



Republic of the Philippines  
Province of Cavite  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
Trece Martires City



**EXCERPTS FROM THE MINUTES OF THE 35<sup>TH</sup> REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF CAVITE HELD ON 24 NOVEMBER 2003 AT THE SESSION HALL, CAPITOL BUILDING, TRECE MARTIRES CITY**

**PRESENT:**

Hon. Hilda P. Mendoza	Acting Vice-Governor/ Presiding Officer
Hon. Bernard Michael I. Bautista	Majority Floor Leader
Hon. Strike B. Revilla	Minority Floor Leader
Hon. Alex L. Advincula	Sanggunian Member
Hon. Rafael S. Rodriguez	Sanggunian Member
Hon. Dominic R. Tolentino	Sanggunian Member
Hon. Arleen C. Arayata	ABC Prov'l. Fed. Pres.
Hon. Jose Rozel E. Hernandez	SB Prov'l Fed. Pres.
Hon. Sophia Marie G. Pagtakhan	SK Prov'l Fed. Pres.

**ABSENT:**

Hon. Juanito Victor C. Remulla, Jr. (VL)	Vice-Governor/Presiding Officer
Hon. Hermonogenes C. Arayata III	Sanggunian Member
Hon. Iluminada F. Silao	Sanggunian Member
Hon. Teodoro S. Sanchez	Sanggunian Member
Hon. Cesario R. Del Rosario, Jr.	Sanggunian Member

**RESOLUTION NO. 583-S-2003**

**WHEREAS**, the 1987 Philippine Constitution, specifically Article XV, Section 3, par. 2, stipulates that the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

**WHEREAS**, Republic Act No. 7610 likewise provides stronger deterrence and special protection of children against child abuse, exploitation and discrimination;

**WHEREAS**, despite the strict implementation of these laws, there are still existing practices that violate children's rights;

**WHEREAS**, in order to provide a shield for children against all forms of abuse and exploitation, and at the same time, vehicle for smooth transformation from infancy to adolescence and to adulthood, there is a need for the enactment of a code that could address the needs and concerns of the young Cavitenos.

**NOW, THEREFORE**, be it ordained by the Sangguniang Panlalawigan in session assembled that:

**PROVINCIAL ORDINANCE NO. 2003-008**

**CHILDREN'S CODE OF THE PROVINCE OF CAVITE**  
*Authored By Hon. Strike B. Revilla and*  
*Co-Authored By Hon. Dominic R. Tolentino*

**ARTICLE I.**

**TITLE, DECLARATION OF POLICIES AND PRINCIPLES,  
PURPOSES, DEFINITION, STATE OBLIGATIONS**

**Section 1. Title.** – This Ordinance shall be known as the "CHILDREN'S CODE OF THE PROVINCE OF CAVITE"

**Section 2. Declaration of Policies and Principles.** – The State recognizes the vital role of youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth the patriotism and nationalism, and encourage their involvement in public and civic affairs.

It also recognizes that the children have rights as provided in the United Nations Conventions on the Rights of the Child and other laws.

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

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

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

- a) To ensure the protection of children against all forms of abuse and exploitation;
- b) To advocate for children's rights and promote their welfare and development;
- c) To ensure that children's rights are given priority attention both in the government and in the civil society; and
- d) To improve the quality of life of the Caviteño children enabling them to fully develop their potentials and participate in community undertakings and nation building.

**Section 4. All proceedings to be conducted in the Best Interest of the Child.**

– Proceedings before any authority or body and in whatever nature or circumstance should be conducted in the best interest of the child and should allow the free and express participation of the child. All doubts in the implementation of this Code, including its implementing Rules and Regulations (IRR), shall be resolved taking into consideration the best interest of the child. In addition, all ambiguities in Provincial, City and Municipal Ordinances, Rules and Regulations, Policies and the like should be construed in a manner that will redound to the best interest of the child.

**Section 5. Participation of the Child.** – Participation of children in program and policy formulation and implementation related with children's concern should be ensured by the concerned agency of the Local Government Unit (LGU).

**Section 6. Duties and Responsibilities of the State.** – In accordance with Section 3 paragraph 2 of Article XV of the Philippine Constitution, it is the duty of the State to defend the rights of children to assistance including the proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

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

- a.) Undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights, the State shall undertake such measures to the maximum extent of its available resources and, where needed, within the framework of international cooperation;
- b.) Ensure to the maximum extent possible the survival, development, protection and participation rights of the child;
- c.) Take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardant/s or any other person/s who has the care of the child;
- d.) Assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his/her age and maturity; and
- e.) Render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of the children.

**Section 7. Expressed Provincial Undertaking.** – The Provincial Government of Cavite, as a manifestation of its unqualified support and unwavering commitment to the above duties and responsibilities, hereby expressly adopts the same duties and responsibilities as its own. As such, in general, the protection and upholding of the rights and welfare of the child is now the primordial agenda of the Provincial Government.

**Section 8. Definition of Terms.** – As used in this Ordinance, the following terms shall mean:

- a) **CHILD** refers to a person under the age of eighteen (18) years. Included in the definition are those are over eighteen (18)years but are unable to fully take care and/or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

b.) **CHILD ABUSE** refers to the maltreatment or ill-treatment, whether habitual or not, of the child. Included in the definition are any of the following:

1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
2. Any act by deeds or words which debases, degrades or demeans the extrinsic or intrinsic worth and dignity of a child as a human being;
3. Unreasonable deprivation of his or her basic needs for survival;
4. Failure to give immediate medical treatment or physical assistance in whatever nature, to an injured child;
5. Employment of children below fifteen (15) years of age in public and private undertakings, except:
  - a. When a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed: Provided, however, that his employment neither endanger his/her life, safety, health and morals, nor impairs his normal development. Provided further, that the parent or legal guardian shall provide the said minor child with the prescribed primary and/or secondary education; or
  - b. Where a child's employment or participation in public entertainment or information through cinema, theatre, radio or television is essential: Provided, the employment contracts 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 is secured: Provided further, that the following requirement in all instances are strictly complied with:
    - 1) The employer shall ensure the protection, health, safety, morals and normal development of the child;
    - 2) The employer shall institute measure 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
    - 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 any such child may be employed, the provisions of Presidential Decree No. 442, 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 engaging such child, a work permit from the DOLE, which shall ensure observance of the above requirements.

