



Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
City of Mandaluyong

ORDINANCE NO. 405, S-2008

AN ORDINANCE CREATING A  
"MANDALUYONG CITY CHILDREN'S CODE"

WHEREAS, in the Philippine ratified UN Convention on the Rights of the Child in 1990, states its declaration of policy to recognize the inherent, dignity and of the equal and inalienable rights of all members of the human family as founded in freedom, justice and peace in the world;

WHEREAS, recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenant of Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

WHEREAS, the Philippine National Strategic Framework for Plan Development for Children or CHILD 21 is a strategic framework for planning programs and interventions that promote and safeguard the rights of Filipino children;

WHEREAS, CHILD 21 embodies the fulfillment and upholding the rights of the child in four (4) aspects of a child's life, that are SURVIVAL, DEVELOPMENT, PROTECTION AND PARTICIPATION.

WHEREAS, as mandated by Republic Act 7160 (Section 458 (5) XVI), the Sangguniang Panlungsod is empowered to provide care for abandoned minors, juvenile delinquents, abused children and other needy and disadvantaged persons, particularly children and the youth below eighteen years of age;

WHEREAS, every Local Government Unit has its own policy that would uphold the rights of children for survival, protection, participation and development;

WHEREAS, support mechanisms for child care and development from infancy to adolescence stage must also be given top priority by the government;

WHEREAS, as stated in Presidential Decree 603 otherwise known as the "*Child and Youth Welfare Code*", the natural right and duty of parents in the rearing of the child for civic efficiency should receive the aid and support of the Government (Article 1 paragraph 5);

WHEREAS, it is then imperative that the City Government adopt its own program/s that would advocate the respect and care for the role of the family as an essential and basic unit of society;

WHEREAS, in order to achieve this goal and successfully carry out said endeavor, the Mandaluyong City Government, in partnership with other agencies and non-government organizations, shall work rigidly to promote the welfare of its young citizens and provide opportunities that would give them the chance to live a productive and happy life;

NOW, THEREFORE, BE IT RESOLVED, as it is hereby RESOLVED, by the Sangguniang Panlungsod of Mandaluyong, in session duly assembled that:

## CHAPTER I GENERAL PROVISIONS

SECTION 1. TITLE. This Ordinance shall be known as the "*Mandaluyong City Children's Code*".

SECTION 2. DECLARATION OF POLICY. The Mandaluyong City Government hereby adopts and imposes policies and strategies that would establish and protect the rights of children. Their survival, protection, participation and development are given preferential consideration in all of its government programs. The City Government shall also endeavor to propagate the role of the family as the basic unit of society. It shall, likewise, work and establish strong partnerships with various private, non-government and people's organizations that are genuinely concerned, willing and capable to work for the welfare of the children.

SECTION 3. COVERAGE. The provisions of this Ordinance shall govern all institutions, Departments, offices and agencies that are under the supervision of the City Government of Mandaluyong. It shall also govern, without prejudice to existing laws, all persons, entities, private, non-government/people's organizations that deal with children, their rights and any undertaking relative to a child's development, survival, protection and participation.

This Ordinance shall be in consonance with the provisions and policies set by Republic Act 8980 or the ECCD LAW and other laws on children specifically P.D. 603 as amended, otherwise known as "*The Children and Youth Welfare Code*" and "*The Family Code of the Philippines*", Republic Act 7610 (An Act Providing Strong Deterrence Against Child Abuse), Republic Act 7658 (An Act Prohibiting the Employment of Children Below Fifteen Years of Age), Republic Act 8369 (An Act Establishing Family Courts), Republic Act 9262 (Violence against Women and Children), Republic Act 9344 (An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council).

SECTION 4. DEFINITION OF TERMS.

- a. CHILD/CHILDREN – shall refer to persons aged below eighteen (18) years or those over but not able to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;
- b. SURVIVAL RIGHTS – pertain to the rights of children to adequate living standard and access to basic health services and social security;
- c. DEVELOPMENT RIGHTS – pertain to the access of a child to education opportunities, access to relevant information, play, leisure, cultural activities and the right to freedom of thought and religion;
- d. PROTECTION RIGHTS – pertain to the right to be free and protected from all forms of child abuse, exploitation, and discrimination;
- e. PARTICIPATION RIGHTS – pertain to the child's freedom to express oneself in matters affecting his/her life as part of preparation for becoming a responsible citizen;
- f. CHILD ABUSE – refers to maltreatment of the child, whether habitual or not, which includes any of the following:

- I. Psychological and physical abuse, such as neglect, cruelty, abandonment and other forms of abuses;
  - II. Any act by deed or word which debases, degrades, demeans the intrinsic worth and dignity of a child as a human being;
  - III. Unreasonable deprivation of his/her basic needs of survival such as food and shelter;
  - IV. Failure to immediately give medical treatment to an injured child resulting to serious impairment of his/her growth and development or permanent incapacity or death.
- g. Circumstances which gravely threaten or endanger the survival and normal development of children which include but not limited to the following:
- I. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development or working without provision for their education;
  - II. Living in or fending for themselves on the streets of urban and rural areas without the care of parents or guardian or any adult supervision needed for their welfare;
  - III. Living under conditions of extreme poverty or in an area which is under-developed and/or lacks or has inadequate access to basic services needed for a good quality of life;
  - IV. Being with family members or guardians having grave psychological problems enough for them to commit incest, siblings rape, lascivious acts and other forms of physical and mental abuse;
  - V. Being a victim of man-made or natural disaster or calamity;
  - VI. Being a victim of an illegal transnational or child trafficking;
  - VII. Circumstances analogous to those above-stated which endanger the life, safety or normal development of children.
- h. **COMPREHENSIVE CHILDREN'S SUPPORT SYSTEMS ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION** – refers to the coordinated program of services facilities to protect children against: Child prostitution and other sexual abuse; Child trafficking; Obscene publications and indecent shows; Other acts of abuse; and Circumstances which threaten or endanger the survival and normal development of children or as prescribed by the UN Convention on the Rights of the Child;
- i. **ANTI-SOCIAL RELATED ACTIVITIES** – are those acts against poverty, chastity and persons which include, but are not limited to the following:
- I. Petty crimes such as snatching, shoplifting, misrepresentations;
  - II. Using and pushing prohibited drugs and other habit forming substances, selling illegal or lewd reading materials;
  - III. Pimping for sexual perversions, doing or participating in obscene shows or performances;
  - IV. Gambling in any form;

- V. Rape and incest; and
- VI. Any other circumstances which are defined under other existing laws.
- j. CHILDREN IN CONFLICT WITH THE LAW – is a youthful offender who is over fifteen (15) years but under eighteen (18) years of age and acting with discernment at the time of the commission of the offense as provided under Republic Act 9344;
- k. HAZING – an initiation rite being conducted as a pre-requisite for admission as member in a fraternity, sorority or organization by placing the recruit, neophyte or applicant in an embarrassing or humiliating situation such as forcing him/her to do menial unlikely and other similar tasks or activities or otherwise subjecting him/her to physical or psychological suffering or injury;
- l. SCHOOL HOURS – refers to the time where elementary and high school pupils and students are supposed to be inside school premises;
- m. LOITERING – staying in a particular place or commercial establishments like food chain, malls, etc. more than the usual or regular time needed to stay in such places during school hours;
- n. ORGANIZATION, FRATERNITY, SORORITY, GANG ASSOCIATION – shall be defined as an organization which engages in hazing as initiation rites which inflicts physical, psychological/mental harm to its members or others as a condition for acceptance in such an organization.

## CHAPTER II PROTECTION RIGHTS OF CHILDREN

SECTION 5. PROTECTION AGAINST CHILD PROSTITUTION AND OTHER SEXUAL ABUSE. Any person/group or syndicate who, for money, profit or any other consideration shall coerce or influence children to indulge in sexual activities are considered engaged in exploitation of children through prostitution and other sexual abuse. The following shall be deemed engaged in exploitation of children through prostitution and other sexual abuse, and shall be penalized accordingly:

- a. Those who engage in or promote, facilitate or induce child prostitution in the City of Mandaluyong which includes, but are not limited to the following shall be imposed with the penalty prescribed in Section 5 of Republic Act 7610:
  - I. Acting as a procurer of a child prostitute by means of written or oral advertisements or other similar means;
  - II. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
  - III. Entering into a relationship with, or taking advantage of a child as a prostitute;
  - IV. Threatening or using violence towards a child to engage him/her as a prostitute or a participant in indecent shows;
  - V. Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.

- b. Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco bar, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.
- c. Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to sexual abuse. Provided that when the victim is under twelve (12) years of age, the offender shall be prosecuted under Article 266 of the Revised Penal Code as amended by Republic Act 8353, for the crime of Rape.
- d. Those who shall hire, employ, use, persuade, induce 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 or to sell or distribute the said materials shall suffer the penalty provided under Section 9 of Republic Act 7610 (as amended) "*Special Protection against Child Abuse Exploitation and Discrimination Act*".
- e. Ascendant, guardian or person entrusted in any capacity with care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movies or show or in any other obscene acts shall be penalized in accordance with Section 9 of Republic Act 7610.

