



Republic of the Philippines
PROVINCE OF AKLAN
KALIBO, AKLAN

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPTS FROM THE MINUTES OF THE FORTY-SECOND (42ND) REGULAR SESSION FOR CY 2009 OF THE SANGGUNIANG PANLALAWIGAN OF AKLAN (for the period 2007-2010) HELD ON NOVEMBER 19, 2009 AT THE SANGGUNIANG PANLALAWIGAN SESSION HALL, PROVINCIAL CAPITOL, KALIBO, AKLAN.

PRESENT:

HONORABLE GABRIELLE V. CALIZO-QUIMPO	. . .	Vice Governor, Presiding Officer
HONORABLE NEMESIO P. NERON	. . .	SP Member-Eastern District
HONORABLE DAISY S. BRIONES	. . .	SP Member-Eastern District
HONORABLE PLARIDEL M. MORANIA	. . .	SP Member-Eastern District
HONORABLE RODSON F. MAYOR	. . .	SP Member-Eastern District
HONORABLE JEAN O. RODRIGUEZ	. . .	SP Member-Eastern District
HONORABLE SELWYN C. IBARRETA	. . .	SP Member-Western District
HONORABLE PEDRO M. GARCIA	. . .	SP Member-Western District
HONORABLE JOSE S. YAP	. . .	SP Member-Western District
HONORABLE RAMON S. GELITO	. . .	SP Member-Western District
HONORABLE TEODY M. MASANGYA, SR.	. . .	SP Member, ABC President
HONORABLE JUN REY I. TORDECILLAS	. . .	SP Member, SK President

ABSENT:

HONORABLE WILBERT ARIEL I. IGOY	. . .	SP Member, PCL President
	. . .	(Filial Leave)
HONORABLE GERICK M. TEMPLONUEVO	. . .	SP Member-Western District

GENERAL ORDINANCE NO. 2009-006

“AN ORDINANCE ENACTING THE AKLAN CHILDREN’S CODE”

WHEREAS, the United Nations Convention on the Rights of the Child (UNCRC) recognized children as a basic sector distinct from the youth and students;

WHEREAS, initial initiatives were promulgated by the Philippine Government such as the Philippine Plan of Action for Children for the 1990’s under Proclamation No. 672 and Republic Act 8425 institutionalizing the Philippine Government’s Social Reform Agenda and the Poverty Alleviation Program as a commitment to the ratified Convention on the Rights of the Child (CRC);

WHEREAS, the Province of Aklan is cognizant of the Minimum Basic Needs (MBN) approach where the 33 basic needs of a family particularly that of the children’s needs serves as the reference in formulating the local development plan in keeping with RA 7160 or the Local Government Code of 1991;

WHEREAS, in year 2000 the Province of Aklan has committed to the implementation of the Early Childhood Development (ECD);

WHEREAS, in year 2006, the Province of Aklan renewed its commitment through the formulation of Local Development Plan for Children carrying the Early Childhood Care and Development (ECCD) Investment and Work and Financial Plan;

WHEREAS, the Province of Aklan, in support of the Philippine Government's initiatives, created the Council for the Protection of Children to implement programs and projects intended for children.

WHEREAS, inspite of the various laws already enacted and approved, there are still child abuses occurring in the Province of Aklan.

NOW THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF AKLAN IN SESSION ASSEMBLED TO ADOPT AND PROMULGATE THE AKLAN CHILDREN'S CODE, AS FOLLOWS:

ARTICLE 1

TITLE, POLICIES AND PRINCIPLES, LGU OBLIGATIONS, DEFINITIONS AND ACRONYMS

SECTION 1. Title – This Code shall be known as the “Aklan Children’s Code”

SECTION 2. Declaration of Policies and Principles – The Province of Aklan recognizes the importance of effectively promoting, fully enhancing, and institutionalizing the survival, development, participation and protection rights of children within the framework of advancing general welfare in furtherance of integrated, sustainable and equitable development.

This local government unit believes in a holistic protection and development of all children through a strong partnership between and among government agencies, NGOs, POs 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 Aklanon children enabling them to fully develop their potentials and participate in community life and nation building.

SECTION 4. 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, including its implementing rules and regulations, shall be resolved in favor of the interest of the child.

SECTION 5. 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 program and policy formulation and implementation related with children's concerns shall be ensured by the concerned agency or Local Government Unit (LGU).

SECTION 6. Duties and Responsibilities of the LGU. – In reference to Section 3, Paragraph 2 of Article XV of the 1987 Philippine Constitution, it is also our duty to defend the rights of our children to assistance including proper health care, nutrition and education, as well as 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 signatory, the LGU, at its own level and jurisdiction, shall also:

- (a) Undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights, the LGU shall also undertake such measures to the maximum extent of its available resources and, where needed, within the framework of international cooperation;
- (b) Ensure to the maximum extent possible the survival, development, protection and participation rights of the child;
- (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 a child that he/she is capable of forming his/her own views and that he/she has the right to express it freely in all matters affecting him/her. The views of the child be given due weight in accordance with his/her age and maturity;

- (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 7. Definition of Terms. - - The following terms used in this Ordinance shall be defined as follows:

- (1) **“Abandoned”** – refers to a child who has no proper parental care or guardianship, or whose parents or guardians have deserted him/her for a period of at least six continuous months.
- (2) **“Basic Education”** – refers to pre-school, primary, elementary and secondary education programs administered by the Department of Education and other educational institutions, agencies and organizations.
- (3) **“Best Interest of the Child”** – refers to the totality of the circumstances and conditions most congenial to the survival, protection and feelings of security of the child and most encouraging to the child’s physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child (RA 9344).
- (4) **“Child”** refers to:
- (a) Unborn Child as defined in the Family Code and the New Civil Code;
 - (b) a person under the age of 18 years; or
 - (c) 18 years old and above but is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition, as provided for in Section 3 (a) RA 7610, RA 9262, RA 9208.
- (5) **“Child Abuse”** refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
- (a) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - (b) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - (c) Unreasonable deprivation of his/her basic needs for survival, such as food, clothing and shelter; and
 - (d) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his or her growth and development or his or her permanent incapacity or death.
- (6) **“Children in Conflict with the Law”** refers to children who are alleged as, accused of, or adjudged as, having committed an offense under Philippine laws. (As defined in RA 9344).

- (7) **“Children at Risk”** refers to children who are vulnerable to and the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to the following:
- (a) being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
 - (b) being sexually or economically exploited;
 - (c) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
 - (d) coming from a dysfunctional or broken family or without parent or guardian;
 - (e) being out of school;
 - (f) being a street child;
 - (g) being a member of a gang;
 - (h) living in a community with a high level of criminality or drug abuse;
 - (i) living in situations of armed conflict, (RA 9344);
 - (j) children affected and infected with STD/HIV/AIDS (RA 8504);
 - (k) children in calamity stricken areas or evacuation centers; and
 - (l) children of OFWs
- (8) **“Children in Situation of Armed Conflict”** – children caught in between armed struggle by the government and the extremists.
- (9) **“Child Sex Tourism or CST”** – is the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children;
- (10) **“Community Based Programs”** - refer to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the Children In Conflict With The Law, for reintegration into his/her family and/or community (RA 9344).
- (11) **“Community Reintegration Programs”** - refer to the programs established for the purpose of rehabilitation and preparing the child for reintegration into the community.
- (12) **“Crisis Intervention”** - is the provision of a service that gives the individual comfort and support thus enabling him/her to manage the impact of the severe stress. It is transitional and temporary.

