
- h. To always set a good example and act as good models for their children;
- i. To provide them with adequate support, as defined in Article 194 of the Family Code; and
- j. To administer their property, if any, according to their best interest, subject to the provisions of Articles 225 to 227 of the Family Code.

Section 13. Separation of Children from their Families.— Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to *force majeure* or in their own best interest, arrangement shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability or continuity in children's upbringing of their own cultural milieu.

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

Section 14. Role of Mothers/Women.— Women in their various roles play a critical role in the well being of children. Efforts for the enhancement of women's/mother's status and their roles in development must begin with girl children. The enhancement of the status of women/mother and their equal access to education, training, credit, reproductive



health, and other extension services constitute a valuable contribution to a nation's social and economic development.

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

Mothers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

Section 15. Role of Fathers/Men.— Fathers and/or men play a vital role in their children's lives. Policies and legislations shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

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

Section 16. Role of Educational Institutions.— Educational institutions shall work together with parents, community organizations, and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED).

Section 17. Role of the Mass Media.— The mass media shall be aware of their extensive social role and responsibility as well as their influence in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced responsible approach.


Special attention should be given to effective anti-drug awareness campaigns, anti-smoking, use of alcoholic drinks and juvenile delinquency prevention.

Section 18. Role of Judicial Institutions.— The administration of justice, courts, prosecutors, and other judiciary personnel shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

Section 19. Role of Local Government Units.— The Local Government Units (LGUs) shall come up with comprehensive plans/programs for children and allocate appropriate budgets for their implementation. It shall formulate ordinances that shall protect children's rights. It shall coordinate with local church and religious sectors where children experience God's love, feel welcome, and participate in activities and opportunities to allow them to grow in their faith.

Commercial establishment renting out electronic video and billiard games to children during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon and beyond 7:00 o'clock in the evening shall be subjected to suspension of business permit for fifteen (15) days by LGUs concerned.

Section 20. Role of Local Councils for the Protection of Children.— These councils shall, in addition to their existing duties and functions, coordinate with and assist their corresponding LGUs in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.



Section 21. Role of Sangguniang Kabataan.— The *Sangguniang Kabataan* (SK) as established under the Local Government Code shall, in addition to the powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the protection of children for this purpose.

Section 22. Role of Sangguniang Barangay.—

1. Be able to pass legislations that are consistent with child-friendly commitments;
2. Ensure that budgetary allocations for activities catering to children's needs are attended to.

Section 23. Role of Lupong Tagapamayapa.—

1. Be trained on the barangay justice system and in handling cases of children victims/offenders;
2. Be able to conform with international standards on justice system;
3. Install a monitoring system to track increase/decrease of cases pertaining to children offenders and those victimized;
4. Document activities on the progress of cases received;
5. Prepare an annual progress report on cases affecting children.

Section 24. Role of Barangay Health Station.—

1. Train volunteers on child-friendly commitments in health;
2. Provide basic resources for health management and service delivery such as weighing scale, thermometers, BP apparatus, basic supplies for growth monitoring and health information materials, micronutrients, iodized salt, and immunization with the assistance of the Barangay Council for the Protection of Children;
3. Have an updated data on newborn malnourished and sick children;
4. Have an updated data on pregnant and lactating mothers;
5. Set up health and nutrition post for every cluster of 20-30 households to serve as an extension center of the barangay health station.

Section 25. Role of Elementary and Secondary Schools.—

1. Ensure that teachers and school personnel promote child rights/needs, child centered learning, and active learning method;
2. Set up a program to classroom ration of one (1) teacher to 40 students with desk and textbook for each child;
3. Ensure that local schools have the basic amenities (i.e. clean toilet, water facility);
4. Link up with information centers to provide access to children;
5. Coordinate with local Parents Teachers Community Association (PTCA) to determine the needs of school children;
6. Tap the PTCA to participate in the formulation of the local plan for children;
7. Link with personnel and officials of the Department of Education to advocate for children's rights and needs;
8. Initiate actions to ensure that all elementary and high school going age populations are in school;
9. Ensure that the achievement level of the pupils shall be within the expected level prescribed by the agency.



Article 4
PLAN/PROGRAM AND SERVICES FOR CHILDREN

Section 26. Comprehensive Plan/Program for Children.— The province, municipalities, and barangays shall, within one (1) year from the effectivity of this Code, formulate a comprehensive plan/program for children of at least a three-year period. Such program shall include prevention, protection, as well as rehabilitation programs for children, and shall emphasize prevention of children's rights violations to include prevention of child abuse, juvenile delinquency, drug addiction, smoking, and other children's problems.

Section 27. The Community Approach.— The community approach shall be given special attention in the comprehensive plan/program for children. This involves addressing community-wide issues and improving the overall environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged. Community-based services and programs which respond to the special needs, problems, interests, and concerns of young persons and offer appropriate counseling and guidance to children and their families should be developed, or strengthened where they exist. Wholesome recreations shall be accorded to children.

Section 28. Process in Formulating Comprehensive Children's Plans/ Programs.— The process in coming up with Comprehensive Children's Plans/Programs shall be participatory and consultative. The LGU in coordination with the local council for the protection of children, shall call on all sectors concerned particularly child-focused institutions, NGOs, people's organizations, youth organizations, children's councils, the local church, educational institutions, and government agencies involved with children concerns like the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and the Department of Education (DepEd), to participate in the planning process.

Section 29. Periodic Review and Assessment of the Comprehensive Children's Plans/Programs.— The Comprehensive Children's Plans/Programs shall be reviewed and assessed yearly by the LGUs in coordination with the local councils for the protection of children. The programs shall be reviewed by the Provincial Council for the Protection of Children as to their effectivity in preventing children's rights violations based on the indicators identified in the program. The programs may be modified accordingly.

A. Programs to Prevent Children's Rights Violation

Section 30. Prevention Programs.— Prevention programs which shall be an important component of the Comprehensive Children's Plans/Programs, to be implemented by the LGUs through the local councils for the protection of children, schools, youth organizations, and other concerned agencies, shall consist of three levels:

- a. Primary prevention – general measures to promote social justice and equal opportunity; tackle perceived root causes of children's rights violations such as poverty and other forms of marginalization.
- b. Secondary prevention – measures to assist children who are identified as being more particularly at risk such as those parents who are themselves in special difficulty or are not caring appropriately for them.
- c. Tertiary prevention – schemes to avoid and prevent children's rights violations from happening again.

The bottom of the page contains several handwritten signatures and initials in black ink. On the right side, there is a large, stylized signature in blue ink. Below it, there are several smaller signatures and initials in black ink, including what appears to be 'R', 'L', 'B', and others.

In all three levels of prevention, official intervention should be pursued primarily in the overall interest of the young person and guided by fairness and equity.