SECTION 6. PROTECTION AGAINST 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 a child for money, or for any other consideration, or barter, shall suffer the penalty as prescribed in Article IV of Republic Act 7610.

An attempt to engage in Child Trafficking is committed under the guise of the following circumstances/situations and thereto should be punished accordingly:

- a. When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration or in any manner that causes the registration of the birth of such child in the name of another with or without consideration;
- b. Person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
- c. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking;
- d. When a person, authority, agency or institution witnesses but fails or refuses to report any transactions or acts to circumstances in 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 for the purpose of child trafficking.

SECTION 7. OBSCENE PUBLICATIONS, INDECENT SHOWS AND X-RATED OR LEWD SHOWS. Person/s who 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 Section 9 of Republic Act 7610.

SECTION 8. OTHER ACTS/FORMS OF CHILD ABUSE, NEGLECT, CRUELTY OR EXPLOITATION AND OTHER CONDITIONS PREJUDICIAL TO A CHILD'S DEVELOPMENT.

- a. Any person who shall commit any other acts of child abuses, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of P.D. 603 as amended but not covered by the Revised Penal Code, as amended, shall suffer the penalty provided under Section 16 (a) of Republic Act 7610;
- b. Any person who shall use, coerce, force or intimidate a street child or any other child to conduct any illegal activities shall suffer the penalty provided under Section 10 (e) of Republic Act 7610. The victim of the acts committed under this section shall be entrusted to the care of the local DSWD Officer;
- c. Any forms of brutality committed against children by police authorities shall be penalized under the provisions of the Revised Penal Code, Republic Act 7610, and other existing law without prejudice to the filing of the complaint before the People's Law Enforcement Board (PLEB).

SECTION 9. SANCTIONS ON ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE, OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS. All establishments or enterprises which promote or facilitate child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse shall be immediately closed/padlocked and their authority or license to operate shall be cancelled, without prejudice to the owner and/or manager thereof being prosecuted under existing laws.

Any person/s and/or business establishment/s or even owners of private dwellings that sell, facilitate, promote, publish, show or exhibits, manufacture or reproduce smut/pornographic/bold pictures, magazines, books and any form of publications, videos (CDs, VCDs, VHS/betamax tapes), illicit and lewd/obscene shows and/or x-rated movies to minors shall be subjected to confiscation of obscene material/s and closure of establishment, without prejudice to their prosecution under other existing laws.

SECTION 10. EMPLOYMENT OF CHILDREN.

1. Employment of children below fifteen (15) years of age shall not be allowed in the City of Mandaluyong 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 endangers his 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, theater, radio or television is essential: Provided: that employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment; and Provided, that the following requirements in all instances are strictly complied with:

- I. The employer shall ensure the protection, health, safety, morals and normal development of the child;
  - II. The employer shall institute measures to prevent the child's exploitation or discrimination taking into account system and level of remuneration, and the duration and arrangement of working time; and
  - III. 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.
- c. The employer shall register the child employee with the Mandaluyong Council for the Welfare of Children and Family Concerns and shall seek the approval of the DOLE and the local DSWD Officer to ensure that the benefits and protection measures shall be accorded to the child.
2. No person or operator of transportation vehicle such as tricycles, jeepney, pedicabs and taxis shall employ or allow minors as driver thereof. Those who will violate this provision shall suffer the penalty under existing laws and cancellation of the Certificate of Public Convenience (Franchise) to operate public transportation.
  3. No person shall employ a child to model in all forms of commercial or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-product, junk foods and violence. Any person who shall violate any provision of this Section shall suffer the penalty as prescribed in Section 16 of Republic Act 7610.
  4. Person/s who 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 Section 9 of Republic Act 7610.
  5. Any person/s who shall use, coerce, or force or intimidate a street child or any other child to beg or use begging as a means of living shall be penalized under Section 10 (e) of Republic Act 7610. Children found to be begging shall be rescued and brought to the custody of the City Department of Social Welfare and Development Office for proper treatment and care while parents of these children will undergo counseling and responsible parenting formation.

### CHAPTER III PROTECTION MEASURES ON MINORS

SECTION 11. CURFEW ON MINORS. For the protection of minors, they are prohibited from loitering in public places or moving outside their residences between the hours of 10:00 o'clock in the evening and 4:00 o'clock in the morning. Should there be a necessity for them to be outside their residences during curfew hours, they should be accompanied by their parent/s, responsible elders or guardians, otherwise, they should secure a curfew pass as prescribed by Section 3 of the City Ordinance No. 324, S-2005.

Offenders found to be under the influence of liquor or illegal drugs and/or is causing harm, alarm and scandal to himself or others shall be temporarily held under the custody of the Barangay until the child offender is sober, calms down and ready to be sent home. Concerned parent/s or guardians of the minor shall be immediately summoned before the Barangay Council for the Protection of Children (BCPC) for orientation and counseling.

Eight (8) hours of community service with two (2) hours of lecture and counseling on parents' effectiveness shall be imposed on the child's parent/guardian found to have violated the City Ordinance No. 324, S-2005.

**SECTION 12. LOITERING DURING SCHOOL HOURS.** Students or school children are banned from loitering in public places outside their school grounds/campuses during school hours unless they are accompanied by their parents/legal guardian or are attending an official school function or activity. Students and/or school children who will be caught loitering in public places outside their school grounds/campuses during school hours shall be sanctioned as follows:

- a. 72 hours of orientation on social concerns and community service and counseling.
- b. Concerned parent or guardian shall be notified and be required to attend parent's orientation seminar and community service for 72 hours in their respective barangays.
- c. Concerned schools of students found loitering shall be immediately notified by the apprehending officers for its information and appropriate action.

Commercial Establishments which offer and promote vices such as but not limited to video arcades, bars, amusement centers and gambling places to school children during school hours shall be subjected to closure/revocation of business permit and confiscation of their gadgets, equipments, machines and other paraphernalia.

**SECTION 13. FRATERNITIES AND GANGS.** No person shall force, coerce, bully or deceive any juvenile into joining any organization, fraternity, sorority, gang or association involved in unlawful activities or any deviant activities such as but not limited to vandalism, violence and sexual perversion. Any person who shall force, coerce or deceive any minor/juvenile into joining any organization, fraternity/sorority or gang within the campus or outside the school grounds shall be sanctioned with one (1) month of community service or twelve (12) months imprisonment or both without prejudice to his/her/their prosecution under Republic Act 8049.

Hazing or initiation rites are discouraged, if not regulated, conforming with Republic Act 8049, an *"Act Regulating Hazing and other Forms of Initiation Rites in Fraternities, Sororities and Other Organizations and providing Penalties Therefore"*.

**SECTION 14. SMOKING BAN ON MINORS.** It shall be unlawful for any person or establishment to sell cigarettes, other tobacco products to minors within the City of Mandaluyong. Violators shall be penalized as follows:

FIRST OFFENSE :	Fine of Two Hundred Pesos (P200.00)
SECOND OFFENSE :	Fine of Five Hundred Pesos (P500.00)
THIRD AND SUCCEEDING OFFENSES :	One Thousand Pesos (P1,000.00) and closure of business establishment and revocation of business permit



SECTION 15. MINORS ARE BANNED FROM BUYING VOLATILE SUBSTANCE SUCH AS RUGBY (TOLUENE) AND OTHER SIMILAR SUBSTANCES DEFINED AND ENUMERATED UNDER SECTION 1 OF P. D. 1619. Any person who sells or allows the selling of rugby (Toluene) and other habit inducing solvents to minors shall be penalized under Section 3 of P.D. 1619 and closure of the establishment selling the aforesaid substances to minors and revocation of its business permit.

SECTION 16. MINORS ARE BANNED FROM ENGAGING IN ANY FORM OF GAMBLING. Any person or establishment who allows minor/s to engage in any form of gambling shall be penalized by revocation of their permit to operate without prejudice to their being prosecuted under P. D. 1602 as amended by Republic Act 9287.

Establishments authorized to operate lottery such as lotto and other games such as Bingo and Horse Racing (OFF-TRACK) Betting stations are prohibited from accepting bets from minors. Violator/s shall be punished by closure of the establishment plus revocation of its business permit.

SECTION 17. PROHIBITION ON TRICYCLE AND PEDICAB OVERLOADING UTILIZED AS SCHOOL SERVICE FOR CHILDREN. As child's welfare and safety are the primary objectives of this ordinance, it is hereby prohibited the overloading of children passengers in tricycles and pedicabs or utilize such as school service for children. This practice endangers the lives of the students, the driver as well as ordinary passers-by. The said prohibited act shall be penalized accordingly by regulations set forth by the Tricycle Regulation Office and Traffic and Parking Management Office.