- c.) **SPECIAL CONCERNS** are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
1. Being in a community where there is armed conflict or being affected by armed conflict related activities;
  2. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
  3. Living in or tending for themselves in the streets or urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
  4. Being children of indigenous peoples 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; or
  6. Analogous circumstances which endanger the life, safety or normal development of children.
- d.) **DAY CARE** is the provision of substitute parental care and stimulating activities for the total development of children from birth to five (5) years old when their parents are unable to take care of them during any part of the day because of work or some other legitimate situations.
- e.) **DAY CARE CENTER** is a facility where Day Care services are provided by an accredited day care worker particularly for children in the three-to-five (3-5) year age bracket.
- f.) **DIVERSION** shall refer to an alternative child-appropriate process of determining a juvenile's responsibility for an alleged offense as well as in determining the measures, if any, to be undertaken by the juvenile and other persons without resorting to formal court adjudication.
- g.) **DIVERSION PROGRAMS** shall refer to programs that juveniles are required to undergo after they are found responsible for an offense without, the child being made to undergo formal court litigation.
- h.) **COMMUNITY REINTEGRATION PROGRAMS** shall refer to programs that juveniles are required to undergo after they are found responsible for an offense, without the child being made to undergo formal court litigation.
- i.) **KATARUNGANG PAMBARANGAY** shall refer to sections 408-422 of the Local Government Code of 1991.
- j.) **SPECIALLY ABLED CHILDREN, CHILDREN WITH DISABILITIES and CHILDREN WITH SPECIAL NEEDS** are children with either physical or mental infirmities whether congenital or acquired after birth.

**ARTICLE II**  
**RIGHTS AND OBLIGATIONS OF THE CHILD**

**Section 9. Rights of the Child.** – Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, religion, political antecedents, and other factors.

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

Survival Rights ensure the child's inherent right to life and to the needs that are most basic to existence, the right to a name and to a nationality, 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. The following are the survival rights:

- a.) Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his/her conception;
- b.) Every child has the right to a wholesome family life that will provide him/her with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home.
- c.) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

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

- a.) every child has a right to a well rounded development of his/her personality to the end that he/she may become a happy, useful, and active member of society, especially:
  - 1.) The gifted child shall be given the opportunity, encouragement, and material support to fully develop his/her special talents;
  - 2.) The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and adequate competent care;
  - 3.) The physical or mentally-handicapped child shall be given treatment, education and adequate competent care required by his/her condition.

- b.) Every child has the right to be brought up in an atmosphere of morality, rectitude, righteousness and sense of responsibility for the enrichment and the strengthening of his/her character.
- c.) Every child has the right to grow up as a free individual in an atmosphere of peace, love, understanding, tolerance and universal unity with the determination to contribute his/her share in building a habitable and better world;
- d.) Every child has the right to education. Primary and secondary education shall be compulsory and higher education shall be available, accessible and affordable to all on the basis of capacity by every appropriate means. the education of the child shall be directed to:
  - 1.) The development of the child's personality, talents, mental and physical abilities to the fullest extent;
  - 2.) The preparation of the child for responsible adult life in a free society;
  - 3.) The development of respect for the child's parents, elders, laws of the land, rights of others, his/her cultural identity, language and values, and the cultural background and values of others;
  - 4.) The development of respect for the environment, its protection, promotion and preservation.
- e.) Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his/her leisure hours;
- f.) Every child has the right to live in a community and a society that can offer him/her an environment free from pernicious influence and conducive to the promotion of his/her health and the cultivation of his/her desirable traits and attributes.

Protection Rights cover those rights protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation.

Participation rights refer to the child's rights to participate in matters that affect him/her most by providing all appropriate venues where he/she can express his/her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly. The following are the participation rights of a child:

- a.) Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him/her, either directly, or through a representative or an appropriate body, in a manner consistent with procedural rules of national law;

- b.) Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
- c.) Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds, subject only to the acceptable standards of mores and culture;
- d.) Every child has the right to express his/her opinion freely and to have these opinions taken into account in any manner or procedure affecting him/her;
- e.) Every child has the right to privacy and shall be protected against unlawful interference with such privacy, family home or correspondence, and unlawful attacks against his/her honor and reputation.

**Section 10. 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 or her religion, the teaching of his/her elders and mentors, and the bidding of a clean conscience;
- b.) Love, respect and obey his/her parents, family elders, and cooperate with them in the strengthening of the family ties;
- c.) Extend to his brothers or sisters love, thoughtfulness, and helpfulness, and endeavour with them to keep the family harmonious, united and close-knit;
- d.) Exert his/her utmost to develop his/her potential 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 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; and



- g.) Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for unity and prosperity, and the furtherance of world peace.

### ARTICLE III ROLES AND FUNCTIONS OF THE VARIOUS SECTORS

**Section 11. The Family.** The family is the basic unit of society responsible for the primary socialization of children, which is important in the prevention of children's rights violations. Governmental and social efforts to preserve the integrity of the family, including the extended family, shall be pursued with vigor.

**Section 12. The Parents.** – The parents shall 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.

**Section 13. Parental Rights under the Family Code.** – Parents shall continue to exercise the rights mentioned in Articles 209 to 237 of the Family Code over the person and property of their children.

**Section 14. Right to Discipline Children.** – Parents shall have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts in this Code. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

**Section 15. General Duties of Parents.** – Parents shall have the following general duties toward their children:

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

**Section 16. 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 family, owing to force majeure or in their own best interest, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being made to the desirability of continuity in children's upbringing in their own cultural milieu.

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

**Section 17. Role of Women.** – Women in their various roles play a vital and critical role in the well being of children. Efforts for the enhancement of women's status and their roles in development must begin with female children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation's social and economic development.

In order to achieve the foregoing and to prepare women for their various roles, equal opportunity shall be provided to female children for them to benefit from the health, nutrition, education and other basic services for their full growth.

**Section 18. Role of Father.** – Fathers play a vital and critical role in their children's lives. Policies and legislation shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

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

**Section 19. Role of Educational Institutions.** – Educational Institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions within the jurisdiction of the province of Cavite shall incorporate into their curriculum a subject on the rights and responsibilities of children, and other provisions of this Code, subject to guidelines set by the Department of Education (DEPED) and the Commission on Higher Education (CHED)

The conduct of symposia, talks, seminars and other forum, as a form of public awareness on national and local issues in general and on the rights of the child in particular, for the students shall be encouraged and supported.

**Section 20. Role of the Mass Media.** – The mass media should be aware of their extensive social role and responsibility, as well as their influence, in mass communications relating to children. They should use their power to protect the rights of the children and promote their welfare. Relaying consistent messages through a balanced approach and the prevention of profane and vulgar language not suitable to children-listeners are encouraged. Special attention shall be given to effective anti-drug awareness campaign and delinquency prevention.

