

ORDINANCE NO. 8182

AN ORDINANCE PROVIDING FOR COMPREHENSIVE WELFARE FOR THE CHILDREN OF THE CITY OF MANILA, AND FOR OTHER PURPOSES.

Be it ordained by the City Council of Manila, in session, assembled, THAT:

**Article I**  
**BASIC PRINCIPLES**

**SECTION 1. Title.** – This Ordinance shall be known as the “Manila City Children’s Welfare Code of 2008”.

**SEC. 2. Declaration of Policy.** – It shall hereby be declared the policy of the City of Manila:

- (a) To put children’s interest on top of its agenda. As such, the City Government shall effectively promote, fully enhance and institutionalize the survival, protection, development and participation of children’s rights within the framework of advancing general welfare in furtherance of an integrated, sustainable and equitable development.
- (b) To promote the welfare of children, which shall be the paramount consideration in all actions concerning them, consistent with local autonomy and the principle of the “Best Interest of the Child” as enunciated in the United Nations Convention on the Rights of the Child (CRC); and,
- (c) To undertake the holistic protection and development of all children together with national government agencies and non-governmental organizations concerned.

**SEC. 3. Purpose.** – This Code is enacted as a response to the felt problems and threats confronting the children of Manila. The Code shall ensure that all the children of Manila are able to enjoy their survival, development, protection and participation rights. Specifically the Code aims to:

- (a) Ensure the protection of children against all forms of abuse and exploitation;
- (b) Ensure that children of Manila are able to grow and develop their full potentials and participate in community and nation building;
- (c) Facilitate the implementation of national and local laws on children; and
- (d) Ensure the full participation of civil society organizations in the promotion of children’s rights and implementation of programs and projects for children.

**SEC. 4. Definition of Terms.** – The following terms as used in this Code shall be defined as:



(a) "CHILD" refers to a person below eighteen (18) years of age or one over said age and who, upon evaluation of a qualified physician, psychologist or psychiatrist, is found to be incapable of taking care of himself/herself fully or of protecting himself/herself from abuse because of a physical or mental disability or condition;

(b) "CHILD ABUSE" covers the maltreatment, whether habitual or not, of the child which includes any of the following:

- i) Psychological and physical abuse, neglect, cruelty, sexual abuse or emotional maltreatment;
- ii) Any act by deeds or words which debases, degrades or demeans the inherent worth and dignity of a child as a human being;
- iii) Failure to provide, for reasons other than poverty, adequate food, clothing, shelter, basic education or medical care so as to seriously endanger the physical, mental, social and emotional growth and development of the child;
- iv) Employment of children below 15 years of age in public or private undertakings, except:

iv.1 When the child works directly under the sole responsibility of his/her parents or legal guardian and where only members of the employer's family are employed: *PROVIDED, HOWEVER, That his/her employment neither endangers his or her life, safety, health and morals nor impairs his or her normal development: PROVIDED, FURTHER, That the parents or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or*

iv.2 When a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: *PROVIDED, HOWEVER, That the employment contract is concluded by the child's parent or legal guardian with the express agreement of the child concerned, and the approval of the Department of Labor and Employment (DOLE) is secured: PROVIDED, FURTHER, That the following requirements in all instances are strictly complied with:*

iv.2.1 The employer shall ensure the protection, health, safety, moral and normal development of the child;

iv.2.2 The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and agreement of working time; and



iv.2.3 The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

In the above exceptional cases where such child is to be employed, the provisions of Presidential Decree No. 422 otherwise known as the Labor Code of the Philippines, its implementing rules and regulations and other pertinent laws shall be complied with and the employer shall first secure before employing such child, a permit to work from the DOLE.

(c) **"CIRCUMSTANCES"** which threaten or endanger the survival and normal development of children include, but are not limited to the following:

- i. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
- ii. Working under conditions hazardous to life and safety which unduly interfere with their normal development;
- iii. Living or fending for themselves in the streets of Manila without the care of parents or a guardian and basic services needed for a good quality of life;
- iv. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in slums which are highly congested, underdeveloped and/or lacking adequate access to basic services needed for a good quality of life;
- v. Being a victim of a man-made or natural disaster or calamity; or
- vi. Any child within the jurisdiction of the City of Manila exposed to or being exposed to the current technological gadgets and facilities used by sexual predators such as but not limited to the websites or those that we refer to as "cyber sex" or "child pornography".

(d) **"COMPREHENSIVE PROGRAM FOR CHILDREN IN NEED OF SPECIAL PROTECTION (CNSP)"** pertains to the coordinated program of services and facilities to protect children such as:

- i. Children in worst forms of child labor such as those in commercially and sexually exploitative employment;
- ii. Neglected and abandoned children;
- iii. Street children;
- iv. Volatile substance and prohibited drug abusers;
- v. Out-of-School Youths;
- vi. Victims of child abuse;
- vii. Children in situations of armed conflict;
- viii. Children in various forms of disability;
- ix. Children of migrant indigenous peoples;
- x. Children of religious groups suffering from discrimination;
- xi. Victims of child trafficking;



- xii. Young couples;
- xiii. Victims of child pornography and child sex ring syndicates;
- xiv. Children of Overseas Contract Workers;
- xv. Children with HIV/AIDS/STD;
- xvi. Children of solo parents;
- xvii. Victims of calamity/disaster and demolition (Displaced Children).

- (e) "**JUVENILE JUSTICE**" refers to the legal procedure applied to children in conflict with the law starting from initial contact of the child up to the reintegration of the child to the family and community.
- (f) "**JUVENILE JUSTICE SYSTEM**" pertains to all proceedings starting from initial contact, including diversion proceedings, court proceedings after the filing of the proper information and until disposition of the case involving children in conflict with the law.
- (g) "**DIVERSION**" is an alternative child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, religious, economic, psychological or educational background without resorting to formal court adjudication.
- (h) "**DIVERSION PROGRAMS**" refers to the program that the Child in Conflict with the Law (CICL) is required to undergo in lieu of formal court proceedings.
- (i) "**CHILD TRAFFICKING**" covers the recruitment, transfer or deployment of a child and/or harboring or receipt of child with or without the victim's consent or knowledge, through legal or illegal means, fraud or deceit, violence, coercion, intimidation, abuse of position or authority, within or across national borders for purposes of prostitution, work, services, marriage or adoption and other similar arrangements characterized by forced labor, slavery-like practices of sexual exploitation.
- (j) "**CHILD PORNOGRAPHY**" refers to any representation of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.
- (k) "**SYNDICATED SEX RINGS**" are well-structured organizations involving the recruitment of children, the production of pornographic images of children, the delivery of direct sexual services, and the establishment of an extensive network of customers.