B. Other Proactive Programs

1. Parenting Orientation Courses

Section 31. Parenting Orientation Courses.—

- a. Parenting Orientation Courses shall be integrated into the curriculum of all high schools in Benguet subject to DepEd rules and regulations.
- b. Applicants for Marriage License shall be required to participate in Parenting Orientation Course I with Gender and Child Sensitivity, among other requirements, prior to the issuance of a marriage license by the Office of the Local Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health courses. The Provincial Council for the Protection of Children in close coordination with the Provincial Health Office, Provincial Social Welfare and Development, and the Office of the Local Civil Registrar shall update the design of the family planning seminar in consonance with this ordinance.
- c. As a follow-up to the Parenting Orientation Course I, parents/guardians shall also be required to participate in a Parenting Orientation Course II, during the school year when his/her child is enrolled in either a public or private day care center in Benguet.
- d. Such course shall also be incorporated in Parent Teachers Community Association (PTCA) activities for the school year in the elementary and high school levels.

Implementing guidelines for these provisions shall be formulated by the Provincial Council for the Protection of Children in coordination with the Office of the Local Civil Registrar in every municipality within one year from the effectivity of this Code.

The Provincial Council for the Protection of Children and the Provincial Social Welfare and Development Office shall initiate the designing of modules for these courses in close coordination with accredited NGOs with child-focused programs.

2. Health Care

Section 32. Primary Health Care.— The Provincial Government of Benguet shall deliver primary health care and nutrition programs for children in coordination with the Provincial Health Office and the Provincial Social Welfare and Development Office.

Section 33. Promotion of Primary Health Care Programs.— The barangay health centers shall implement the primary health care program. Each barangay health center shall designate a Barangay Child Health Officer to monitor children's health in the barangay level, with remuneration commensurate to the task assigned.

To further ensure the implementation of this section, the Provincial Government of Benguet shall take appropriate measures:

- a. To combat disease and malnutrition within the framework of primary health care through application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environment pollution;

- b. To establish a comprehensive Parent Orientation Development Program, which includes gender-responsive courses on reproductive health, child health, and child rearing practices in the context of the Filipino psychology;
- c. To monitor the full implementation of the Milk Code of the Philippines and advocate for breastfeeding of babies up to at least six months old;
- d. To conduct massive information and education on breastfeeding utilizing existing reference materials for effective breastfeeding education program; integrating information on breastfeeding shall be an integral part of all school curriculums.

Section 34. *Barangay Health Stations.*— Barangay Health Station with the assistance of local government units shall provide basic resources for health management and service delivery such as weighing scale, thermometer, BP apparatus, basic supplies for growth monitoring, health information materials, micronutrients supplements, oresol, drugs for de-worming, iodized salt, and immunization.

Section 35. *Health and Nutrition Posts.*— This is an extension of Barangay Health Station which shall be established in cluster areas of 20-30 households.

Section 36. *Child and Gender Sensitivity Training for Health Workers.*— All provincial, municipal, city, and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the Provincial/Municipal *Sanggunian* and trained personnel of the Provincial Health Office (PHO) and the Provincial Social Welfare and Development Office (PSWDO).

Section 37. *Child and Family-Friendly Hospitals in Benguet Province.*— All hospitals in the Province of Benguet shall set up child-friendly units to include rooming-in facilities and pediatric care and provide section and appropriate mechanisms and gadgets. They shall also not deny husbands/partners inside the delivery room during delivery of their wives/partners.

Section 38. *Program for Children with Special Needs.*— The Provincial Government of Benguet shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the province as basis for a more systematic coordination of services (health, nutrition, and education) for children with special needs. The Stimulation and Therapeutic Activity Center (STAC) shall be provided with the needed financial and manpower support to ensure that children with disabilities are attended to.

Section 39. *Educators' and Health Professionals' Training for the Special Program on Children with Special Needs.*— A training program for educators and health professionals handling children with disabilities and special needs shall form part of the priority of the Provincial Government of Benguet.

3. Under Six Programs and Establishment of Day Care Centers

Section 40. *Under Six Program Framework.*— The Provincial Government of Benguet shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall include the following:

- a. Monitoring registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis, and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;

- b. The barangay officials and their barangay-level support systems, may call upon law enforcement agencies when there is an abused, neglected, and exploited child who needs to be rescued from an unbearable home situation;
- c. A reproductive health center for pregnant mothers for prenatal and neonatal care and, in proper case, for delivery of infants under conditions which will eliminate or minimize risks to mother and child, provided that high risk mothers shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any conditions or illness will be brought thereto for care. Provided further, that *hilots* (traditional birth attendants) and barangay health workers are provided the needed basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care;
- d. A barangay level network of assistance from among the adults of the community shall be established for the total development and protection of children;
- e. Unstructured combined with structured learning exercise for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child;
- f. A pool of trained day care or child development workers ready to be tapped when their services are called for.

Section 41. Population-Based Day Care Center Setting-Up.— Pursuant to Republic Act No. 6972 or the Barangay Level Total Development and Protection of Children Act, day care centers shall be set up in every barangay in the Province of Benguet. The numbers of such centers shall depend on the population of the children and how depressed the barangay is as determined by the respective provincial and municipal councils for the protection of children in coordination with their respective social welfare offices.

Section 42. Importance of Day Care Service.— Day care service addresses the needs in the crucial stages of a child's growth. By the age of five (5), a child's brain has already grown to 90 percent of its adult weight and much of the way he/she envisions and interacts with the world has been shaped. Thus, the child's formative years and the care that he/she gets during this period would significantly affect his/her learning capacity, personal and social interaction into adulthood.

While parents have the primary responsibility to provide for their children's physical, emotional, psychological, mental, and social needs, day care service aims to supplement the inability of some parents to provide their children with proper care and home environment.

Specifically, the Day Care Center aims to help the child to:

- a. Become physically fit through proper care and nutrition;
- b. Develop self-confidence, self-statement, and self-discipline;
- c. Relate well with others;
- d. Develop mental, intellectual, verbal, and psychomotor skills;
- e. Develop strong spiritual, socio-cultural, and nationalistic values as well as positive attitudes towards the family, community, and society in general;
- f. Be protected from all forms of neglect, abuse, cruelty, and exploitation.

Section 43. Child Minding Centers or Center-Based Infant Care Centers.— Executive Order No. 340 directs government and non-government owned and controlled corporations to provide day care services for their employees' children ages 0-3 years old. The child-minding center shall be located near the work place. This center shall be manned by an accredited day care worker.

Section 44. *Setting Up of Day Care Centers by Community-Based Organizations.*—

Community-based organizations can help mobilize resources to complement the efforts of LGUs in establishing day care centers in their communities under the supervision of the Municipal Social Welfare and Development Office (MSWDO). In this way, more children needing attention can be reached.

Section 45. *Day Care Worker and Support Group.*—

- a. The Local Government Unit/Barangay shall pay for the Day Care Worker's (DCW) allowance and salary. The Department of Social Welfare and Development (DSWD) shall provide continuing technical assistance to the center

A Community Parents Volunteer Group shall be organized to be an effective support group to the center. The volunteer group shall help mobilize resources for the improvement of the center, acquisition of more learning materials and play equipment, and other support activities.