The media shall at all times exert efforts and diligence to avoid mentioning and/or revealing the true name and/or identify of child abuse victims and child offenders in their programs or written articles or causes the publication of their pictures in newspapers or magazines unless cleared by a competent court.

**Section 21. Role of Judicial Institutions.** – In the administration of justice, Courts, prosecutors and other actors shall ensure that the rights of the children are protected at all times. They shall conduct programs and activities geared towards enhancing children's rights.

**Section 22. Role of Local Government Units (LGUs)** – The local Government Units shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation in accordance with Section 16 of the Local Government Code of 1991.

**Section 23. Role of Local Councils for the Welfare of Children.** – These Councils shall, in addition to their existing duties and functions, coordinate with and assist their corresponding LGUs in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

**Section 24. Role of the Sangguniang Kabataan.** – The Sangguniang Kabataan (SK) as provided for under the Local Government Code of 1991, in addition to its powers and functions, shall 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 welfare of children for this purpose. It is encouraged that the SK shall devote a substantial portion of its annual budget for abuse prevention programs.

#### ARTICLE IV PROGRAMS AND SERVICES FOR CHILDREN

##### **A. Comprehensive Program For Children**

**Section 25. Comprehensive Program for Children.** – The Province of Cavite and its component Local Government Units shall, within one (1) year from the effectively of this Code and every three (3) years thereafter, formulate a comprehensive program for children covering at least a three-year period. Such program shall include prevention of children's rights violation, prevention of child abuse, juvenile delinquency, drug addiction, and other children related problems.

**Section 26. The Community Approach.** – The community approach shall be given special attention in the comprehensive program for children. This involves addressing community-wide issues and improving the over-all environment of the neighborhood in order to prevent violations of children's rights through mobilization of human resources within the community. Volunteerism among members of the community to assist in the implementation of the programs shall be encouraged and prioritized. Community-based services and programs which respond to the special needs, problems, interest and concerns of young persons and which offer appropriate counseling and guidance to children and their families should be promoted, developed, supported or strengthened where they exist.

**Section 27. Process in Formulating Comprehensive Children's Program. –**

The process in coming up with Comprehensive Children's Program shall be participatory and consultative. The LGU in coordination with the Local Councils for the Welfare of Children, shall call on all sectors concerned, particularly child-focused institutions, NGOs, people's organizations, youth organizations, children's councils, educational institutions and government agencies involved with children's concerns such as, but not limited to, the Department of Social Welfare and Development (DSWD), Department of Health (DOH), and the Department of Education (DepEd) to participate in the planning process.

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

**Section 28. Periodic Review and Assessment of the Comprehensive Children's Program. –** The Comprehensive Children's Program shall be reviewed and assessed yearly by the LGUs in coordination with the Local Councils for the Welfare of Children. The programs shall be reviewed by the Provincial Council for the Welfare of Children as to their effectivity in preventing children's rights violations based on the indicators identified in the program.

**B. Abuse Prevention Program**

**Section 29. Prevention Programs. –** Prevention programs which shall be an important component of the Comprehensive Children's Programs to be implemented by the LGUs through the local councils for the welfare of children, schools, youth organizations and other concerned agencies. These programs shall consist of three levels:

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

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

**C. Other Proactive Programs**

**Parenting Orientation Courses**

**Section 30. Parenting Orientation Courses.** – Parenting Orientation Courses shall be integrated into the curriculum of all high schools in Cavite subject to the Department of Education rules and regulations.

Marriage license applicants shall be required to participate in a Parenting Orientation Courses with Gender and Child Sensitivity, as among other requirements, prior to the issuance of a marriage license by the Office of the Local Civil Registrar. This course becomes an integral part of existing family planning seminars or reproductive health courses. The Provincial Council for the Welfare of Children in close coordination with the Provincial Health Office and the Office of the Local Civil Registrar shall update the design of the family planning seminar in consonance with this Ordinance.

Parents and guardians shall be required to participate in a Parenting Orientation Course during the school year a child is enrolled in either a public or private school within the province. Such course may also be incorporated in Parent-Teacher Association (PTA) activities for the school year in the elementary and high school levels.

For those required by this Code to take the Parenting Orientation Course, it is mandatory to take the course once in every three years.

Within one year from the effectivity of this Code, the Provincial Council for the Welfare of Children in coordination with the Office of the Civil Registrar shall initiate the formulation of modules for these courses.

## **Health Care**

**Section 31. Primary Health Care.** – The Provincial Government shall implement primary health care and nutrition programs for children in coordination with the Provincial Health Office.

**Section 32. Promotion of Primary Health Care Programs.** – The Barangay Health Centers shall implement the primary health care program. Each barangay health center shall designate a Barangay Child Health Officer to monitor children's health in the Barangay level, with a salary commensurate to the task assigned.

To further ensure the implementation of this section, the Province of Cavite shall take appropriate measures:

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

- b.) To establish a comprehensive Parents Orientation Development Program which includes gender-responsive courses on reproductive health, child health and child rearing practice in the context of the Filipino psychology;
- c.) To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution for milk firms which violate such code;
- d.) To conduct massive information and education on breastfeeding, utilizing existing reference materials for effective breastfeeding education program.

**Section 33. Child and Gender Sensitivity Training for Health Workers.** – All Provincial, City, Municipal and Barangay health Workers shall be required to attend training courses on child and gender sensitivity to be conducted by organizations duly accredited by the Provincial Council for the Welfare of Children.

**Section 34. Establishment of Children's Hospital of Cavite and Children Live-In Center.** – The Provincial Government of Cavite shall establish special hospitals for children that are accessible and affordable to the poor families. It shall ensure pediatric assistance and facilities for the treatment of illness and physical rehabilitation.

For this purpose, the General Trias Medicare Hospital is hereby converted into the Children's Hospital of Cavite. The Children's Hospital shall specialize in children's diseases and illnesses and render affordable medical/health services to all children in Cavite. The operation of the said hospital shall be under the Provincial Health Office.

And further, the Kalayaan Hospital, in Kawit, Cavite is hereby designated as the Children Live-In Center of the Province. In addition to the services it offers, the Kalayaan Hospital will serve as a temporary shelter and center for rehabilitation of those children in need of assistance other than medical, specially those abandoned and abused children.

**Section 35. Child and Family Friendly Hospitals in the Province of Cavite.** – All hospitals in the province of Cavite, whether public or private, shall set up child child-friendly units to include rooming-in facilities and pediatric room with appropriate mechanisms, gadgets and equipment.