#### CHAPTER IV SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

SECTION 18. EARLY CHILDHOOD PROGRAM FRAMEWORKS. The Local City Government of Mandaluyong shall ensure up 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 completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, polio myelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;
- b. Growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake through community visitations of Barangay Nutrition Council (BNC) and Barangay Health Workers (BHW);
- c. Material and network of surrogate parents-teachers who will provide intellectual and mental stimulation to children, as well as supervised wholesome recreation, with a balanced program of supervised play, mentally-stimulating activities, and group activities with peers;
- d. Working closely with non-government organizations (NGOs) and private institutions which can provide or serve a sanctuary for abused, neglected or exploited children 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;

- e. A Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will remove or minimize the risk to the mother and child;
- f. Day Care Centers with adequate facilities shall be established in every Barangay. A Barangay-level network of assistance from the adults of the Barangays for the total development and protection of children shall assist the social workers and Day Care Center teachers in implementing the programs for the children.

SECTION 19. PROMOTION OF PRIMARY HEALTH CARE PROGRAM. The Barangay Health Centers shall implement the primary health program. Each Barangay Health Center shall have a Barangay Child Health Officer tasked to monitor child health in the Barangay level with a salary commensurate to the task assigned and in accordance with the standards of the Civil Service Commission.

The City Health Officer of Mandaluyong shall take the following appropriate measures:

- a. To combat diseases and malnutrition within the framework of primary health care;
- b. To establish a Comprehensive Parents' Orientation Development Program which includes courses on reproductive health, child health and child rearing practices, and family planning in the context of the Filipino psychology and culture;
- c. To monitor the full implementation of Executive Order 51 or the Milk Code of the Philippines and advocate the prosecution of milk firms which violate the same;
- d. To conduct massive information and education on breast feeding, utilizing existing materials for effective breast feeding education program;
- e. The City shall advocate for the implementation of Nursing Station within the workplace for both private and government establishments;
- f. All health practitioners dealing with child health in government and private hospitals and other institutions shall be required to complete a Comprehensive Training Course in Child Health Care.

SECTION 20. PROMOTION OF NEW BORN SCREENING PROGRAM. The City shall implement a new born screening program to ensure that every newborn has access to new born screening for certain inheritable condition that can result to mental-handicap, serious health complications or death if left undetected and untreated in conformity with the provisions of Republic Act 9288 or the New Born Screening Act of 2004. The program on newborn screening shall include the following:

- a. All children born in public and private lying-in clinics, public and private hospitals and homes must undergo newborn screening test within the first forty-eight (48) hours after birth, but not later than three (3) days from the complete delivery of the newborn.
- b. The administration of the New Born Screening Test to babies whose parents are indigent residents of the City and born at the Mandaluyong City Medical Center (MCMC), or in any lying-ins and health centers of the City shall be given for free, upon presentation of a Family Access Card or a Certification from the Local DSWD of their indigency.

- c. All children of Mandaluyong residents who are born outside of the City must also undergo a newborn screening test.
- d. Any health practitioner in the City of Mandaluyong who delivers and assists in the delivery, or a new born shall, prior to deliver, inform the parents or legal guardian of the newborn of the availability, nature and benefits of newborn screening.
- e. The City Health Department shall conduct continuing information, education re-education and training program for health personnel on the rationale, benefits, procedures of newborn screening.
- f. Any parent or legal guardian who refuse to subject their newborn to a screening on a valid or religious grounds and beliefs shall acknowledge in writing their understanding that refusal for testing will prevent early detection of the child's disability that may manifest on onset of the developmental age of the child. A copy of this refusal documentation shall be made part of the newborn's medical record and said refusal shall be indicated in the national newborn screening database.
- g. The amount of Three Million Five Hundred Thousands Pesos (P3,500,000.00) shall be set aside in the Budget Appropriation of the City annually to be spent in the program of the newborn screening.

**SECTION 21. CHILD-FRIENDLY HOSPITALS/CLINICS IN MANDALUYONG CITY.** All hospitals in Mandaluyong City shall set up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets accessible and affordable to poor families.

Hospitals, clinics and other health-related institutions providing health treatments shall, within forty-eight (48) hours from knowledge of any case of child maltreatment, abuse or exploitation, submit a report in writing to the City Department of Social Welfare and Development (DSWD) Office and the Women and Children's Desk of the Mandaluyong Police. These agencies are required to conduct an investigation and appropriate action necessary to protect the child from maltreatment, abuse and exploitation.

**SECTION 22. INFANT AND YOUNG CHILD FEEDING (IYCF) PRACTICES.** In support to the "*Bright Child*" Program pursuant to Executive Order 286 and in actively implementing its programs, the City hereby strengthens every health service provider in its implementation of the Infant and Young Child Feeding practices covering the whole health sector, whether government or private, including professional groups and private sectors. Every health service providers shall implement the following objectives of Infant and Young Child Feeding (IYCF):

- a. To improve the survival of infants (aged 0-11 months) and young children (1 year up to 3 years old) by improving their nutritional status, growth and development through optimal feeding through early initiation of breast feeding, exclusive breast feeding for six (6) months, and extended breast feeding up to two (2) years and beyond.
- b. That all infants are given timely, adequate and safe complementary foods, micronutrient supplementation, implementation of salt iodization and food fortification.
- c. To strengthen and support health service providers in providing support systems to make all means necessary available to mothers who breast feed their young under difficult circumstances such as, but not limited to natural human-induced calamities, mothers with malnourished infants with low birth weight, mothers with transmissible diseases such as HIV and others.

- d. To advocate continued training for promoting, protecting, support and improving infant and young feeding in all aspects of human life.

## CHAPTER V PARTICIPATION RIGHTS OF CHILDREN

- SECTION 23. PARTICIPATION OF CHILDREN IN DECISION-MAKING PROCESSES. Article 12 of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard—within the family, the school or the community. It shall be the responsibilities of adults especially that in the local governance to provide opportunities and venue for children to express their views or ideas on matters concerning their development and welfare. In this regard, the local government offices involved in policy formulation are mandated to insure that the children sectors are properly represented during deliberations, consultations and formulation of policies relevant to children's development and welfare.
- SECTION 24. STATE OF THE CHILDREN'S REPORT. As embodied in Article 12 paragraph 2 of the Convention on the Rights of the Child, Children's Congress or the State of the Children's Report shall be an avenue for children to be heard and be assessed of all children related policies and programs done by the City. Every NGO's concerned with children shall be instrumental in the process of the preparation and evaluation of the Convention. It shall be held every October during the celebration of Children's month.

## CHAPTER VI REHABILITATION AND SUPPORT SYSTEM

- SECTION 25. INSTITUTIONALIZING THE "BAHAY TULUYAN" OR CRISIS CENTER FOR WOMEN AND CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND ABUSE. The "Bahay Tuluyan", established and existing since 2002, shall serve as crisis center for women and children who are victims of domestic violence: It shall be tasked to provide the following:
- a. To provide temporary shelter and basic services to abused children and women;
  - b. To network with non-government organizations and government agencies for the provision of the needed medical, psycho-social and legal services necessary in restoring/building the self-esteem of its clients;
  - c. To encourage and build the capacities of abused children and women to come into the open and pursue cases in court whenever they are ready;
  - d. To provide life skills and livelihood training to abused children and women while in the center to enable them to be productive and as a form of therapy;
  - e. To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities;
  - f. To conduct a province-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women.

- SECTION 26. SUPERVISION AND FUNDING. The said center shall be under the supervision and operation of the Department of Social Welfare and Development of the City of Mandaluyong and to the Gender and Development Fund where it derives its support, operational needs and other budgetary requirements.
- SECTION 27. PROGRAMS FOR DIFFERENTLY-ABLED CHILDREN. The local City Government of Mandaluyong shall institutionalize and strengthen the programs of Project T.E.A.C.H. which aims to give focus and priority to the various needs of children with disabilities. The Disabled Persons Affairs Division with the help of the DSWD shall likewise make a periodic comprehensive survey on the differently-abled children in the City and shall implement a program for them that is child-focused and appropriate for children with special needs.
- SECTION 28. MONITORING, EVALUATION AND ASSISTING PROGRAMS FOR CHILDREN AND OUT-OF-SCHOOL YOUTHS. Monitoring and Evaluation is essential for program and goal setting towards children welfare. This shall be the basis of fund allocation and further improvement of a particular program. Programs for early childhood stage and youth are as follows:
- a. The City Government of Mandaluyong shall endeavor to utilize and avail of alternative education program sponsored by the Bureau of Alternative Learning System of the Department of Education (DepEd). Likewise, it shall pursue tie-ups and partnerships with other private institutions that can and are willing to provide trainings, scholarship grants and other programs for the well-being of the out-of-school youths of Mandaluyong, including livelihood programs that will help them secure part-time employment or allow them to venture into part-time businesses which can help them sustain their education on their own.
  - b. Subject to existing national laws governing education, labor and employment, the City Government of Mandaluyong shall endeavor to constitute laws and precepts that will allow flexibility to working out-of-school youth (OSY) and provide a *"work and study"* environment conducive to the continuance of their education.
  - c. Conduct of a yearly census shall monitor the decrease or increase of the number of out-of-school youths (OSYs) in the communities, and shall serve as data-base to determine appropriate programs that would help them out.
  - d. To avoid further incidence of unregistered births, the Civil Registry of the City of Mandaluyong shall conduct a community outreach program or any activity at least twice a year to all barangays to inform, monitor and register all unregistered births of every child.
  - e. Through the collective efforts of the Nutrition Council and City Health Office, to conduct the necessary programs and activities such as computerized data-banking, group-charting, house to house interviews and the likes, in order to monitor and make sure that all children below 6 years of age are properly immunized and health records are well-kept and organized for future health reference of the child.