4. Recreational and Cultural Programs/Programs During Fiesta Celebrations

Section 46. *Barangay Level Recreational and Cultural Facilities and Program for Children.*— A barangay level program for the revival of indigenous games and pastimes shall be installed. Research and documentation of indigenous games and pastimes shall be undertaken by the Center for Culture and Arts Development (CCAD) of the Province of Benguet. Every barangay in the province shall allocate space for recreational facilities appropriate for different age groups. A year-round cultural program appropriate for different groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletic and sports programs of the local government units.

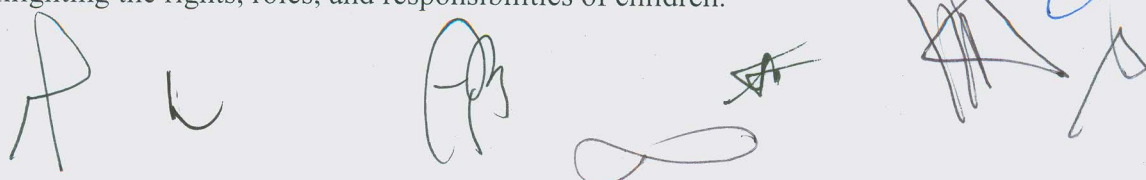
Presentation during fiesta celebrations and other programs and activities shall be screened by the appropriate level of Council for the Protection of Children. Indecent shows such as "bikini open" and dance numbers with indecent costumes shall be discouraged.

Section 47. *Local Children's Literature.*— In support of the thrust for the socio-cultural development of children in the Province of Benguet, LGUs shall invest in the promotion and production of local literature for children and other relevant educational materials.

Section 48. *Other Child-Friendly Facilities.*— Local Government Units in partnership with NGOs and other civic organizations are also encouraged to put up and maintain other child-friendly facilities such as, but not limited to, libraries, knowledge centers, museums, parks and playgrounds, and health and nutrition posts.

Section 49. *October as Children's Month.*— In keeping with the mandate of Presidential Proclamation No. 267 signed on September 30, 1993 declaring the month of October as National Children's Month, the local councils for the protection of children shall conduct child-focused activities for the month promoting the rights and responsibilities of Filipino children as well as the obligations of the people and the institutions responsible in ensuring the well-being of Filipino children.

Section 50. *October 17 of Every Year as National Children's Day.*— Pursuant to Presidential Proclamation No. 74 dated October 16, 1992 declaring the 17th day of October every year as National Children's Day to honor Filipino children and to emphasize the importance of their role within the family and within society, the local councils for the protection of children are mandated to observe Children's Day with activities highlighting the rights, roles, and responsibilities of children.



Handwritten signatures and initials at the bottom of the page, including a large blue signature on the right and several smaller black and blue marks at the bottom.

5. Crisis Intervention Program

Section 51. Establishment and Rationale of the Crisis Intervention Center.— In recognition of the special need for protection, assistance, and development of children in consonance with the spirit and letter of the constitutional provisions and Republic Act No. 7610 mandating the protection against child abuse, exploitation, and discrimination and, likewise, Republic Act No. 8505 mandating the establishment of a crisis center shall be established in the province authorizing the appropriation of funds therefore, a Crisis Intervention Center shall be established in the Province of Benguet. Services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sectors of society particularly women.

Section 52. Objectives of the Crisis Intervention Center.— The Crisis Intervention Center shall have the following objectives:

- a. To provide temporary shelter and basic services to abused children and women;
- b. To network with non-government organizations and government agencies for the provision of the needed medical, psycho-social, and legal services necessary in restoring/building the self-esteem of its clients;
- c. To encourage and build the capacities of abused children and women to come into the open and pursue cases in court whenever they are ready;
- d. To provide the skills and livelihood training to abused children and women while in the center to enable them to be productive and as a form of therapy;
- e. To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities;
- f. To conduct a province-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women; and
- g. To link up with provincial and local government entities mandated to formulate and enforce legislation aimed at the protection of children and women for policy reforms and enforcement of laws.

Section 53. Organizational Structure, Management, and Operations of the Center.—

- a. The Provincial Council for the Protection of Children shall formulate the organizational structure of the center depending on the need of its services;
- b. The member agencies of the Provincial Council for the Protection of Children and other national agencies and NGOs which have pledged support for the center shall sign a Memorandum of Agreement for their commitment of service and/or resources to ensure the sustainability of the center's services;
- c. The center shall be under the supervision of the Provincial Social Welfare and Development Office;

The Provincial Social Welfare and Development Office and the Provincial Council of the Protection of Children in coordination with LGUs concerned shall issue the necessary rules, policies, regulations, and guidelines for the effective implementation of the programs of the center.

Section 54. Budget Allocation for the Crisis Intervention Center Operations and Maintenance.— The Provincial Government of Benguet shall provide support for the construction, maintenance, and continued operations of the crisis intervention center by appropriating specific funds which shall form part of the PSWDO's annual appropriation.

Handwritten signatures and initials at the bottom of the page, including a large blue signature on the right and several smaller ones in black ink at the bottom.

Article 5
SPECIAL CONCERNS

A. Prohibited Acts

Section 55. Prohibited Acts.— In addition to all acts defined and penalized under Republic Act No. 7610 on Child Abuse and Exploitation, Republic Act No. 7658 on Child Labor, and other pertinent laws, the following acts shall likewise be punishable:

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

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

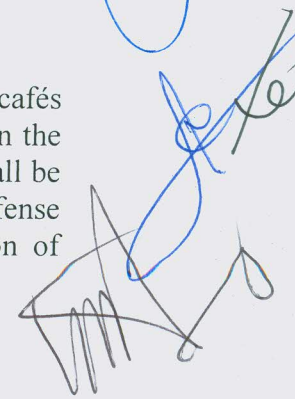
2. Peonage of Children – Offering a child or the services of a child as payment for the debt or in exchange for a favor, such as, but not limited to:
 - a. Working in agricultural industries like rice and corn plantation or farms;
 - b. Working as house helpers.
3. Pre-arrangement for Marriage – Pre-arrangement (*buya*) made by parents or guardians to marry off their children or wards. One manifestation of pre-arrangement may be when two (2) families meet to seriously talk about the marriage of their children to each other.
4. Using Girl Children as Commodities in Benefit Dances – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers.
5. Discrimination of Girl Children – Discrimination of girl children by prohibiting and depriving them of formal education.
6. Discrimination of Illegitimate Children – For schools to discriminate illegitimate children such as, but not limited to, the following:
 - a. Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;
 - b. Requiring the marriage contract of parents as a requirement for enrollment of the child.
7. Expulsion by Reason of Pregnancy – For schools to impose penalty of expulsion against a child, who has complied with all academic requirements, by reason of her pregnancy. Schools may impose any other penalty which shall be made applicable to both the pregnant girl and her partner if he also enrolled in the same school.
8. Refusal to Graduate by Reason of Pregnancy – For schools to refuse to graduate a child, who has complied with or is willing to comply with all academic requirements, by reason of pregnancy.