**Section 36. Program for Children with Special Needs.** – The Provincial Government of Cavite shall make a periodic child-focused and child-specific comprehensive survey on children with disabilities in the province as basis for a more systematic coordination of services (health, nutrition and education) for children with special needs.

**Section 37. Educator's and Health Professionals' Training for the Special Program on Children with Special Needs.** – A training program for educators and health professionals handling children with disabilities and special needs shall form part of the priority of the provincial government of Cavite.

**Under Six Program and Establishment of Day Care Centers**

**Section 38. Under Six Program Framework.** – The Provincial Government of Cavite shall ensure to the maximum extent possible the survival and development of the child. The program on survival and development shall include the following:

- a.) Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) year of age;
- b.) The barangay officials and their barangay-level support systems, may call upon law enforcement agencies when there is abuse, neglected and exploited child who needs to be rescued from an unbearable home situation;
- c.) A reproductive health center for pregnant mothers for pre-natal and neo-natal care and, in the proper case, for delivery of the infant under conditions which will eliminate or minimize risks to mother and child: Provided, the high-risks mothers shall be referred to the proper tertiary or secondary care service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care: Provided further, that *hilots* (traditional birth attendants) and Barangay Health Workers (BHW s) are provided the needed basic training for normal delivery and are trained to recognize high-risk pregnancies which would be referred to competent obstetrical and pediatric medical care;
- d.) A barangay level network of assistance from among the adults of the community for the total development and protection of children;
- e.) Unstructured combined with structured learning exercises for children under early childhood education shall be instituted in the day care centers respecting the participation right of the child;
- f.) A pool of trained day care or child development workers with an upgraded salary scheme commensurate to the task assigned to them.

**Section 39. Population-Based Day Care Set-Up.** – Pursuant to Republic Act 6972 or the Barangay Level Total Development and Protection of Children Act, day care centers shall be set up in every barangay. The number of such centers shall depend on the population level of the children and how depressed the barangay is as determined by the respective provincial and municipal councils for children in coordination with their respective social welfare offices.

**Section 40. Importance of Day Care Service.** – Day care service addresses the needs in the crucial stages of a child's growth. By the age of five (5), a child's brain has already grown to 90 percent of its adult weight and much of the way he/she envisions and interacts with the world has been shaped. Thus, the child's formative years and the care that he/she gets during this period would significantly affect his/her learning capacity, personal and social interaction well into adulthood.

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

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

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

**Section 41. Setting up of Day Care Centers by Community-Based Organizations.** – Community-based organizations can help mobilize resources to complement the efforts of the Local Government Units in establishing day care centers in their communities. In this way, more children needing attention can be reached and served.

**Section 42. Barangay Health Workers, Day Care Workers and Support Group.** – In addition to the benefits being received by the various Barangay Health Workers, the Provincial Government of Cavite shall provide a scheme wherein the Barangay Health Workers will receive an additional allowance of not more P800.00 a month but not less than P300.00 a month. In determining the allowance to be received, consideration should be made on the size of the barangay, its population size and such other related factors.

The Local Government unit concern shall pay for the Day Care Worker's (DCWs) allowance, honorarium or salary. In determining the amount of said allowance, honorarium or salary, consideration should be made on the size of the barangay, the population size and such other related factors. The Provincial and Municipal Social Welfare and Development Offices shall provide continuing technical assistance to three centers.

A community Volunteers Parents Group shall be organized to be an effective support group to the centers. The volunteers group shall help mobilize resources for the improvement of the centers, acquisition of more learning materials and play equipment and other support activities.



Provided, however that, Day Care Workers, Barangay Health Workers, volunteers and members of support group must, before he/she can participate in any day care services, secure a clearance from local police authorities that he/she has no record of child abuse and sexual molestation.

### **Recreational and Cultural Programs**

**Section 43. Barangay Level Recreational and Cultural Facilities and Program.** – A barangay level program for the revival of indigenous games and recreation shall be installed. The provincial government in coordination with the Department of Education in the province shall undertake research and documentation of indigenous games and traditional pastimes.

Every barangay in the province shall allocate space for recreational facilities appropriate for different age groups. A year-round cultural program appropriate for different age groups shall be designed with due respect to cultural diversity.

Indigenous games shall be encouraged in various athletic and sports programs of the local provincial government in coordination with the Department of Education in the province, will ensure that availability of public school grounds to the children in the community during summer school break.

The various schools are encouraged to come up with summer activities program for the duration of the summer vacation in order to keep the child in the school premises during summer vacation for his/her safety and development.

The physical facilities of the schools must be utilized in order to help develop the skills of a child in sports, arts, dramatics, nature study, cooking, wood working and the like. Likewise, the imparting of discipline and independence to the child must be emphasized.

**Section 44. Summer Schools Scouting and Order Related Programs.** – Recognizing the values of Scouting and such other value-formation and character-building activities, the provincial government will support the conduct of a scouting program during the summer school break provided it is school based.

The school premises will be made available to the conduct of various related scouting and other activities that will develop the child's values in line with the accepted scouting principles.

**Section 45. Local Children's Literature.** – In support to the thrust for the socio-cultural development of children in the province, Local Government Units shall invest in the promotion and production of local literature for children and other relevant educational materials.

**Section 46. Children's Socio-Cultural Heritage and Recreational Privilege.** –

To encourage the awareness of the children to the socio-cultural heritage of this country, the Provincial Government of Cavite shall work upon the granting of privileges to bonafide elementary and high school students of public and private schools in the province in the form of discounts and/or free admissions to tourism cites, place of historical importance, movie houses showing Filipino movies, admission to sporting activities and other similar activities.

**Section 47. Other Child-Friendly Facilities.** – Local Government Units in partnership with NGOs and Civic Organizations are also encouraged to put up and maintain other child-mendly facilities such as but not limited to libraries, museums, parks and playgrounds.

**Children's Month and Children's Day Celebration**

**Section 48. October as Children's Month.** – In keeping with the mandate of Presidential Proclamation No. 267 signed on September 30, 1993 declaring the month of October as national children's month, the local councils for the welfare of children shall conduct child-focused activities for the month promoting the rights and responsibilities, as well as the obligations of the people and institutions and responsible in ensuring the well-being of the Filipino children.

**Section 49. October 17 of Every Year as National Children's Day.** – Pursuant to Presidential Proclamation No. 74 dated October 16, 1992 declaring the 17<sup>th</sup> day of October every year as National Children's Day to honor Filipino Children and to emphasize the importance of their role within the family and within the society, the local councils for the welfare of children are mandated to observe Children's Day with activities highlighting the rights, roles and responsibilities of children.