**SECTION 29. CREATION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (LCPC).** The City shall create a Local Council for the Protection of Children and coordinate with the barangays in the creation and organization of the Barangay Council for the Protection of Children (BCPC) at the barangay level. This is in keeping with the mandate of the LGU to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection of children of the City Council.

The Local Council for the Protection of Children (LCPC) shall ensure the effective implementation of the Philippine Government's commitment to the Convention on the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Child 21 Framework.

It shall plan and implement programs and services for children by virtue of the LGU's power and authority to plan and implement local socio-economic development plans, policies, and programs.

**SECTION 30. COMPOSITION AND FUNCTION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN.**

a. Members of the Local Council for the Protection of Children (LCPC) shall include the following agencies/units or offices, and other agencies it deems important depending on the current specific situation/ problems of the locality:

1. The City Mayor;
2. The Chairperson of the Sangguniang Panlungsod Committee on Women, Men, Children, and Family Affairs;
3. The City Planning and Development Coordinator;
4. The City Social Welfare and Development Officer;
5. The City Health Officer;
6. The City Schools Division Superintendent;
7. The City Prosecutor or the City Public Attorney's Office;
8. The President of the City Federation of the Sangguniang Kabataan (SK);
9. Two (2) People's Council representatives;
10. One (1) child representative;
11. The President of the Liga ng mga Barangay (LNB);
12. A member of the Local Finance Committee;
13. A representative of the City Local Government Operations Officer of the Department of the Interior and Local Government (DILG);
14. A representative of the Philippine National Police City Command.

b. The Local Council for the Protection of Children (LCPC) shall have the following functions:

- I. To formulate the city 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 Development Plan;

- II. To review and integrate the city programs and projects needing assistance into the City Comprehensive Program for Children;
  - III. To monitor and evaluate the implementation of the barangay and city plans and programs;
  - IV. To submit quarterly status reports on the implementation of the City Comprehensive Program for Children through the City Development Council (CDC);
  - V. To recommend policies and programs to the CDC;
  - VI. To provide the necessary technical assistance to the city and barangay councils if called for;
  - VII. To advocate for the passage of relevant child and youth protective ordinances;
  - VIII. To advocate for increased support and resource allocation for children's programs and projects from city government and secure resources for the same from other sources;
  - IX. To provide technical assistance to the community-based frontline workers through the conduct of capability building and human resource development activities;
  - X. To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities; and
  - XI. To identify and recommend programs and services to be contracted for implementation by NGOs and other entities in the implementation of this Code.
- c. **TECHNICAL WORKING GROUP.** The Council shall act as the legwork of the Council in the data-gathering, monitoring, evaluation and coordination of programs to various related agencies and to the Members of the Council. It shall be headed by a Program Coordinator to be identified by the Council with the approval of the Chairman.
  - d. **INTERNAL RULES AND REGULATION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (LCPC).** The Local Council for the Protection of Children (LCPC) shall adopt its own Internal Rules of Procedures and Regulations to serve as guidelines for the Members in the discharge of their official functions such as the organization's structure, parliamentary procedure, order of meeting and quorums, discipline and such other rules the Council may adopt.
  - e. **OPERATIONAL BUDGET.** An operational budget for the Local Council for the Protection of Children (LCPC) shall be allocated from the Gender and Development Fund of the City as mandated by Republic Act 7192.
  - f. Secretariat support shall be provided by the Office of the City Social Welfare and Development or any appropriate office. 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 31. THE BARANGAY AND THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC).** The Barangay Council shall create a Barangay Council for the Protection of Children (BCPC), the composition of which shall be determined by the former depending on the needs and circumstances in the area. The BCPC shall have the following functions:

- a. The functionality of every Barangay Council for the Protection of Children (BCPC) in all Barangays shall be strengthened.
- b. As spearheaded by the Barangay Council for the Protection of Children (BCPC), every barangay shall advocate, support and uphold every right of the child.
- c. Shall allocate space for recreation and provide recreational facilities appropriate for children's gender and age in every Barangay.
- d. Every barangay shall establish a Women-Children's Desk and appoint a qualified, child-friendly and gender-sensitive officer knowledgeable in handling cases involving children. The Women-Children's Desk shall primarily, among any other, protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;
- e. In support of the socio-cultural development of children in Mandaluyong City, the Local City Government shall invest in the protection of local children's literature or other relevant materials. Hence, all barangays shall create their respective public libraries or computer rooms for research and learning purposes. This shall be spearheaded and funded by the Sanggunian Kabataan or may be sourced out from different NGOs.
- f. To foster education and nutrition program for every child in the barangay
- g. 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;
- h. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
- i. 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;

**SECTION 32. PARENTING-ORIENTATION COURSES.** Marriage license applicants shall be required to participate in a Parenting Orientation Course I among other requirements, prior to the issuance of marriage license by the City Civil Registrar's Office. This course becomes an integral part of existing Family Planning Seminar on Reproductive Health Course.

Parent applicants for birth certificate of the child shall also be required to participate in a Parenting Orientation Course II, as follow-up to the first course before issuance of Certificate of Live Birth by the Civil Registrar without prejudice to the early registration of birth requirements under existing laws. Modules on these courses shall be designed by the Mandaluyong City Council for the Protection of Children and the City Social Welfare and Development Office in close coordination with the City Health Office and any existing NGO engaged in child-focused programs.

**SECTION 33. REFORMATION OF CHILDREN IN CONFLICT WITH THE LAWS.** Children who are involved in anti-social or related activities shall be registered in a reform program that shall assist in rebuilding themselves and reintegration into the mainstream of society. Those programs shall include the following:

- a. **MONITORING OF SUSPENDED CASES OF CHILDREN AND APPROPRIATE ASSISTANCE.** Application for suspension of sentences of children involved in anti-social activities shall be done by the Mandaluyong City Council for the Protection of Children. A special team



from said office shall monitor closely the cases involving children to adequately enforce the suspension of sentences. Appropriate and responsive rehabilitation program shall be afforded to them under the core of the Mandaluyong City Council for the Protection of Children. The framework of assistance shall be designed by the said Council in close coordination with NGOs and professionals with special interests in children's rehabilitation.

- b. **APPOINTMENT OF WOMEN AND CHILDREN'S DESK OFFICER AND CHILD-FRIENDLY POLICE PROCEDURES.** Each police precinct in Mandaluyong City shall have a Women and Children's Desk Officer to handle cases involving children. Child-friendly police procedures shall be implemented as contained in the Police Handbook on the management of cases of children in especially difficult circumstances. Each PNP element shall be provided a copy of the said handbook.
- c. **SPECIAL COURSE FOR PNP.** A special course for members of the Philippine National Police shall be designed to handle effectively children involved in anti-social activities. A team of PNP members shall take up the course-related section and other Child and Youth Relations Officers in each PNP detachment. Relevant activities shall be provided by the Mandaluyong City Council for the Welfare of Children and Family Concerns in close coordination with the Philippine National Police Child Protection Team.
- d. The Mandaluyong City Bureau of Jail Management, Mandaluyong PNP and Penology Jail Warden shall designate a Special Home-Like Facility Exclusive for Children in Conflict with the Laws.

**SECTION 34. OTHER REHABILITATION, SUPPORT AND DIVERSION PROGRAMS FOR CHILDREN IN CONFLICT WITH THE LAW.**

- a. The City shall create a Youth Home that will serve as a venue for counseling, educating, and other diversion programs for children who are in conflict with the law.
- b. Reinforcing and strengthening the programs and activities of the DSWD and Mandaluyong Anti-Drug Abuse Council (MADAC).

**CHAPTER VII  
DEVELOPMENT PLAN FOR CHILDREN**

**SECTION 35.** The Mandaluyong Children's Development Plan was formulated through the collaborative involvements of major stakeholders in the City, from the City Government to sectoral representatives, non-governmental organizations and the youth with the vision of Mandaluyong as a child-friendly City. This Development Plan for Children shall serve as a guiding instrument for further development of the Code based on the varying needs and situationer of children's condition in the City of Mandaluyong.

**SECTION 36. INVESTMENT PLAN FOR CHILDREN.** The Investment plan for Children shall be indicative of its source funding. Concerned agencies shall source out funding either from the local, national or private funds so as to maintain sustainability of children's programs. Every year stakeholders shall undergo workshops and seminars to update the development plan with their corresponding funding need.

