

AN ORDINANCE CREATING THE MANILA COUNCIL FOR THE PROTECTION OF CHILDREN (MCP) WHICH WILL ADOPT AND IMPLEMENT THE PROVISIONS OF JUVENILE JUSTICE AND WELFARE ACT OF 2006 (RA 9344) SPECIFICALLY ON THE PRESCRIBED LOCAL JUVENILE INTERVENTION AND DIVERSION PROGRAMS PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.

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

ARTICLE I

SECTION 1. Title. – This Ordinance shall be known as "*AN ORDINANCE CREATING THE MANILA COUNCIL FOR THE PROTECTION OF CHILDREN (MCP) WHICH WILL ADOPT AND IMPLEMENT THE PROVISIONS OF JUVENILE JUSTICE AND WELFARE ACT OF 2006 (RA 9344) SPECIFICALLY ON THE PRESCRIBED LOCAL JUVENILE INTERVENTION AND DIVERSION PROGRAMS PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES.*"

SEC. 2. Guiding Principles. – This Ordinance is in pursuit of the Philippine Government's commitment on the United Nations Convention of the Rights of the Child, Principles of Restorative Justice and other applicable laws on child and youth welfare and protection.

ARTICLE II

SEC. 3. Establishment and Strengthening of the Manila Council for the Protection of Children (MCP).

Sec. 3.1. The City shall establish and organize the Manila Council for the Protection of Children (MCP) to be chaired by the City Mayor and with the following members. It shall be known as the MCP, for brevity:

1. Sangguniang Panlungsod Members (at least 2)
2. DILG City Field Officer
3. City Social Welfare and Development Officer
4. Division Superintendent / District Supervisor of DepEd
5. Local Labor and Employment Officer
6. City Planning and Development Officer
7. City Budget Officer
8. City Health Officer
9. City Nutrition Officer
10. City PNP Director
11. City Treasurer
12. City Liga ng mga Barangay President
13. City SK Federation President
14. Parent – Teachers Association (PTA) President
15. Child Representative
16. At least three Representatives of NGOs
17. Office of the Youth Development and Welfare Bureau

LG.

Sec. 3.2. The MCP shall serve as a primary body to coordinate with and assist the city government in the formulation of comprehensive juvenile intervention and diversion programs and shall set policies for their implementation and for providing services for Children in Conflict with the Law (CICL).

Sec. 3.3. The MCP shall convene its member within 15 days from the effectivity of this Ordinance and every quarter, thereafter. It shall render a report to the Office of the City Mayor and copies be furnished the Department of the Interior and Local Government (DILG) City Office and the City Social Welfare and Development Office.

ARTICLE III

Sec. 4. Formulation of the City Juvenile Intervention Program (CJIP). - The City Mayor of Manila through the City Social Welfare and Development Officer (CSWDO) and in coordination with the MCP shall formulate a three-year comprehensive CJIP.

Sec. 5. Implementation of the CJIP. - The City Government of Manila shall implement the CJIP through a collaborative undertaking between and among the Sangguniang Panlungsod, City Mayor, community-based youth and school organizations, NGOs and other concerned agencies to address causes of offenses, provide assistance to CICL and alternative modes to avoid the child's contact with the formal justice system.

Sec. 6. Levels of Intervention and Roles of Stakeholders. - The CSWDO shall formulate the CJIP based on the following levels:

6.1. Primary Intervention, which includes general measures to promote social justice and equal opportunity which will indirectly tackle perceived root causes of offenses;

6.2 Secondary Intervention, which includes measures to assist children at risk and to prevent them from offending; and

6.3. Tertiary Intervention, which includes measures to address the needs of children who have committed an offense to prevent from re-offending and to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

Sec. 7. Mobilization of Concerned Sectors / Institutions. - The City Mayor through the MCP, shall mobilize or call upon the participation of all sectors concerned particularly the child-focused institutions and government agencies involved in delinquency prevention, in the planning process and implementation of juvenile intervention and diversion programs.

Sec. 8. Implementation and Intervention and Diversion Programs. -

8.1. The City Mayor through the CSWDO and MPC, shall provide:

8.1.1. Intervention programs for children 15 years old and below who have committed an offense;



8.1.2. Intervention programs for children more than 15 years old but less than 18 years old who acted without discernment; and

8.1.3. Diversion programs for children, more than 15 years old but less than 18 years old, who acted with discernment and who have committed an offense with an imposable penalty of not more than 6 years.

8.2. The CSWDO shall ensure that the intervention programs shall address the causes of juvenile delinquency. Intervention programs shall include any or a combination of, but not limited to, the following: (Part VII IRR of RA 9344)

8.2.1. Guidance and counseling, i.e. family counseling, regular home visitation;

8.2.2. Spiritual formation;

8.2.3. Education and skills development;

8.2.4. Provision of support services to the family, e.g. education, health, skills training, etc.;

8.2.5. Referral to other agencies for appropriate service, e.g. education, health, skills training; and

8.2.6. Access to child and youth organization in the community, such as, but not limited to, Sangguniang Kabataan.

8.3. The CSWDO shall provide assistance in the conduct of diversion programs at the barangay, law enforcement and prosecution levels.

8.4. The CSWDO shall also:

8.4.1. Develop policies and programs to ensure that children in conflict with the law are not subjected to discrimination in schools both private and public.

Sec. 9. Establishment of a Youth Facility. - The City Government of Manila shall establish a Youth Facility for CICL in the following situations:

9.1. CICL with pending trial and commitment order;

9.2. CICL with voluntary commitment; and

9.3. CICL with involuntary commitment.

The Youth Facility to be established for CICL shall be a gender-fair delivery care facility. *PROVIDED, That* the City shall provide appropriate programs for CICL and the CSWDO shall treat each category of CICL differently.