**Section 50. October 18 as Cavite Children's Day.** – Pursuant to the undertaking and unwavering commitment of the Provincial Government of Cavite to uphold and protect the right and welfare of all children in Cavite, October 18 of every year shall be declared as the Cavite Children's Day where programs and activities will be held to promote the significance of the role of the children in family, society and nation building.

**Section 51. Third Monday of October of Every Year as Children's Day of Governance/Administration.** – Under close supervision by those in government positions, the children in the province of Cavite shall reign the governance / administration of the entire bureaucracy, including elective positions, except in hospitals, from the barangay up to provincial level, and whose official actions shall be binding and enforceable within the law. The various schools in the province will send their respective delegates in a convention for the said purpose. In the said convention, the delegates themselves will choose who will be occupying what positions in the bureaucracy. On this day, governing/administering children shall be compensated according to the position/s they are holding commensurate to one (1) day equivalent to be taken from the regular salary of the holder of such position being taken over.

### **Crisis Intervention Program**

**Section 52. Establishment and Rationale of the Crisis Intervention Center.** – In recognition of the special need for protection, assistance and development of children in consonance with the spirit and letter of the Constitution and Republic Act No. 7610, mandating the protection against child abuse, exploitation and discrimination and likewise Republic Act No. 8505, mandating the establishment of a crisis center in every province and authorizing the appropriation of funds therefore, a crisis intervention center shall be establishment in the Province of Cavite. Services of the center shall not be limited to abused children but shall equally cater to the other vulnerable sectors of society particularly women.

**Section 53. Objectives of the Crisis Intervention Center.** – The Crisis Intervention Center has the following objectives

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

**Section 54. Organizational Structure, Management and Operations of the Center.**

- a.) The Provincial Council for the Welfare of the Children will formulate the organizational structure of the center depending on the need for its services;
- b.) The member agencies of the Provincial Council for the Welfare of the Children and other national agencies and NGOs which have pledged support for the center will sign a Memorandum of Agreement for their commitment of services and/or resources to ensure the sustainability of the center's services;

- c.) The center shall be under the supervision of the Provincial Social Welfare and Development Office;
- d.) The Provincial Social Welfare Development Office and the Provincial Council for the Welfare of Children, in coordination with LGUs concerned, shall issue the necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

**Section 55. Budget Allocation for the Crisis Intervention Center's Operation and Maintenance.** – The provincial government shall provide support for the construction, maintenance and continued operations of the crisis intervention center by allocating specific funds every year, which shall form part of the Provincial Social Welfare and Development Office's annual appropriations.

## ARTICLE V SPECIAL CONCERNS

### Prohibited Acts

**Section 56. Prohibited Acts.** – In addition to all acts defined and penalized under Republic Act 7610 on Child Abuse and Exploitation, Republic Act 7658 on Child Labor and other pertinent laws., the following acts shall likewise be punishable:

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

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

- b.) *Peonage of Children.* – Offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
  - 1.) Working in agricultural industries like rice, corn, coconut, banana, coffee plantations or farms;
  - 2.) Working as house helpers or storekeepers.
- c.) *Children as Sexual Commodities.*– Pimping, engaging in sexual activities with children defined under this Code whether commercial or with mutual consent. Sexual exploitation of children by any person shall at all times punishable. Consorting with children not related by affinity or consanguinity, with public display of lascivious conducted shall be considered prima facie evidence of sexual exploitation.

- d.) Admission into movie houses and similar establishment showing pomographic or films rated as "for adults only";
- e.) Admission into cockpits, karaoke or KTV bars, sauna baths and other places intended only for adult patronage;
- f.) Entry, selling and distribution of pomographic materials;
- g.) Pushing or enticing a minor to enter into a live-in arrangement whether motivated by monetary or other considerations or not;
- h.) Entering into a pre-arrange marriage and/or unduly influencing the mind of a minor regarding marriage;
- i.) Using infants and those under the age of six (6) years old as part of stage shows, props in all forms of contest that put the safety of the infant or child in danger;
- j.) Discrimination of Illegitimate Children – For schools and religious institutions to discriminate illegitimate children by, but not limited to the following;
  - 1.) Refusal to accept enrolment of the child by reason of illegitimacy;
  - 2.) Requiring the marriage contract of the parents as a pre-requisite for enrolment;
  - 3.) Refusal to baptize a child by reason of illegitimacy.
- k.) Expulsion or suspension from school, refusal to graduate or refusal to issue clearance by reason of pregnancy – For schools to impose a penalty of expulsion or suspension, refusal to graduate or refusal to issue clearances against a child who has complied with all academic requirements by reason of her pregnancy is deemed an illegal act under this Code. Schools may impose any other penalty, which shall be made applicable to both the pregnant child and her partner if he is also enrolled in the same school, something that shall not deprive the child of her/his right to be educated.
- l.) Physical and other Degrading forms of punishment – Subjecting the child to extreme physical and other forms of degrading punishment is prohibited under this Code, such as but not limited to be following;
  - 1.) Punishing a child to kneel on salt;
  - 2.) Placing a child a sack and/or hanging him/her while inside the sack;
  - 3.) Shaving a child's head as form of punishment;
  - 4.) Harsh whipping a child using objects that can cause confusions or bleeding on any part of his/her body;
  - 5.) Stripping a child of his/her clothes;

- 6.) Locking up a child in any enclosed structures;
- 7.) Tying up a child or otherwise detaining him/her;
- 8.) Throwing any objects at a child resulting in injury;
- 9.) Pulling the hair, ears and other sensitive parts of a child;
- 10.) Berating a child in public;
- 11.) Shoving objects into a child's mouth, nose, ears and other delicate parts of his/her body;
- 12.) All forms of physical contact

m.) Selling Liquor, Cigarettes, Rugby and all other addicting substances to a Child – It shall be unlawful for any person to sell to a child liquor, cigarettes, rugby and any other addicting substances to a child;

The above acts which are likewise punishable under Republic Act No. 7610 or the Child Abuse Act, Republic Act 7658 on Child Labor, The Revised Penal Code, Republic Act No. 9165 otherwise known as " An Act instituting Comprehensive Dangerous Drugs Act of 2002" and other pertinent national laws shall be penalized thereunder. Act or omissions not falling under the said laws shall be penalized by imprisonment of one (1) year and a fine of not more than Five Thousand Pesos (P5,000.00) or both at the discretion of the Court.

