

Republic of the Philippines



Department of Education CORDILLERA ADMINISTRATIVE REGION SCHOOLS DIVISION OF BAGUIO CITY

Office of the Superintendent Division Memorandum Number 340, s. 2020

DISSEMINATION OF THE AMENDED CHILDREN'S WELFARE AND PROTECTION CODE OF THE CITY OF BAGUIO

TO: Chiefs, CID and SGOD
Public Schools District Supervisors
School Heads, Public Elementary and Secondary Schools
Administrators/Principals, Private Elementary and Secondary Schools, and
All Others Concerned

- 1. The Children Welfare and Protection Code of the City of Baguio was issued by the City Council in 2009 through the Ordinance Numbered 74, Series of 2009.
- The subject Code has been amended which was covered by City Ordinance No. 86, S. 2020 entitled "AMENDING ORDINANCE NUMBERED 074, SERIES OF 2009 (CHILDREN'S WELFARE AND PROTECTION CODE OF THE CITY OF BAGUIO).
- 3. The amended Code is hereto attached for information, guidance, and dissemination to all public and private elementary and secondary schools within Baguio City.
- 4. For strict compliance.

MARIE CAROLYN B. VERANO, CESO V
School Division Superintendent



Republic of the Philippines OFFICE OF THE SANGGUNIANG PANLUNGSOD (CITY COUNCIL) City Government of Baguio

13 August 2020

Dir. May B. Eclar, PH.D., CESO VRegional Director
Department of Education-CAR
Wangal, La Trinidad, Benguet



Dear Madam:

We are furnishing herewith **Ordinance Numbered 86, Series of 2020**, of the *Sangguniang Panlungsod* (City Council), Baguio City, for your information.

Very truly yours,

FAUSTINO A. OLOWAN City Vice Mayor II

By Authority:

ATTY. BRENNER L. BENGWAYAN
Secretary to the Sanggunian II

Encl.: As stated.



CERTIFICATION

This is to certify that the attached Ordinance Numbered 86, Series of 2020, entitled "AMENDING ORDINANCE NUMBERED 74, SERIES OF 2009 (CHILDREN'S WELFARE AND PROTECTION CODE OF THE CITY OF BAGUIO)," which was passed by the Sangguniang Panlungsod ng Baguio on 13 July 2020 and approved by the City Mayor on 22 July 2020, was duly posted in the bulletin boards located at the Baguio City Hall, City Library, City Public Market, Post Office and Health Services Office for at least three (3) consecutive weeks starting 23 July 2020.

The text of the said ordinance was published in the issue dated **02 August 2020** of the **Herald Express**.

Baguio City, Philippines, this 13th day of August 2020.

ATTY. BRENNER L. BENGWAYAN

Secretary to the Sanganian II

frd



Republic of the Philippines City of Baguio SANGGUNIÁNG PÄNLUNGSOD (CITY COUNCIL)

REGULAR SESSION HELD ON 13 JULY 2020

PRESENT:

NT:
Hon. Faustino A. Olowan, City Vice-Mayor and Presiding Officer;
Hon. Joel A. Alangsab, Member;
Hon. Benny O. Bomogao, Member;
Hon. Betty Lourdes F. Tabanda, Member;
Hon. Elaine D. Sembrano, Member;
Hon. Elaine D. Sembrano, Member;
Hon. Maria Mylen Victoria G. Yaranon, Member;
Hon. Isabelo B. Cosalan Jr., Member;
Hon. Isabelo B. Cosalan Jr., Member;
Hon. Arthur L. Allad-iw, Member;
Hon. Arthur L. Allad-iw, Member;
Hon. Vladimir D. Cayabas, Member;
Hon. Fred L. Bagbagen, Member;
Hon. Fred L. Bagbagen, Member;
Hon. Philian Louise C. Weygan-Allan, Member;
Hon. Philian Louise C. Weygan-Allan, Member;
Hon. Michael L. Lawana, Ex-Officio Member (President, Liga ng mga Barangay, Baguio City Chapter); and
Hon. Levy Lloyd B. Orcales, Ex-Officio Member (President, Pederasyon ng mga Sangguniang Kabataan, Baguio City Chapter).

ABSENT: None.

Authored by Hon. Lilia A. Fariñas, Hon. Vice-Mayor Faustino A. Olowan. Hon. Betty Lourdes F. Tabanda, and

Hon. Levy Lloyd B. Orcales.

ORDINANCE Numbered 86 (Series of 2020)

AMENDING ORDINANCE NUMBERED 074, SERIES OF 2009 [CHILDREN'S WELFARE AND PROTECTION CODE OF THE CITY OF BAGUIO]

Explanatory Note

The Sangguniang Panlungsod (City Council) of Baguio during its Regular Session on 17 August 2009 has approved through Ordinance Numbered 74, Series of 2009 the "Children's Welfare and Protection Code of the City of Baguio".

Considering numerous laws have been enacted since its approval and application that necessitates their incorporation into the said Code, it needs to be updated in order for it to adhere to their provisions and to make it more effective and efficient, and appropriate for the present time.