- (l) **"CHILDREN IN NEED OF SPECIAL PROTECTION (CHSP)"** includes children living under circumstances which threaten or endanger their survival and normal development. This includes children in worst forms of child labor, neglected and abandoned children, street children, out-of-school youth, victims of commercial and sexual exploitation, child abuse and child trafficking, children in situations of armed conflict, children in conflict with the law, children in various forms of disability and children of indigenous people, young couples and children of religious groups suffering from discrimination.
- (m) **"A SPECIAL OFFICE, A DIVISION OR A DESK FOR CHILDREN'S CONCERNS"** is a proposed office to be created to monitor the implementation of this Code and such other functions that may be undertaken. The structure and specific functions shall be provided for in the Implementing Rules and Regulations of this Code
- (n) **"CITY COUNCIL FOR THE PROTECTION OF CHILDREN (CCPC)"** is a body established in the City, pursuant to Department of Interior and Local Government (DILG) Memorandum Circular No. 2002-121 which subsumes the Early Childhood Care and Development (ECCD) Coordinating Committee, the expanded membership and additional functions of which shall be provided in the Implementing Rules and Regulations hereinafter promulgated.
- (o) **"DISTRICT COUNCIL FOR THE PROTECTION OF CHILDREN"** is a body established as a coordinating arm of the City Council for the Protection of Children by providing links with the Punong Barangay concern in cases of child abuse. Further, this body shall monitor that the proper agency or department of the government concern is giving the services needed by the child victim of abuse, exploitation and pornography.
- (p) **"BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)"** is a body established in the barangays of the Local Government Units, pursuant to Department of Interior and Local Government (DILG) Memorandum Circular No. 2002-121, which subsumes the ECCD Coordinating Committee. The expanded membership, responsibilities and additional functions of which shall be provided in the Implementing Rules and Regulations hereinafter promulgated.
- (q) **"RESCUE TEAM"** is an inter-agency team established under the Manila CCPC/BCPC who shall perform rescue operations for cases involving children. The membership, which shall comprise of national and local government agencies and non-governmental organizations as well as the responsibilities and functions of which shall be provided in the Implementing Rules and Regulations hereinafter promulgated.



- (r) "**CITY STATE OF CHILDREN REPORT**" is a pronouncement embodied in a document to be delivered annually by the Mayor, showing the progress of implementation of the planned and targeted programs and projects for children including development in the formulation of the City Development Plan for Children, City Investment Program for Children, as well as the implementation of the Children's Welfare Code. The CCPC Secretariat in coordination with the City Planning and Development Office (CPDO) shall be tasked to formulate the same in accordance with the format to be provided by the Regional Sub-Committee on the Welfare of Children (RSCWC).
- (s) "**KATARUNGANG PAMBARANGAY**" shall refer to Sections 400 – 422 of the Local Government Code of 1991.
- (t) "**SURROGATE MOTHERS**" refer to Day Care Workers (DCW) who provide intellectual and mental stimulation to the children, as well as supervise wholesome recreation, with a balanced program of supervised play, mental stimulation activities and group activities with peers.
- (u) "**DIFFERENTLY ABLED CHILDREN WITH SPECIAL NEEDS**" are children with either physical developmental disabilities or mental infirmities whether congenital or acquired after birth.
- (v) "**ANTI-SOCIAL RELATED ACTIVITIES**" are those acts against property, chastity and person which include, but not limited to the following:
- Petty crimes such as snatching, shoplifting, misrepresentation;
  - Using and pushing prohibited drugs, selling of lewd materials;
  - Pimping for young and old prostitutes, doing or participating in obscene shows;
  - Gambling of any form;
  - Rape and incest;
  - Unjust and inhumane manner of eviction and demolition; and
  - Any production, any circulation and trading of child pornographic materials and/or developing images of children that are used to aid the sex offender in sexual arousal and gratification
- (w) "**EXPRESSED BREASTMILK**" the human milk which has been extracted from the breast by hand or breast pump. It can be fed to an infant using a dropper, nasogastric tube, a cup, and a spoon, or a bottle.
- (x) "**FORMULA FEEDING**" is the feeding of a newborn with infant formula usually by bottle-feeding. It is also called artificial feeding.



- (y) **"ROOMING IN"** the practice of placing the newborn in the same room as the mother right after delivery up to discharge to facilitate mother-infant bonding and to initiate breastfeeding. The infant may either share the mother's bed or be placed in a crib beside the mother.
- (z) **"SERIOUSLY ILL MOTHERS"** are those with severe infections, in shock, in severe cardiac or respiratory distress, or dying, or those with other conditions that may be determined by the attending physician as serious.
- (aa) **"WET-NURSING"** is the feeding of a newborn from another mother's breast when his/her own mother cannot breastfeed.
- (bb) **"LACTATION MANAGEMENT"** is the general care of a mother-infant nursing couple during the mother's prenatal, immediate post-partum and post-natal periods. It deals with educating and providing knowledge and information to pregnant and lactating mothers on the advantages of breastfeeding, the physiology of lactation, the establishment and maintenance of lactation, the proper care of breasts and nipples.
- (cc) **"TRAFFICKING IN PERSONS"** is the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of position taking advantage of the vulnerability of the person, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as "trafficking in persons" even it does not involve any of the means set forth in the preceding paragraph.

## **Article II RIGHTS AND OBLIGATIONS OF THE CHILD**

**SECTION 1. Rights of the Child.** – Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, creed, religion, political antecedents, and other factors.

Every child shall possess the following rights which are classified into Survival, Development, Protection and Participation Rights.



- (a). **Survival Rights** include the inherent right to life, the right to health, the rights to be cared for by parents or guardians or to be foster cared, the right to adequate food, shelter and clothing, and the right to be adopted if it is for the child's best interest.
- (b). **Development Rights** include the right to education, the right to freedom of thought, conscience and religion, the right to useful and wholesome information to prepare the child for responsible adulthood, the right to rest, the right to play, and the right to enjoy a full and decent life even when mentally or physically handicapped.
- (c). **Protection Rights** include the right to a name and nationality, the right to be protected from discrimination, the right to be protected from abduction and sale, the right to be protected from war, the right to be protected by law from drug abuse, the right to be protected by law from physical abuse and degrading treatment, the right to be protected by the law from all forms of sexual abuse, the right to dignity and worth even when in conflict with law, and the right to be protected from economic abuse.
- (d). **Participation Rights** include the right to freedom of expression and the right to freedom of association and peaceful assembly.

**SEC. 2. Participation of Children in Decision Making Process.** – The children in the family, school, community or other organizations or institutions shall be heard. Each child regardless of sex, age or ethnicity has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child. It shall be the responsibility of the elders to provide opportunities for children to express his or her views, to obtain information, make ideas or information known, regardless of ethnicity, religion, age or sex.

