



Republic of the Philippines
CARAGA Region XIII
Province of Surigao del Norte
Municipality of San Benito



Office of the 10th Sangguniang Bayan

AN EXCERPT FROM THE MINUTES OF THE 18th REGULAR SESSION OF THE 10TH SANGGUNIANG BAYAN MEMBERS OF THE MUNICIPALITY OF SAN BENITO, SURIGAO DEL NORTE HELD AT SANGGUNIANG BAYAN SESSION HALL ON NOVEMBER 28, 2022 AT EXACTLY 9:00 O' CLOCK IN THE MORNING

PRESENT:

Hon. Wellybel A. Requirme
Hon. Cindy R. Agati
Hon. Puyat P. Sumando
Hon. Charlito E. Mendavia
Hon. Felix B. Sumando Sr.
Hon. Delfin P. Labola
Hon. William A. Polican
Hon. Jayrom P. Caballejos
Hon. Ruella T. Rulete
Hon. Delcy Rose S. Plandano

Mun. Vice Mayor/ Presiding Officer
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Sangguniang Bayan Member
Ex-Officio / LNMB President
Ex-Officio / SKF President

ABSENT:

Hon. Aldrein C. Glimane

Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 0133-22
Series of 2022

“AN ORDINANCE ENACTING THE SAN BENITO CHILDREN’S WELFARE CODE OF 2022 AND FOR OTHER PURPOSES THEREOF”

BE IT ENACTED by the Sangguniang Bayan of San Benito in session assembled, that:

ARTICLE I
TITLE, SCOPE, POLICIES AND DEFINITION OF TERMS

Section 1. Title. This ordinance shall be known as the *“San Benito Children’s Welfare Code of 2022”*

Section 2. Declaration of Policy and Principles.

- a) It is hereby declared to be the policy of the Municipality of San Benito to effectively promote, fully enhance and institutionalize the survival, protection, development and participation rights of children within the framework of advancing general welfare in furtherance of integrated, sustainable and equitable development.

It is also the policy of the Municipality of San Benito to give priority to the welfare of children which shall be in the paramount consideration in all actions concerning them consistent with local autonomy and the principle of “Best Interest of the Child” as enunciated in the United Nations Convention on the Rights of the Child, PD 603 (The Child and Youth Welfare Code) and to adhere to the generally accepted principles of International Law as part of this Code.

- b) It is likewise the policy of the Municipality of San Benito to undertake the holistic protection and development of all children together with their families with the support of the national government agencies, non-governmental organizations and other child care and development service providers.
- c) The child is fully functional human being capable of participating in proceedings affecting them, within their evolving capacities.
- d) All rights applied to children without discrimination, irrespective of the child's parents or legal guardian's nationality, identity, race, color, sex, language, religion, political or other opinion, ethnic or social origin, property, disability, paternity, and filiations, birth or status.
- e) The best interest of the child shall be the paramount consideration in all matters affecting them. All doubts in the interpretation of the provisions of this code, including its implementing rules and regulations, shall be resolved in the best interest of the child.
- f) The child is different from adult and they have different capacities and needs. The child is largely influenced and molded by social experiences and natural environment encountered in this critical stage of human development.
- g) The Municipal government shall defend the rights of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, discrimination and other conditions prejudicial to their development.

Section 3. Definition of Terms. The following terms used in this code shall be defined as:

- a) **Children Or "Minors"** - refer to persons below eighteen (18) years of age as defined by RA 7610;
- b) **Child Abuse** - refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - 1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - 2) Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - 3) Unreasonable deprivation of his basic needs for survival, such as food, clothing, shelter and education; and
 - 4) Failure to immediately give medical treatment to an injured child which will result in serious impairment of his growth and development, his permanent incapacity or loss of life.
- c) **Circumstances Which Gravely Threaten or Endanger the Survival and Normal Development of Children** include, but are not limited to the following:
 - 1) Being in a community where there is armed conflict or being affected by armed conflict-related activities;
 - 2) Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 - 3) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life.
 - 4) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;