9. Refusal to Issue Clearances by Reason of Pregnancy – For schools to refuse to issue clearances to a child by reason of pregnancy.
10. Physical and Degrading Forms of Punishment – Subjecting the child to physical and degrading forms of punishment such as, but not limited to, the following:
 - a. Ordering or directing a child to kneel on salt;
 - b. Placing a child inside a sack and/or hanging him/her;
 - c. Shaving the head of the child;
 - d. Harsh whipping of the child with the tail of a stingray (*pagi*), stick, belt, and other similar objects;
 - e. Stripping the child of his/her clothes;
 - f. Locking up the child in a cabinet or *aparador* or any closed structure;
 - g. Tying up the child or otherwise detaining him/her;
 - h. Throwing objects such as, but not limited to, erasers, chalk, and notebooks at the child;
 - i. Pulling the hair of the child;
 - j. Making the child stand under the heat of the sun;
 - k. Exposing the child to be bitten by ants.
11. Pushing/Enticing Minors to Live-In Arrangements – It shall be unlawful for parents to entice, encourage, and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration.
12. Sexual Exploitation of Minors – Sexual exploitation of children by any person, foreigner, or otherwise shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered *prima facie* evidence of sexual exploitation.
13. Entry, Selling, and Distribution of Pornographic Materials – The local councils for the protection of children or local law enforcers shall monitor and prevent the entry of pornographic materials. It shall be unlawful for any person to sell and distribute such materials to children.
14. Selling Liquor, Cigarettes, Rugby, and Other Addicting Substances to a Child – It shall be unlawful for any person to sell liquor, cigarettes, rugby, or any addicting substance to a child.
15. Smoking in Enclosed Places and Public Conveyances – Smoking in any enclosed public place or public conveyance and such other places designated as non-smoking areas by law or by ordinance shall be prohibited.

The above acts likewise punishable in RA 7610 or the Anti-Child Abuse Act, RA 7658 on Child Labor, The Revised Penal Code, or other pertinent national laws shall be penalized thereunder. Acts or omission not falling under said laws shall be penalized by imprisonment of one (1) year and a fine of not more than One Thousand Pesos (P1,000.00) upon the discretion of the court.

B. Regulating Exposure to New Technology

Section 56. Regulating Children's Exposure to Internet Cafés.— Internet cafés catering to children except college students during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon and beyond 7:00 o'clock in the evening shall be subjected to suspension of business permit for fifteen (15) days during the first offense and one (1) month suspension of the same for the second offense. Confiscation of



computer units and cancellation of the business permit of said establishments shall constitute the penalty for the third offense.

C. Children of Indigenous Peoples

Section 57. *Rights of Children of Indigenous Peoples.*—

- a. In addition to the rights guaranteed to children under this Code and existing laws, children of indigenous peoples shall be entitled to protection, survival, and development consistent with the customs and traditions of their respective communities.
- b. The Provincial Council for the Protection of Children in coordination with the local DepEd Division Office shall develop and institute an alternative system of education for children of indigenous peoples which is culture-specific and relevant to their needs.
- c. The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous peoples are given equal attention in the delivery of health and nutrition services.

Indigenous health practices shall be respected and recognized.

- d. Children of indigenous peoples shall not be subjected to any form of discrimination.
- e. The National Council for Indigenous People (NCIP) in Benguet shall coordinate with the provincial government in matters concerning the welfare of indigenous children.

D. Juveniles

Section 58. *Rights of a Juvenile.*— Pursuant to the UNCRC, every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a. To be presumed innocent until proven guilty according to law;
- b. To be informed promptly and directly of the charges against him or her, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
- c. To have the matter determined without delay by competent, independent, and impartial authority or judicial body in a fair hearing according to the law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- d. Not to be compelled to give testimony or to confess guilt; to examine adverse witness and to obtain the participation of and examination of the witness on his or her behalf under conditions of equality;
- e. If considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent, and impartial authority or judicial body according to law;
- f. To have the free assistance of an interpreter if the child cannot understand or speak the language used; and
- g. To have his or her privacy fully respected in all stages of the proceedings.

Section 59. System of Diversion.— A system of diversion is hereby established wherein juveniles shall as much as possible be referred to alternative measures without undergoing court proceedings. Diversion shall be applied to a child or youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

Section 60. Levels of Diversion.— Diversion shall be conducted at the barangay and police levels. The *Lupong Tagapamayapa* and the Child and Youth Relations Unit (CYRU) are the competent authorities to conduct diversion proceedings.

Section 61. Duty to Inform the Child of His/Her Offense.— The competent authorities are duty-bound to explain to the minor in language known and understood by him/her the consequences of his/her acts and/or omission. The minor's responsibility for the commission of any felony shall be explained to him/her with a view towards counseling and rehabilitating him/her and avoiding his/her contact with the criminal justice system and indemnifying the victim/s if there be any.

Section 62. Indigenous Modes of Diversion.— Indigenous modes of conflict resolution in harmony with international and national human rights and child's rights standards shall be resorted to and encouraged. The minors and his/her family's active participation in efforts towards conflict resolution shall be optimized. The family shall be held answerable as well as exercise parental care and supervision over the person of the minor.

Section 63. Termination of Case.— If the competent authorities determined that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explained to both parties.

Section 64. Confession or Admission of Offense.— If the child voluntarily admits or confesses to the commission of the offense charged, the competent authorities shall decide on the diversion programs to be undertaken by the child. Any admission or confession of the child shall be signed by the child and countersigned by the parents or legal guardian and any of the following in the following order: the nearest relative, member of a child-focused group, religious group, or a member of the Barangay Council for the Protection of the Children concerned. They shall see to it that the confession of the child is voluntarily executed.

If the child does not admit or confess to the commission of the offense and the weight of the evidence presented shows that the child conclusively committed the offense, the competent authorities shall endeavor to make the child realize his/her responsibility and obligation arising from the commission of the offenses as well as the penalties imposed therefore.

During any stage of the diversion proceedings, any admission or confession of a child for an offense shall be inadmissible as evidence against the child should the diversion proceeding fail. Neither shall the same be held to be admissible in evidence against the child before any proceeding.

Section 65. Prohibition Against Labeling.— In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities shall refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys, or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor's class or ethnic origins. The officer violating this provision shall be administered liable.

Section 66. Prohibited Acts Against Youth Offenders.— Any and all acts/practices which are prejudicial and detrimental to the psychological, emotional, social, spiritual, moral, and physical health and well-being of the minor shall be prohibited.

- a. Authorities shall refrain from employing threats of whatever kind and nature and/or abusive coercive and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by persons in authority, their representatives, or any other persons acting under them or in their behalf – such as curing, beating, stripping, and detaining minors in cells – shall be dealt with administratively and criminally.
- b. Likewise, degrading, inhuman, and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive, or harmful substances over their bodies, or forcing minors to walk around the community wearing signs which embarrass, humiliate, and degrade their personhood and dignity and which harm them psychologically, emotionally, spiritually, morally, and physically shall be prohibited.
- c. No minors shall likewise be made subject to involuntary servitude in any and all forms under any and all instances by their arresting officers and/or custodian/s. Designating and/or compelling minors to act and serve as errand boys/girls, cleaners, or helper is also prohibited.