**SEC. 3. Survival, Protection and Development of Children of Indigenous Cultural Communities.** –

- (a) In addition to the rights guaranteed to children under this Code and the existing laws, children of migrant indigenous cultural communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.
- (b) Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

**SEC. 4. 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, righteous and virtuous life in accordance with the tenets of his/her religion or belief, teaching of his/her elders and mentors, and the bidding of a clean conscience;
- (b) Love, obey and respect his/her parents, family elders and cooperate with them in the strengthening of family ties;





- (c) Extend to his/her brothers or sisters, love, thoughtfulness, and helpfulness and endeavor to keep the family harmonious, united and close-knit;
- (d) Exert his/her utmost effort to develop his/her potentials for service to the country and his fellowmen, particularly by undergoing a formal education suited to his/her abilities, in order that he/she may become a useful and productive citizen of his/her country;
- (e) Respect and obey not only his/her elders but also his teachers/mentors, and also the customs and traditions of his/her people, the memory of his/her people's heroes, the Divine Law, the duly constituted authorities, the laws of the land, and the principles and institutions of democracy;
- (f) Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future;
- (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 aspirations for unity and prosperity, and the furtherance of peace; and
- (h) Report any violence, sexual assault against them to their guardians, persons in authority or any respected persons and cooperate with law enforcement agencies.

### Article III

## PLANS, PROGRAMS AND SERVICES FOR CHILDREN

### A. Formulation and Assessment of Plans, Programs and Project for Children

**SECTION 1. CITY COMPREHENSIVE DEVELOPMENT PLAN AND INVESTMENT PROGRAM FOR CHILDREN.** - The city and the barangays shall evolve a long-term development plan and investment program for children, which shall be divided into four (4) medium-term plans. The plans shall be prepared using the rights-based and life cycle approach which shall be updated every three years.

**SEC. 2. PROGRAMS AND PROJECTS FOR CHILDREN.** - Based on the development plan and investment program for children, the city and barangays, shall formulate a comprehensive program for children within one (1) year from the effectivity of this Code and every three (3) years thereafter, along the four major rights of children such as survival, development, protection and participation and by life cycle using the integrated approach.



**SEC. 3. PROCESS OF PLAN, PROGRAM AND PROJECT FORMULATION.**

The CCPC with the assistance of the CPDO shall spearhead the plan preparation, identification and formulation of programs and projects, responsive to the needs of Manila children. To the widest extent possible, participation of various stakeholders from the government, the civil society groups and children's representatives shall be ensured. The CCPC shall draw-up criteria for prioritizing programs in order to ensure that the interventions are responsive to the needs of the communities. The CCPC shall 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.

**SEC. 4. PERIODIC REVIEW AND ASSESSMENT OF THE COMPREHENSIVE CHILDREN'S PROGRAMS.** – At the minimum, quarterly monitoring of the status of programs and project implementation shall be conducted by the CCPC and BCPCs, while the effectiveness of programs in addressing the needs of children shall be done annually. The monitoring and evaluation reports shall form part of the state of children report to be delivered by the LCE.

**SEC. 5. PROGRAM STRATEGIES.** – The core strategy for addressing the various concerns of children shall be focused on the creation of a Child Friendly Movement (CFM) in the City of Manila, whereby all actors at all levels and structures work together to fulfill the rights of the child – the rights to live and live well. CFM aims to make the CRC a reality for the children of the city by creating child friendly families, communities, schools, agencies, institutions, local and national governments. This movement shall create and maintain a momentum of active and fruitful involvement among the members of the civil society organizations at the barangay and city levels toward realizing the rights of the child. CFM shall mean massive advocacy, public-consciousness raising, capacity building and working with families, communities, city and barangay officials as well as private sectors, NGOs, religious communities, and media to form a network of support to meet children's needs and realize their rights.

**B. Integrated Programs and Projects for Children**

**SEC. 6. COMPREHENSIVE EARLY CHILDHOOD CARE AND DEVELOPMENT (ECCD)** – Recognizing the synergistic effect of health, nutrition and stimulation on early child development, the City Government shall evolve a comprehensive ECCD program which shall be both center-and home-based. Part of the ECCD shall include already existing programs and strategies geared towards the survival and development of children as follows:

- (1) **DAY CARE SERVICE PROGRAM** – The total development and protection of children for the day care service shall be provided for children under six years of age, with the consent of parents; *PROVIDED, HOWEVER, That*, in case of abused, neglected or exploited children such consent shall not be required. The city shall establish day care centers (DCCs) in all barangays as provided for in RA 6972 or the "Barangay-Level Total Development and Protection of Children Act". The location of DCCs shall be determined by the CCPC/BCPC in coordination with barangays where there are no DCCs. These centers may be co-managed and jointly operated by the city and the barangays concerned.



- (2) **BIRTH REGISTRATION PROGRAM** – The City Civil Registrar in coordination with the National Statistics Office (NSO) shall evolve and implement a comprehensive program on birth registration which shall include barangay-based advocacy and monitoring to ensure that every child of Manila is accorded the right to name and nationality. The program shall include provision for amnesty for children born in the provinces and those assisted by 'hilots'. It shall seek the assistance of NGOs and church-based organizations to ensure that all children residing in the city have birth registrations.
- (3) **COMPLETION OF IMMUNIZATION** - The Manila Health Department shall conduct series of immunization for prevention of tuberculosis, diphtheria, tetanus, measles, poliomyelitis, Hepatitis B and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age. Private institutions and foundations catering to children shall coordinate with the MHD to ensure that their wards are fully immunized.
- (4) **GROWTH AND NUTRITIONAL MONITORING** – The city shall vigorously pursue supplementary nutritional feeding and supervision of nutritional intake at home. It shall encourage all barangays to allocate sufficient funds for nutrition projects such as advocacy, feeding, surveillance, among others.
- (5) **CHILD MINDING SERVICE PROGRAM** – The City Government shall develop, implement and sustain a Child Minding Service Program for the care of 0 to 2 years old children of working mothers during the day and, where feasible, care for children under six (6) years of age when mothers are working at night; *PROVIDED, That the day care center need not take care of children in a particular place but shall develop network of homes where women may take care of the children below six (6) years of age of working mothers during work hours, with adequate supervision from the MDSW; PROVIDED, FURTHER, That, where young children are left to the care of paid domestic, and elderly relative or older children without adequate and competent adult supervision, the supervising social welfare officer shall provide such training and adult supervision until the children's care meets adequate standards whereby the children under their care will develop normally as healthy, happy, and loved children even in the absence of their mothers during working hours.*
- (6) **MATERIALS DEVELOPMENT AND FORMATION OF NETWORK OF SURROGATE MOTHERS** – Adequate materials shall be provided to Day Care Workers (DCW) who will provide intellectual and mental stimulation to the children, as well as supervised wholesome recreation with a balanced program of supervised play, mental stimulation activities and group activities with peers. The DCW will be assisted by trained surrogate mothers who may be parents or guardians of the day care children.

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- (7) **REFERRAL AND SUPPORT SYSTEM FOR PREGNANT MOTHERS FOR PRENATAL AND NEONATAL CARE** – An effective referral and support system for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will remove or minimize risk to mother and child shall be put in place by the Manila Health Cluster.
- (8) **LACTATION MANAGEMENT** – The City through its Health Department shall pursue to educate pregnant and lactating mothers on the importance of breastfeeding, the physiology of lactation and such other matters that would contribute to successful breastfeeding considering that breastfeeding is the first preventive health measure that can be given to the child at birth.