- 5) Being a victim of a man-made/ natural disaster or calamity; or
 - 6) Circumstances analogous to those stated above which endanger the life, safety, or normal development of children.
- d) ***Children In Need Of Special Protection (CNSP)*** - refer to children having under circumstances which gravely threaten or endanger their survival and normal development as defined to include children in worst forms of child labor, neglected and abandoned children, street children, victims of commercial and sexual exploitation, victims of child abuse, children in situations of armed conflict, children in conflict with law, children in various forms of disability and children of indigenous peoples. These includes the following children:
- 1) Children in worst forms of child labor
 - 2) Neglected and abandoned children
 - 3) Street children
 - 4) Victims of all forms of abuse
 - 5) Victims of commercial and sexual exploitation
 - 6) Children in situations of armed conflict
 - 7) Children in various forms of disability
 - 8) Children of indigenous peoples
 - 9) Victims of illegal recruitment for local and overseas employment
 - 10) Children in conflict with the law
 - 11) Victims of Child Trafficking
- e) ***Child Trafficking*** - shall refer to the recruitment, transfer or deployment of a child, and/or harboring or receipt of child with or without the victims consent or knowledge, through legal or illegal means, fraud or deceit, violence, coercion, intimidation, abuse of position or authority within or across national borders for purposes of prostitution, work, services, marriage or adoption and other similar arrangements characterized by forced labor, slave-like practices and sexual exploitation.
- f) ***Special Office, A Division Or A Desk For Children's Concerns*** – created to monitor the implementation of this code and such other functions that may be undertaken which shall be provided in the implementing Rules and Regulations.
- g) ***Truancy*** – undesirable behavior of students who incurred 10 days of consecutive absences without informing school authorities or simply cutting classes during regular school hours which the Department of Education has the policy to address the problem.
- h) ***Child-Friendly School*** – is more than just a place for formal learning. It is an institution that recognizes and respects the range of rights of children, and not just their right to be educated. Those rights also include their rights to be healthy to be given opportunities for play and leisure, to be protected from harm and abuse, express their views freely and to participate in decision-making according to their evolving capacities.
- i) ***Local Council for the Protection of Children (LCPC)*** - is a coordinating body established in the Municipality and barangay levels, pursuant to Department of the Interior and Local Government (DILG) Memorandum Circular No. 94-14 which subsumes the Early Childhood Care and Development (ECCD) coordinating committee in all levels in the formulation and implementation of all policies, programs and projects relative to the survival, development and protection of children.

The Local Council regularly monitors the plans, policies, existing national laws, programs and projects for the welfare of children and conducts periodic evaluation thru conferences/meetings to fast track solutions on issues and concerns relevant to its survival, protection, development and participation rights of children.

- j) ***Rescue Team*** - is an interagency team established in the Local Government Unit under the auspices of the LCPC for cases involving children, the responsibilities and functions of

which shall be provided in the implementing Rules and Regulations hereinafter promulgated.

- k) **Local State Of The Children's Report** - is a publicly rendered report and pronouncement embodied in a document to be delivered annually by the Mayor/Punong Barangay, showing the progress of the implementation of the planned and targeted programs and projects for children including developments in the formulation as well as the implementation of the Local Development Plan for Children and Children's Welfare Code. The format and offices tasked to formulate the same shall be provided in the implementing Rules and Regulations hereinafter promulgated.
- l) **Victims Of Illegal Recruitment For Local And Overseas Employment** - children below 18 years of age who are recruited whether with or without permission from their parents or guardians to work as domestic helpers or in the service establishment without the necessary papers from proper authorities.
- m) **Prohibited Or Dangerous Drugs** - drugs supplied only on official prescription forms issued by the Dangerous Drugs Board.
- n) **Child Friendly Legislations** - are legislations that addresses the four rights of children such survival, development, protection and participations.

Section 4. Rights of the Child.

- a) All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.
- b) Survival rights - include the inherent rights to life, health, to be cared for by parents, adequate food, shelter and clothing, and to be adopted if it is for the child's best interest.
- c) Protection rights - include the right to a name and nationality, the right to be protected from discrimination, the right to be protected from abduction and sale, the right to be protected from war or any armed conflict, the right to be protected by law from drug abuse, the right to be protected from physical abuse, the right to be protected by law from all forms of sexual abuse, the right to dignity and worth even when in conflict with law, the right to be protected from economic abuse.
- d) Development rights - include the right to education, the right to freedom of thought, conscience and religion, the right to useful and wholesome information to prepare the child for responsible adulthood, the right to rest and the right to enjoy a full and decent life even when mentally or physically handicapped.
- e) Participation rights - include the right to freedom of expression, and the right to freedom of association and peaceful assembly.

ARTICLE II

SURVIVAL RIGHTS OF CHILDREN

Section 1. Primary Health Care. The Municipality shall formulate and implement a primary health care program which shall be led by the Municipal Health Office with assistance of the Department of Health in coordination with the members of Municipal Council for the Protection of Children. The Local Government Unit of San Benito shall strengthen advocacy on pre-natal care, Article II of PD 603 provides that the promotion of the Child's health shall begin with adequate pre-natal and post natal care both for the child and mother.