- (13) **“Day Care Service”** is the provision of substitute parental care and stimulating activities for the total development of children, zero to six (0-6) years old, when their parents are unable to take care of them during part of the day because of work and some other situations.
- (14) **“Day Care Center”** is a DSWD accredited 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.
- (15) **“Debt Bondage”** – refers to the pledging by the debtor of his/her child for personal services or labor in payment for a debt
- (16) **“Delinquency”** – a child’s wrongdoing/ misdemeanor.
- (17) **“Diversion”** - refers to an alternative child-appropriate process of determining responsibility for an alleged offense as well as in determining the measures, if any, to be undertaken by the Child In Conflict With The Law and without resorting to formal court adjudication.
- (18) **“Diversion Programs”** - refer to programs that Children In Conflict With The Law are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.
- (19) **“Dysfunctional Child”** - when a child’s pattern of behavior is inappropriate or unacceptable.
- (20) **“Exploitation”** – any hiring, employment, persuasion, inducement or coercion of a child.
- (21) **“FAITH Group”** – religious /spiritual group.
- (22) **“Family”** – refers to the nuclear family of a child or the extended family.
- (23) **“Guardian”** – substitute or surrogate parent or any person who is competent to exercise care and custody of a child.
- (24) **“Indigenous Peoples (IPs)”** – any member of an indigenous cultural community who is bound by a common ethnic origin, language, culture, or religion or beliefs.
- (25) **“Intervention”** – series of activities which are designed to address issues for the child’s individualized treatment program
- (26) **“Immunity From Reporting”** - a person who, acting in good faith, shall report a case of child abuse shall be free from any civil or administrative liability arising therefrom.
- (27) **“Justice”** – refers to the impartial and humane treatment of children in pursuit of a fair trial.

- (28) **“Katarungang Pambarangay”** - refer to Sec. 408-422 of the Local Government Code of 1991 which is commonly known as the Katarungang Pambarangay Law.
- (29) **“Neglect”** – any unreasonable deprivation of child’s basic needs and general care and supervision by parents/guardian.
- (30) **“Neglected”** – a child whose basic needs have been deliberately unattended or inadequately attended. Neglect may occur in two ways.
- (31) **“New Born Screening”** – a medical procedure done within 24 hours after the birth of a child for early detection of illnesses and abnormalities.
- (32) **“Out of School”** – a child who is not attending regular class in school.
- (33) **“Parent”** – refers to the biological and/or adoptive mother and father.
- (34) **“Pornography”** – lurid and sensational sexually explicit pictures, writings or other materials whose primary purpose is to cause sexual arousal.
- (35) **“Protective Custody”** - a child who is at risk is taken by the DSWD or any authorized officer and place him/her in a place or institution that will guarantee his/her safety.
- (36) **“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.
- (37) **“Special Concerns”** are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
- (a) Being in a community where there is armed conflict or being affected by armed-conflict-related activities;
 - (b) Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 - (c) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 - (d) Being children of indigenous peoples and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lack of or has inadequate access to basic services needed for a good quality of life;
 - (e) Being a victim of a human-made or natural disaster or calamity; and
 - (f) Other analogous circumstances which endangered the life, safety or normal development of children.

- (38) **“Street Child”** – a child who has no home and basically lives in the street.
- (39) **“Technology”** - refers primarily to computer technology but can be extended to include related technologies such as telecommunications and multi-media which are becoming integrated with computer technology.
- (40) **“Trafficking in Person”** – refers to the recruitment, transportation, harboring, or receipt of a child for the purpose of exploitation with or without victim’s consent or knowledge.
- (41) **“Video Game”** – an electronic game played by means of images on a video screen and often emphasizing fast action.
- (42) **“Vulnerable individual”** – those by reason of their specific circumstances, may need special assistance or support to realize their full potential for development.
- (43) **“Welfare”** – best interest and well-being of a child.

SECTION 8. Acronyms –

- (1) **AIDS** – Acquired Immune Deficiency Syndrome
(2) **BCPC** – Barangay Council for the Protection of Children
(3) **CCAD** – Center for Culture and Arts Development
(4) **CIU** – Crisis Intervention Unit
(5) **DILG** – Department of the Interior and Local Government
(6) **DSWD** – Department of Social Welfare and Development
(7) **ECCD** – Early Childhood Care and Development
(8) **ECD** – Early Childhood Development
(9) **EO** – Executive Order
(10) **FGJS** – Family Gender and Juvenile Specialist
(11) **HIV** – Human Immunodeficiency Virus
(12) **IRR** – Implementing Rules and Regulations
(13) **LCPC** – Local Council for the Protection of Children
(14) **LGU** – Local Government Units
(15) **LSWDO** – Local Social Welfare and Development Office
(16) **MCPC** – Municipal Council for the Protection of Children
(17) **NGOs** – Non-Government Organizations
(18) **PCPC** – Provincial Council for the Protection of Children
(19) **PES** – Parent Effectiveness Service
(20) **PD** – Presidential Decree
(21) **PSWDO** – Provincial Social Welfare and Development Office
(22) **PTA** – Parent-Teacher Association
(23) **PYAP** – Pag-asa Youth Association of the Philippines, Inc.
(24) **RA** – Republic Act
(25) **RSW** – Registered Social Worker
(26) **SK** – Sangguniang Kabataan
(27) **STD** – Sexually Transmitted Diseases
(28) **UNCRC** – United Nations Convention on the Rights of Children
(29) **WCPD-PNP** – Women and Children Protection Desk- Philippine National Police

ARTICLE 2

GOVERNING LAWS AND NATIONAL PROMULGATIONS

SECTION 9. This Code hereby adopts all relevant and enforceable national laws and promulgations governing the protection and development of children, inclusive of and not limited to the following:

- (1) Republic Act No. 6655 - Free Public Secondary Education Act of 1988
- (2) Republic Act No. 6728 - Government Assistance to Students and Teachers in Private Education Act
- (3) Republic Act No. 6809 - An Act Lowering the Age of Majority from Twenty-One to Eighteen Years Amending for the Purpose Executive Order No. 209, and for Other Purposes
- (4) Republic Act No. 6972 - Barangay Level Total Development and Protection of Children Act
- (5) Republic Act No. 7323 - An Act to Help Poor but Deserving Students Pursue their Education by Encouraging their Employment during Summer and/or Christmas Vacations
- (6) Republic Act No. 7600 - The Rooming-In and Breastfeeding Act of 1992
- (7) Republic Act No. 7610 - Special Protection of Children against Child Abuse, Exploitation and Discrimination
- (8) Republic Act No. 7624 - An Act Integrating Drug Prevention and Control in the Intermediate Secondary Curricula as well as in the Non-formal, Informal and Indigenous Learning Systems and for other Purposes
- (9) Republic Act No. 7658 - An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings
- (10) Republic Act No. 7797 - An Act to Lengthen the School Calendar from Two Hundred (200) Days to Not More Than Two Hundred Twenty Class Days
- (11) Republic Act No. 7798 - An Act Amending Section 25 of Batas Pambansa Blg. 232, otherwise known as "The Education Act of 1982"
- (12) Republic Act No. 7846 - An Act Requiring Compulsory Immunization against Hepatitis-B for Infants and Children Below Eight (8) Years Old
- (13) Republic Act No. 7880 - Fair and Equitable Access to Education Act
- (14) Republic Act No. 8043 – Inter-Country Adoption Act of 1995
- (15) Republic Act No. 8044 - Youth in Nation-Building Act
- (16) Republic Act No. 8172 - An Act for Salt Iodization Nationwide (ASIN)
- (17) Republic Act No. 8296 - An Act Declaring Every Second Sunday of December as the National Children's Broadcasting Day