**Control on Child's Exposure to New Technology and other forms of entertainment that impedes their educational development.**

***Section 57. Control on Children's Exposure to Commercial Video Games. –***  
The following are prohibited acts;

- 1.) Establishing Commercial Video Games One Hundred Linear Meters from any school or place of worship. Municipal governments shall not grant business permits to those who will violate this provision;
- 2.) Admitting school children into Commercial Video Establishments during school days from seven in the morning to five in the afternoon.
- 3.) Catering to schools children beyond ten 0' clock in the evening during school days

Violators shall be subjected to suspension of business permit for fifteen (15) days on the first offense and one (1) month suspension of the same plus a fine of Five Thousand Pesos (5,000.00) on the second offense and, confiscation of the video game equipment plus cancellation of the business permit of said establishment on the third offense.

**Section 58. Control on Children's Exposure to Internet Cafes, Billiard Halls and Similar Establishments.** – Internet cafes, billiard halls and similar establishments are prohibited from catering to school children during school days from seven in the morning up to five in the afternoon, except when school children are doing a school related activities such as when practicing billiard games for sports competition purposes as authorized by school authorities: Provided, that a written certification from the teacher or the official of the school is presented prior to admission, or when the school children are accompanied by their parents or guardians.

Ordinances providing penalties therefore shall remain effective. However, for acts not punishable by said ordinances, violators shall be subject to the same penalties provided for under the second paragraph of Section 55 hereof.

**Section 59. Control on Children's Usage of Cellular Phones in Schools.** – The classroom teacher shall at all times ensure that children equipped with cellular phones shall be required to put off the same while in the classroom or while classes are going on. Only during emergencies can the teacher allow a student to use the cellular phone but it has to be done outside of the classroom so as not to disturb the other students.

In cases where students defy a teacher's order a third time to put off their cellular phones while attending classes, this Section empowers the teacher to confiscate the same and turn over the confiscated cellular phone to the school principal, head teacher or teacher-in-charge of the school for safekeeping purposes. Subject student shall then be banned from bringing a cellular phone into the school premises. The school authorities shall without delay return the confiscated cellular phones to the parents or guardians of the student only.

#### **Children in Situations of Armed Conflict**

**Section 60. Prohibited on Recruitment.** – Children shall not be used or recruited by any individual or group of individuals in fighting for a cause whether pro or against the duly constituted authority or government. Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of RA 7610 or the Anti-Child Abuse Act.

#### **Children of Indigenous People**

**Section 61. Rights of Children of Indigenous People.** – In addition to the rights guaranteed to children under this Code and other existing laws, children of indigenous people shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.

The Provincial Council for the Welfare of Children in coordination with the Department of Education Division Office in the province shall develop and institute an alternative system of education for children of indigenous, 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 peoples are given equal attention. In the provisions of health and nutrition services to children of indigenous peoples, indigenous health practices shall be respected and recognized.

Children of indigenous people shall not be subjected to any form of discrimination.

### **Juveniles**

**Section 62. Rights of a Juvenile.** – Pursuant to the UNCRC, every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a.) To be presumed innocent until proven guilty according to law;
- b.) To be informed promptly and directly of the charges against him/her, if appropriate, through his/her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his/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/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 an examination of the witness on his/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 juridical body according to law;
- f.) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- g.) To have his/her privacy fully respected in all stages of the proceedings.



**Section 63. Prohibited Against Labeling.** – In all conduct of the proceedings beginning from the initial contact of the child, the competent authorities must refrain from branding labeling minors as young criminals, juvenile delinquent, prostitutes, snatchers, rugby boys/girls or attaching to them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the minor's class or ethnic origins. The officer violating these provisions shall be liable in accordance with this Code.

**Section 64. 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 and nature and/or abusive, coercive and punitive measures in dealing with minors. Such practices, whether committed directly or indirectly by persons in authority, their representatives, or any other persons acting under them or in their behalf, such as cursing, beating, stripping and detaining minors in cells shall be dealt with administratively and criminally;
- b.) Likewise, degrading, inhuman and cruel forms of punishment such as but not limited to shaving the heads of minors, pouring irritating, corrosive or armful 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 shall be prohibited;
- 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;
- d.) The taking of pictures of youth offender and the display of the said pictures, whether in public or private.

Any violation of the foregoing shall be penalized with at least one (1) year imprisonment and a fine of not more 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.

**Section 65. Designation of Officer or Unit to Handle Cases Involving Youth Offenders.** – The Philippine national Police shall designate a Child and Youth Relations Officers or Unit (CYRO or CYRU) to handle cases involving youth offenders in every police office in the Province. 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.

**Section 66. Procedure Before the CYRO/CYRU.** – Cases involving juveniles shall be referred to the CYRO or CYRU, which shall conduct an initial inquiry in accordance with the existing procedures as outlined in Section 25 of RA 7610 or the Child Abuse Act.

**Section 67. Duty of the CYRO/CYRU.** – After the initial inquiry, if the offense does fall under the jurisdiction of the Katarugang Pambarangay, the CYRO or CYRU shall conduct further investigation of the child pursuant to Section 25 of RA 7610 or the Child Abuse Act, otherwise it shall refer the case to the barangay.

**Section 68. System of diversion in the Barangay.** – For offenses cognizable by the Katarugang 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. In the best interest of the minor offender, the parties may opt to choose any of the following diversion programs as a prerequisite for the withdrawal of the complaint:

- a.) Written or oral reprimand or citation;
- b.) Restitution of property;
- c.) Reparation of the damage caused;
- d.) Indemnification of consequential damages;
- e.) Confiscation and forfeiture of the proceeds or instruments of the crime;
- f.) 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.

**Section 69. Factors in Determining Diversion Programs.** – In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- a.) The nature and circumstances of the offense charged;
- b.) The frequency and 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.

**Section 70. 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 rights to remain silent and to competent and independent counsel of his/her own choice in a language that is clearly understood by the child.

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

**Section 71. Right of the Juvenile to Counsel.** – From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by counsel. The arresting officer, prosecutor or judge shall ensure that the juvenile is represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceedings without the assistance of counsel shall be null and avoid.

**Section 72. Confidentiality of Proceedings and Records.** – All records and proceedings involving children shall be confidential. The public shall be excluded during all proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings. The competent authorities shall undertake all measures, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children and adopting a system of coding to conceal material information which will lead to the child's identity. Records of juvenile offenders shall not be used in adult proceedings in subsequent cases involving the same offenders.

**Section 73. Reintegration Programs.** – The Local Government Units are encouraged to implement reintegration programs for a juvenile who is released by the Court. This is for the purpose of preparing the juvenile for reintegration to the community.

Community reintegration programs shall consist of, but shall not limited to community services and/or membership in civic/religious organizations in the community.