CHAPTER VIII  
FINAL PROVISION

- SECTION 37. RULES AND REGULATIONS. Unless otherwise provided in this Ordinance, the City Legal Office, in coordination with the Mandaluyong City Council for the Welfare of Children and Family Concerns shall promulgate rules and regulations for the effective implementation of this Ordinance.
- Such rules and regulations shall take effect upon its publication in two (2) local newspapers of general circulation.
- SECTION 38. APPROPRIATIONS. The amount necessary to carry out the provisions of this Ordinance shall be appropriated in the City Annual Budget under the Gender and Development Fund as mandated by Section 27 of the General Appropriations Act and Republic Act 7192 otherwise known as the Women in Nation Building Act.
- SECTION 39. 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 not affected thereby shall continue to be in full force and effect.
- SECTION 40. APPLICABILITY CLAUSE. All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the City of Mandaluyong, and to all persons, who may be subject to the provisions of this Code.
- SECTION 41. 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 42. EFFECTIVITY CLAUSE. This Ordinance shall take effect fifteen (15) days after its approval and publication at least once in a newspaper of general circulation in Metro Manila and continuous display in the Bulletin Board of all the Barangays in the City of Mandaluyong.

ENACTED on this 4<sup>th</sup> day of August, 2008 in the City of Mandaluyong.

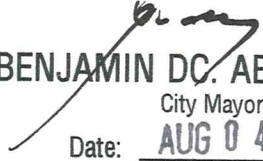
I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

  
JIMMY D. LACERBAL  
Sanggunian Secretary

ATTESTED:

  
RENATO B. STA. MARIA  
City Vice Mayor &  
Presiding Officer

APPROVED:

  
BENJAMIN DC. ABALOS, JR.  
City Mayor  
Date: AUG 04 2008



Republic of the Philippines  
**SANGGUNIANG PANLUNGSOD**  
City of Mandaluyong

**ORDINANCE NO. 405, S-2008**

**AN ORDINANCE CREATING A  
"MANDALUYONG CITY CHILDREN'S CODE"**

BE IT ORDAINED, by the Sangguniang Panlungsod of Mandaluyong, in session assembled that:

**CHAPTER I  
GENERAL PROVISIONS**

SECTION 1. TITLE. This Ordinance shall be known as the "*Mandaluyong City Children's Code*".

SECTION 2. DECLARATION OF POLICY. The Mandaluyong City Government hereby adopts and imposes policies and strategies that would establish and protect the rights of children. Their survival, protection, participation and development are given preferential consideration in all of its government programs. The City Government shall also endeavor to propagate the role of the family as the basic unit of society. It shall, likewise, work and establish strong partnerships with various private, non-government and people's organizations that are genuinely concerned, willing and capable to work for the welfare of the children.

SECTION 3. COVERAGE. The provisions of this Ordinance shall govern all institutions, Departments, offices and agencies that are under the supervision of the City Government of Mandaluyong. It shall also govern, without prejudice to existing laws, all persons, entities, private, non-government/people's organizations that deal with children, their rights and any undertaking relative to a child's development, survival, protection and participation.

This Ordinance shall be in consonance with the provisions and policies set by Republic Act 8980 or the ECCD LAW and other laws on children specifically P.D. 603 as amended, otherwise known as "*The Children and Youth Welfare Code*" and "*The Family Code of the Philippines*", Republic Act 7610 (An Act Providing Strong Deterrence Against Child Abuse), Republic Act 7658 (An Act Prohibiting the Employment of Children Below Fifteen Years of Age), Republic Act 8369 (An Act Establishing Family Courts), Republic Act 9262 (Violence against Women and Children), Republic Act 9344 (An Act Establishing a Comprehensive Juvenile Justice and Welfare System, Creating the Juvenile Justice and Welfare Council).

SECTION 4. DEFINITION OF TERMS.

- a. CHILD/CHILDREN – shall refer to persons aged below eighteen (18) years or those over but not able to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition;
- b. SURVIVAL RIGHTS – pertain to the rights of children to adequate living standard and access to basic health services and social security;
- c. DEVELOPMENT RIGHTS – pertain to the access of a child to education opportunities, access to relevant information, play, leisure, cultural activities and the right to freedom of thought and religion;

- d. PROTECTION RIGHTS – pertain to the right to be free and protected from all forms of child abuse, exploitation, and discrimination;
- e. PARTICIPATION RIGHTS – pertain to the child's freedom to express oneself in matters affecting his/her life as part of preparation for becoming a responsible citizen;
- f. CHILD ABUSE – refers to maltreatment of the child, whether habitual or not, which includes any of the following:
  - I. Psychological and physical abuse, such as neglect, cruelty, abandonment and other forms of abuses;
  - II. Any act by deed or word which debases, degrades, demeans the intrinsic worth and dignity of a child as a human being;
  - III. Unreasonable deprivation of his/her basic needs of survival such as food and shelter;
  - IV. Failure to immediately give medical treatment to an injured child resulting to serious impairment of his/her growth and development or permanent incapacity or death.
- g. Circumstances which gravely threaten or endanger the survival and normal development of children which include but not limited to the following:
  - I. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development or working without provision for their education;
  - II. Living in or fending for themselves on the streets of urban and rural areas without the care of parents or guardian or any adult supervision needed for their welfare;
  - III. Living under conditions of extreme poverty or in an area which is under-developed and/or lacks or has inadequate access to basic services needed for a good quality of life;
  - IV. Being with family members or guardians having grave psychological problems enough for them to commit incest, siblings rape, lascivious acts and other forms of physical and mental abuse;
  - V. Being a victim of man-made or natural disaster or calamity;
  - VI. Being a victim of an illegal transnational or child trafficking;
  - VII. Circumstances analogous to those above-stated which endanger the life, safety or normal development of children.
- h. COMPREHENSIVE CHILDREN'S SUPPORT SYSTEMS ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION – refers to the coordinated program of services facilities to protect children against: Child prostitution and other sexual abuse; Child trafficking; Obscene publications and indecent shows; Other acts of abuse; and Circumstances which threaten or endanger the survival and normal development of children or as prescribed by the UN Convention on the Rights of the Child;
- i. ANTI-SOCIAL RELATED ACTIVITIES – are those acts against poverty, chastity and persons which include, but are not limited to the following:

- I. Petty crimes such as snatching, shoplifting, misrepresentations;
  - II. Using and pushing prohibited drugs and other habit forming substances, selling illegal or lewd reading materials;
  - III. Pimping for sexual perversions, doing or participating in obscene shows or performances;
  - IV. Gambling in any form;
  - V. Rape and incest; and
  - VI. Any other circumstances which are defined under other existing laws.
- j. CHILDREN IN CONFLICT WITH THE LAW – is a youthful offender who is over fifteen (15) years but under eighteen (18) years of age and acting with discernment at the time of the commission of the offense as provided under Republic Act 9344;
- k. HAZING – an initiation rite being conducted as a pre-requisite for admission as member in a fraternity, sorority or organization by placing the recruit, neophyte or applicant in an embarrassing or humiliating situation such as forcing him/her to do menial unlikely and other similar tasks or activities or otherwise subjecting him/her to physical or psychological suffering or injury;
- l. SCHOOL HOURS – refers to the time where elementary and high school pupils and students are supposed to be inside school premises;
- m. LOITERING – staying in a particular place or commercial establishments like food chain, malls, etc. more than the usual or regular time needed to stay in such places during school hours;
- n. ORGANIZATION, FRATERNITY, SORORITY, GANG ASSOCIATION – shall be defined as an organization which engages in hazing as initiation rites which inflicts physical, psychological/mental harm to its members or others as a condition for acceptance in such an organization.

## CHAPTER II PROTECTION RIGHTS OF CHILDREN

SECTION 5. PROTECTION AGAINST CHILD PROSTITUTION AND OTHER SEXUAL ABUSE. Any person/group or syndicate who, for money, profit or any other consideration shall coerce or influence children to indulge in sexual activities are considered engaged in exploitation of children through prostitution and other sexual abuse. The following shall be deemed engaged in exploitation of children through prostitution and other sexual abuse, and shall be penalized accordingly:

- a. Those who engage in or promote, facilitate or induce child prostitution in the City of Mandaluyong which includes, but are not limited to the following shall be imposed with the penalty prescribed in Section 5 of Republic Act 7610:
  - I. Acting as a procurer of a child prostitute by means of written or oral advertisements or other similar means;
  - II. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;

- III. Entering into a relationship with, or taking advantage of a child as a prostitute;
  - IV. Threatening or using violence towards a child to engage him/her as a prostitute or a participant in indecent shows;
  - V. Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.
- b. Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco bar, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.
  - c. Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to sexual abuse. Provided that when the victim is under twelve (12) years of age, the offender shall be prosecuted under Article 266 of the Revised Penal Code as amended by Republic Act 8353, for the crime of Rape.
  - d. Those who shall hire, employ, use, persuade, induce 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 or to sell or distribute the said materials shall suffer the penalty provided under Section 9 of Republic Act 7610 (as amended) "*Special Protection against Child Abuse Exploitation and Discrimination Act*".
  - e. Ascendant, guardian or person entrusted in any capacity with care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movies or show or in any other obscene acts shall be penalized in accordance with Section 9 of Republic Act 7610.