### C. Sector-Specific Programs and Strategies

**SEC. 7. Primary Health Care** – The City shall formulate and implement a primary health care program which shall be led by the City Health Officer with assistance of the Department of Health (DOH) in coordination with the members of MANILA CITY COUNCIL FOR THE PROTECTION OF CHILDREN.

**SEC. 8. Child Friendly Hospital** – All hospitals in the city whether public or private, shall set-up child-friendly sections to include **rooming-in facilities** and pediatric rooms, with appropriate mechanisms, gadgets and equipments in compliance with the policies of the DOH on breastfeeding. Furthermore, all hospitals must have at least one competent and/or specialist personnel that can handle child victims of any forms of abuse.

- (a) In congruence to R.A. 7600 likewise known as The Rooming-In and Breastfeeding Act of 1992, newborn infants shall be breastfed by the mother immediately after birth and roomed-in within thirty (30) minutes in case of normal spontaneous deliveries; however, infants delivered by caesarian shall be roomed – in and breastfed within three (3) to four (4) hours after birth.
- (b) Exemptions: Infants whose conditions do not permit rooming-in and breastfeeding as determined by the attending physician, and infants whose mothers are either: (1) seriously ill; (2) taking medications contraindicated to breastfeeding; (3) violent psychotics; or (4) whose conditions do not permit breastfeeding and rooming-in as determined by the attending physician. Nevertheless, these infants shall be fed expressed breastmilk, wet-nursed or formula feeding may be given as may be determined by the attending physician.

### **SEC. 9. Iodization and Food Fortification** –

- (a) All producers and manufacturers, which sell food-grade salt are hereby required to iodize the salt they import, produce, manufacture, trade, distribute or sell for public consumption in accordance with RA 8172 or the Salt Iodization Act.
- (b) Effective November 7, 2004 the fortification of staple foods based on standards of the DOH through the Bureau of Foods and Drugs (BFAD) is hereby made mandatory per section 6 of RA 8976, 'An Act Establishing the Philippine Food Fortification Program':



- Rice – with Iron
- Wheat Flour – with Vitamin A and Iron
- Refined sugar – with Vitamin A
- Cooking Oil – with Vitamin A; and
- Other staple food with nutrients as may later be required by the National Nutrition Council (NNC)

(c) A City Special Task Force shall be constituted that shall monitor periodically, *motu proprio* or upon request for assistance by the Punong Barangay, by conducting unscheduled inspection, on the quality of food-grade salt being sold to the market to check the compliance of salt producers to the standards set by the BFAD. The Task Force shall also check the compliance of food manufacturers to RA 8976.

(d) The membership and functions of the Task Force shall be provided for in the Implementing Rules and Regulations hereinafter promulgated.

(e) The MHD, in coordination with the City Information Officer, is hereby directed to:

- Formulate and implement a public information and awareness program on the benefits of the use of iodized salt and food fortification;
- Coordinate with CCPC/BCPC, in the conduct of awareness programs on the importance and benefits of iodized salt and food fortification;
- Cause the posting at the end of every month in at least two (2) conspicuous places, of a list of suppliers, manufacturers and retailers who have complied with this code; and
- Prepare a list with the following data to be submitted to the BFAD;
  - Name and address of company and/or owner;
  - Location of salt production site;
  - Annual production capacity in metric tons;
  - Types of salt produced; and
  - Distribution channels.

(f) Violations of this provision shall be penalized accordingly.

**SEC. 10. Sentrong Sigla Movement.** – The LGU through the Manila Health Department personnel shall establish a plan to support Sentrong Sigla Movement (SSM) in order to assure quality health service for children. The Manila Department of Health shall improve access to and use of quality data and information on HIV/AIDS by conducting a situation assessment and analysis of young people and HIV/AIDS; and fostering young people's access to youth-friendly, gender-sensitive health services that provide voluntary and confidential HIV testing and counseling; and essential health services and treatment for sexually transmitted infections.

**SEC. 11. Role of Local Health Board** – The City Health Board (CHB) shall actively advocate for the adequate delivery of health services for all children in the locality. It shall conduct periodic monitoring and evaluation of children's health vis-à-vis health services available.



**SEC. 12. Medical and Health Personnel Development** – To ensure the continuity in the provision of quality health care, a program to address the current brain drain in health manpower particularly doctors and nurses shall be developed and implemented. The Pamantasan ng Lungsod ng Maynila (PLM) and the City College of Manila (CCM) which the City Government subsidizes shall develop a program to ensure that its graduates in medicine and nursing shall extend services to the City either in the private sector or government for a minimum number of two years. The City Government shall also conduct a periodic review and upgrading of the salaries and wages of medical and health personnel to make it competitive.

**SEC. 13. Child Friendly School System (CFSS)** – The City of Manila shall ensure that all basic educational institutions are child-friendly, CFSS is a school system which recognizes and respects children's rights and responsibilities, provides the enabling environment to realize children's rights in the school, and helps ensure that such an environment extends beyond the school into children's homes and communities.

**SEC. 14. Comprehensive Scholarship Program** – It is the policy of the City to support the education of Manila constituents from non-formal, basic to higher education; thus, supporting elementary and secondary education through the Local School Board (LSB) and operation of two tertiary institutions. Apart from this, the Comprehensive Scholarship Program shall provide support to poor but deserving students.

**SEC. 15. Special Education Program (SPED)** – All public schools shall be equipped with SPED facilities and provided with SPED teacher specialists. The private schools shall be encouraged to provide SPED services. Regular conduct of training for teachers and health personnel handling children with special needs shall be part of the major activities of the Local School Board. Surveys on the number and location of potential SPED beneficiaries will be conducted regularly to guide program planners and implementers. Moreover, all public schools should accept children with special needs even if the latter do not have birth certificates and temporarily admit them.

**SEC. 16. Program on Child Abuse, Exploitation and Discrimination** – The CCPC shall formulate a comprehensive program for the protection of children against child prostitution and sexual abuse, child trafficking, obscene publications, indecent shows, and other acts of abuse and circumstances which endanger child survival and normal development.

**SEC. 17. Children In Need of Special Protection** – The program shall focus on the following:

- (a) responsible and effective parenting education through community, people's organizations and other Civil Society Organizations (CSO);
- (b) educational and vocational skills training by instituting CNSP-friendly school policies and developing alternative modes of basic education;
- (c) livelihood, micro-credit and employment assistance by linking with existing initiatives such as Enhancing Social and Economic Opportunities for Out-of-School Youth and organizing community livelihood and credit groups;
- (d) youth health and development promotion through life skills education in and outside of school to equip the youth with the skills necessary to deal and cope with life; and



- (e) the use of mobile library and off-campus reading center shall likewise be accessible to all children within the City of Manila.