NOW, THEREFORE, upon recommendation of the City Vice-Mayor and Presiding Officer, Hon. Olowan, and on motion of Hon. Fariñas, Hon. Tabanda and Hon. Orcales, duly seconded,

BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD (CITY COUNCIL) IN SESSION ASSEMBLED THAT:

SECTION 1. Ordinance Numbered 074, Series of 2009, is hereby amended and shall now read as follows:

"Explanatory Note

"It is a declared state policy under the Philippine Constitution to recognize the vital role of the youth in nation building and to promote their physical, moral, spiritual, intellectual, and social well-being. The future of the community lies in the range and depth of human resource available for its continued growth and development. Much more so in the case of Baguio City whose principal strength is the youth, notably the children's sector from whom the next generation of citizenry shall be drawn. Consistent with the state policy, the city envisions the children of Baguio to be happy, loved, God centered, with sound mind and healthy body living in a child responsive environment, actively participating in nation building, empowered, and intellectually at par to be globally competitive. globally competitive.

emotional well-being

"The Baguio City Children's Welfare and Protection Code has been conceived as a timely and necessary mechanism to address the mounting challenge of securing and strengthening its most valuable resource. The City Government shall enunciate as a matter of policy its abiding concern for the proper care of its young, Anchored on this abiding policy is its commitment to uphold the rights of children for survival, protection, participation and development. The city recognizes the vulnerability of children/youth sector and the need for measures to protect their rights and ensure the full development of their potential through the active participation of their parents and guardians.

"According to the United Nations Convention on the Rights of the Child (UNCRC), the creation of the Children's Code and the localization of it are our gifts to our children. The future belongs to our children and our task today is to see to it that they will fully develop into a generation of citizens responsible for the management of our community with the best means available to them and thus, this Code.

"XXX.

"PREAMBLE

"The City of Baguio recognizes the family as the basic unit of human society; it believes that preserving families is essential to a free society; that the relationship between parent and child is best in establishing and maintaining the well-being of the child; that parents have the responsibility for providing the basic necessities of life as well as love and affection to their children; that parents have the principal right to raise their children in accordance with their own values and traditions as the City recognizes the different cultures and environmental influences; that parents should make the decisions regarding where and with whom the child shall reside, and in the best interest of the child, the educational, religious, moral, and ethical training of the child, the medical, psychiatric, surgical, and preventive health care of the child, and the discipline of the child; that children owe to their parents obedience, respect, honesty and affection; that the role of the city in the family is limited and should only be asserted when there is a serious threat to the family, the parents, or the child; and that extraordinary procedures established by law are meant to be used only when required by necessity and then with due respect for the rights of the parents, the children, and the institution of the family.

"ARTICLE I "BASIC PRINCIPLES

"SECTION 1. **Title. -** This Code shall be known and cited as the "2020 Revised Children's Welfare and Protection Code of the City of Baguio."

"SECTION 2. Declaration of Policy and Principles. - It is hereby declared the policy of the City of Baguio:

- a. To effectively promote, fully enhance and institutionalize the survival, protection, development and participation rights of children within the framework of advancing general welfare in furtherance of integrated and equitable development;
- b. To provide a continuum of services for children and their families from prevention to treatment considering, whenever possible, prevention, diversion and early intervention in the home, in the schools and in the community;
- c. To serve the welfare of children which shall be the paramount consideration in actions and undertakings concerning them consistent with local autonomy and the principle "Best Interest of the Child" as enunciated in the United Nations Convention on the Rights of the Child (UNCRC);
- d. To adhere to the generally accepted principles of International Law;
- e. To provide for the cooperation and coordination of the civil and criminal systems for investigation, intervention and disposition of cases; and minimize interagency conflicts and to enhance the coordinated response of all agencies to achieve the best interests of the child victim;
- f. To undertake the holistic protection and development of the children together with government agencies, both national and local, and nongovernmental organizations concerned; and
- g. To provide children with services that is sensitive to their cultural needs.

"SECTION 3. **Definition of Terms. -** The following terms and phrases as used in this Code shall be defined as:

- "ABANDONED CHILD" is one who has poor parental care or guardianship, or whose parents or guardians have deserted the child for a period of at least six (6) continuous months;
- b. "BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN" (BCPC) is a body established in the Barangays of the Local Government Units, pursuant to Department of the Interior and Local Government (DILG) Memorandum Circular No. 200-21, which subsumes the Early Childhood Care and Development (ECCD) Coordinating Committee, the expanded membership, responsibilities and functions of which shall be provided in the Implementing Rules and Regulations herein promulgated;

10

- c. "BEIJING RULES" the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, often referred to as the 'Beijing Rules', is a resolution of the United Nations General Assembly regarding the treatment of juvenile prisoners and offenders in member nations;
- d. "BEST INTEREST OF THE CHILD" refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child;
- e. "BULLYING" is any severe or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property, creating a hostile environment at school for the other student; infringing on their rights of the other student at school; or materially and substantially disrupting the education process or the orderly operation of a school; such as, but not limited to the following:

Any unwanted physical contact between the bully and the victim like punching, pushing, shoving, kicking, slapping, tickling, headlocks, inflicting school pranks, teasing, fighting and the use of available objects as weapons:

Any act that causes damage to a victim's psychological and/or emotional well-being;

Any slanderous statement or accusation that causes the victim undue emotional distress like directing foul language or profanity at the target, name-calling, tormenting and commenting negatively on victim's looks, clothes and body; and

Cyber-bullying or any bullying done through the use of technology or any electronic means. The term shall also include any conduct resulting to harassment, intimidation, or humiliation, through the use of other forms of technology, such as, but not limited to texting, email, instant messaging, chatting, internet, social media, online games, or other platforms or formats.

Social bullying, or any deliberate, repetitive and aggressive social behavior intended to hurt others or to belittle another individual or group.

Gender-based bullying, or any act that humiliates or excludes a person on the basis of perceived or actual sexual orientation and gender identity.