Any violation shall be penalized with one (1) year imprisonment and a fine of not more than One Thousand Pesos (P1,000.00). However, if these violations are likewise penalized in any national law, the penalty imposed in such national law shall be followed.

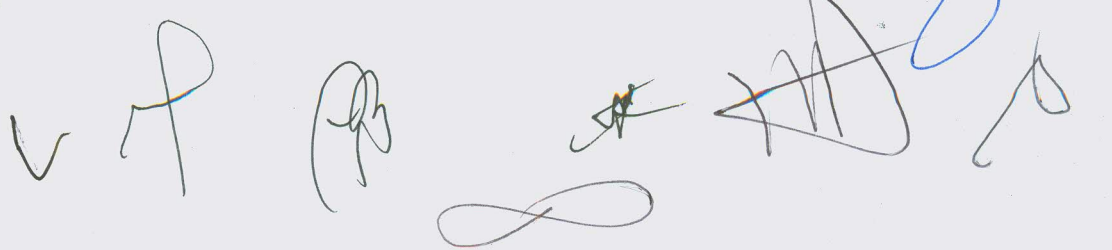
Section 67. Diversion Programs, When Proper.— Where the parties and/or the competent authorities decide that the child must undergo a diversion program, such a continuing program for the rehabilitation and reintegration of the child shall be formulated with the cooperation of the complainant and the child.

Section 68. Factors in Determining Diversion Programs.— In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- a. The nature and circumstances of the offense charged;
- b. The frequency and the severity of its occurrence;
- c. The character and reputation of the child;
- d. The circumstances of the accused child (e.g. age, maturity, intelligence, etc.);
- e. The influence of the family and environment on the growth of the child;
- f. The emotional relief of the victim;
- g. The weight of the evidence against the child; and
- h. The safety of the community.

Section 69. Criteria for Formulating Diversion Program.— In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate an individualized treatment. The following factors shall be considered in formulating a diversion program for the child:

- a. The child's feelings of remorse for the offense he or she committed;
- b. The parents' or legal guardians' ability to guide and supervise the child;
- c. The victim's views about the propriety of the measures to be imposed; and
- d. The availability of community-based programs for rehabilitation and reintegration of the child.



Section 70. Diversion Programs.— The diversion program shall include adequate socio-cultural and psychological responses and services for the child. Diversion programs can include, but are not limited to, the following:

- a. Written or oral reprimand or citation;
- b. Restitution of property;
- c. Reparation of the damage caused;
- d. Indemnification of consequential damages;
- e. Confiscation and forfeiture of the proceeds or instruments of the crime;
- f. Fine;
- g. Payment of cost of the proceedings;
- h. Written or oral apology;
- i. Guidance and supervision orders;
- j. Counseling for the child and the family;
- k. Trainings, seminars, lectures on anger management which skills will aid the child to deal with situations that can lead to re-offending;
- l. Community-based programs available in the community;
- m. Institutional care and custody.

Section 71. Criteria of Community-Based Programs.— Every province and municipality shall establish programs through the local government unit that will focus on the rehabilitation and reintegration of the child. All programs shall meet the following criteria:

- a. Its primary purpose shall be the rehabilitation and reintegration of the child;
- b. Referral to such programs shall need the consent of the child and the parents or legal guardian/s;
- c. The participation of other child-centered agencies, religious, civic, and other organizations will be allowed.

Section 72. Community Reintegration Programs.— Community Reintegration Programs shall consist of, but shall not be limited to, the following:

- a. Community Services;
- b. Membership in civic and/or religious organizations.

Section 73. Conditions for Diversion Program.— In all cases where a child is required to undergo a diversion program, the following conditions shall be mandatory:

- a. A contract of diversion containing the diversion programs to be undergone by the child shall be signed by the authority concerned and the child;
- b. The child shall present himself or herself to the competent authorities that imposed the diversion program at least once a month of reporting and review of the effectiveness of the program;
- c. The child shall cooperate and faithfully comply with the conditions in the contract;
- d. The child shall permit the competent authorities and/or the local social welfare and development officer to visit the child's home;
- e. The child and other parties concerned shall satisfy other conditions related to the diversion program as long as such conditions are not contrary to law, morals, and good customs; such other conditions shall be considered void and shall not affect the conditions that are validly agreed upon and written in the contract of diversion.

Section 74. *Applicability of the Katarungang Pambarangay.*— The *Katarungang Pambarangay Law* shall be applied as part of the diversion process for offenses punishable by imprisonment not exceeding one (1) month or a fine not exceeding One Thousand Pesos (P1,000.00).

Section 75. *Training of the Lupong Tagapamayapa.*— In addition to the requirement provided in Section 399 of the Local Government Code, the members constituting the *Lupon* shall be provided with regular training by the local government unit concerned in cooperation with the Department of Interior and Local Government, the local social welfare and development officer, and NGOs specializing in children, which training shall include, among others, conflict management and mediation skills, paralegal seminars on laws on children, and child psychology.

Section 76. *Assistance of Child by Parents.*— Any agreement resulting in barangay conciliation shall also be signed by the child with the assistance of any of the following in the following order: the parent/s, legal guardian, local social welfare and development officer, a relative, a member of child-focused group, or a members of the Barangay Council for the Protection of Children concerned. Otherwise, such document shall be null and void.

Section 77. *Referral to Diversion Program.*— In the process of conciliation, the *Lupon* or the *Pangkat* as the case may be shall encourage the inclusion of community service program or other forms of diversion to be included in the settlement.

Section 78. *Designation of Officer or Unit to Handle Cases Involving Youth Offenders.*— The Philippine National Police shall designate a Child and Youth Relations Officer or Unit (CYRO or CYRU) to handle cases involving youth offenders. This may be integrated with the present Women and Children's Desk or may be separate unit, depending on the conditions of the area.

Section 79. *Procedure Before the CYRU.*— Cases involving juveniles shall be referred to the CYRO or CYRU, which shall conduct an initial inquiry in accordance with the procedure for judicial proceedings and custody as outlined in Section 25 of RA 7610 or the Anti-Child Abuse Act.

Section 80. *Duty of CYRU.*— After the initial inquiry, if the offense does not fall under the *Katarungang Pambarangay* as provided under Section 55, the CYRO or the CYRU shall conduct further investigation of the child pursuant to Section 25 of RA 7610 or the Anti-Child Abuse Act, otherwise it shall refer the case to the Barangay Council for the Protection of Children.

Section 81. *Manner of Investigation of a Justice.*— A child shall only be investigated or his/her statement secured in the presence of any of the following in the following order: his/her parents/guardian, the nearest relative, member of a child-focused group, religious group, member of the Barangay Council for the Protection of Children concerned, the local social welfare and development officer, and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child, the parents or guardian.

If he cannot be represented by counsel of his/her own choice, the CYRO or the CYRU shall contact a member of the Public Attorney's Office to assist the child. Any confessions and admissions in violation of these rights are inadmissible as evidence against the child. In no case shall deceit, false promises, intimidation, or harassment be employed against the child. Respect for the human rights of the child, as provided by

both international and Philippine laws, shall be of paramount consideration during the custodial investigation.