**SEC. 18. Shelter for Abused, Neglected or Exploited Children** – The City shall ensure that the abused and neglected children shall be provided shelter in one child institution in the barangay and/or network of homes which will take in children in urgent need of protection due to a situation which endangers the child or which has exposed the child to cruelty and abuse: *PROVIDED, That the Center, with the help and support of the barangay chairman and their barangay – level support systems, may call upon law enforcement agencies when the child needs to be rescued from an unsafe home and environmental situation. As part of this program, the Manila Youth and Reception Center (MYRC), Reception and Action Center and Boy's Town Complex, which includes the Boys' Home, Girls Home and Foundling Home shall be upgraded and expanded. Centers/homes managed by NGOs may also be tapped for this purpose, however, prior networking shall be established. Furthermore special attention must given to all the children at risk with AIDS-HIV. Effective information dissemination to break the silence surrounding HIV-AIDS, address stigma and discrimination against children afflicted with the disease shall be conducted as needed by these institutions and ensure that young people have the knowledge to protect themselves and their peers from HIV/AIDS.*

**SEC. 19. Rescue, Recovery and Reintegration Assistance/Program** – This program shall focus on strengthening surveillance and rescue mechanism such as Sagip-Batang Manggagawa, The BCPCs, the Barangay Human Rights Action Center (BHRAC) and other mechanism towards improved protection of CNSP. It shall also extend psychological services to traumatized children and developing approaches in establishing community-based crisis intervention, recovery and reintegration systems. It shall also establish an alternative family care programme for children without families or those deprived of a family environment.

Reintegration program shall also cater to juveniles who were released by the Court. This shall consist of, but not limited to community service and/or membership in civic/religious organizations in the community.

**SEC. 20. Comprehensive System of Justice for Children** – A comprehensive system of justice for children in Manila City shall include strengthening of the five pillars of justice and strengthening the barangay justice system through massive orientation and training on CRC and Child friendliness. The community mechanism shall be supported in developing prevention and diversion programme such as educational and vocational training, sports and recreation, leadership formation, among others, so that children and young people shall be prevented from getting conflict with the law.

**SEC. 21. Monitoring Criminal Charges Filed Against Children** – Application for suspension of sentence of children charged with criminal offenses in connection with or related to any anti-social activities as defined herein shall be done by the Department of Social Welfare and Development (DSWD) with the assistance of the MDSW. A special team from such offices shall be tasked to monitor closely the cases involving children in court to adequately enforce the suspension of sentence. Appropriate rehabilitation program shall be afforded to them by the MDSW pursuant to P.D. 603 otherwise known as "Child and Youth Welfare Code" and RA 7160.



**SEC. 22. Children's Congress** – There shall be a Children's Congress to be held in October every year to be participated in by Children's Representatives from all barangays. Every last Monday of October shall be declared as a Children's Day for the City of Manila. Part of the Celebration of the Children's Day will be the issuance of the State of Children Report by the Local Chief Executive.

**SEC. 23. Knowledge Center on Children** - A state-of-the art knowledge center on children shall be established. It shall serve as the main repository of data and information on children. City libraries shall be upgraded to include adequate child friendly materials and other paraphernalia.

**SEC. 24. Summer Camps** – There shall be a Summer Camp for children with Special Needs to be held in Summer Months of every year to be participated in by said Children of the City.

**SEC. 25. Child and Gender Sensitivity Training for City Government and National Government Employees assigned in the City** – A comprehensive child and gender sensitivity orientation shall be developed and implemented in the city. All employees of the City Government and National Government working in the city are required to undergo the orientation.

#### **Article IV SPECIAL CONCERNS**

##### **SECTION 1. Child Prostitution and other Sexual Abuse –**

- a) Cases involving child prostitution, other sexual abuse and attempts to commit the same shall be dealt with under Section 5, Article III of RA 7160 as amended by RA 9231 otherwise known as **An Act Providing For The Elimination Of The Worst Forms Of Child Labor And Affording Stronger Protection For The Working Child.**

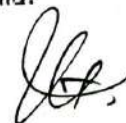
##### **SEC. 2. Obscene Publications and Indecent Shows –**

- (a) Cases of child trafficking and attempt to commit child trafficking shall be dealt with pursuant to Article IV of RA 7610, as amended by RA 9208 otherwise known as Anti-Trafficking in Persons Act of 2003.

##### **SEC. 3. Child Trafficking –**

- a) Cases of child trafficking and attempt to commit child trafficking shall be dealt with pursuant to Article IV of RA 7610 as amended by RA 9208 otherwise known as Anti-Trafficking in Persons Act:

- (a) If the trafficked person is a child, the means used by the offender to traffic the child is irrelevant. Child trafficking is committed even if the offender does not employ threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the child, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over the child.





- (b) When the child below 15 years old travels alone to or from the LGU without valid reason therefore and without clearance issued by the Special Office for Children's Concerns or written permit or justification from the parent or legal guardians;
- (c) When spouse or the common-law husband of the pregnant woman, through force or intimidation or in conspiracy with the latter, executes an affidavit of consent or consent for adoption for consideration; participates or in any manner cause the registration of the birth of such child in the name of another with or without consideration;
- (d) Circumstances which constitute Qualified Trafficking in Persons, to wit:
  - 1.) The trafficked person is a child.
  - 2.) The adoption is effected through the Inter-Country Adoption Act of 1995 (Republic Act No. 8043) and the adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage.
  - 3.) The act is committed by a syndicate or in large scale.
  - 4.) The offender is an ascendant, parent, sibling, guardian, or a person who exercise authority over the trafficked person, or when the offense is committed by a public officer or employee.
  - 5.) The trafficked person is recruited to engaged in prostitution with any member of the military or law enforcement agencies.
  - 6.) The offender is a member of the military or law enforcement agencies.
  - 7.) By reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation, or is afflicted with HIV or AIDS.

**SEC. 4. Other Acts of Neglect, Abuse, Cruelty or Exploitation and other Conditions Prejudicial to the Child's Development** – In addition to all acts defined and penalized under RA 7610 on Child Abuse and Exploitation, RA 7658 on Child Labor and other pertinent laws, the following acts by any person including the parents of a child shall likewise be punishable:

- (1) Conceals or abandons the child with intent to make such child lose his civil status;
- (2) Abandons the child under such circumstances as to deprive him of the love, care, and protection he needs;
- (3) Sells or abandons the child to another person for valuable consideration;
- (4) Neglects the child by not giving him the education by which the family's situation in life and financial conditions permit.