As such, any person who commits any of the foregoing acts, is considered a bully. Furthermore, any act of retaliation against a person who reports bullying, who provides information during an investigation of bullying, or who is a witness to or has reliable information about bullying, is likewise prohibited (Republic Act No. 10627 [Anti-Bullying Act of 2013]);

- f. "CHILDREN" refer to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect himself or herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- g. "CHILD ABUSE" refers to maltreatment, whether habitual or not, of the child which includes any of the following:
 - Psychological and physical abuse, neglect, cruelty, sexual abuse, and emotional maltreatment;

- Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
- Unreasonable deprivation of his basic needs for survival, such as food and shelter; or
- Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death;
- h. "CHILD LABOR"—refers to the illegal employment of children below the age of fifteen (15), where they are not directly under the sole responsibility of their parents or legal guardian, or the latter employs other workers apart from their children, who are not members of their families, or their work endangers their life, safety, health and morals or impairs their normal development including schooling. This also extends to the situation of children below the age of eighteen (18) who are employed in hazardous occupations. (Section 12, Republic Act No. 7610 [Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act]);
- i. "CHILD TRAFFICKING/TRAFFICKING IN PERSONS" refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, 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 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, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph. (Republic Act No. 10364 [Expanded Anti-Trafficking in Persons Act of 2012]);

- j. "CHILDREN IN NEED OF SPECIAL PROTECTION" (CNSP) refers to children living under circumstances which gravely threaten or endanger their survival and normal development as defined to include children in worst forms of child labor, neglected and abandoned children, street children, victims of commercial and sexual exploitation, victims of child abuse, children in situations of armed conflict, children in conflict with the law, children in various forms of disability and children of indigenous peoples;
- k. "CIRCUMSTANCES WHICH GRAVELY THREATEN OR ENDANGER THE SURVIVAL AND NORMAL DEVELOPMENT OF CHILDREN" include, but are not limited to, the following:
 - Being in a community where there is armed conflict or being affected by armed conflict-related activities;
 - Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 - Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality life;
 - Being a member of an indigenous community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;
 - 5. Being a victim of a man-made or natural disaster or calamity;
 - Being with family members or guardians having psychological problems grave enough for them to commit incest, rape, lascivious acts and other forms of physical and mental abuse;
 - Being a victim of an illegal transnational union, or child trafficking; and
 - Circumstances analogous to those above stated which endanger the life, safety, or normal development of children;



- "CITY COUNCIL FOR THE PROTECTION OF CHILDREN"
 (CCPC) is a body established in the City pursuant to Department of
 the Interior and Local government (DILG) Memorandum Circular No.
 200-21, and Executive Order Number 139, Series of 2019 entitled,
 "Reconstituting the City Council for the Protection of Children
 (CCPC) in the City of Baguio", which subsumes the ECCD
 Coordinating Committee, the expanded membership and additional
 functions of which shall be provided in the Implementing Rules and
 Regulations hereinafter promulgated;
- m. "LOCAL DEVELOPMENT PLAN FOR CHILDREN" (LDPC) refers to the coordinated program of services and facilities to protect:
 - 1. Children in worst forms of child labor;
 - 2. Neglected and abandoned children;
 - 3. Street children;
 - 4. Victims of commercial, online child abuse and sexual exploitation;
 - 5. Victims of child abuse;
 - 6. Children in situations of armed conflict;
 - 7. Children with various forms of disability; and
 - 8. Children of indigenous peoples;
- n. "DATABASE FOR CHILDREN" a collection of information on children such as their population in specific areas, their ages, education, health information, and other pertinent data organized so it can be easily accessed, managed and updated on a regular basis;
- "JUVENILE JUSTICE" refers to the legal procedures 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;
- p. "JUVENILE JUSTICE SYSTEM" refers to all proceedings starting from initial contact, including diversion proceedings after the filing of the proper information and until disposition of the case involving children in conflict with the law;
- q. "LOCAL STATE OF THE CHILDREN REPORT" is a pronouncement embodied in a document to be delivered annually by the Mayor, showing the progress of the implementation of the planned and targeted programs and projects for children including development in the formulation of the Local Development Plan for Children, Local Investment Plan for Children, as well as the implementation of the Children's Welfare Code. The format and offices tasked to formulate the same shall be provided in the Implementing Rules and Regulations (IRR) created after promulgating;
- r. "NEGLECTED CHILD" is one whose basic needs (food, shelter, clothing, education, health care) have been intentionally or unintentionally unattended or inadequately attended.

Neglect may occur in two (2) ways:

- 1. There is physical neglect when a child is malnourished, ill clad and without proper shelter.
 - A child is unattended when left by himself without provisions for his needs and/or without proper supervision.
- Emotional neglect exists: when children are maltreated, raped or seduced; when children are exploited, overworked or made to work under conditions not conducive to good health; or are made to beg in the streets or public places, or when children are in mortal danger, or exposed to gambling, prostitution and other vices.