Section 82. *Diversion, When Proper.*— Where there is no private offended party or where the offended party and the child give consent to a diversion, the CYRU or CYRO in consultation with the child's parents/guardian, the nearest relative, member of the Barangay Council for the Protection of Children concerned, or the local social welfare and development officer shall formulate a diversion program and refer the child to the appropriate agencies for compliance of the provision of the program.

Section 83. *Right of the Juvenile to Counsel.*— From custodial investigation and throughout the proceedings the juvenile shall have the right to be represented by counsel. The arresting officer, prosecutor, or judge shall ensure that the juvenile is represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

Section 84. *Custody and Supervision.*— No child shall be removed from parental supervision, whether partly or entirely, unless the circumstances of her or his case make protective custody necessary. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or the legal guardian who shall be responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Welfare of Children, or the local social welfare and development officer. If necessary, the local social welfare and development officer in coordination with the DSWD may refer the child to the appropriate child-caring institution.

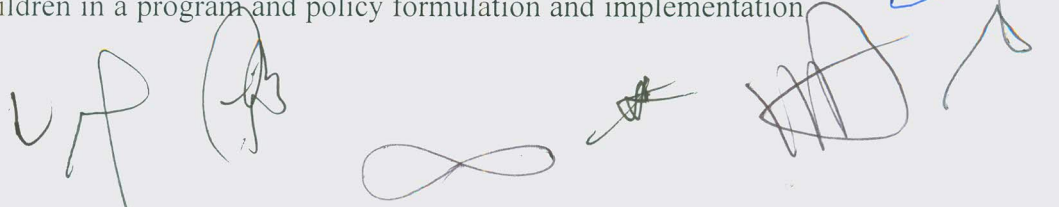
Section 85. *Confidentiality of Proceedings and Records.*— All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings. The competent authorities shall undertake all measures, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children, and adopting a system of coding to conceal material information which will lead to the child's identity. Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offenders.

Section 86. *Care and Maintenance of Juveniles.*— The parents or other person liable to support the child shall pay the expenses for the care and maintenance of said child whose disposition of the case is institutionalization. The disposition shall include the proportion of support if such person is not capable of paying the whole amount and the rest shall be paid by the local government unit maintaining such a facility.

Section 87. *Reintegration Programs.*— The local government units are encouraged to implement reintegration programs for a juvenile who is released by the court. This is for the purpose of preparing the juvenile for reintegration to the community.

Section 88. *All Proceedings to be Conducted in the Best Interest of the Child.*— Proceedings before any authority should be conducted in the best interest of the child. All doubts in the implementation and interpretation of the provisions of this Code shall be resolved taking into consideration the best interest of the child.

Section 89. *Participation of the Child.*— All proceedings before any authority shall be conducted in a manner which allows children to participate and to express themselves freely. Participation of children in a program and policy formulation and implementation



related with children's concerns shall be ensured by the concerned government or local government unit (LGU).

Section 90. Protection for Children.— Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of RA 7610 or the Anti-Child Abuse Act.

Article 6
IMPLEMENTING MECHANISMS

Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act) provides for stronger deterrence and special protection against child abuse, exploitation, and discrimination, and its corresponding penalties shall formulate.

Further, Article 359 and 360 of the Civil Code of the Philippines provides that "the government shall establish Council for the Protection of Children."

Likewise, Article 87 of Presidential Decree (PD) 603 (Children and Youth Welfare Code) states that "every Barangay Council shall encourage the organization of a Local Council for the Protection of Children in drawing and implementing plans for the promotion of child and youth welfare."

Republic Act No. 8980, otherwise known as the Early Childhood Care and Development (ECCD) Act, promulgates a comprehensive policy and national system for children 0-6 years old.

Republic Act No. 9262 provides for the protection of women and their children.

Recently, Republic Act No. 9344, an Act Establishing a Comprehensive Juvenile Justice and Welfare System.

Since the LCPC and ECCDCC have the same objectives, both shall function as one to avoid confusion and duplication of similar councils/committees in the LGU. The LCPC shall be the umbrella organization of all programs on children and the ECCD Coordinating Committee shall be one of the committees under it.

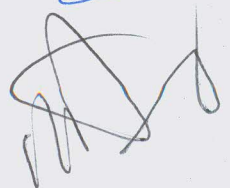
In view thereof, all local chief executives (LCEs) are hereby enjoined to organize/reorganize the Provincial, Municipal, and Barangay Councils for the Protection of Children (CPC) and take the lead in the implementation of all children's programs in their respective localities. The councils shall be fully harnessed for the efficient and effective implementation of all the major areas of concern for children.

A. COMPOSITION AND FUNCTION OF LCPC/ECCD COORDINATING COMMITTEES AT ALL LEVELS:

1. PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN (PCPC)

1.1. Composition

Chairperson	-	Provincial Governor
Co-chair		
Members	-	Sangguniang Panlalawigan Member (Chairperson, Committee on Women and Family)



- DILG Provincial Director
- Provincial Social Welfare and Development Officer
- Provincial Labor and Development Officer (PESO)
- Division Superintendent of DepEd
- Provincial Planning and Development Coordinator
- Provincial Prosecutor
- Provincial Health Officer
- Provincial PNP Director
- President, League of Municipalities
- Provincial SK Federation President
- Provincial Nutrition Officer
- PTCA Federation President
- At least three (3) representatives of non-government organizations (NGO), two (2) of whom are appointed by the committee handling ECCD Programs and one (1) from the trade/labor union sector

The Provincial Governor may designate any of his/her members as co-chair.

1.2. Functions

- a. Formulate plans, programs, and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years old;
- b. Prepare Annual Work and Financial Plan (AWFP) for children and recommend appropriation to the *Sanggunian*;
- c. Provide coordinative linkage with other agencies and institution in the planning, monitoring, and evaluation of plans for children;
- d. Provide technical assistance and recommend financial support to the Municipal and Barangay Council for the Protection of Children;
- e. Establish and maintain database on children in the Province;
- f. Recommend local legislation promoting child survival, protection, participation, and development, especially on the quality of television shows and media prints and coverage, which are detrimental to children, and with appropriate funding support;
- g. Conduct capability building programs to enhance knowledge and skills in handling children's program;
- h. Monitor and evaluate the implementation of the program and submit quarterly status reports to the Regional Committee for the Welfare of Children (RCWC); and
- i. Perform such other functions as provided for in the ECCD and other child related laws.



2. THE MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN (MCPC)

2.1. Composition

- | | | |
|-------------|---|---|
| Chairperson | - | Municipal Mayor |
| Co-chair | | |
| Members | - | <i>Sangguniang Bayan</i> Member
(Chairperson, Committee on Women and Family) |
| | - | DILG Municipal Field Officer |
| | - | District Supervisor of DepEd |
| | - | Local Labor and Employment Officer |
| | - | Municipal Planning and Development Coordinator |
| | - | Municipal Health Officer |
| | - | Municipal Social Welfare and Development Officer |
| | - | Municipal Nutrition Officer |
| | - | Municipal PNP Director |
| | - | Municipal <i>Liga ng mga Barangay</i> President |
| | - | Municipal SK Federation President |
| | - | Parent-Teachers Association (PTA) President |
| | - | Representative from the religious sector |
| | - | At least three (3) representatives of non-government organizations (NGO), two (2) of whom are appointed by the Committee handling ECCD Programs and one (1) from the trade/labor union sector |

The Municipal Mayor may designate any of his/her members as co-chair.