## ARTICLE VI IMPLEMENTING MECHANISMS

**Local Council for the Welfare of Children.**

**Section 74. Creation of the Provincial Council for the Welfare of Children.** – There is hereby created a Provincial Council for the Welfare of Children (PCWC). It shall be tasked to coordinate with municipalities and barangays in the creation and organization of the Municipal Council for the Welfare of Children (MCWC) and the Barangay Council for the Protection of Children (BCPC). This is in keeping with the mandate of the Council for the Welfare of Children (CWC) to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection of children of the local councils.

The PCWC shall ensure the effective implementation of the Philippine Government's commitment to the convention of the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Philippine Plan of Action for Children (PPAC).

**Section 75. Composition and Functions of the Provincial Council for the Welfare of Children (PCWC).**

a.) Members of the PCWC shall include the following agencies, units or offices, and other agencies it deems important to be included, depending on the current specific situation and/or problems of the locality:

- 1.) The Provincial Governor;
- 2.) The Chairperson of the Sangguniang Panlalawigan Committee on Women and Family Affairs;
- 3.) The Provincial Planning and Development Coordinator;
- 4.) The Provincial Social Welfare and Development Officer;
- 5.) The Provincial Health Officer;
- 6.) The Schools Division Superintendent;
- 7.) The Provincial Labor and Employment Officer;
- 8.) The Provincial Prosecutor;
- 9.) The Provincial President of the Sangguniang Kabataan;
- 10.) An NGO Representative;
- 11.) The Provincial President of the Association of Barangay Councils;
- 12.) A Member of the Provincial Finance Committee;
- 13.) A Representative From the Provincial DILG office;
- 14.) The Provincial Director of PNP;
- 15.) A Representative From the Philippine Information Agency ; and
- 16.) The Provincial Attorney

b.) The PCWC shall have the following functions:

- 1.) To review and integrate the municipal programs and projects needing assistance into the Provincial Program for Children;
- 2.) To monitor and review the implementation of municipal programs;
- 3.) To submit quarterly status reports on the implementation of the Provincial Program to the Regional Sub-Committee for the Welfare of Children (RSCWC) through the Provincial Development Council (PDC);

- 4.) To recommend policies and programs to the RSCWC and the PDC;
- 5.) To provide the necessary technical assistance to the municipal and barangay councils if called for;
- 6.) To mobilize resource assistance, specifically, to provide appropriate support to child-related project activities as recommended by the local councils for the welfare of children;
- 7.) To advocate for the passage of ordinances pertinent to child survival, protection, participation and development with appropriate funding support; and
- 8.) To identify and recommend programs and services to be contracted for implementation by NGO's and other entities in the implementation of this Code.

Secretariat support shall be provided by the Office of the Provincial Social Welfare and Development. The Secretariat shall be responsible for the documentation of proceedings of meetings and preparation of the reports and other necessary documents as needed by the Council.

**Section 76. Creation of the Municipal / City Councils for the Welfare of Children (MCWC / CCWC).** – The Sangguniang Panlungsod/Bayan shall create a City / Municipal Council for the Welfare of Children, the composition and functions of which shall be determined by the concerned Sangguniang depending on the needs and circumstances of the area. The CCWC/MCWC shall have the following duties and functions:

- a.) To formulate the city/municipal plan of action for children, incorporating projects and programs needing assistance submitted by their constituent barangays; and ensure the integration of these plans into the City/Municipal Development Plan;
- b.) To monitor and review the implementation of the city/municipal and barangay plans;
- c.) To submit quarterly status reports on the plan implementation to the PCWC through the City/Municipal Planning and Development Office;
- d.) To promptly address issues and concerns affecting children and youth in their area;
- e.) To advocate for the passage of relevant child and youth protective ordinances;
- f.) To advocate for increase support and resources allocation for children's programs and projects from their respective local government units and secure resources for the same from other resources;
- g.) To provide technical assistance to the community-based frontline workers through the conduct of capability building and human resources development activities; and
- h.) To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities; and
- i.) To ensure that the provisions of the Children's Code of Cavite is given force and effect.

Secretariat support shall be lodged with the City/Municipal Social Welfare and Development Office which shall be responsible for the documentation of proceedings of meetings and preparation of reports and other necessary documents as needed by the Council.

**Section 77. Creation of the Barangay Council for the Protection of Children (BCPC)** – The Sangguniang Barangay Council for the Protection of Children, the composition of which shall be determined by the Sangguniang Barangay 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, ensuring that every child in the barangay acquires at least an 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 and abused children and facilitate their cases filed against child abusers;
- e.) To prevent child labor in their area and to protect working 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 the health and nutrition of children;
- h.) To promote the opening and maintenance of playgrounds and day care centers and other services that are necessary for child and youth welfare;
- i.) To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;
- j.) To promote wholesome entertainment in the community especially in the movie houses;
- k.) To assist parents whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agencies;
- l.) To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
- m.) To prepare the barangay plans of action for children which address the needs of children in the community and ensure their integration into the Barangay Development Plan and implementation by the barangay;
- n.) To submit quarterly barangay accomplishment reports on the implementation of the plan to the CCWC/MCWC; and
- o.) To ensure that the provisions of the Children's Code of Cavite is given force and effect.

**Section 78. Representation of Non-Governmental Organizations in the Councils for Children.** – The local Sanggunian shall invite NGOs with child-focused programs for membership in the council for the welfare of children, provided that these NGOs are duly accredited by the local Sanggunian based on its criteria of accreditation.

**Section 79. Internal Rules of the Councils for the Welfare of Children.** – The local councils for the welfare of children shall formulate and adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as the organization's structure, parliamentary procedures, order of meetings and quorums and such other rules the councils may deem necessary.

#### **Desk for Children's Concern.**

**Section 80. Creation of a Desk for Children's Concerns.**– There shall be created a Desk for Children's Concerns under the Office of the Provincial Social welfare and Development, to do the following functions;

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

**Section 81. Consultations with the Desk for Children's Concerns.** – The Desk for Children's Concerns shall be consulted by local government units and other bodies whenever they are considering proposals to change or repeal existing legislations or to introduce new legislation likely to affect children's lives.

**Section 82. Reporting to the United Nations Committee on the Rights of the Child.** – The Desk for Children's Concerns shall be consulted over the reporting obligations under the UN convention on the Rights of the Child. Concerned government agencies in the province are required to consult the Desk for Children's Concerns in the process of drafting their reports to the Committee on the Rights of the Child and to give due consideration to their comments.