- s. "ONLINE SEXUAL ABUSE AND EXPLOITATION OF CHILDREN" (Under "Protection Rights") it is the act of accessing, possessing, producing and/or distributing images and/or videos of child sexual abuse, often referred to as "child pornography". It commonly includes grooming, live streaming, obsessing over child sexual abuse material, coercing and blackmailing children for sexual purposes.
- t. "RESCUE TEAM" is an interagency team established in the Local Government Unit under the auspices of the CCPC/BCPC for cases involving children (e.g. OPLAN Magdalena (for girls) and OPLAN Rizal (for boys), the responsibilities and functions of which, including the composition of front line agencies, and its procedures shall be provided in the Implementing Rules and Regulations hereinaster promulgated.
- u. "RIYADH GUIDELINES" the United Nations Guidelines for the Prevention of Juvenile Delinquency, often referred to as 'The Riyadh Guidelines', were adopted by the eighth United Nations Congress on the Prevention of Crime and Treatment of Offenders held in 1990. The Riyadh Guidelines complement the Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) adopted in 1985.
- v. "STREET CHILDREN" refers to those below the age of eighteen (18) years old who are loitering within the streets of Baguio City without any purpose or visible means of support.

"SECTION 4. Table of Acronyms. - The acronyms as used in this Ordinance shall mean:

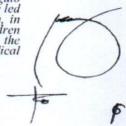
No.	Acronym	Meaning
1	BCPC	Barangay Council for the Protection of Children
2	BGHMC	Barangay Council for the Protection of Children Baguio General Hospital and Medical Center Barangay Health Worker
3	BHW	Barangay Health Worker
4	BNS	Barangay Nutrition Scholar
5	CCPC	City Council for the Protection of Children
6	CDC	Child Development Center
7	CDRRM	City Disaster Risk Reduction and Management
8	CICL	Children In Conflict with the Law
9	CNSP	Children in Need of Special Protection
10	CPDO	City Planning and Develonment Office
17	CSWDO	City Planning and Development Office City Social Welfare and Development Office
12	CYL	Council of Youth Leaders
13	DILG	Department of the Interior and Local Government
14	DOLE	Department of Labor and Employment
15	ECCD	Early Childhood Care and Development
16	EO	Executive Order
17	IRR	Implementing Rules and Pagulations
18	LDPC	Implementing Rules and Regulations Local Development Plan for Children
19	LHB	Local Health Board
20	MC	Memorandum Circular
27	RA	Republic Act
22	UNCRC	United Nations Convention on the Rights of the Child

"ARTICLE II "SURVIVAL RIGHTS OF CHILDREN

"SECTION 1. Survival Rights, - The City shall ensure that every child's inherent right to life and to the needs that are most basic to existence, the right to identify and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security and rehabilitation. To this end, the city shall continue to implement the following projects and programs:

"SECTION 2. Birth Registration. - The City Government shall ensure 100% registration of births in Baguio City to guarantee the rights of a child to identity through a Certificate of Live Birth.

"SECTION 3. Primary Health Care. - The Local Government of Baguio shall formulate and implement a primary health care program which shall be led by the Health Services Office with assistance of the Department of Health, in coordination with the members of the City Council for the Protection of Children (CCPC) and the Local Health Board, which shall include, among others, the strengthening of the Pediatric Ward of the Baguio General Hospital and Medical Center (BGHMC).



"SECTION 4. Prenatal and Neonatal Care for Pregnant Mothers. - the City Government of Baguio shall provide a 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; Provided, That high risk mothers shall be referred to the proper tertiary and secondary care service personnel and children who are at risk from any condition or illness will be brought for care: Provided, further, That the Child Development Center shall be alert to illegal abortions and incompetent and untrained "hilots", so that they are provided the needed basic training for normal delivery and are trained to recognize high risk pregnancies which should be referred to competent obstetric and pediatric medical care for mother and child who are at risk.

"SECTION 5. Comprehensive Training Course on Child Health. - All health practitioners dealing with child health in government, NGO or private institutions shall be required to complete a Comprehensive Training Course on Child Health. No one shall practice his or her health profession without the updated Certificate of Completion of this training course, which shall be designed by the Task Force on Child Health or as prescribed in the implementing rules and regulations of this Code.

"SECTION 6. Health and Nutrition Post. - The Local Government of Baguio shall adopt the Enhanced Child Growth strategy through the setting up of Health and Nutrition Post in every barangay, or at least one for every one thousand population, or a cluster of 20-30 families in hard-to-reach or sparsely-populated areas. The Post shall serve as an extension of the Health Centers and shall be run by the Barangay Health Workers (BHW), or Barangay Nutrition Scholars (BNS), or trained volunteers. Basic integrated health and nutrition and early psychosocial services for children shall be provided by the Post. The District Health Center personnel will provide administrative and technical support for the operation of the Post, and shall implement the provisions of the Universal Health Care Law that may apply.

"SECTION 7. Role of Local Health Board. - The Local Health Board (LHB) 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-a-vis health services available.

"The Local Health Board shall:

- a. Propose to the City Council, in accordance with standards and criteria set by the Department of Health, annual budgetary allocations for the operation and maintenance of health facilities and services within the city; and
- Serve as an advisory committee to the City Council for, and application of, local appropriations for public health purposes.

"ARTICLE III "DEVELOPMENT RIGHTS OF CHILDREN

"SECTION 1. Development Rights. - The City Government shall ensure the rights of a child to education, to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure.