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- (5) Fails or refuses, without justifiable grounds to enroll the child as required by law;
- (6) Causes, abates, or permits the truancy of the child from the school where he is enrolled. "Truancy" as here used means absence without cause for more than twenty schooldays, not necessarily consecutive;
- (7) Improperly exploits the child by using him, directly or indirectly, such as for purposes of begging and other acts which are inimical to his interest and welfare.
- (8) Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignations and other excessive chastisement that embarrass or humiliate him;
- (9) Causes or encourages the child to lead the immoral or dissolute life;
- (10) Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership;
- (11) Allows to or requires a child to drive without license or with a license which the parent knows to have been illegally procured;
- (12) Causes or allows a child to act as conduit or middleman in drug trafficking or pushing;
- (13) Causes or participates directly a child in the conduct of illegal activities, shall be penalized; and
- (14) Discrimination and labeling of children in center-based ECCD institutions and schools

#### **SEC. 5. Employment of Children –**

- (a) Cases involving Working Children shall be dealt with pursuant to R.A.7658 and RA 9231.
- (b) The employment of children as domestic helpers, aged 16 and 17 years, in the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the DOLE and the Office of the Mayor which shall ensure observance of the child.
- (c) No person shall employ a child to model in all forms of commercials or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products, and violence.
- (d) Pursuant to Chapter 2 Section 5 of RA 9231, no child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following:
  - 1.) All forms of Slavery, as defined under the "Anti-trafficking in Persons Act 2003", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict;
  - 2.) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances;
  - 3.) The use, procuring or offering of a child for illegal or illicit activities, including the production or trafficking of dangerous drugs or volatile substances prohibited under existing laws; or
  - 4.) Work which by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:



- 4.1) Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or
- 4.2) Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or
- 4.3) Is performed underground, underwater or at dangerous heights; or
- 4.4) Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or
- 4.5) Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or
- 4.6) Is performed in an unhealthy environment exposing the child hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels or vibrations; or
- 4.7) Is performed under particularly difficult conditions; or
- 4.8) Exposes the child to biological agents such as bacteria, fungi, viruses, protozoa, nematodes and other parasites; or
- 4.9) Involves the manufacture or handling of explosives and other pyrotechnic products.

(e) Children found working in violation of the above provision shall immediately be rescued and provided with appropriate intervention as provided in the COMPREHENSIVE PROGRAM FOR CHILDREN IN NEED FOR SPECIAL PROTECTION (CNSP).

#### **SEC. 6. Children in Conflict with the Law –**

(a) Cases involving Children in Conflict with Law shall be dealt with in accordance with provision of P.D. 603, Family Courts Law and other pertinent national statutes and the Rules of Court on Juvenile in Conflict with the Law, Rule on Commitment of Children and other pertinent rules thereof.

(b) The CCPC in coordination with National Line Agencies shall initiate appropriate training for members of the city police force, members of the Citizens Armed Forces Geographical Unit, and the Barangay Police.

**SEC. 7. Prohibited Acts** – In addition to all acts defined and penalized under RA 7610 on Child Abuse and Exploitation, and RA 7658 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

- a. Refusal to accept enrollment of illegitimate children in the school by reason of one's illegitimacy and requiring the marriage contract of parents as a requirement for enrolment of the child;
- b. Expulsion by schools against a child who has complied with all academic requirements by reasons of her pregnancy;
- c. Refusal of schools to graduate a child who has complied with or is willing to comply with all academic requirements by reason of pregnancy;
- d. Subjecting the child to physical and degrading forms of punishment such as, but not limited to the following:
  - Ordering or directing a child to kneel on salt
  - Shaving the head of the child
  - Harsh whipping of the child
  - Stripping the child of his/her clothes
  - Locking up the child in a cabinet
  - Tying up or detaining the child
  - Throwing objects such as but not limited to erasers, chalk and notebooks at the child
  - Pulling the hair of the child
  - Making the child stand under the heat of the sun
  - Exposing the child to be bitten by ants
- e. It shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration;
- f. It shall be unlawful for any person to sell and distribute pornographic materials;
- g. Selling of liquor, cigarettes, rugby and other addicting substances to a child is prohibited; and
- h. Smoking in any enclosed place or public conveyance shall be prohibited.

**SEC. 8. Rights of a Juvenile** – Pursuant to the CRC, every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a. To be presumed innocent until proven guilty according to law;
- b. To be informed promptly and directly of the charges against him or her, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense.
- c. To have the matter determined without delay by 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; and
- g. To have his or her privacy fully respected in all stages of the proceedings.

**SEC. 9. Prohibition Against Labeling** – In all conduct of 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 boy/girls or attaching to them in any manner 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 these provisions shall be liable in accordance with this code.

**SEC. 10. Prohibited Acts Against Youth Offenders** – 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:

- a. Authorities shall refrain from employing threats of whatever kind/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;
- b. Likewise, degrading, inhuman and cruel forms of punishment such as but not limited to, 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 person and dignity and which harm them psychologically, emotionally, spiritually, morally and physically;
- c. Their arresting officers and/or custodians shall likewise make no minor subject to involuntary servitude in any and all forms and under any and all instances. Designating and/or compelling a minor to act and serve as errand boy/girl, or as helper is also prohibited; and
- d. The taking of pictures of youth offenders and the display of said pictures, whether in public or private.

Any violation of the foregoing shall be penalized with at least one (1) year of imprisonment and a fine of not less than Five Thousand Pesos or both at the discretion of the court. However, if these violations are likewise penalized in any national law, the penalty imposed in such national law shall be followed.

**SEC. 11. Designation of Officer or Unit to Handle Cases Involving Youth Offenders** – The Philippine National Police (PNP) shall designate a Child and Youth Relations Unit (CYRU) to handle cases involving youth offenders in every police office in the City. This may be integrated with the present Women and Children's Desk or may be a separate unit, depending on the condition in the area.



**SEC. 12. Procedure before the CYRU** – Cases involving juveniles shall be referred to the CYRU, which shall conduct an initial inquiry in accordance with the existing procedures as outlined in Section 25 of R.A. 7610 or the Child Abuse Act.

**SEC. 13. Duty of the CYRU** – After the initial inquiry, if the offense does not fall under the jurisdiction of the Katarungang Pambarangay, the CYRU shall conduct further investigation of the child pursuant to Section 25 of R.A. 7610 or the Child Abuse Act, otherwise it shall refer the case to the barangay.

**SEC. 14. System of Diversion in the Barangay** – For offenses cognizable by the Katarungang Pambarangay, the system of diversion will be applied. During the confrontation of the juvenile and the offended party, the competent authorities are duly bound to explain to the minor in a language known to and understood by him/her the consequences of his/her acts and/or omissions. The minor's responsibility for the commission of any felony shall be explained to him/her with a view towards counseling and rehabilitating him/her, and avoiding his/her contact with the criminal justice system and indemnifying the victim(s) if there be any.

Upon realization of the minor's shortcomings, the amicable settlement of the parties shall be encouraged. The parties may opt to choose any of the following diversion programs as a pre requisite for the withdrawal of the complaint taking into paramount consideration the best interests of the minor offender:

- (a) Written oral reprimand or citations;
- (b) Restitution of property;
- (c) Reparation of damage cost;
- (d) Indemnification of consequential damages;
- (e) Confiscation and forfeiture of the proceeds or instruments of the crime;
- (f) Payment of cost of proceedings;
- (g) Written or oral apology;
- (h) Guidance and supervision orders;
- (i) Counseling for the child and the family;
- (j) Institutional care and custody;
- (k) Community Service; or
- (l) Such other diversion programs as may be agreed upon by the parties.