SECTION 6. PROTECTION AGAINST 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 a child for money, or for any other consideration, or barter, shall suffer the penalty as prescribed in Article IV of Republic Act 7610.

An attempt to engage in Child Trafficking is committed under the guise of the following circumstances/situations and thereto should be punished accordingly:

- a. When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration or in any manner that causes the registration of the birth of such child in the name of another with or without consideration;
- b. Person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
- c. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking;
- d. When a person, authority, agency or institution witnesses but fails or refuses to report any transactions or acts to circumstances in 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 for the purpose of child trafficking.

SECTION 7. OBSCENE PUBLICATIONS, INDECENT SHOWS AND X-RATED OR LEWD SHOWS. Person/s who 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 Section 9 of Republic Act 7610.

SECTION 8. OTHER ACTS/FORMS OF CHILD ABUSE, NEGLECT, CRUELTY OR EXPLOITATION AND OTHER CONDITIONS PREJUDICIAL TO A CHILD'S DEVELOPMENT.

- a. Any person who shall commit any other acts of child abuses, cruelty or exploitation or be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of P.D. 603 as amended but not covered by the Revised Penal Code, as amended, shall suffer the penalty provided under Section 16 (a) of Republic Act 7610;
- b. Any person who shall use, coerce, force or intimidate a street child or any other child to conduct any illegal activities shall suffer the penalty provided under Section 10 (e) of Republic Act 7610. The victim of the acts committed under this section shall be entrusted to the care of the local DSWD Officer;
- c. Any forms of brutality committed against children by police authorities shall be penalized under the provisions of the Revised Penal Code, Republic Act 7610, and other existing law without prejudice to the filing of the complaint before the People's Law Enforcement Board (PLEB).

SECTION 9. SANCTIONS ON ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE, OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS. All establishments or enterprises which promote or facilitate child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse shall be immediately closed/padlocked and their authority or license to operate shall be cancelled, without prejudice to the owner and/or manager thereof being prosecuted under existing laws.

Any person/s and/or business establishment/s or even owners of private dwellings that sell, facilitate, promote, publish, show or exhibits, manufacture or reproduce smut/pornographic/bold pictures, magazines, books and any form of publications, videos (CDs, VCDs, VHS/betamax tapes), illicit and lewd/obscene shows and/or x-rated movies to minors shall be subjected to confiscation of obscene material/s and closure of establishment, without prejudice to their prosecution under other existing laws.

SECTION 10. EMPLOYMENT OF CHILDREN.

1. Employment of children below fifteen (15) years of age shall not be allowed in the City of Mandaluyong 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 endangers his 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, theater, radio or television is essential: Provided: that employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment; and Provided, that the following requirements in all instances are strictly complied with:
    - I. The employer shall ensure the protection, health, safety, morals and normal development of the child;
    - II. The employer shall institute measures to prevent the child's exploitation or discrimination taking into account system and level of remuneration, and the duration and arrangement of working time; and
    - III. 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.
  - c. The employer shall register the child employee with the Mandaluyong Council for the Welfare of Children and Family Concerns and shall seek the approval of the DOLE and the local DSWD Officer to ensure that the benefits and protection measures shall be accorded to the child.
2. No person or operator of transportation vehicle such as tricycles, jeepney, pedicabs and taxis shall employ or allow minors as driver thereof. Those who will violate this provision shall suffer the penalty under existing laws and cancellation of the Certificate of Public Convenience (Franchise) to operate public transportation.
  3. No person shall employ a child to model in all forms of commercial or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-product, junk foods and violence. Any person who shall violate any provision of this Section shall suffer the penalty as prescribed in Section 16 of Republic Act 7610.
  4. Person/s who 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 Section 9 of Republic Act 7610.
  5. Any person/s who shall use, coerce, or force or intimidate a street child or any other child to beg or use begging as a means of living shall be penalized under Section 10 (e) of Republic Act 7610. Children found to be begging shall be rescued and brought to the custody of the City Department of Social Welfare and Development Office for proper treatment and care while parents of these children will undergo counseling and responsible parenting formation.

### CHAPTER III PROTECTION MEASURES ON MINORS

- SECTION 11. CURFEW ON MINORS. For the protection of minors, they are prohibited from loitering in public places or moving outside their residences between the hours of 10:00 o'clock in the evening and 4:00 o'clock in the morning. Should there be a necessity for them to be outside their residences during curfew hours, they should be accompanied by their parent/s, responsible elders or guardians, otherwise, they should secure a curfew pass as prescribed by Section 3 of the City Ordinance No. 324, S-2005.



Offenders found to be under the influence of liquor or illegal drugs and/or is causing harm, alarm and scandal to himself or others shall be temporarily held under the custody of the Barangay until the child offender is sober, calms down and ready to be sent home. Concerned parent/s or guardians of the minor shall be immediately summoned before the Barangay Council for the Protection of Children (BCPC) for orientation and counseling.

Eight (8) hours of community service with two (2) hours of lecture and counseling on parents' effectiveness shall be imposed on the child's parent/guardian found to have violated the City Ordinance No. 324, S-2005.

**SECTION 12. LOITERING DURING SCHOOL HOURS.** Students or school children are banned from loitering in public places outside their school grounds/campuses during school hours unless they are accompanied by their parents/legal guardian or are attending an official school function or activity. Students and/or school children who will be caught loitering in public places outside their school grounds/campuses during school hours shall be sanctioned as follows:

- a. 72 hours of orientation on social concerns and community service and counseling.
- b. Concerned parent or guardian shall be notified and be required to attend parent's orientation seminar and community service for 72 hours in their respective barangays.
- c. Concerned schools of students found loitering shall be immediately notified by the apprehending officers for its information and appropriate action.

Commercial Establishments which offer and promote vices such as but not limited to video arcades, bars, amusement centers and gambling places to school children during school hours shall be subjected to closure/revocation of business permit and confiscation of their gadgets, equipments, machines and other paraphernalia.

**SECTION 13. FRATERNITIES AND GANGS.** No person shall force, coerce, bully or deceive any juvenile into joining any organization, fraternity, sorority, gang or association involved in unlawful activities or any deviant activities such as but not limited to vandalism, violence and sexual perversion. Any person who shall force, coerce or deceive any minor/juvenile into joining any organization, fraternity/sorority or gang within the campus or outside the school grounds shall be sanctioned with one (1) month of community service or twelve (12) months imprisonment or both without prejudice to his/her/their prosecution under Republic Act 8049.

Hazing or initiation rites are discouraged, if not regulated, conforming with Republic Act 8049, an *“Act Regulating Hazing and other Forms of Initiation Rites in Fraternities, Sororities and Other Organizations and providing Penalties Therefore”*.

**SECTION 14. SMOKING BAN ON MINORS.** It shall be unlawful for any person or establishment to sell cigarettes, other tobacco products to minors within the City of Mandaluyong. Violators shall be penalized as follows:

FIRST OFFENSE :	Fine of Two Hundred Pesos (P200.00)
SECOND OFFENSE :	Fine of Five Hundred Pesos (P500.00)
THIRD AND SUCCEEDING OFFENSES :	One Thousand Pesos (P1,000.00) and closure of business establishment and revocation of business permit

SECTION 15. MINORS ARE BANNED FROM BUYING VOLATILE SUBSTANCE SUCH AS RUGBY (TOLUENE) AND OTHER SIMILAR SUBSTANCES DEFINED AND ENUMERATED UNDER SECTION 1 OF P. D. 1619. Any person who sells or allows the selling of rugby (Toluene) and other habit inducing solvents to minors shall be penalized under Section 3 of P.D. 1619 and closure of the establishment selling the aforesaid substances to minors and revocation of its business permit.

SECTION 16. MINORS ARE BANNED FROM ENGAGING IN ANY FORM OF GAMBLING. Any person or establishment who allows minor/s to engage in any form of gambling shall be penalized by revocation of their permit to operate without prejudice to their being prosecuted under P. D. 1602 as amended by Republic Act 9287.

Establishments authorized to operate lottery such as lotto and other games such as Bingo and Horse Racing (OFF-TRACK) Betting stations are prohibited from accepting bets from minors. Violator/s shall be punished by closure of the establishment plus revocation of its business permit.

SECTION 17. PROHIBITION ON TRICYCLE AND PEDICAB OVERLOADING UTILIZED AS SCHOOL SERVICE FOR CHILDREN. As child's welfare and safety are the primary objectives of this ordinance, it is hereby prohibited the overloading of children passengers in tricycles and pedicabs or utilize such as school service for children. This practice endangers the lives of the students, the driver as well as ordinary passers-by. The said prohibited act shall be penalized accordingly by regulations set forth by the Tricycle Regulation Office and Traffic and Parking Management Office.