- (18) Republic Act No. 8353 – Anti-Rape Law of 1997
- (19) Republic Act No. 8369 – Family Courts of 1997
- (20) Republic Act No. 8370 – Children’s Television Act of 1997
- (21) Republic Act No. 8552 – Domestic Adoption Act of 1998
- (22) Republic Act No. 9231 – An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording with Stronger Protection for the Working Child
- (23) Republic Act No. 9255 – An Act Allowing Illegitimate Children to Use the Surname of Their Father
- (24) Republic Act No. 9208 – Anti-Trafficking in Persons Act of 2003
- (25) Republic Act No. 9262 - An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore, And For Other Purposes
- (26) Republic Act No. 9344 – An Act Establishing A Comprehensive Juvenile Justice and Welfare Council Under the Department of Justice, Appropriating Funds Therefore and for Other Purposes;
- (27) Republic Act No. 9710 – An Act Providing for the Magna Carta of Women.
- (28) Proclamation No. 46 - Reaffirming the Commitment to the Universal Child and Mother Immunization Goal by Launching the Polio Eradication Project
- (29) Proclamation No. 74 - Declaring the 17th Day of October of Every Year as National Children's Day
- (30) Proclamation No. 267 - Declaring the Month of October of Every Year as National Children's Month
- (31) Proclamation No. 731 - Declaring the Second Week of February of Every year as "National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation"
- (32) Proclamation No. 759 – Declaring the Fourth Week of March Every Year as “Protection and Gender Fair Treatment of the Girl Child Week”
- (33) Proclamation No. 855 – Proclaiming the Adoption and Implementation of the Philippine Program of Action for Children in the 1990’s
- (34) Executive Order No. 51 - National Code of Marketing of Breastmilk Substitutes, Breastmilk Supplement and other Related Products
- (35) Executive Order No. 56 - Authorizing the Ministry of Social Services and Development to take Protective Custody of Child Prostitutes and Sexually Exploited Children

- (36) Executive Order No. 275 - Creating a Committee for the Special Protection of Children from all Forms of Neglect, Abuse, Cruelty, Exploitation, Discrimination and Other Conditions Prejudicial to their Development
- (37) Executive Order No. 340 - Directing National Government Agencies and Government-Owned and Controlled Corporations to Provide Day-Care Services for their Employees' Children under Five Years of Age
- (38) Executive Order No. 421 - Further Amending Executive Order No. 203 dated 27 September 1994, as Amended by Executive Order No. 356 dated July 1996
- (39) Related Provisions of Executive Order 209 – The Family Code of the Philippines
- (40) Presidential Decree No. 603 – The Child and Youth Welfare Code
- (41) Republic Act No. 8505 – An Act Providing Assistance and Protection for Rape Victims, Establishing for the Purpose, a Rape Crisis Center in Every Province and City, Authorizing the Appropriation of Funds Therefore and For Other Purposes
- (42) Republic Act No. 8980 – The Early Childhood Care and Development Act
- (43) Republic Act No. 8972 – An Act Providing Benefits and Privileges to Solo Parents and Children, Appropriating Funds Therefore and for Other Purposes;
- (44) Republic Act No. 7277 – An Act Providing for Rehab, Self-Development and Self-Reliance of Disabled Persons and Integration Into the Mainstream of Society and for Other Purposes – Magna Carta for Disabled Persons
- (45) Republic Act No. 7875 – National Health Insurance Act of 1995
- (46) Republic Act No. 2714 – An Act to Establish in the Department of Labor a Bureau to be Known As Women and Minors Bureau
- (47) Republic Act No. 679 – An Act to Regulate the Employment of Women and Children and Provide Penalties for Violation Hereof
- (48) Executive Order No. 443 – Providing for the Adoption of the Comprehensive and Integrated Delivery Mechanism for the Minimum Basic Needs
- (49) Republic Act No. 6981 – Witness Protection, Security and Benefit Act
- (50) Republic Act No. 8371 – The Indigenous People's Right Act of 1997
- (51) Presidential Decree 1567 – Barangay Day Care Law
- (52) Republic Act No. 8239 – The Philippine Passport Act of 1996

- (53) Republic Act No. 7192 – Women in Development and Nation Building
- (54) UN Convention on the Rights of the Child
- (55) Republic Act No. 8504 – Philippine AIDS Prevention and Control Act of 1998
- (56) Convention on the Elimination of All Forms of Discrimination Against Women
- (57) Republic Act No. 8976 – Philippine Food Fortification Act of 2000
- (58) Republic Act No. 8049 – An Act Regulating Hazing and Other Forms of Initiation Rites In Fraternities, Sororities, and Other Organizations and Providing Penalties Therefore
- (59) Republic Act No. 7877 – An Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment, and for Other Purposes
- (60) And all other laws that may be enacted by Congress pertinent hereto.

ARTICLE 3

RIGHTS AND RESPONSIBILITIES OF THE CHILD

SECTION 10. Rights of the Child. -

(a) Every child shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors (PD 603).

(b) Every child shall possess the following rights which are classified into survival, development, protection and participation rights:

(1) “Survival Rights” ensure the child’s inherent right to life and to the needs that are most basic to existence, the right to a name and 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 name, nationality and filiation to establish his/her identity with the rest of the world;
- (c) 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;
- (d) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

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

(a) 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 or mentally disabled 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 in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world;

(d) Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child must be directed to:

(1) The development of the child's personality, moral values, 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 to parents, her or his cultural identity, language and values, and the cultural background and values of others;

(4) The development of respect for the natural environment;

(e) 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 protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse and exploitation.
- (4) **“Participation Rights”** refers to the child’s rights to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights:
 - (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 freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kind;
 - (d) Every child has the right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her;
 - (e) Every child has a right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.

SECTION 11. Responsibilities of the Child. -- Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- (a) Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and the bidding of a clean conscience;
- (b) Love, respect and obey his or her parents, and cooperate with them in the strengthening of the family;
- (c) Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness and endeavor with them to keep the family harmonious and united;
- (d) Respect not only his or her elders, guardians and wards but also the customs and traditions, the memory of our heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;

- (e) Exert his or her utmost capacity 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;
- (f) Actively participate in socio-civic affairs, the protection of the environment and to promote 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 4

ROLES AND FUNCTION OF VARIOUS SECTORS

SECTION 12. The Family. -- The family is the central unit responsible for the primary socialization of children which is important to prevent violation of children's rights. Government and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

SECTION 13. Primary Duties and Rights of Parents. -- The parents have the primary duty 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 14. Rights Under the Family Code. -- Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family Code over the person and property of their children.