"SECTION 2. Early Childhood Care and Development (ECCD). - The Baguio City Government shall initiate for the care of 0-5 years old children through the Early Childhood Care and Development Program which shall be supervised and implemented by the City Social Welfare and Development Office. The Early Childhood Care and Development Program shall include:

a. Child-Minding Services — The City Government shall develop, implement and sustain a Child Minding Services for the care of 0-3 years old of working parents during the day: Provided, That should the child minding service needed to take care of the children in a particular place is not available, it shall develop a network of homes, which shall be accredited by the City, and where licensed child-minders may take care of children under the adequate supervision of a Social Welfare Officer of the City Social Welfare and Development Office: Provided, further, That where young children are left to the care of paid domestic with elderly relative or older children without adequate and competent raining, the City Social Welfare and Development Office shall provide the necessary training whereby the children under their care will develop normal, healthy and happy childhood, even in the absence of their parents during working hours. The City Social Welfare and Development Office, in coordination with institutions dealing with under six (6) years old children, shall develop a manual for this service to augment the manual development for the Day Care Service Program. The Barangays are encouraged to establish Child Minding programs in coordination with parents and teachers.



Child-minding Service also includes caring for children of working parents during the day and, where feasible, caring for children up to six (6) years of age when parents are working at night: Provided, That the child-minding service need not take care of children in a particular place but shall develop a network of homes where accredited or licensed child-minders may take care of children up to six (6) years of age of working parents during work hours, with adequate supervision from the Social Welfare Officer of the City Social Welfare and Development Office; Provided, further, That where young children are left to the care of paid domestic and elderly relatives, or older children without adequate and competent 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 work hours.

It may also include the provision of materials and network of surrogate mothers-teachers who will 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.

b. Child Development Centers (CDCs) (formerly Day Care Centers)—Child Development Centers shall be set up in every barangay district as far as practicable, depending on the population level of the children in the area, availability of space, location and proximity of the barangays concerned and other analogous factors to be determined by the City Council for the Protection of Children in coordination with the City Social Welfare and Development Office.

The total development and protection of children program for the CDCs shall be provided for children from three (3) to four (4) and eleven (11) months old (Republic Act No. 10410 (Early Years Act (EYA) of 2013)), with the consent of parents. Provided, however, That in case of abused, neglected or exploited children, such consent shall not be required.

The Child Development Center Service shall include the following:

- Monitoring of registration of births and the completion of immunization series for prevention of tuberculosis, diphtheria, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to three (3) to four (4) years and eleven (11) months old;
- Growth and nutritional status monitoring with micro-nutrient supplementation with supervision of intake at home; and
- A support system and network of assistance from among the members of the barangay for the total development and protection of children.

The Local Government of Baguio City shall establish Child Development Centers in areas determined by the CCPC/BCPC in coordination with barangays where such centers will be setup. These centers may be co-managed and jointly operated by the city and the barangays concerned.

"SECTION 3. Elementary and High School Education. - The City Government shall ensure that all children of school age are provided with basic elementary and high school education. The penalty provided under Section 1, Article VIII, hereof shall be imposed upon parents who shall neglect their children by not giving them education which their station in life requires and financial condition permits and/or in light of the fact that basic elementary and high school education are free and highly subsidized by the city.

"SECTION 4. Recreational Facilities. - The City Government shall establish recreational facilities including parks and playgrounds in every barangay appropriate for different age groups and shall provide assistance for the establishment of recreational facilities and learning parks in the schools, if feasible.

"SECTION 5. Children's Literature. - In support of the socio-cultural development of children in Baguio, the Baguio City Government shall invest in the production of local literature for children or other relevant materials.

"SECTION 6. Other Child Friendly Facilities. - The City Government, in partnership with NGO and civic organizations, shall establish and maintain other child-friendly facilities such as, but not limited to, libraries, musceums and playgrounds. Barangays shall establish learning and reading centers, providing for facilities and literary materials. Support shall likewise be provided for the institutionalization of the Child Friendly School System (CFSS) in the schools in the city.

"SECTION 7. Socio-Cultural Activities. - The City Government shall encourage the regular holding of socio-cultural activities/events among which are story-telling sessions, art classes, dance executions, singing, oratorical and musical sessions. Assistance will be extended by the City Government for this purpose.

"SECTION 8. Protective Devices in Recreational Facilities. - All business establishments in the City of Baguio with recreational facilities are required to install protective floor cover, such as foam or other appropriate materials, which can safely absorb a child's fall thereon (Ordinance Numbered 044, Series of 1995), and insure that the costumes of mascots are clean, sanitized and allergenfree for children who typically hug, hold and touch them.

"ARTICLE IV" "PROTECTION RIGHTS OF CHILDREN

"SECTION 1. Protection Rights. - The City Government shall protect the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, verbal abuse, abuse in the justice and penal system, involvement in armed conflict, child labor, drug and sexual abuse, online sexual abuse and exploitation, and bullying.

"SECTION 2. A Child-minding Center, also known as Safe Residential Care/Alternative Family Care System/Child-Caring Agencies (CCAs) shall be a sanctuary for abused, neglected or exploited children either in a one-child institution in the barangay and/or in a network of sanctuary 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 Child Development Center (CDC), with the help and support of the Barangay Chairperson and their barangay level support systems, may call upon law enforcement agencies when the child needs to be rescued from an unbearable home situation.

"SECTION 3. Program on Child Abuse, Exploitation and Discrimination. - There shall be a comprehensive program to be formulated by the CCPC within one (1) year to protect children against child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse and circumstances which endanger child survival and normal development.

"SECTION 4. Child Prostitution and Other Sexual Abuse. - Children whether male or female who, for money, profit or any other consideration or due to the coercion or influence of any adult, syndicate or groups, indulge in sexual intercourse or lascivious conduct are deemed to be children exploited in prostitution and other sexual abuse.