#### CHAPTER IV SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

SECTION 18. EARLY CHILDHOOD PROGRAM FRAMEWORKS. The Local City Government of Mandaluyong shall ensure up 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 completion of the immunization series for prevention of tuberculosis, diphtheria, pertusis, tetanus, measles, polio myelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;
- b. Growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake through community visitations of Barangay Nutrition Council (BNC) and Barangay Health Workers (BHW);
- c. Material and network of surrogate parents-teachers who will provide intellectual and mental stimulation to children, as well as supervised wholesome recreation, with a balanced program of supervised play, mentally-stimulating activities, and group activities with peers;
- d. Working closely with non-government organizations (NGOs) and private institutions which can provide or serve a sanctuary for abused, neglected or exploited children 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;

- e. A Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will remove or minimize the risk to the mother and child;
- f. Day Care Centers with adequate facilities shall be established in every Barangay. A Barangay-level network of assistance from the adults of the Barangays for the total development and protection of children shall assist the social workers and Day Care Center teachers in implementing the programs for the children.

SECTION 19. PROMOTION OF PRIMARY HEALTH CARE PROGRAM. The Barangay Health Centers shall implement the primary health program. Each Barangay Health Center shall have a Barangay Child Health Officer tasked to monitor child health in the Barangay level with a salary commensurate to the task assigned and in accordance with the standards of the Civil Service Commission.

The City Health Officer of Mandaluyong shall take the following appropriate measures:

- a. To combat diseases and malnutrition within the framework of primary health care;
- b. To establish a Comprehensive Parents' Orientation Development Program which includes courses on reproductive health, child health and child rearing practices, and family planning in the context of the Filipino psychology and culture;
- c. To monitor the full implementation of Executive Order 51 or the Milk Code of the Philippines and advocate the prosecution of milk firms which violate the same;
- d. To conduct massive information and education on breast feeding, utilizing existing materials for effective breast feeding education program;
- e. The City shall advocate for the implementation of Nursing Station within the workplace for both private and government establishments;
- f. All health practitioners dealing with child health in government and private hospitals and other institutions shall be required to complete a Comprehensive Training Course in Child Health Care.

SECTION 20. PROMOTION OF NEW BORN SCREENING PROGRAM. The City shall implement a new born screening program to ensure that every newborn has access to new born screening for certain inheritable condition that can result to mental-handicap, serious health complications or death if left undetected and untreated in conformity with the provisions of Republic Act 9288 or the New Born Screening Act of 2004. The program on newborn screening shall include the following:

- a. All children born in public and private lying-in clinics, public and private hospitals and homes must undergo newborn screening test within the first eight (8) hours after birth, but not later than three (3) days from the complete delivery of the newborn.
- b. The administration of the New Born Screening Test to babies whose parents are indigent residents of the City and born at the Mandaluyong City Medical Center (MCMC), or in any lying-ins and health centers of the City shall be given for free, upon presentation of a Family Access Card or a Certification from the Local DSWD of their indigency.

- e. A Reproductive Health Care Center for pregnant mothers for prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will remove or minimize the risk to the mother and child;
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- a. All children born in public and private lying-in clinics, public and private hospitals and homes must undergo newborn screening test within the first forty-eight (48) hours after birth, but not later than three (3) days from the complete delivery of the newborn.
- b. The administration of the New Born Screening Test to babies whose parents are indigent residents of the City and born at the Mandaluyong City Medical Center (MCMC), or in any lying-ins and health centers of the City shall be given for free, upon presentation of a Family Access Card or a Certification from the Local DSWD of their indigency.

- d. To advocate continued training for promoting, protecting, support and improving infant and young feeding in all aspects of human life.

## CHAPTER V PARTICIPATION RIGHTS OF CHILDREN

- SECTION 23. PARTICIPATION OF CHILDREN IN DECISION-MAKING PROCESSES. Article 12 of the Convention on the Rights of the Child states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken in their regard—within the family, the school or the community. It shall be the responsibilities of adults especially that in the local governance to provide opportunities and venue for children to express their views or ideas on matters concerning their development and welfare. In this regard, the local government offices involved in policy formulation are mandated to insure that the children sectors are properly represented during deliberations, consultations and formulation of policies relevant to children's development and welfare.
- SECTION 24. STATE OF THE CHILDREN'S REPORT. As embodied in Article 12 paragraph 2 of the Convention on the Rights of the Child, Children's Congress or the State of the Children's Report shall be an avenue for children to be heard and be assessed of all children related policies and programs done by the City. Every NGO's concerned with children shall be instrumental in the process of the preparation and evaluation of the Convention. It shall be held every October during the celebration of Children's month.

## CHAPTER VI REHABILITATION AND SUPPORT SYSTEM

- SECTION 25. INSTITUTIONALIZING THE "BAHAY TULUYAN" OR CRISIS CENTER FOR WOMEN AND CHILDREN WHO ARE VICTIMS OF DOMESTIC VIOLENCE AND ABUSE. The "Bahay Tuluyan", established and existing since 2002, shall serve as crisis center for women and children who are victims of domestic violence: It shall be tasked to provide the following:
- a. To provide temporary shelter and basic services to abused children and women;
  - b. To network with non-government organizations and government agencies for the provision of the needed medical, psycho-social and legal services necessary in restoring/building the self-esteem of its clients;
  - c. To encourage and build the capacities of abused children and women to come into the open and pursue cases in court whenever they are ready;
  - d. To provide life skills and livelihood training to abused children and women while in the center to enable them to be productive and as a form of therapy;
  - e. To provide livelihood assistance and placement to abused children and women who are ready to be reintegrated with their families and communities;
  - f. To conduct a province-wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence, and a massive information dissemination on the rights of children and women.

- SECTION 26. SUPERVISION AND FUNDING. The said center shall be under the supervision and operation of the Department of Social Welfare and Development of the City of Mandaluyong and to the Gender and Development Fund where it derives its support, operational needs and other budgetary requirements.
- SECTION 27. PROGRAMS FOR DIFFERENTLY-ABLED CHILDREN. The local City Government of Mandaluyong shall institutionalize and strengthen the programs of Project T.E.A.C.H. which aims to give focus and priority to the various needs of children with disabilities. The Disabled Persons Affairs Division with the help of the DSWD shall likewise make a periodic comprehensive survey on the differently-abled children in the City and shall implement a program for them that is child-focused and appropriate for children with special needs.
- SECTION 28. MONITORING, EVALUATION AND ASSISTING PROGRAMS FOR CHILDREN AND OUT-OF-SCHOOL YOUTHS. Monitoring and Evaluation is essential for program and goal setting towards children welfare. This shall be the basis of fund allocation and further improvement of a particular program. Programs for early childhood stage and youth are as follows:
- a. The City Government of Mandaluyong shall endeavor to utilize and avail of alternative education program sponsored by the Bureau of Alternative Learning System of the Department of Education (DepEd). Likewise, it shall pursue tie-ups and partnerships with other private institutions that can and are willing to provide trainings, scholarship grants and other programs for the well-being of the out-of-school youths of Mandaluyong, including livelihood programs that will help them secure part-time employment or allow them to venture into part-time businesses which can help them sustain their education on their own.
  - b. Subject to existing national laws governing education, labor and employment, the City Government of Mandaluyong shall endeavor to constitute laws and precepts that will allow flexibility to working out-of-school youth (OSY) and provide a *"work and study"* environment conducive to the continuance of their education.
  - c. Conduct of a yearly census shall monitor the decrease or increase of the number of out-of-school youths (OSYs) in the communities, and shall serve as data-base to determine appropriate programs that would help them out.
  - d. To avoid further incidence of unregistered births, the Civil Registry of the City of Mandaluyong shall conduct a community outreach program or any activity at least twice a year to all barangays to inform, monitor and register all unregistered births of every child.
  - e. Through the collective efforts of the Nutrition Council and City Health Office, to conduct the necessary programs and activities such as computerized data-banking, group-charting, house to house interviews and the likes, in order to monitor and make sure that all children below 6 years of age are properly immunized and health records are well-kept and organized for future health reference of the child.

SECTION 29. CREATION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (LCPC). The City shall create a Local Council for the Protection of Children and coordinate with the barangays in the creation and organization of the Barangay Council for the Protection of Children (BCPC) at the barangay level. This is in keeping with the mandate of the LGU to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection of children of the City Council.

The Local Council for the Protection of Children (LCPC) shall ensure the effective implementation of the Philippine Government's commitment to the Convention on the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Child 21 Framework.

It shall plan and implement programs and services for children by virtue of the LGU's power and authority to plan and implement local socio-economic development plans, policies, and programs.