SECTION 15. Right to Discipline Children. -- Parents shall 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 16. General Duties of Parents. -- Parents shall have the following general duties toward their children:

- (a) To provide a name and nationality by registering their newborn babies with the Office of the Local Civil Registrar where the birth occurred;
- (b) To subject all newborn babies after 24 hours of life to Newborn Screening (RA 9288);

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

SECTION 17. 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, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children's upbringing in their own cultural milieu. Extended families, relatives and community institutions shall be given support to help meet the special needs of orphaned, displaced and abandoned children. Efforts must be made to ensure that no child is treated as an outcast of society.

SECTION 18. Role of Women. – Women in their various roles are crucial in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation's social and economic development.

SECTION 19. Role of Fathers. – Fathers play a vital role in their children's lives. Policies and legislation 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 children for them to benefit from the health, nutrition, education and other basic services for their full growth.

SECTION 20. 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 curricula, concepts on the rights and responsibilities of children and doable integration of these concepts, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED). It shall be the duty of all teachers and administrators in both public and private schools to report all incidents of possible child abuse to the Department of Education, DSWD/LSWDO, BCPC, WCPD-PNP and other concerned agencies.

SECTION 21. – Role of 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 approach and to provide protection to victims from undue publicity in accordance with Section 22, RA 7610.

SECTION 22. Role of Judicial Institutions. – In the administration of justice, courts, prosecutors, Public Attorney’s Office, Integrated Bar of the Philippines and other judicial or legal sectors 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 23. Role of Local Government Units. – The Provincial Government of Aklan shall allocate funds from the Gender Advocacy and Development (GAD) budget for the immediate, effective and sustainable implementation of children-related programs and projects.

SECTION 24. 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 25. Role of Sangguniang Kabataan. The Sangguniang Kabataan (SK) as established under the Local Government Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the Local Councils For The Protection Of Children for this purpose. It is encouraged that the SK shall appropriate funds for its prevention program for the youth.

SECTION 26. Role of NGOs. Non-government Organizations existing and operating in the Province of Aklan are likewise encouraged to re-focus or realign their programs and projects to the protection of children in collaboration with government and child-focused agencies and institutions.

ARTICLE 5

PROGRAMS AND SERVICES FOR CHILDREN

A. Comprehensive Programs for Children

SECTION 27. Comprehensive Program for Children. – The province and municipalities shall, within one (1) year from the effectivity of this Code and every three (3) years thereafter, formulate a comprehensive program for children covering 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, drug addiction, and other children’s problems.

SECTION 28. The Community Approach. – The community approach shall be given special attention in the comprehensive 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 which offer appropriate counseling and guidance to children and their families should be developed, or strengthened where they exist.

SECTION 29. Process in Formulating Comprehensive Children’s Programs. The process in coming up with Comprehensive Children’s 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, Children’s Councils, Educational Institutions and Government Agencies involved with children’s concerns like the Department of Social Welfare and Development (DSWD), Department of Health (DOH), PNP-WCPD and the Department of Education (DepEd) to participate in the planning process.

The LGU should see to it that the children and youth themselves participate in the formulation, development and implementation of these programs, particularly in the identification of needs.

SECTION 30. Periodic Review and Assessment of the Comprehensive Children’s Programs. - The Comprehensive Children’s Programs shall be reviewed and assessed yearly by the Province and the Municipalities in coordination with the Local Councils 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 adjusted if necessary.

B. Programs to Prevent Children’s Rights Violation

SECTION 31. Prevention Programs. – Prevention programs shall be an important component of the Comprehensive Children’s programs to be implemented by the LGUs through the Local Councils for the Protection of Children, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

- (a) Primary Prevention** – general measures to promote social justice and equal opportunity which tackle perceived root cause 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 whose parents 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.

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.

C. Other Proactive Programs

1. Parenting Orientation Courses

SECTION 32. Parenting Orientation Courses. –

- (a) Parenting Orientation Courses may be integrated into the curriculum of all high schools in Aklan subject to DepEd rules and regulations.
- (b) Such course may also be incorporated in Parent-Teacher Association (PTA) Alternative Learning System.
- (c) Marriage license applicants shall be required to participate in a Parenting Orientation Course I with Gender and Child Sensitivity, among other requirements, prior to issuance of 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 and the Office of the Civil Registrar shall update the design of the family planning seminar in consonance with this Ordinance. The mechanics of its implementation shall be specifically formulated in the Implementing Rules and Regulations of this Code.
- (d) As follow-up to Parenting Orientation Course I, parents/guardians shall also be required to participate in a Parenting Orientation Course II during the school year a child is enrolled in either a public or private day care center in Aklan.
- (e) The implementation of the Parent Effectiveness Service in all LGU barangays in helping develop a stronger family ties shall be vigorously pursued.

The Provincial Council for the Protection of Children and the Office of the Provincial Social Welfare and Development shall initiate the designing of modules for the courses provided in sections (d) and (e) above in close coordination with NGOs with child-focused programs.

2. Health Care

SECTION 33. Primary Health Care. – The Provincial Government of Aklan shall implement primary health care and nutrition programs for children in coordination with the Provincial Health Office, the Office of the Provincial Social Welfare and Development and the Department of Health.

SECTION 34. 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.

To further ensure the implementation of this Section, the local government units of Aklan shall take appropriate measures:

- (a) To combat disease and malnutrition within the framework of primary health care through, inter alia, application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution;
- (b) To establish a comprehensive Parents Orientation Development Program which includes gender-responsive courses on reproductive health, child health and child-rearing practices in the context of the Filipino psychology;
- (c) To monitor the full implementation of the Milk Code of the Philippines (RA 7600) and advocate for the prosecution of milk firms which violate such code;
- (d) To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breastfeeding education program. Integrating information on breastfeeding may be made an integral part of all school curricula.

SECTION 35. Child and Gender Sensitivity Training for Health Workers.- All provincial, municipal, and barangay health workers shall be required to attend training courses on child and gender sensitivity to be conducted by the Provincial/Municipal Council for the Protection of Children.

SECTION 36. Child-and Family-Friendly Hospitals in Aklan Province. - All hospitals in the Province of Aklan shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets.

SECTION 37. Program for Children With Disabilities – Every Local Council for the Protection of Children shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in their respective jurisdiction as basis for a more systematic coordination of services (health, nutrition and education) for children with special needs for consolidation at the municipal and provincial level.

SECTION 38. 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 Aklan.

3. Under Six Program and Establishment of Day Care Centers

SECTION 39. Under Six Program Framework.- The Provincial Government of Aklan shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall be in accordance with the provisions of Republic Act No. 6972, Barangay-Level Total Development and Protection of Children Act, specifically Section 3 of the said Act, and which shall also include the following:

- (a) Monitoring of registration of births, newborn screening and the completion of the immunization series for prevention of tuberculosis, 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 and social workers when there is an abused, neglected and exploited child who needs to be rescued from an unbearable home situation;
- (c) A Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will eliminate and minimize risks to mother and child: Provided, that high-risk mothers shall be referred to the proper tertiary and secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care;
- (d) Unstructured combined with structured learning exercises for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child;
- (e) A pool of trained day care or child development workers with an honorarium commensurate to the task assigned to them shall be established.