2.2. Functions

- a. Formulate plans, programs, and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
- b. Prepare AWWP for children and recommend appropriation to the *Sanggunian*;
- c. Provide coordinative linkages with other agencies and institutions in the planning, monitoring, and evaluation of plans for children;
- d. Provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children;
- e. Establish and maintain database on children in their municipality;
- f. Foster education of every child;



- g. Advocate for the establishment and maintenance of playgrounds, day care center, and other facilities necessary for child and youth development;
- h. 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;
- i. Assist children in need of special protection and refer cases filed against child abusers to proper agencies/institution;
- j. Conduct capability building program to enhance knowledge and skills in handling children's program;
- k. Document barangay best practices on children;
- l. Monitor and evaluate the implementation of the program and submit quarterly report to PCPC; and
- m. Perform such other functions as provided for in the ECCD and other child related laws.

3. THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)

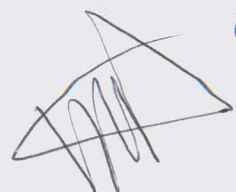
3.1. Composition

- Chairperson - *Punong Barangay*
- Co-chair -
- Members - *Barangay Kagawad*
(Chairperson on Women and Family)
- Barangay Nutrition Scholar
- Barangay Day Care Worker
- Barangay Health Nurse/Midwife
- Barangay Health Worker
- DepEd Principal/Teacher-In-Charge
- Chief Tanod
- SK Chairperson
- Representative from the religious sector
- PTA President or his representative
- NGO/PO Representative
- Others

Members of the BCPC shall elect from among themselves the co-chair.

3.2. Functions

- a. Foster education of every child;
- b. Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advice;
- c. Adopt measures for the health of the children;



- d. Conduct capability building projects to increase knowledge and skills in handling children's program;
- e. Encourage the proper performance of the duties and responsibilities of parents, and provide learning opportunities on the adequate rearing of children and positive parent-child relationship;
- f. Promote wholesome entertainment in the community especially in movie houses;
- g. Prepare AAFP for children and recommend appropriations to the *Sanggunian*;
- h. Provide coordinative linkages with other agencies and institutions in the planning, monitoring, and evaluation of plans for children;
- i. Establish and maintain database on children in the barangay;
- j. Advocate for the establishment and maintenance of playgrounds, day care center, and other facilities necessary for child and youth development;
- k. Advocate for the passage of barangay resolutions/ordinances responsive to child-related issues and concerns and ensure the inclusion of children's program in the executive agenda;
- l. Protect and assist children in need of special protection (e.g. abandoned, maltreated, and dependents) and refer cases filed against child abusers to proper agencies/institutions;
- m. Monitor situational reports on children and prepare quarterly updates including the implementation of children's program and make recommendations to the MCPC for consideration and nationwide application; and
- n. Perform such other functions and other child related laws especially in matters of child and parent education, health, entertainment, etc.

4. SECRETARIAT

The chairman of the Council shall designate the secretariat from any of the LGU operating units, which shall provide administrative and technical support services to their respective LCPC member agencies.

5. MONITORING AND EVALUATION

To determine the functionality of the LCPCs at all levels and find out their accomplishment, including the implementation problems and issues, regular monitoring shall be conducted using the following reporting tools:

- a. Monitoring Form 001 – to be accomplished by the BCPC;
Monitoring Form 002 – by the MCPC/CCPC; and
Monitoring Form 003 – by the PCPC;
- b. Accomplished Forms 001 shall be submitted to MCWC, Form 002 to the PCPC, and Form 003 to the RCWC who shall consolidate the PCPC reports and send to CWC Manila copy furnished the DILG Planning Service through the DILG Regional Officer on a quarterly basis;
- c. Program assessment shall be conducted every end of the semester (June and December) by an Assessment Committee headed by the DILG field officer-member of the LCPC.

In recognition of the barangays that have effectively and efficiently implemented programs, projects, and activities for children, the Provincial Search for Child-Friendly Barangay shall be held every year, following the guidelines and evaluation criteria which will later be formulated by the Provincial Council for the Protection of Children or equivalent body and duly adopted by the *Sangguniang Panlalawigan*.



The award shall be conferred during the National Children's Month in the month of October starting from the first year of implementation of this ordinance and every year thereafter.

6. ROLE OF THE DILG

The DILG shall oversee the organization and functionality of the LCPC and shall cause the wide information disseminations on this circular in their respective areas of jurisdiction.

In order to strengthen the council, LCEs are encouraged to conduct Orientation/Training on LCPC/ECCD Laws and its implementation in coordination with the DILG.

Section 91. Local Councils for the Protection of Children.— All LCEs are hereby enjoined to organize the provincial, municipal, and barangay council for the protection of children.

Section 92. Representation of Non-Governmental Organizations in the Councils for Children.— The local legislative council shall invite NGOs with child-focused program for membership in the children council for the protection of children, provided that these non-governmental organizations are duly accredited by the local *sanggunian* concerned based on its criteria of accreditation.

Section 93. Internal Rules of the Councils for the Protection of Children.— The local councils for the protection of children shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as the organization's structure, parliamentary procedure, order of the meeting and quorums, discipline, and such other rules the Council may adopt.

A. Desk for Children's Concerns

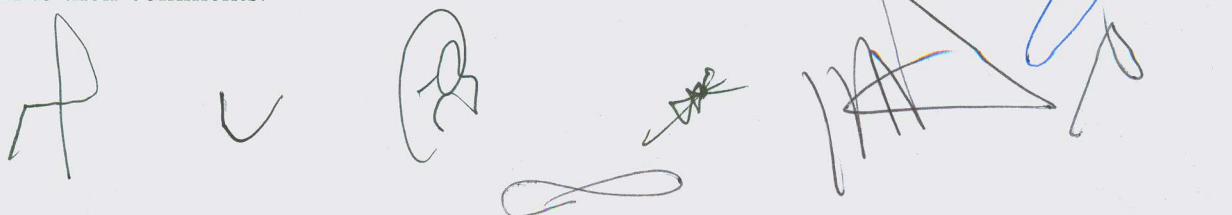
Section 94. Creation of a Desk for Children's Concerns.— There shall be created a Desk for Children's Concerns under the Provincial Social Welfare and Development Office.

Section 95. Functions of the Desk for Children's Concerns.— The Desk for Children's Concerns shall:

1. Act as secretariat for the PCPC;
2. Oversee and coordinate the implementation of this Code; and
3. Be in charge of the day-to-day operations of the PCPC.

Section 96. Consultation with the Desk for Children's Concerns.— The Desk for Children's Concerns shall be consulted by the local government units and other bodies whenever they are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives.