SECTION 30. COMPOSITION AND FUNCTION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN.

a. Members of the Local Council for the Protection of Children (LCPC) shall include the following agencies/units or offices, and other agencies it deems important depending on the current specific situation/ problems of the locality:

1. The City Mayor;
2. The Chairperson of the Sangguniang Panlungsod Committee on Women, Men, Children, and Family Affairs;
3. The City Planning and Development Coordinator;
4. The City Social Welfare and Development Officer;
5. The City Health Officer;
6. The City Schools Division Superintendent;
7. The City Prosecutor or the City Public Attorney's Office;
8. The President of the City Federation of the Sangguniang Kabataan (SK);
9. Two (2) People's Council representatives;
10. One (1) child representative;
11. The President of the Liga ng mga Barangay (LNB);
12. A member of the Local Finance Committee;
13. A representative of the City Local Government Operations Officer of the Department of the Interior and Local Government (DILG);
14. A representative of the Philippine National Police City Command.

b. The Local Council for the Protection of Children (LCPC) shall have the following functions:

- I. To formulate the city 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 Development Plan;

- II. To review and integrate the city programs and projects needing assistance into the City Comprehensive Program for Children;
  - III. To monitor and evaluate the implementation of the barangay and city plans and programs;
  - IV. To submit quarterly status reports on the implementation of the City Comprehensive Program for Children through the City Development Council (CDC);
  - V. To recommend policies and programs to the CDC;
  - VI. To provide the necessary technical assistance to the city and barangay councils if called for;
  - VII. To advocate for the passage of relevant child and youth protective ordinances;
  - VIII. To advocate for increased support and resource allocation for children's programs and projects from city government and secure resources for the same from other sources;
  - IX. To provide technical assistance to the community-based frontline workers through the conduct of capability building and human resource development activities;
  - X. To prepare contingency measures to protect children and their families in crisis brought about by the natural and human-made calamities; and
  - XI. To identify and recommend programs and services to be contracted for implementation by NGOs and other entities in the implementation of this Code.
- c. TECHNICAL WORKING GROUP. The Council shall act as the legwork of the Council in the data-gathering, monitoring, evaluation and coordination of programs to various related agencies and to the Members of the Council. It shall be headed by a Program Coordinator to be identified by the Council with the approval of the Chairman.
- d. INTERNAL RULES AND REGULATION OF THE LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN (LCPC). The Local Council for the Protection of Children (LCPC) shall adopt its own Internal Rules of Procedures and Regulations to serve as guidelines for the Members in the discharge of their official functions such as the organization's structure, parliamentary procedure, order of meeting and quorums, discipline and such other rules the Council may adopt.
- e. OPERATIONAL BUDGET. An operational budget for the Local Council for the Protection of Children (LCPC) shall be allocated from the Gender and Development Fund of the City as mandated by Republic Act 7192.
- f. Secretariat support shall be provided by the Office of the City Social Welfare and Development or any appropriate office. 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 31. THE BARANGAY AND THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC). The Barangay Council shall create a Barangay Council for the Protection of Children (BCPC), the composition of which shall be determined by the former depending on the needs and circumstances in the area. The BCPC shall have the following functions:



- a. The functionality of every Barangay Council for the Protection of Children (BCPC) in all Barangays shall be strengthened.
- b. As spearheaded by the Barangay Council for the Protection of Children (BCPC), every barangay shall advocate, support and uphold every right of the child.
- c. Shall allocate space for recreation and provide recreational facilities appropriate for children's gender and age in every Barangay.
- d. Every barangay shall establish a Women-Children's Desk and appoint a qualified, child-friendly and gender-sensitive officer knowledgeable in handling cases involving children. The Women-Children's Desk shall primarily, among any other, protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;
- e. In support of the socio-cultural development of children in Mandaluyong City, the Local City Government shall invest in the protection of local children's literature or other relevant materials. Hence, all barangays shall create their respective public libraries or computer rooms for research and learning purposes. This shall be spearheaded and funded by the Sanggunian Kabataan or may be sourced out from different NGOs.
- f. To foster education and nutrition program for every child in the barangay
- g. 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;
- h. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
- i. 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;

**SECTION 32. PARENTING-ORIENTATION COURSES.** Marriage license applicants shall be required to participate in a Parenting Orientation Course I among other requirements, prior to the issuance of marriage license by the City Civil Registrar's Office. This course becomes an integral part of existing Family Planning Seminar on Reproductive Health Course.

Parent applicants for birth certificate of the child shall also be required to participate in a Parenting Orientation Course II, as follow-up to the first course before issuance of Certificate of Live Birth by the Civil Registrar without prejudice to the early registration of birth requirements under existing laws. Modules on these courses shall be designed by the Mandaluyong City Council for the Protection of Children and the City Social Welfare and Development Office in close coordination with the City Health Office and any existing NGO engaged in child-focused programs.

**SECTION 33. REFORMATION OF CHILDREN IN CONFLICT WITH THE LAWS.** Children who are involved in anti-social or related activities shall be registered in a reform program that shall assist in rebuilding themselves and reintegration into the mainstream of society. Those programs shall include the following:

- a. **MONITORING OF SUSPENDED CASES OF CHILDREN AND APPROPRIATE ASSISTANCE.** Application for suspension of sentences of children involved in anti-social activities shall be done by the Mandaluyong City Council for the Protection of Children. A special team

from said office shall monitor closely the cases involving children to adequately enforce the suspension of sentences. Appropriate and responsive rehabilitation program shall be afforded to them under the core of the Mandaluyong City Council for the Protection of Children. The framework of assistance shall be designed by the said Council in close coordination with NGOs and professionals with special interests in children's rehabilitation.

- b. APPOINTMENT OF WOMEN AND CHILDREN'S DESK OFFICER AND CHILD-FRIENDLY POLICE PROCEDURES. Each police precinct in Mandaluyong City shall have a Women and Children's Desk Officer to handle cases involving children. Child-friendly police procedures shall be implemented as contained in the Police Handbook on the management of cases of children in especially difficult circumstances. Each PNP element shall be provided a copy of the said handbook.
- c. SPECIAL COURSE FOR PNP. A special course for members of the Philippine National Police shall be designed to handle effectively children involved in anti-social activities. A team of PNP members shall take up the course-related section and other Child and Youth Relations Officers in each PNP detachment. Relevant activities shall be provided by the Mandaluyong City Council for the Welfare of Children and Family Concerns in close coordination with the Philippine National Police Child Protection Team.
- d. The Mandaluyong City Bureau of Jail Management, Mandaluyong PNP and Penology Jail Warden shall designate a Special Home-Like Facility Exclusive for Children in Conflict with the Laws.

SECTION 34. OTHER REHABILITATION, SUPPORT AND DIVERSION PROGRAMS FOR CHILDREN IN CONFLICT WITH THE LAW.

- a. The City shall create a Youth Home that will serve as a venue for counseling, educating, and other diversion programs for children who are in conflict with the law.
- b. Reinforcing and strengthening the programs and activities of the DSWD and Mandaluyong Anti-Drug Abuse Council (MADAC).

CHAPTER VII  
DEVELOPMENT PLAN FOR CHILDREN

SECTION 35. The Mandaluyong Children's Development Plan was formulated through the collaborative involvements of major stakeholders in the City, from the City Government to sectoral representatives, non-governmental organizations and the youth with the vision of Mandaluyong as a child-friendly City. This Development Plan for Children shall serve as a guiding instrument for further development of the Code based on the varying needs and situationer of children's condition in the City of Mandaluyong.

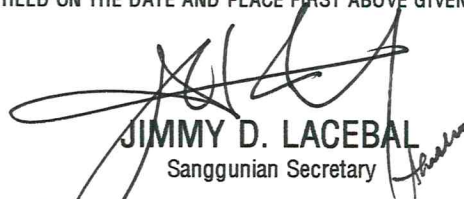
SECTION 36. INVESTMENT PLAN FOR CHILDREN. The Investment plan for Children shall be indicative of its source funding. Concerned agencies shall source out funding either from the local, national or private funds so as to maintain sustainability of children's programs. Every year stakeholders shall undergo workshops and seminars to update the development plan with their corresponding funding need.

CHAPTER VIII  
FINAL PROVISION

- SECTION 37. **RULES AND REGULATIONS.** Unless otherwise provided in this Ordinance, the City Legal Office, in coordination with the Mandaluyong City Council for the Welfare of Children and Family Concerns shall promulgate rules and regulations for the effective implementation of this Ordinance.
- Such rules and regulations shall take effect upon its publication in two (2) local newspapers of general circulation.
- SECTION 38. **APPROPRIATIONS.** The amount necessary to carry out the provisions of this Ordinance shall be appropriated in the City Annual Budget under the Gender and Development Fund as mandated by Section 27 of the General Appropriations Act and Republic Act 7192 otherwise known as the Women in Nation Building Act.
- SECTION 39. **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 not affected thereby shall continue to be in full force and effect.
- SECTION 40. **APPLICABILITY CLAUSE.** All other matters relating to the impositions or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial jurisdiction of the City of Mandaluyong, and to all persons, who may be subject to the provisions of this Code.
- SECTION 41. **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 42. **EFFECTIVITY CLAUSE.** This Ordinance shall take effect fifteen (15) days after its approval and publication at least once in a newspaper of general circulation in Metro Manila and continuous display in the Bulletin Board of all the Barangays in the City of Mandaluyong.

ENACTED on this 4<sup>th</sup> day of August, 2008 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN REGULAR SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

  
**JIMMY D. LACEBAL**  
Sanggunian Secretary

APPROVED:

ATTESTED:

  
**RENATO B. STA. MARIA**  
City Vice Mayor &  
Presiding Officer

  
**BENJAMIN DC. ABALOS, JR.**  
City Mayor

Date: AUG 04 2008