"Cases involving child prostitution and other sexual abuse, and attempts to commit the same shall be dealt with under Section 5, Article III of Republic Act No. 7610, Republic Act No. 10175 [Cybercrime Prevention Act of 2012], Republic Act No. 9775 [Anti-Vhild Pornography Act of 2009], Republic Act No. 9262 [Anti-Violence Against Women and Their Children Act of 2004], Republic Act No. 9231 [Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act), and other children-related laws. In addition to the penalties provided for the aforementioned laws, a penalty shall be imposed against the violators herein as provided in this Code.

"SECTION 5. Obscene Publication and Indecent Shows. - Any person who shall hire, employ, use, persuade or coerce a child to perform in obscene exhibitions and indecent shows whether live or in video, pose or model in obscene publications or pornographic materials shall suffer the penalty as prescribed in Republic Act No. 7610, and in other children-related laws.

"Cases of child trafficking and attempt to commit child trafficking shall be dealt with pursuant to Article IV of Republic Act No. 7610.

"In addition to penalties provided under Section 11, Article VII of Republic Act No. 7610, a penalty shall be imposed against the violators herein as provided in this Code."

"SECTION 6. Child Trafficking. - Any person who shall engage in trading and dealing with children including but not limited to the act of buying and selling of child for money, or for any other consideration or barter, shall suffer the penalty as prescribed in Article IV of Republic Act No. 7610, and under Republic Act No. 10364 [Expanded Anti-Trafficking in Persons Act of 2012].

"SECTION 7. Attempt to Commit Child Trafficking. - There is an attempt to commit child trafficking under this Code:

a. When a child below fifteen (15) years old travels alone to or from Baguio City without valid reason thereof and without clearance issued by the City Social Welfare and Development Office or written permit of justification from the child's parents or legal guardians;

()

- b. When a pregnant mother, father or guardian executes an affidavit of consent of adoption for a consideration or consent, participates or in any manner causes the registration of the birth of such child in the name of another with or without consideration;
- When a person, agency, establishment, or child-caring institutions recruit women or couples to bear children for the purpose of child trafficking;
- When a doctor, hospital or clinic official employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking;
- e. When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers or other child caring institutions who can be offered for the purpose of child trafficking; or
- f. When a person, authority, agency, or institution who is a witness to and fails to report transactions related to circumstances in child trafficking.

"The penalties prescribed in Article IV of Republic Act No. 7610 and Republic Act No. 10364 [Expanded Anti-Trafficking in Persons Act of 2012] shall be imposed upon the principals of the attempt to commit child trafficking under this Code. In addition, a month of community service shall be imposed for the commission of acts under Republic Act No. 7610. Such service shall be imposed for the commission of illegal or prohibited acts under Republic Act No. 7610 and Republic Act No. 10364 [Expanded Anti-Trafficking in Persons Act of 2012].

"SECTION 8. Employment of Children. - Cases involving working children shall be dealt with pursuant to Republic Act No. 7658 [An Act Prohibiting the Employment of children Below 15 Years of Age in Public and Private Undertakings, Amending for Its Purpose Section 12, Article VII of R.A. 7610] and other pertinent national statutes.

"In the employment of minors as domestic helpers, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment and the Office of the Mayor which shall ensure protection of the child.

"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.

"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 of Special Protection (CNSP).

"SECTION 9. Curfew for Minors (Ordinance Numbered 50, Series of 2009, as amended by Ordinance Numbered 23, Series of 2018).

- 9.1. As a measure to protect children from crime, violence and harm, children shall not loiter, roam, or play in the streets, roads, plazas, parks, internet shops/cafes, amusement/game facilities, or other public places or establishments in the City of Baguio between the hours of nine (9:00) o'clock in the evening to four (4) o'clock the following morning. For purposes of this curfew provision, a child/children is defined as a person/persons below sixteen (16) years of age. For the purpose of this Ordinance, 'loiter' shall mean to linger or hang around in a public place or business without a particular or legal purpose.
- 9.2. The guidelines, exemptions, penalties and other provisions provided for in Ordinance Numbered 50, Series of 2009, as amended by Ordinance Numbered 23, Series of 2018, are hereby adopted and incorporated in this Code.

"SECTION 10. Prohibiting the sale of rugby and other solvents. - It shall be unlawful for hardware stores or other establishments to sell rugby or any solvent to minors.

"SECTION 11. Prohibited acts relative to tobacco, vaping and e-cigarette products. - The following are prohibited:

- 11.1. For any retailer to sell or distribute tobacco, vaping and e-cigarette products to any minor;
- 11.2. For any person to purchase cigarettes or tobacco, vaping and ecigarette products from a minor;

- 11.3. For any minor to sell or buy cigarettes or any tobacco, vaping and e-cigarette products; and
- 11.4. For any minor to smoke cigarettes or any tobacco, vaping and ecigarette products.
- "SECTION 12. Sale of tobacco products within school premises. The sale or distribution of tobacco is prohibited within 100 meters from any part of the perimeter of a school, public playground and other facility frequented particularly by minors.
- "SECTION 13. Penalty for Sections 10 and 11. Any violation of Sections 10 and 11 shall be penalized in accordance with the provisions of Republic Act No. 9211, the Tobacco Regulation Act of 2003. For minors, they shall be dealt with in accordance with Republic Act No. 9344 [An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council Under the Department of Juvenile, Appropriating Funds Therefor and For Other Purposes].
- "SECTION 14. Prohibiting the drinking and/or sale of liquor to minors.

 The drinking and/or selling of any kind of liquor or intoxicating drink to minor is strictly prohibited. Likewise prohibited is the act of instructing, ordering, and sending to an errand a minor to buy or acquire liquor.