SECTION 40. Population-Based Day Care Center Setting Up. – Pursuant to Republic Act 6972, the Barangay-Level Total Development and Protection of Children Act, day care centers shall be set up in every barangay in the Province of Aklan. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the respective municipal councils for the protection of children in coordination with their respective Local Social Welfare and Development Offices.

SECTION 41. 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 interact with the world as to how it has been shaped, thus, the child's formative years and learning capacity, personal and social interaction will lead 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 the proper care and home environment.

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

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

SECTION 42. 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. In this way, more children needing attention can be reached.

SECTION 43. Day Care Worker and Support Group –

- (a) The municipal and barangay government shall pay for the day care worker's (DCW) allowance and salary. The DSWD shall provide continuing technical assistance to the center.
- (b) A community Volunteer Parents Group shall be organized to be an effective support group to the center. The volunteer group shall 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

SECTION 44. Barangay-Level Recreational and Cultural Facilities and Program. – A barangay-level program for the revival of indigenous games and recreation 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 Aklan. The Province of Aklan shall establish the CCAD specifically for that purpose. Every barangay in the province shall allocate space for recreational facilities appropriate for different age groups. A year-round cultural program appropriate for different age groups shall be designed with due respect to cultural diversity. Indigenous games shall be encouraged in various athletics and sports programs of the local government units.

SECTION 45. Local Children's Literature. In support of the thrust for the socio-cultural development of children in the Province of Aklan, LGU shall invest in the promotion and production of local literature for children and other relevant educational materials.

SECTION 46. Other Child-Friendly Facilities. - Local Government Units in partnership with NGOs and civic organizations are also encouraged to put up and maintain other child-friendly facilities such as but not limited to libraries, museums, parks and playgrounds.

5. Children's Month and Children's Day Celebration

SECTION 47. October as Children's Month – In keeping with the mandate of Presidential Proclamation No. 267 signed on Sept. 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 institutions responsible in ensuring the well-being of Filipino children.

SECTION 48. 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 as National Children's Day, 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 institutions responsible in ensuring the well-being of Filipino children.

D. Crisis Intervention Program

SECTION 49. Establishment and Rationale of the Crisis Intervention Center.- In recognition of the special needs of 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 8505 mandating the establishment of a crisis center in every province authorizing the appropriation of funds therefore, a crisis intervention center shall be established in the Province of Aklan. Services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sectors of society particularly women.

A separate and distinct Crisis Intervention Center shall be established for abused boy children, preferably distant from that of the girl children.

SECTION 50. 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 client;
- (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 life 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;
- (g) To link 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 51. Organizational Structure, Management and Operations of the Center.-

- (a) The Provincial Council for the Protection of Children will formulate the organizational structure of the center depending on the need for 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 will 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 will be under the management of the Office of the Provincial Social Welfare and Development;
- (d) The Office of the Provincial Social Welfare and Development and the Provincial Council for 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 52. Establishment of Center for Children in Conflict with the Law – The Provincial Government of Aklan shall endeavor to establish a Center for Children in Conflict with the Law pursuant to Republic Act No. 9344. The center will provide 24-hour residential and training care for Children in Conflict with the Law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

SECTION 53. Budget Allocation for the Crisis Intervention Center and the Center for Children in Conflict with the Law, Operations and Maintenance.- The Provincial Government of Aklan shall provide support for the maintenance and continued operations of the Crisis Intervention Center and Center for Children in Conflict with the Law by appropriating specific funds which shall form part of the Office of the Provincial Social Welfare and Development's annual operation.

ARTICLE 6

SPECIAL CONCERNS

A. Prohibited Acts

SECTION 54. Prohibited Acts.- In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor, Republic Act 9208 on Anti-Trafficking in Persons Act, Republic Act 9262 on Anti-Violence Against Women and their Children Act and other pertinent laws the following acts shall likewise be punishable:

- (a) Acts of trafficking in persons as defined in Section 4 of RA 9208.
- (b) Peonage of Children – Offering services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
 - (1) Working in agricultural industries like rice and corn plantations or farms;
 - (2) Working as househelpers;
- (c) 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;
- (d) Using Girls as Commodities in Benefit Dances – Organizers of benefit dances, persons facilitating or anchoring such benefit dances shall be penalized under this section if they shall use children as dancing partners for payment or fee to the organizers;
- (e) Discrimination of Girl Children – Discrimination of girl children by prohibiting and depriving them of formal education;
- (f) Discrimination of Illegitimate Children – For schools to discriminate illegitimate children as follows but not limited to the following:
 - (1) Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy;
 - (2) Requiring the marriage contract of parents as a requirement for enrollment of the child;
- (g) Expulsion by Reason of Pregnancy - For schools to impose a penalty of expulsion against a child by reason of pregnancy, but who has complied with all academic requirements.
- (h) Refusal of Graduation by Reason of Pregnancy – For schools to refuse graduation to a child by reason of pregnancy but who has complied with or is willing to comply with all academic requirements;
- (i) Refusal to Issue Clearances by Reason of Pregnancy – For schools to refuse to issue clearances to a child by reason of pregnancy;
- (j) Physical and Degrading Form of Punishment – Subjecting the child to physical and degrading forms of punishment such as, but not limited to the following:
 - (1) Ordering or directing a child to kneel on salt and the like;
 - (2) Placing a child inside a sack and/or hanging him/her;
 - (3) Shaving the head of a child;
 - (4) Whipping of the child with the tail of a stingray (pagi), stick, belt and other similar objects;
 - (5) Stripping the child of his/her clothes;
 - (6) Locking up the child in a cabinet or aparador or any enclosed structure;

- (7) Tying up the child or otherwise detaining him/her;
 - (8) Throwing objects such as but not limited to erasers, chalk, and notebooks at the child;
 - (9) Pulling the hair of the child;
 - (10) Making the child stand under the heat of the sun;
 - (11) Exposing the child to be bitten by ants;
 - (12) Labeling shameful words;
 - (13) Pinching the ears or any body parts of a child;
- (k) Forcing/Enticing Minors to Live-In Arrangements – It shall be unlawful for parents to entice, encourage and/or force their children to live together with any person as husband and wife in exchange for money or any other consideration;
- (l) 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.
- (m) Production, Transport, Selling, and Distribution of Pornographic Materials – The Local Councils for the Protection of Children/law enforcers shall monitor and prevent the entry of pornographic materials into the province. It shall be unlawful for any person to produce, transport, sell and distribute such materials.
- (n) Indecent Shows Using Children – No child shall be used/utilized in indecent shows in private and public places.
- (o) Selling and Buying Liquor, Cigarettes, Rugby and Other Addicting Substances to a Child – It shall be unlawful for any person to sell liquor, cigarette, rugby or any addicting substance to a child, or for any person to direct a child to buy the same.
- (p) Smoking in Enclosed Places and Public Conveyances – Smoking in any enclosed place or public conveyance shall be prohibited.
- (q) Above prohibited acts shall be penalized in accordance with the provisions of applicable national laws and existing local ordinances.