**SEC. 15. Factors in Determining Diversion Programs** – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

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



**SEC. 16. Manner of Investigation of a Juvenile** - A child shall only be investigated or his/her statement secured in the presence of any of the following in the following order:

- (a) his/her parents/guardians;
- (b) the nearest adult relative;
- (c) member of a child focused group;
- (d) faculty member of the school where the child is studying;
- (e) member of any religious order or group;
- (f) member of the barangay council of the barangay where the child is a resident;
- (g) the local social welfare and development officer. In their presence, the child shall be informed of his/her constitutional right to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child.

**SEC. 17. Right of the Juvenile to Counsel** - From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by counsel. The arresting officer, prosecutor or judge shall ensure the juvenile is represented by counsel before proceeding with the investigation trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

**SEC. 18. Confidentiality of Proceeding and Records** - All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and 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 or 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.

**SEC. 19. Establishing to Post Notices and Information at Entry or Front Desks Regarding Child Protection** - All hotels, sauna baths, inns, motels, night clubs and information about child protection to serve as deterrent to committing child trafficking, prostitution and other sexual abuse. The notices and information to be posted shall be developed by the CCPC with technical assistance of the MDSW. To ensure the compliance of the said establishments to this section of this Ordinance, the Office of the City Mayor through the License Division shall require these establishments to post such information or notices before their respective licenses shall be renewed and/or approved.

**SEC. 20. Sanctions for Establishments or Enterprises which Promote, Facilitate or Conduct Activities Constituting Child Prostitution and other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent Shows** - All establishments or enterprises caught promoting or facilitating child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and be fined an amount of Five Thousand Pesos (Php 5,000.00) with their authority or license to operate permanently cancelled, without prejudice to the owner, manager and other personnel thereof for being prosecuted under RA 7610, as amended, otherwise known as "An act providing for stronger deterrence and special protection against child abuse, exploitation and discrimination, providing penalties for its violation, and for other purposes."

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**SEC. 21. Curfew of Minors** – For the protection of children below eighteen (18) years old, they shall be prohibited from loitering around or sleeping in public places from 10 o'clock in the evening until four o'clock in the morning of the following day unless they are in the company of their parents or guardians. Children caught violating this provision shall be dealt with accordingly at the barangay level with appropriate intervention, provided, that this provision shall not be imposed during the Christmas season and any other festivities or celebration where the presence of children in public places during such time are allowed or encouraged.

**SEC. 22. Regulating Ambulant Vendors of Junk Food in School Vicinities for Sanitation Purposes and Establishing Monitoring System** – The City Government shall protect the school children from unsanitary food and junk food. In furtherance of this mandate, all vendors within the vicinity of all school campuses within the city shall be subjected to safety and sanitation standards.

**SEC. 23. Establishment of the Lingap Bata or related program** – A round-the-clock reporting and monitoring base against child abuse shall be established and anchored by the MDSW in coordination with all BCPCs. Said hotline shall act as the vanguard of children in all crimes and abuses committed against them by any person. Upon receiving information regarding any crime committed against them by any person, the Bantay-Bata shall immediately report to the appropriate authorities such incident and shall monitor every progress that may occur in relation to the apprehension and prosecution of the criminal.

#### Article V

### ROLES AND FUNCTIONS OF THE VARIOUS SECTORS AND COMMUNITY SUPPORT SYSTEM

**SECTION 1. The Family** – The family is the central unit responsible for the primary socialization of children which is important in the prevention of child rights' violations. Government and social efforts to preserve the integrity of the family, including the extended family, should be pursued.

**SEC. 2. Primary Rights of Parents** – The parents have the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin with the parents. 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.

**SEC. 3. Rights Under the Family Code** – Parents shall continue to exercise the rights mentioned in Articles 209 to 327 of the Family Code over the person and property of their children.

**SEC. 4. Right to Discipline Children** – Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in the Code. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

**SEC. 5. General Duties of Parents** – Parents shall have the following general duties towards their children:





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

**SEC. 6. 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 Majeur 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.

**SEC. 7. Role of Women** – Women in their various roles play a critical role 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, total health care, and other extension services constitute a valuable contribution to a nations' social and economic development.

To achieve such efforts and to prepare women for their various roles, equal opportunity shall be provided for the girl children to benefit from the health, nutrition, education and other basic services for their full growth. Women NGOs are encouraged to collaborate with the city to achieve this objective.

**SEC. 8. Role of Fathers** – Fathers play a vital role in 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 as their role models.

**SEC. 9. Role of Education Institutions** – Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education, Technical and Skills Development Authority and Commission on Higher Education.

**SEC. 10. Role of the Mass Media** – The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency prevention.

**SEC. 11. Role and Participation of Civil Society Organizations (CSO)** – The city through the CCPC shall mobilize the active participation of diverse actors at the city, barangay and family levels including non-governmental organizations (NGOs), people's organizations (PO) and other CSO which include the religious community, business groups and professional associations, in all aspects of advocacy and programming work for children. It shall actively seek the involvement of organizations who have long experience in reaching urban communities. Facilitating the formation of alliances around child rights issues among these organizations and linking them with the various relevant government agencies shall pave the way towards an improved mechanism for children rights promotion and child protection.

Considering the important role of CSO in the promotion of child rights and provision of basic services for children, the CCPC, BCPCs and other bodies working for the welfare of children shall ensure their membership based on their criteria or accreditation mechanism.

**SEC. 12. Role of Judicial Institutions** – In the administration of justice, courts, prosecutors and other actors shall ensure the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children's rights.

**SEC. 13. Role of the Sanguniang Kabataan (SK)** – The 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 devote at least 50% of its annual budget to prevention programs for the youth.

**SEC. 14. The Manila City Council for the Protection of Children (CCPC)** – shall be created to ensure the total development and protection of children in the City. The CCPC is the lead orchestrator for all child-related concerns of the City. The CCPC shall be a consultative assembly and regulatory body responsible for policy formulation, planning, programming, assessment and evaluation of existing program for children of the city. The CCPC shall coordinate with the RSCWC and shall provide directions to the Barangay Council for the Protection of Children (BCPC).