The business establishment selling and/or serving liquor shall post in bold letters a notice prohibiting the sale and/or serving of liquor to minors.

- "SECTION 15. Prohibition of minors in bars, night clubs, pubs, adult entertainment venues and/or similar establishments. -
 - 15.1. The entry of minors in bars, beerhouses and other venues providing mature entertainment and/or catering to adults is prohibited.
 - 15.2. The owner or operator of these establishments is required to post in a conspicuous place at the entrance of the establishment a notice that "Minors are not allowed."
 - 15.3. The owner or operator of these establishments and accompanying parents/guardians/adults shall be liable for violation of these provisions.
- "SECTION 16. Prohibition in amusement centers (Ordinance Numbered 15, Series of 2000). -
 - 16.1. No person below eighteen (18) years of age shall be allowed to enter any amusement center during school hours.
 - 16.2. Outside of school hours, no person below twelve (12) years of age shall be allowed to enter any amusement center during its business hours, from 9:00 o'clock in the morning to 9:00 o'clock in the evening, except when accompanied by parent(s) or guardian(s).
 - 16.3. Amusement centers, including computer shops and video shops, shall be open for business only from 9:00 o'clock in the morning to 9:00 o'clock in the evening daily.
 - 16.4. The owner and/or operator of an amusement center who allows the entry of minors in violation of the above sections shall be liable for the penalty provided for in Article VIII, Section 1.
- "SECTION 17. **Prohibition in Cinemas** (Ordinance Numbered 094, Series of 1989). Cinemas are hereby prohibited from admitting children below five (5) years of age, except in cartoon or other shows specifically intended for minors.
- "SECTION 18. Proof of age verification. The owner/operator of any of the establishments covered by the above-cited ordinances shall insure compliance with the age requirements. In case of doubt, he/she shall verify the age by means of a photographic identification card containing the name and date of birth of the bearer. Any person who refuses to present said identification card shall be refused admission.

"ARTICLE V" "PARTICIPATION RIGHTS OF CHILDREN

"SECTION 1. Participation of Children in Decision-Making Process. The children in the family, school, community or other organization or institution
shall be heard. Each child regardless of sex, age and tribe 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 adults to
provide opportunities for children to express his or her views, to obtain, make
ideas or information known, regardless of tribe, religion, age and sex.

"SECTION 2. Children's Summit. - There shall be a Children's Summit to be held in November (Republic Act No. 10661 [National Children's Month Act]) every year to be participated in by children representatives from all barangays of the local government unit. The barangays shall conduct their own Children's Assembly prior to the Children's Summit.

"SECTION 3. Family Fun Day. - There shall be a Family Fun Day for Children to be held every year and to be participated in by children from all barangays of the local government unit.

"SECTION 4. Representation in Special Bodies. - The City Government of Baguio shall guarantee the representation of the youth in appropriate special bodies (e.g. LCPC, BCPC).

"SECTION 5. Participation of organized youth groups in governance (Ordinance Numbered 63, Series of 2007). - All organized youth groups in the city shall be required to register with the City Social Welfare and Development Office. Organized youth groups refer to groupings of not less than fifteen (15) youth members with a formal organizational set up, such as barangay youth, fraternities, sororities, samahans, indigenous and similar groups. The Sangguniang Kabataan and school-sanctioned groups are not within the scope of this Ordinance. The details and penalties as provided for in Ordinance Numbered 63, Series of 2007, are hereby adopted.

"SECTION 6. Council of Youth Leaders. - The President/Head of each registered group shall be a member of the Council of Youth Leaders (CYL). The CYL shall formulate the programs and strategies to strengthen participation of the youth in local governance for recommendation to the City Council and/or the City Mayor. The provisions of Ordinance Numbered 63, Series of 2007, are deemed incorporated into this Code.

"ARTICLE VI "RIGHTS OF CHILDREN UNDER EXCEPTIONAL CIRCUMSTANCES

"SECTION 1. Survival, Protection and Development of Indigenous Peoples Children. - In addition to the rights guaranteed to children under this Code and the existing laws, children of indigenous cultural communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

"The CCPC shall develop and institute an alternative system of education for children of indigenous cultural communities which is culture-specific and relevant to their needs.

"The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous cultural communities are given equal attention. In the provision of health and nutrition services to children of indigenous cultural communities, indigenous health practices shall be respected and recognized.

"Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

"SECTION 2. Children in Situations of Armed Conflict. - Cases of children involved in armed conflict shall be dealt with in accordance with the provision of Republic Act No. 7610 and the Memorandum of Agreement in the Handling and Treatment of Children in Armed Conflict entered into by and between the Department of National Defense, the Department of the Interior and Local Government, the CAFP, the DGPNP, the Department of Social Welfare and Development, the Commission on Human Rights and the OPAPP.

"SECTION 3. Rights of the Child in Conflict with the Law (CICL). -Every child in conflict with the law shall have the following rights, including but not limited to:

- The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- b. The right not to be imposed a sentence of capital punishment of life imprisonment, without the possibility of release;
- c. The right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- d. The right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;

0

Ordinance Numbered 86, Series of 2020, page 13.

- e. The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- The right to bail and recognizance, in appropriate cases;
- g. The right to testify as a witness on his/her own behalf under the rule on examination of a child witness;
- The right to have his/her privacy respected fully at all stages of the proceedings;
- The right to diversion if he/she is qualified and voluntarily avails of the same;
- j. The right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- k. The right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- 1. In general, the right to automatic suspension of sentence;
- The right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- The right to be free from liability or perjury, concealment or misrepresentation; and
- Other rights as provided for under existing laws, rules and regulations.