B. Control on Exposure to New Technology

SECTION 55. Control on Children's Exposure to Commercial Video Games.- Commercial establishments renting out electronic video games to children during school days from 7:00 o'clock to 11:00 o'clock in the morning and from 1:00 o'clock to 4:00 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, one (1) month suspension of the same for the second offense and cancellation of the business permit for the third offense.

SECTION 56. Control on Children's Exposure to Internet Cafes.- Internet cafes catering to children during school days from 7:00 o'clock to 11:00 o'clock in the morning and from 1:00 o'clock to 4:00 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. Cancellation of the business permit of said establishments shall constitute the penalty for the third offense, except, if the presence of the child in the internet café is for school-related research purposes which must be clearly established or the child is accompanied by/or has written permission from his/her parents/guardians.

Security restrictions such as parental control systems must be activated in each computer unit in commercial establishments referred to in the preceding section to protect the best interest of children. Failure to comply shall be penalized in accordance with the provisions of existing national laws or as provided under this Code.

SECTION 57. Regulate Children's Exposure on Amusement Centers. - Amusement Center/Place of Recreation is any place or establishment that offers entertainment facilities such as billiards, pools, karaoke, dance machines, computer games, games of chances. Children should be accompanied by their parents or guardians when entering such amusement centers.

Commercial establishments referred to in the two preceding sections and this section shall be required to undergo orientations specifically on the safe and responsible use of new technologies before the issuance/renewal of business permits.

C. Children in Situations of Armed Conflict, Trafficking and Domestic Violence

SECTION 58. 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 Article X of R.A. 7610 or the Special Protection Against Child Abuse, Exploitation and Discrimination.

Children who are victims of trafficking shall be afforded full protection in accordance with Section 16 of RA 9208 or the Anti-Trafficking in Persons Act and the adoption of the Philippine Guidelines for the Protection of Children (PGPC) in dealing with children-victims of trafficking.

Children who are victims of domestic violence shall be afforded full protection in accordance with the provisions of RA 9262 or Violence Against Women and their Children Act.

D. Children of Indigenous Peoples

SECTION 59. 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, development and participation 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 provisions of health and nutrition services to children of indigenous peoples, indigenous health practices shall be respected and recognized.
- (d) Children of indigenous peoples shall not be subjected to any form of discrimination.

E. Child in Conflict with the Law

SECTION 60. Rights of a Child in Conflict with the Law.- Pursuant to the UN CRC and Section 5 of RA 9344, the Juvenile Justice and Welfare Act, 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 defenses;
- (c) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to 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;
- (g) To have his or her privacy fully respected in all stages of the proceedings.

SECTION 61. System of Diversion.- A system of diversion is hereby established wherein Children in Conflict with the Law shall as much as possible be referred to alternative measures without undergoing court proceedings pursuant to Section 23 on diversion under Republic Act 9344 on Juvenile Justice and Welfare Act of 2006. Diversion shall apply to a child or youth as defined in Section 7 of this Code and subject to the conditions hereinafter provided.

SECTION 62. Stages Where Diversion May Be Conducted. – Diversion may be conducted at the Katarungang Pambarangay, the police investigation or the inquest or preliminary investigation stage and at all levels and phases of the proceedings including judicial level (Sec. 24, RA 9344).

SECTION 63. Duty to Inform Child of His/Her Offense.- The competent authorities are duty-bound to explain to the minor in a language known and understood by her/him, the consequences of her/his acts or omission. The minor's responsibility for the commission of any felony on the other hand shall be explained to her/him with a view towards counseling and rehabilitating her/him, and shall not be used for or against her/him before any court of justice.

SECTION 64. 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 minor's and her/his family's active participation in efforts towards conflict resolution shall be optimized. The family shall exercise parental care and supervision over the person of the minor and shall be held responsible for any negligence arising therefrom.

SECTION 65. Admission of Offense not to be taken against the child. - Any admission of the child shall not be used against the child in any subsequent judicial, quasi-judicial or administrative proceedings. Neither shall the admission be used against the child through denial of privileges and opportunities, discrimination in treatment, or imposition of any form of liability or punishment by reason of such admission.

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: local social welfare and development officer, the nearest relative, member of the child-focused group, religious group, or a member of the Barangay Council for the Protection of 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 offense 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 proceedings fail. Neither shall the same be held to be admissible in evidence against the child before any proceedings

SECTION 66. Termination of Case.- If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explained to both parties.

SECTION 67. Prohibition Against Labeling and Shaming.- In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must 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 administratively liable.

SECTION 68. Prohibited Acts Against Children in Conflict with the Law- Any and all acts and 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.

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 cursing, beating, stripping, and detaining minors in cells - - - shall be dealt with administratively and criminally;

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;

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 custodians. Designating and or compelling minors to act and serve as errand boys/girls, cleaners, or helpers is also prohibited.

SECTION 69. Diversion Programs, When Proper. --- Where the parties and or the competent authorities decided that the child must undergo a diversion program, it shall be based on the provision on diversion under RA 9344, known as the Juvenile Justice Welfare Act of 2006.

SECTION 70. Factors in Determining Diversion Program.--- In determining whether diversion is appropriate and desirable it shall be based on the provision on diversion under Section 29, RA 9344.

SECTION 71. Criteria Formulating Diversion Programs. --- In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate and individualize treatment. The following factors shall be considered in formulating a diversion program for the child. (Section 30, RA 9344):

- (a) The child's feelings or 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 view about the propriety of the measures to be imposed;
- (d) The availability of community-based programs for rehabilitation and re-integration of the child;

SECTION 72. Diversion Programs.--- The program shall include adequate socio-cultural and psychological responses and services for the child diversion program can include Section 31, RA 9344, 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) Written or oral apology;
- (h) Guidance and supervision orders;
- (i) Counseling for the child and the family;
- (j) Training, seminars, lectures on: (a.) anger management skills; (b.) problem solving and/or conflict resolution skills; (c.) values formation; and (d.) other skills which will aid the child to deal with situations which can lead to re-offending;
- (k) Community-based programs available in the community;
- (l) Institutional care and custody

SECTION 73. Criteria of Community-Based Programs.--- Every municipality shall establish programs 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 organization will be allowed;
- (d) Involvement of the child in an organization for the youth such as the Sangguniang Kabataan (SK), the Pag-asa Youth Association of the Philippines, Inc. (PYAP) and other youth groups that will aid the child/youth in his/her total development.

SECTION 74. Community Reintegration Programs.--- Community reintegration programs shall consist of, but shall not be limited to the following:

- (a) community-service;
- (b) membership in civic, religious and youth organizations

SECTION 75. Condition 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 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 for 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 Local Social Welfare and Development Officer to visit the child's room;
- (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 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 (LSWDO), a relative, a member of a child-focused FAITH group or a member of the Barangay Council for the Protection of Children (BCPC) concerned. Otherwise, such document shall be null and void.

SECTION 77. Referral to Diversion Programs.--- 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 to Handle Cases Involving Child in Conflict with the Law. – The Philippine National Police shall designate a Women and Children Protection Desk (WCPD) and Family Juvenile and Gender Specialist (FJGS) to handle cases involving the Child in Conflict with the Law. The FJGS may be integrated with the present Women and Children's Protection Desk or may be a separate unit depending on the conditions of the area.