Section 97. Reporting to the United Nations Committee on the Rights of the Child.— The Desk for Children's Concerns shall be consulted over the reporting obligations under the UN Convention on the Rights of the Child. Concerned government agencies in the province are required to coordinate with the Desk for Children's Concerns in the process of drafting their reports to the Committee on the Rights of the Child and to give due consideration to their comments.



Handwritten signatures and initials at the bottom of the page, including a large blue signature on the right and several smaller black and blue signatures and initials at the bottom.

Section 98. Child Impact Statements.— Local government units are required to prepare “child impact statement” indicating the likely repercussions of proposed legislation or policy on children and submit these to the Desk for Children’s Concerns.

Section 99. Mandatory Consultation.— Prior to the implementation of any national project by any and all national government agencies, bureaus, or offices affecting children, the approval by the governor and the *Sangguniang Panlalawigan* shall be obtained after the holding of the hearings on the matter and after consultation with the Desk for Children’s Concerns.

B. Children’s Councils

Section 100. Creation of Children’s Councils.— Local chief executives (LCEs) are hereby enjoined to organize the provincial, municipal, and barangay children’s council.

Section 101. Composition of the Provincial Children’s Council.— Three child representatives from each municipality.

Section 102. Functions of the Provincial Children’s Council (PCC).—

1. To act upon problems of the children;
2. To monitor and evaluate the programs and activities that involve children either by the government or from NGOs;
3. To spearhead and facilitate programs or activities that will help the children through seminars, training, skills development, and community outreach program;
4. To formulate and consolidate plans and projects that are to be implemented;
5. To set forth rules and regulations within the organizations;
6. To initiate allocation of funds for the projects envisioned by the children’s council;
7. To discuss issues and concerns and information from the Barangay Children’s Council (BCC) and PCC.
8. Receive and examine reports written or made by the BCC.

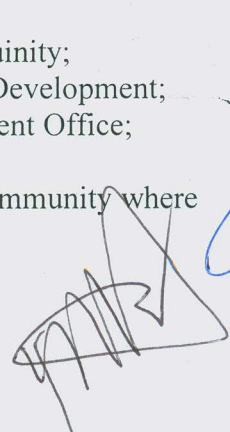
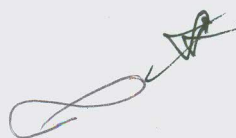
Section 103. Child Representatives.— Aside from the youth representative from the *Sangguniang Kabataan*, a seat shall be provided for a child representative in the provincial, municipal, and barangay councils for the protection of children coming from Children’s Councils as created under Article 6 hereof to represent children below 15 years of age. The local government councils should see to it that the child is able to genuinely participate in decision-making particularly in matters involving children’s concerns.

Article 7

COMPLAINTS, PROCEEDINGS, AND REPORTING

Section 104. Persons Who May File a Complaint.— Complaints on unlawful acts committed against children as enumerated herein may be filed by the following:

- a. Offended party;
- b. Parents or guardians;
- c. Ascendant or collateral relative within the third degree of consanguinity;
- d. Officer or social worker of the Department of Social Welfare and Development;
- e. Officer or social worker of the local Social Welfare and Development Office;
- f. *Punong Barangay*; or
- g. At least three (3) concerned responsible citizens residing in the community where the violation occurred.



Section 105. Protective Custody of the Child.— The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the local social welfare and development officer pursuant to Executive Order 56 series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil, or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

Section 106. Confidentiality.— At the instance of the offended party, his/her name may be withdrawn from the public until the court acquires jurisdiction over the case.

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of violation of this Act which results in the moral degradation and suffering of the offended party.

Section 107. Reporting.— A person who learns for facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development (national office), the Office of the Provincial/Municipal Social Welfare and Development, to the law enforcement agency, or to the BCPC concerned.

Section 108. Mandatory Reporting.— The head of any public or private hospital, medical clinic, and similar institution, as well as the attending physician and nurses, shall report, either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

Section 109. Duty of Government Workers to Report.— It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers, and other government officials and employees whose works involve dealing with children to report of possible child abuse to the authorities mentioned in the preceding section.

Section 110. Failure to Report.— Any individual who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

Section 111. Immunity for Reporting.— Any person who, acting in good faith, reports a case of child abuse shall be free from any civil or administrative liability therefrom. There shall be a presumption that any such person acted in good faith.

Section 112. Penalties.— The penalty for any violation of this Code, which is not penalized elsewhere in other section of this Code or in a national law, shall be imprisonment of six (6) months to one (1) year and/or a fine ranging from P500.00 to P5,000.00.

For first time offenders, in cases where the offender is the parent or teacher of the child or relative within the fourth degree of consanguinity, if the offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child, and the following measures imposed instead:

- a. Attendance in parenting or any appropriate seminar;
- b. Community service of ten to fifteen (10-15) days;
- c. Counseling sessions;



- d. Family therapy;
- e. Participation in appropriate training courses.

For offenses punishable under RA 7610, RA 7658, The Revised Penal Code, or any other law, as well as this Code, the offended party and/or any party so authorized shall file a complaint under the national law and the penalty in such national law shall be imposed. Failure to comply with pertinent provisions of this Code by the concerned local chief executive, members of legislative bodies, and/or head of offices or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local Government Code and other pertinent laws.

Article 8

BUDGETARY APPROPRIATIONS

Section 113. Appropriation for Children's Program.— The local government units at all levels shall appropriate fund as part of their annual budget for the implementation of programs purposely for children. The Provincial Government of Benguet shall allocate funds necessary for the implementation of this Code, training and orientation of stakeholders, and promotion of this Code to the general public.

Article 9

SEPARABILITY/APPLICABILITY/REPEALING/EFFECTIVITY CLAUSES

Section 114. Separability Clause.— If, for any reason or reasons, any part or provisions of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

Section 115. Applicability Clause.— All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the Province of Benguet, municipalities, and barangays, and to all persons who may be subject to the provisions of this Code.

Section 116. Repealing Clause.— All ordinances, resolutions, executive orders, and other issuances which are inconsistent with any of the provisions of this Code are hereby repealed or modified accordingly.

Section 117. Effectivity Clause.— This Code shall take effect thirty (30) days after copies have been posted in three (3) conspicuous places in the 13 municipalities of this province.

CARRIED.


FERNANDO M. ARITAO
Board Member


MARCIANO T. INSO, SR.
Board Member


JUAN M. NAZARRO, JR.
Board Member


JOHN B. KIM
Board Member





APOLINARIO T. CAMSOL
Board Member



LISO L. AGPAS
Board Member


JOHNNY S. UY
Board Member



JOSEPH A. COSENTE
Board Member



WILLIAM H. ESTEBAN
PCL President, Ex-Officio Member



EDDIE P. AMUASEN
Liga ng mga Brgy. President,
Ex-Officio Member



KRISTINE GRACE D. YUBOS
SKF President, Ex-Officio Member

CERTIFIED CORRECT:



NOEL S. SABOG
Sangguniang Panlalawigan Secretary

ATTESTED:



CRESCENCIO C. PACALSO
Provincial Vice Governor and Presiding Officer

APPROVED:



BORROMEOP. MELCHOR
Provincial Governor

Date: JUN 27 2007