Sec. 10. Care and Maintenance of CICL. – The expenses for the care and maintenance of a C^{ICL} under institutional care shall be borne by his/her parents or those persons liable to support him/her. *PROVIDED, That* in case his/her parents or those persons liable to support him/her are indigents, the City Government of Manila shall render financial assistance to help defray the expenses. *PROVIDED, FURTHER, That* in the event that the C^{ICL} is not a resident of the City of Manila where the offense was committed, the court upon its determination, may require the LGU where the C^{ICL} resides to shoulder the cost.

Sec. 11. After Care Support Services. – The City Government of Manila, through the CSWDO, shall provide after care services for a period of six months to the C^{ICL} who have been dismissed by the proper court because of good behavior as per recommendation by the DSWD Social Worker and/or any accredited NGO Youth Rehabilitation Center.

ARTICLE IV

Sec. 12. Appropriation of Funds. – There is hereby appropriated the amount of Ten Million Pesos (Php10,000,000.00) which shall be incorporated in the Annual Appropriation Ordinance funds for the immediate development of Information and Education Campaign (IEC) materials on the procedures and levels of intervention, implementation of intervention programs and conduct of diversion programs in accordance with Republic Act 9344.

Further, the Manila City Government shall appropriate 1% of its annual Internal Revenue Allotment (IRA) share for the strengthening and implementation of the programs of the MCP as provided for under Section 15 of Republic Act 9344.

ARTICLE V

Sec. 13. Monitoring, Reporting and Evaluation System. – The City Government of Manila, through the MCP, shall monitor the implementation of the comprehensive City Juvenile Intervention and Diversion Programs and submit report to the Juvenile Justice and Welfare Council (JJWC) through the DILG not later than March 30 of every year.

ARTICLE VI

Sec. 14. Penal Provision. – The Penal Provisions of this Ordinance shall be pursuant to Section 62 of Republic Act 9344 and Rule 95 of its Implementing Rules and Regulations.

Sec. 15. Separability Clause. – If for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

Sec. 16. Repealing Clause. – All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed and/or modified accordingly, *PROVIDED, That* the rights vested upon the effectivity of this Ordinance shall not be impaired.


Ch.

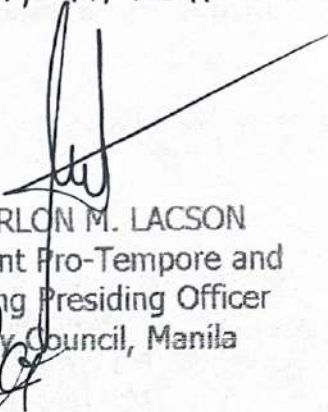
Sec. 17. Effectivity Clause. – This Ordinance shall take effect upon its approval and after publication in a newspaper of general circulation.

Enacted by the City Council of Manila at its regular session today, April 7, 2011.

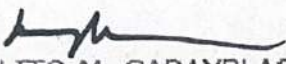
Approved by His Honor, the Mayor, on **MAY 11, 2011**

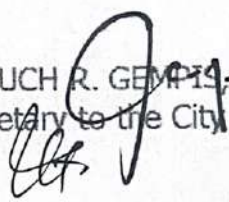
APPROVED:


ALFREDO S. LIM
Mayor
City of Manila


MARLON M. LACSON
President Pro-Tempore and
Acting Presiding Officer
City Council, Manila

ATTESTED:


RAFAELITO M. GARAYBLAS
Secretary to the Mayor


LUCH R. GEMIAS, JR.
Secretary to the City Council

PRINCIPAL AUTHORS: HON. CASIMIRO C. SISON, HON. IRMA C. ALFONSO-JUSON, HON. EDWARD V.P. MACEDA, HON. RAYMUNDO R. YUPANGCO, AND HON. CRISTINA A. ISIP

CO-AUTHORS: Hon. Dennis B. Alcoreza, Hon. Bernardito C. Ang, Hon. Don Juan "DJ" Bagatsing, Hon. Rafael P. Borromeo, Hon. Ruben F. Buenaventura, Hon. Joel R. Chua, Hon. Louisito N. Chua, Hon. Niño M. dela Cruz, Hon. Jocelyn B. Dawis-Asuncion, Hon. Ernesto M. Dionisio, Jr., Hon. Ma. Asuncion G. Fugoso, Hon. Richard C. Ibay, Hon. Ernesto C. Isip, Jr., Hon. Rodolfo N. Lacsamana, Hon. Danilo Victor H. Lacuna, Jr., Hon. Moises T. Lim, Hon. Numero G. Lim, Hon. Ramon D. Morales, Hon. John Marvin C. Nieto, Hon. Erick Ian O. Nieva, Hon. Robert R. Ortega, Jr., Hon. Eduardo V. Quintos XVI, Hon. Jocelyn J. Quintos, Hon. Elizabeth Z. Rivera, Hon. Ramon M. Robles, Hon. Josefina M. Siscar, Hon. Edward M. Tan, Hon. Luciano M. Veloso, Hon. Luis C. Uy, Hon. Salvador H. Lacuna, Hon. Eunice Ann Denice G. Castro, HON. MARIA SHEILAH H. LACUNA-PANGAN, Majority Floor Leader and HON. MARLON M. LACSON, President Pro-Tempore and Acting Presiding Officer

OMR:rnf/avt/at/gdc/vmf