**SEC. 15. Composition of the Manila City Council for the Protection of Children (CCPC)** – The CCPC shall be composed of the following:

- City Mayor
- Chairman, Sanguniang Panlungsod Committee on Children's Welfare
- Chairman, Sanguniang Panlungsod Committee on Women and Family Relations
- Chairman, Sanguniang Panlungsod Committee on Social Welfare Services
- Chairman, Sanguniang Panlungsod Committee on Health



- Chairman, Sanguniang Panlungsod Committee on Education
- City Administrator
- City Social Welfare Officer
- City Health Officer
- Chairman, Manila Health Cluster
- City Civil Registrar
- City Planning and Development Officer
- City Librarian
- Chairman, Manila Barangay Bureau
- Youth Development Welfare Bureau
- City Legal Officer
- City Schools Division Superintendent
- City Prosecutor
- SK Federation President
- President-Liga ng mga Barangay
- City Director-DILG
- District Director - WPD
- Kabataan ng Maynila Representative
- Metrowest Network Chairperson

**SEC. 16. Functions of the CCPC** - In consonance with the revised guidelines issued by the Council on the Welfare of Children (CWC), the Manila CCPC shall have the following functions:

1. Formulate the City Plan for Children; incorporating projects and programs needing assistance by the barangays; and to ensure its integration into the city development plan;
2. Monitor and evaluate the implementation of the city and barangay action plans for children;
3. Submit quarterly status, report on the plan implementation to the Regional Development Councils' Regional Sub-Committee on Children (RSCWC) through the MDSW;
4. Promptly address issues and concerns affecting children and youth;
5. Advocate for the passage of other relevant child and youth protective ordinances;
6. Advocate for the increased support and resource allocation for children's program and projects;
7. Provide technical assistance to the community-based front-line workers through conduct of capability building and human resource development activities; and
8. Provide contingency measures to protect children and their families in crisis situations brought about by natural and man-made calamities.
9. Advocate street education program as an alternative strategy in rescuing children.
10. Ensure that all child caring centers for children must be licensed and accredited by DSWD to institutionalize the prescribed and standard operating procedures in child's general welfare protection and promotion.
11. Ensure the proper implementation of this Ordinance.



**SEC. 17. Creation of Committees and Technical Working Group (TWG) by the Council** – The Council shall create Committees or TWG which it may deem appropriate and necessary whose chairmanship shall be held by the regular mandated members of the Council for the purpose of furthering its functions.

**SEC. 18. Secretariat Support** – The secretariat support shall be logged in the CPDO and shall be responsible for the documentation of proceedings and meetings and preparation of reports and other necessary documents needed by the Committee.

**SEC. 19. Honorarium for Council Members** – The Council members shall be authorized to receive honoraria in connection with the disposition of their respective functions. The rates for their honoraria shall be based and in consonance with the pertinent guidelines issued by the Commission on Audit and/or the Government Accounting and Auditing Manual.

**SEC. 20. Creation of Barangay Councils for the Protection of Children (BCPC)** – The Barangay shall create a BCPC, the composition of which shall be determined by the former depending on the needs and circumstances in the area. The BCPC shall have the following functions:

- a. To foster education of every child in the barangay (to ensure every child in the barangay acquires at least early childhood and elementary education);
- b. To encourage the proper performance of the duties of parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationships;
- c. To report all cases of child abuse to the proper authorities;
- d. To protect and assist abandoned, maltreated, exploited and abused children;
- e. To prevent child labor in the areas and to protect children from abuse and exploitation;
- f. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get expert advice;
- g. To adopt measures to promote health and nutrition;
- h. To promote the opening and maintenance of playgrounds and day care centers and other services that are necessary for children and youth welfare;
- i. To secure cooperation of organizations devoted to the welfare of children and coordinate with their activities;
- j. To assist parents whenever necessary in securing expert guidance counseling from the proper government or private welfare agencies;
- k. To advocate the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
- l. To prepare the barangay plans of actions for children in the community and ensure their integration into the Barangay Development Plan and implementation by the barangay; and
- m. To submit quarterly barangay accomplishment reports on the implementation of the plan to the CCPC.



**SEC. 21. Implementing Rules and Regulations** – The implementing rules and regulations (IRR) of this Code shall be drafted by the CCPC within one (1) year from the effectivity of this code.

**Article VI  
FINAL PROVISION**

**SECTION 1. General Penalty** – (a) Violations of any provision of this Code shall be punished by imprisonment not exceeding one (1) year or a fine not exceeding Five Thousand Pesos (Php 5,000.00) or both at the discretion of the court. *PROVIDED, HOWEVER, That the offender shall not be charged with and prosecuted for the same act or offense punished under this ordinance or prosecuted under other laws protecting the welfare of children.*

All establishment and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being charged with and prosecuted under this act and/or the Revised Penal Code, as amended, or special laws. A sign with the words "off limits" shall be conspicuously displayed outside the establishment or enterprises by the Manila City Council for the Protection of Children for such period which shall not be less than one (1) year, as the Council may determine. The unauthorized removal of such sign shall be punishable by prison correctional.

**SEC. 2. Information Dissemination** – The City Information Officer/Office is hereby directed to formulate and implement an information dissemination program informing the general public of this Code, and cause the printing and distribution of the same.

**SEC. 3. Appropriation** – Pursuant to Section 15 of Republic Act 9344 or An Act Establishing A Comprehensive Juvenile Justice and Welfare System Creating The Juvenile Justice And Welfare Council Under The Department Of Justice, Appropriating Funds Therefore And For Other Purposes, a Local Council for the Protection of Children (LCPC) shall be established in all levels of Local Government, and where they have already been established, they shall be strengthened within one (1) year from the effectivity of this act.

One percent (1%) of the internal revenue allotment of barangays, municipalities, and cities shall be allocated for the strengthening and implementation of the programs of the LCPC: *PROVIDED, That the disbursement of funds shall be made by the LGU concerned*

**SEC. 4. Separability Clause** – If, for any reason or reasons, any part or provision of this Code shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SEC. 5. 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.

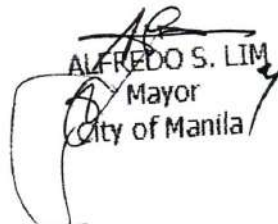


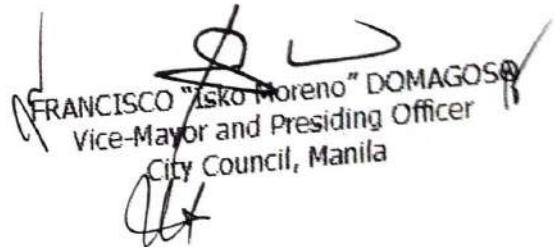
**SEC. 6. Effectivity Clause** - This code shall take effect after its publication in a news paper of general circulation and posting in at least two (2) conspicuous places.

Enacted by the City Council of Manila at its regular session held today, December 16, 2008.

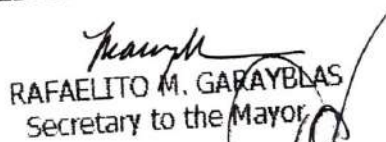
Approved by His Honor, the Mayor, on 13TH. MARCH 2009

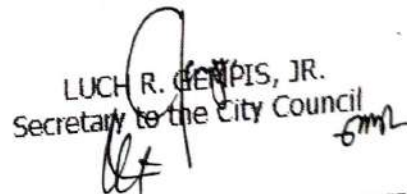
APPROVED:

  
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Mayor  
City of Manila

  
FRANCISCO "Isko Moreno" DOMAGOSA  
Vice-Mayor and Presiding Officer  
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DLG:evs/mf/avt/mbi