SECTION 79. Procedure Before the WCPD. - Cases involving child in Conflict With the Law shall be referred to the WCPD which shall conduct an initial inquiry in accordance with the procedure for judicial proceedings and custody.

SECTION 80. Duty of the WCPD. – After the initial inquiry if the offense does not fall under the Katarungang Pambarangay, the WCPD shall conduct further investigation of the child, otherwise it shall refer the case to the barangay.

SECTION 81. Manner of Investigation of a Child in Conflict with the Law. – 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, or the Local Social Welfare and Development Officer, and his/her counsel. In their presence, the child shall be informed of his/her constitutional rights to remain silent in a language that is clearly understood by the child, the parents or guardians, and shall be entitled to a competent and independent counsel of his/her own choice.

If the child cannot be represented by counsel of his/her own choice, the WCPD shall contact a member of the Public Attorney's Office to assist the child. Any confession or admission in violation of this right shall be 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 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 WCPD in consultation with the child's parents/guardian, the nearest relative, member of a Child-focused group, member of a religious group, 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 program.

SECTION 83. Right of the Child in Conflict with the Law to Counsel. – From custodial investigation and throughout the proceedings, the child in conflict with the law shall have the right to be represented by counsel. The arresting officer, prosecutor or judge shall ensure that the Child in Conflict with the Law 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 his/her case warrants protective custody. The competent authorities conducting diversion proceedings shall immediately commit the child to the custody of the parents or legal guardian who shall be responsible for the presence of the child during the diversion proceedings. In the absence of the parents or legal guardian, the child shall be committed to the care of the nearest relative, a member of the Barangay Council for the Protection of Children, or the Local Social Welfare and Development Officer. If necessary, the Local Social Welfare and Development Officer, in coordination with DSWD, may refer the child to the appropriate child caring institution.

SECTION 85. Confidentiality of Records and Proceedings. – 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 Children in Conflict with the Law shall not be used in adult proceedings in subsequent cases involving the same offenders.

SECTION 86. Care and Maintenance of Child in Conflict with the Law. – The expenses for the care and maintenance of the Child In Conflict with the Law whose sentence has been suspended shall be borne by his parents or those persons liable to support him: Provided, That in case his parents or those persons liable to support him cannot pay all or part of said expenses, the municipality in which the offense was committed shall pay one-third of said expenses or part thereof; the province to which the municipality belongs shall pay one-third and the remaining one-third shall be borne by the National Government.

SECTION 87. Reintegration Programs. – The Local Government Units are encouraged to implement reintegration programs for Children In Conflict with the Law (CICL) who are released by the court. This is for the purpose of preparing CICL for reintegration to the community.

ARTICLE 7

IMPLEMENTING MECHANISMS

A. Local Councils for the Protection of Children

SECTION 88. Establishment. – All levels of Local Government Units shall have Local Councils for the Protection of Children (LCPCs) as provided in Section 15 of RA 9344, the Juvenile Justice and Welfare Act of 2006. The LCPC in each level of Local Government Unit (LGU) is:

- (1) Province** – Provincial Council for the Protection of Children (PCPC)
- (2) Municipality** – Municipal Council for the Protection of Children (MCPC)
- (3) Barangay** – Barangay Council for the Protection of Children (BCPC)

Membership in the LCPC shall be chosen from among the responsible members of the community, including a representative from the youth sector, as well as representatives from government and private agencies concerned with the welfare of children. The LCPC in each level shall be composed of:

(1) PCPC

Chairperson - Provincial Governor
Members - Sangguniang Panlalawigan Member
(Chairperson, Committee on Women and Family)
DILG Provincial Director
Provincial Social Welfare and Development Officer
Provincial Labor and Employment Officer
Division Superintendent of DepEd
Provincial Planning and Development Officer
Provincial Budget Officer
Provincial Health Officer
Provincial Nutrition Officer
Provincial Director, PNP
Battalion Commander, PA
Provincial Treasurer
Provincial Population Officer
Provincial GAD Focal Pointperson
President, League of Municipalities
Provincial SK Federation President
Child Representative
At least three (3) Representatives of NGOs

(2) MCPC

Chairperson - Municipal Mayor
Members - Sangguniang Bayan Member
(Chairperson, Committee on Women and Family)
DILG Municipal Field Officer
Municipal Social Welfare and Development Officer
District Supervisor of DepEd
Local Labor and Employment Officer
Municipal Planning and Development Officer
Municipal Budget Officer
Municipal Health Officer
Municipal Nutrition Action Officer
PNP Chief of Police
Municipal Treasurer
Municipal Liga ng mga Barangay President
Municipal SK Federation President
Municipal GAD Focal Pointperson
Parent – Teachers Association (PTA) President
Child Representative
At least three (3) Representatives of NGOs

(3) BCPC

Chairperson - Punong Barangay
Members - Barangay Kagawad
(Chairperson on Women and Family)
Barangay Nutrition Scholar
Barangay Day Care Worker

Barangay Health Worker
DepEd Principal/Teacher-in-Charge
Chief Tanod
SK Chairperson
Child Representative
PTA President or his/her representative
NGO Representative

B. Duties and Responsibilities of the LCPC

All LCPCs shall:

- (1) Serve as the primary agency to coordinate with and assist the LGU concerned for the adoption of the Comprehensive Juvenile Intervention Program as provided in Rule 18 of the IRR of RA 9344, the Juvenile Justice and Welfare Act of 2006;
- (2) Coordinate with and assist the LGUs in calling on all sectors concerned, particularly the child-focused institutions, NGOs, People's Organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs;
- (3) Coordinate with LGUs in the annual review and assessment of the comprehensive juvenile intervention programs;
- (4) Coordinate with and assist the SK in the formulation and implementation of juvenile intervention and diversion programs in the community;
- (5) Provide coordinative linkages with other agencies and institutions in the planning and monitoring and evaluation of juvenile intervention and diversion programs in the community;
- (6) Assist the Punong Barangay in conducting diversion proceedings in cases provided under Section 23 (a) of RA 9344 and Rule 43 of the IRR;
- (7) Assist the Local Social Welfare and Development Officer (LSWDO) in the development of the appropriate diversion programs as provided under Section 23 (b) of RA 9344;
- (8) Institute together with schools, youth organizations and other concerned agencies the community based-programs on juvenile justice and welfare initiated by LGUs;
- (9) Conduct capability building programs to enhance knowledge and skills in handling children's programs;
- (10) Establish and maintain a database on children in the local government. Specifically, for the purpose of RA 9344, the LCPCs shall maintain a database of Children In Conflict with the Law, which shall include the children who undergo intervention, diversion and rehabilitation programs and after-care support services;

- (11) Document best practices on juvenile intervention and prevention;
- (12) Advocate and recommend local legislations 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;
- (13) Conduct an inventory of all NGOs serving Children In Conflict with the Law and mobilize them as resources for the effective implementation of RA 9344;
- (14) Review existing policies of units providing services to Children In Conflict with the Law, determine the barriers to access to these services, and take the necessary action to improve access to these services.
- (15) Implement the AKLAN CHILDREN'S CODE.