"The City of Baguio further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or the "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", the United Nations Rules for the Protection of Juveniles Deprived of Liberty and Republic Act No. 9344.

"ARTICLE VII "IMPLEMENTING MECHANISM

"SECTION 1. Creation of the Special Office for the Children's Concerns. - A Unit for children's concerns to realize the provisions of this Code shall be created/strengthened at the City Social Welfare and Development Office. It shall be the special coordinating and implementing arm of the Local Government of Baguio to focus on children specific programs and projects. It shall file complaints of cases on unlawful acts committed against children in most expeditious process.

"SECTION 2. The City Council for the Protection of Children (CCPC) as created under Presidential Decree No. 603 shall be the implementing body of this Code on the city level. The Barangay Councils for the Protection of Children (BCPC) shall be the implementing body in the barangay. These Councils shall monitor, report and implement programs in the barangays.

"SECTION 3. Search for Child-Friendly Barangays in the City (Ordinance Numbered 30, Series of 2004), -

"The annual search for child-friendly barangays in the city is hereby institutionalized. The guidelines and mechanics as provided for in Ordinance Numbered 30, Series of 2004, are hereby adopted.

"SECTION 4. Local State of Children Report. - The City Mayor shall deliver in November of every year an annual report on the implementation of the Local Development Plan for Children and of the Children's Welfare and Protection Code. The reports coming from the different line agencies shall be consolidated by the City Planning and Development Office using the templates provided for.

"SECTION 5. Implementing Rules. - Unless otherwise provided in this Code, the City Social Welfare and Development Office, in coordination with the City Council for the Protection of Children (CCPC), shall promulgate the rules and regulations for the effective implementation of this Code.





"FINAL PROVISIONS

"SECTION 1. General Penalty. -

- 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 (₱5,000.00) or both at the discretion of the court.
- All establishments 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 prosecuted under this Code or the Revised Penal Code, as amended, or special
- Violations of ordinances herein incorporated into this Code shall be penalized under the specific ordinances cited.
- Minors who act in conflict with any of the provisions of this Ordinance shall be subjected to the provisions of Republic Act No. 10630 [An Act Strengthening the Juvenile System in the Philippines, Amending for the Purpose Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006" and Appropriating Funds Therefor]. The City shall develop and implement a Comprehensive Juvenile Intervention Program. Diversions shall be undertaken, when feasible and applicable. Community service under Ordinance Numbered 030, Series of 2003, is hereby authorized as a form of diversion.

"SECTION 2. This Code recognizes and adopts the provisions of the following Republic Acts:

Republic Act No. 11222 [Simulated Birth Rectification Act]; Republic Act No. 11188 [Special Protection of Children in Situations of

Armed Conflict Act]: Republic Act No. 11148 [Kalusugan at Nutrisyon ng Mag-Nanay Act]; Republic Act No. 11037 [Masustansyang Pagkain para sa Batang Pilipino

- Republic Act No. 11036 [Mental Health Act]; Republic Act No. 10821 [Children's Emergency Relief and Protection

Republic Act No. 10666 [Children's Safety on Motorcycles Act of 2015]; Republic Act No. 10630 [Juvenile Justice and Welfare Act of 2006]; Republic Act No. 10410 [Early Years Act (EYA) of 2013]; Republic Act No. 10364 [Expanded Anti-Trafficking in Persons Act of

2012;
Republic Act No. 10175 [Cybercrime Prevention Act of 2012];
Republic Act No. 9775 [Anti-Child Pornography Act of 2009];
Republic Act No. 9262 [Anti-Violence Against Women and Their Children Act of 2004];
Republic Act No. 9231 [Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act]; and
Other laws essential for Child-Friendly Governance auditing procedures

"SECTION 3. Information Dissemination. - The Public Information Office under the City Mayor's Office and the Information Officer of the Sangguniang Panlungsod are hereby directed to formulate and implement an information dissemination program informing the general public of this Code. The City Social Welfare and Development Office shall cause the printing and distribution of this Code.

"SECTION 4. Appropriations. - The amount necessary to carry out the provisions of this Code is hereby authorized to be appropriated to be incorporated into the annual and supplemental budgets of the city. The funds of the Sangguniang Kabataan may be used for these programs, especially for barangays.

"SECTION 5. Separability Clause. - If any provision or section of this Ordinance, or the application thereof to any person or circumstance is held invalid, the other provisions or sections of this Ordinance and the application of such circumstance shall not be affected thereby.

"SECTION 6. Repealing Clause. - All prior Ordinances, Executive Orders, Administrative Orders, Rules and Regulations, or part/s thereof that are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

"SECTION 7. Effectivity Clause. - This Ordinance shall take effect in accordance with the provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, as amended."

Ordinance Numbered 86, Series of 2020, page 15.

SECTION 2. This Ordinance shall take effect in accordance with the provisions of Republic Act No. 7160, also known as the Local Government Code of 1991, as amended.

Unanimously passed.

CERTIFIED CORRECT:

AUSPINO A. OLOWAN City Vice-Mayor and Presiding Officer

JUL 2 0 2020

BENJAMIN B. MAGALONG City Mayor 2 2 UUL 2020

Attested:

BRENNERG. BENGWAYAN Secretary Bayagunian

APPROVED:

æ

JONATHAN NE FONTANOS