**Section 83. Child Impact Statement.** – Local government units are required to prepare "child impact statements" indicating the likely repercussions of proposed legislations or policy on children and submit these to the Desk for Children's Concerns.

**Section 84. Mandatory Consultations.** – Prior to the implementation of any national project by any and all national government agencies, bureaus, or offices affecting children, express approval by the Governor and the Sangguniang Panlalawigan shall be obtained after the holding of the public hearings on the matter and after consultation with the Desk for Children's Concerns.

**Section 85. Implementing Rules and Regulations.** – The implementing rules and regulations (IRR) of the Code shall be drafted by the PCWC within one (1) year from the effectivity of this Code.

## **ARTICLE VII REMEDIAL MEASURES AND PENAL PROVISIONS**

**Section 86. Persons Who May File a Complaint.** – Complaints of unlawful acts committed against children may be filed by any of the following:

- 1.) The Offended Party;
- 2.) The parents or guardians;

- 3.) Ascendants or collateral relatives within the third civil degree of consanguinity;
- 4.) Any after officer, social worker or representatives of a licensed child-caring institution;
- 5.) Any officer, social worker or representative of the Department of Social Welfare and Development;
- 6.) Any provincial, municipal or barangay official; or
- 7.) At least one (1) concerned responsible citizen with direct knowledge of the offense committed who are residing in the community where the violation occurred.

**Section 87. Protective Custody of the Child.** – The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the Local Social Welfare and Development Officer pursuant to Executive Order No. 56, series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provisions of Presidential Decree No. 603.

**Section 88. Confidentiality.** – At the instance of the offended party, his/her name may be withheld from the public until the Court acquires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter or columnist in case of print media, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause the undue and sensationalized publicity of any case of violation of this Code which results in the moral degradation and suffering of the offended party.

**Section 89. Reporting.** – A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing to the Department of Social Welfare and Development (national office), the Office of the Provincial/Municipal Social Welfare and Development, to the Law Enforcement Agency (PNP or NBI) or to the Barangay Council for the Protection of Children (BCPC) concerned.

**Section 90. Duty of Government Employees to Report.** – It shall be the duty of all government officials and employees, whether elected or appointed, to report of possible child abuse within forty eight (48) hours to the authorities mentioned in the preceding sections.

**Section 91. Mandatory Reporting for Health Institutions.** – The head of any public or private hospital, medical clinic and similar institutions, as well as the attending physician/s and nurse/s, or any personnel of such institution, shall report either orally or in writing, to the authorities mentioned in the preceding sections the examination and/or treatment of a child who appears to have suffered abuse within forty eight (48) hours from the knowledge of the same.



**Section 92. Failure to Report.** – Any individual mentioned in Sections 86 and 87 above who possess knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under RA 7610.

**Section 93. Immunity from Reporting.** – Any person who, acting in good faith, reports a case of child abuse shall be free from any civil, criminal or administrative liability arising there from. There shall be a presumption that such person acted in good faith.

**Section 94. Penalties.** – The penalty for any violation of the Code, which is not penalized elsewhere in other sections of this Code or in national law, shall be, upon conviction by the proper court, an imprisonment of six (6) months to one (1) year and/or a fine ranging from One Thousand Pesos (P1, 000.00) to Five Thousand Pesos (P5, 000.00), or both at the discretion of the Honorable Court.

For first time offenders, taking into the best interest of a child, in case where the offender is the parent, guardian, and teacher or relative within the fourth civil degree of consanguinity of the child-victim, and the offender admits the offense and is sincere and willing to reform, the penalty may be suspended subject to the written consent of the child-victim. In no instance where penalties for second and habitual offenders will be suspended.

#### ARTICLE VIII BUDGETARY REQUIREMENTS

**Section 95. Appropriations for Children's Programs.** – The Provincial Government shall appropriate funds as part of their annual budget for the implementation of the Children's program. The Province shall allocate funds necessary for the implementation of this Code, the training and orientation of stakeholders, the reproduction and distribution of the approved copies of this Code and the cost of the promotion and information dissemination of this Code to the general public shall likewise be funded. The Local Government Units shall appropriate funds as part of their annual budget for the implementation of the programs herein provided. Provided that, for the immediate drafting of the IRR, it will be funded from whatever available resources of the Province.

#### ARTICLE IX OTHER PROVISIONS

**Section 96.** Within One (1) year from the effectivity of this code, an amnesty on the late registration of births shall take place for all unregistered individuals who are under eighteen (18) years old who were born in the Province of Cavite. No penalty shall ever be imposed or exacted for late registration of births.

**Section 97.** Public and private schools within the province are encouraged to engage the services of a guidance counselor or appoint one as a guidance counselor within one year from the effectivity of this Code.

**Section 98.** Cases involving minors shall be given utmost priority in any court of law. The provincial government shall endeavor to have all cases involving minors be treated with utmost care and speed by ensuring the availability of lawyers/prosecutors who specialize and can focus on cases involving minors.

**Section 99. Separate prison cell for child offenders.** All municipal Governments are hereby required to construct a separate prison cell for child offenders within one (1) year from effectivity of this Code.

**Section 100.** The Provincial Welfare and Development Officer and all City/Municipal Social Welfare and Development Officers shall submit to the Provincial Governor and their respective municipal mayors and Sanggunians a comprehensive program for children that need local funding at an appropriate and reasonable time for inclusion in their annual budget.

**Section 101.** A full copy of this Ordinance shall be made available and be posted upon at all times in the Provincial Capitol, in the City and Municipal Halls, in every Barangay Halls, in every Police Stations, In every schools, whether public or private, in every hospital and in such other places that may deem appropriate.

Non-compliance with this section is a violation of the Ordinance and shall be punishable as such.

#### ARTICLE X SEPARABILITY/APPLICABILITY/REPEALING/EFFECTIVITY CLAUSES

**Section 102. Separability Clause.** – If for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are effected thereby shall to be in full force and effect.

**Section 103. Applicability Clause.** – The pertinent provisions of existing laws and other ordinances shall govern all other matters relating to the impositions or regulations provided in this Code. This Code shall apply to all the people within the territorial jurisdiction of the Province of Cavite.

**Section 104. Repealing Clause.** – All ordinances, resolutions, executive orders and other issuances, which are inconsistent with any of the provisions of this Code, are hereby repealed or modified accordingly.

**Section 105. Effectivity Clause.** – This Code shall take effect sixty (60) days upon complete publication in a newspaper of general circulation within the province of Cavite, and by the posting of copies thereof, in conspicuous places in the provincial capitol and in all municipalities and component barangays within the province.

**UNANIMOUSLY APPROVED.**