In addition to its functions under PD 603, the Child and Youth Welfare Code, and RA 8980, the ECCD Act, each BCPC shall perform the following functions consistent with the objectives of the Act on juvenile intervention and delinquency prevention:

- (1) Encourage the proper performance of the duties of parents, and provide learning opportunities on the adequate rearing of children and on positive parent-child relationship;
- (2) Assist parents, whenever necessary, in securing expert guidance counseling from the proper governmental or private welfare agency;
- (3) In addition, it shall hold classes and seminars on the proper rearing of children. It shall distribute to parents available literature and other information on child guidance. The Council shall assist parents, with behavioral problems whenever necessary, in securing expert guidance counseling from the proper governmental or private welfare agency;
- (4) Coordinate the activities of organizations devoted to the welfare of children in coordination with the Sangguniang Kabataan and secure their cooperation;
- (5) Protect and assist children at risk; and
- (6) Take steps to prevent juvenile delinquency and assist parents of children with behavioral problems so that they can get expert advise.

C. Responsibility of BCPC Members

Members of the BCPC shall have the following additional responsibilities:

- (1) Take custody of the child in conflict with the law who is found to be fifteen (15) years of age or below if the parents, guardians or nearest relatives of the child cannot be located, or if they refuse to take custody as provided in Section 20 of RA 9344 and Rule 31.b of the IRR.

- (2) To be present in the initial investigation of the child in conflict with the law in the absence of the child's parents, guardian, or nearest relative, and the LSWDO as provided in Section 22 of RA 9344 and Rule 23.b of the IRR. The presence of the member of the BCPC, or in the alternative, the representative of an NGO or a faith-based group, may be required in the initial investigation to ensure that the rights of the child are protected during that stage.

SECTION 89. Representation of Non-governmental Organizations in the Councils for Children. The local legislative councils shall invite NGOs with child-focused programs for membership in the council for the protection of children, provided that these non-government organizations are duly accredited by the local sanggunian concerned based on its criteria of accreditation.

SECTION 90. Internal Rules of 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 meeting and quorums, discipline, and such other rules the council may adopt.

SECTION 91. Registered Social Worker to handle CICL cases at the Municipal Level. All municipal governments are encouraged to hire registered Social Worker to handle cases of Children In Conflict with the Law in their respective jurisdiction.

DESK FOR CHILDREN'S CONCERNS

SECTION 92. Creation of a Desk for Children – There shall be a Desk for Children's Concerns under the Office of the Provincial Social Welfare and Development.

SECTION 93. Functions of the Desk for Children's Concerns – The Desk for Children's Concerns shall:

- (a) Act as secretariat for the PCPC;
- (b) Oversee and coordinate the implementation of this Code; and
- (c) Be in charge of the day-to-day operations of the PCPC.

SECTION 94. Consultations with the Desk for Children's Concerns. – The Desk for Children's Concerns shall be consulted by 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 95. 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 consult 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.

SECTION 96. Child Impact Statement. – Local Government Units are required to prepare “child impact statements” indicating the likely repercussions of proposed legislation or policy on children and submit these to the Desk for Children’s Concerns.

SECTION 97. Child Representatives – Aside from the youth representative from the Sangguniang Kabataan or the Pag-asa Youth Association of the Philippines (PYAP), Inc., a seat shall be provided for a child representative in the Provincial and Municipal Councils for the Protection of Children. 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.

IMPLEMENTING RULES AND REGULATIONS

SECTION 98. Implementing Rules and Regulations – The Implementing Rules and Regulations (IRR) of this Code shall be drafted by the PCPC within one (1) year from the effectivity of this Code.

SECTION 99. Pursuant to DILG Memorandum Circular No. 2002-121, all Local Chief Executives are primarily tasked in the enforcement and implementation of the AKLAN CHILDREN’S CODE including the organization/reorganization of their respective Local Councils for the Protection of Children and the implementation of all children’s programs in their area of jurisdiction.

ARTICLE 8

REMEDIAL MEASURES AND PENAL PROVISIONS

SECTION 100. 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) Social Welfare Officer of the Department of Social Welfare and Development/LGU Social Worker;
- (e) Punong Barangay; or
- (f) At least three concerned responsible citizens residing in the community where the violation occurred.

SECTION 101. 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 No. 56, series of 1986. In the regular performance of this function, the Social Welfare Officer of the Department of Social Welfare and Development and the Local Social Welfare and Development Officer (LSWDO) 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 102. Confidentiality – At the instance of the offended party, his/her name shall be withheld 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 the movie industry, to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

SECTION 103. Reporting – A person who learns of facts or circumstances that give rise to belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development or to the LSWDO, to the law enforcement agency or to the BCPC concerned.

SECTION 104. Mandatory Reporting – The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians 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 105. 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 work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

SECTION 106. Failure to Report – Any individual mentioned in Section 104 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

SECTION 107. 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 arising therefrom. There shall be a presumption that any such person acted in good faith. (RA 6981, Witness Protection, Security and Benefit Act)

SECTION 108. Penalties – The penalty for any violation of this Code, which is not penalized elsewhere in other sections of this Code or in a national law, shall be an imprisonment of six months to one year and/or a fine ranging from P500.00 to P1,000.00, or both, upon discretion of the court.

For the first time offenders, in cases where the offenders is the parent or teacher of the child or relatives within the fourth degree of consanguinity or affinity, 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 a parenting or any appropriate seminar;
- (b) Community service of 10 to 15 days;
- (c) Counseling sessions;
- (d) Family therapy;
- (e) Participation in appropriate training courses.

For offenses punishable under R.A. 7610, R.A. 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 office or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local Government Code and other pertinent laws.

ARTICLE 9

BUDGETARY APPROPRIATIONS

SECTION 109. Appropriation for Children's Programs - the Local Government Units shall appropriate funds as part of their annual budget per RA 9344 and PD 603 for the implementation of children's programs to include the rationalization of Day Care Workers' allowances or honorarium.

The Sanggunian Kabataan at the barangay level are encouraged to share part of their budget allowed under existing laws to children's programs and projects.

The province shall allocate an initial amount of ONE MILLION PESOS (P1,000,000.00) to be taken from the 20% IRA Development Fund necessary for the implementation of this Code, drafting and publication of the IRR, training and orientation of stakeholders and promotion of this Code to the general public.

ARTICLE 10

SEPARABILITY/APPLICABILITY/REPEALING EFFECTIVITY CLAUSES

SECTION 110. Separability Clauses – If for any reason or reasons, any part or provision of this Code shall be declared/deemed to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 111. 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 Aklan, and all persons, who may be subject to the provision of this Code.

SECTION 112. 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 113. Effectivity Clauses. --- This Code shall take effect 30 days after completion of its publication in a newspaper of general circulation within its jurisdiction and posting in at least three conspicuous places in the Province of Aklan.

ENACTED, NOVEMBER 19, 2009.

I HEREBY CERTIFY to the correctness of the foregoing ordinance.

SGD. ODON S. BANDIOLA
Secretary to the Sanggunian

ATTESTED:

SGD. GABRIELLE V. CALIZO
Vice Governor/Presiding Officer

APPROVED:

SGD. CARLITO S. MARQUEZ
Provincial Governor