Section 2. Promotion of Primary Health Care Programs. The barangay officials through its chairperson of the committee on health shall implement the primary health care programs and to monitor children's health in the barangay level. To further the implementation of this section, the Municipal Government of San Benito shall take appropriate measures:

- a) To combat disease and malnutrition within the framework of primary health care and application of readily available technology and through the provision of adequate nutritious foods and clean drinking water.
- b) To establish a Comprehensive Parents Orientation Development Program which includes gender-responsiveness courses on reproductive health, child health and child rearing practices.
- c) To conduct massive information and education campaign on breastfeeding program and full implementation of the Milk Code of the Philippines. To implement such law, the Municipal Government shall initiate by providing feeding area for working lactating mothers and other initiatives.

Section 3. Iodization. In compliance of the Republic Act No. 8172 otherwise known as Act of Salt Iodization Nationwide (ASIN Law) and in recognition of the importance of salt iodization to improve children's health, the Municipal Government shall:

- a) Create a Municipal Task Force that shall monitor periodically or upon request for assistance by the Punong Barangay and Municipal Mayor, and conduct unscheduled inspection of iodized salt being sold for purposes of compliance to the standard set by the Bureau of Food and Drugs.
- b) The membership and functions of the Task Force shall be provided for in the implementing Rules and Regulations hereinafter promulgated.
- c) The Municipal Information Office, in addition to its statutory functions is hereby directed to:
 - a) Formulate and implement a public information and awareness program on the benefits of the use of iodized salt;
 - b) Coordinate with LCPC/BCPC, in the conduct of awareness programs on the importance and benefits of iodized salt;
 - c) Promote and encourage the use of iodized salt in every household to be monitored by BNS and BHWs.

Section 4. Health and Nutrition Post. The LGU shall adopt the Enhanced Child Growth strategy through the setting-up of Health and Nutrition Post in every municipality and barangay or at least for every one thousand population, or for a cluster of 20-30 families if hard to reach or sparsely populated area. The Post shall serve as an extension/attached to Barangay Health Stations and shall be run by the Barangay Health Workers (BHW), or Barangay Nutrition Scholars (BNS), or trained mother volunteers. Basic integrated health, nutrition and counseling services for children and parents shall be provided by the Post. The Rural Health Unit personnel will provide administrative and technical support for the operation of the Post.

Section 5. Sentrong Sigla Movement. The LGU shall ensure that the Main Health Center is a Sentrong Sigla facility by providing adequate budget for the maintenance and operation of the facilities and upgrading skills and welfare of personnel.

Section 6. Program for Children with Special Needs. The Municipal Government shall make appropriate child-focused and child-specific comprehensive survey on children with disabilities as basis for a more systematic coordination of services on health nutrition and education for children with special needs.

Section 7. Role of Local Health Board. The Local Health Board (LHB) shall actively advocate for the adequate delivery of health services for all children in the locality. It shall conduct periodic monitoring and evaluation of children's health vis-à-vis health services available. *To propose to the Sanggunian concerned in accordance with standards and criteria set by the DOH, annual budget allocations for the operation and maintenance of health facilities and facilities with special care for children and minors within or outside of RHU in the Municipality or municipalities as the case may be.*

Section 8. Mandatory Medical Examination of Physically and Sexually Abused Children. The Department of Justice states that only the following designated doctors are legally qualified to conduct medico-legal examinations;

- a) Rural health doctors
- b) Physician in Department of Health-accredited hospitals
- c) Government hospital physicians
- d) Medico-legal Officers of NBI Commission on human rights
- e) Philippine National Police Crime Lab

The safety of the child is always the first priority. Cooperation with social workers and government agencies will facilitate assurance of short-term safety and the long-term provision of integrated care. Integrated medical care requires treatment of physical as well as emotional, psychological and development injuries to the overall well-being of the abused child.

ARTICLE III

DEVELOPMENT RIGHTS OF CHILDREN

Section 1. Early Child Care and Development.

- a) The ECCD refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from birth up to age six (6), to promote their optimum growth and development.
- b) The program shall include the following :
 - 1) Center-based program – a day care service established under RA 6972, public and private pre-schools, kindergarten or school-based programs, community or church-based early childhood education programs initiated by non-government organization or peoples organization, workplace related child care and education programs, child-minding centers, health centers and stations.
 - 2) Home-based programs - a neighborhood-based play groups, family day care programs, parent education and home-visiting programs.
 - 3) ECCD school-on-the-air (ECCD-SOA) – a radio program designed primarily for parents and caregivers or the target audience which seeks to support parents and care-givers with relevant and helpful information about care giving practices and nurturing the growth and development of children 0-6 years of age. ECCD-SOA reaches out to parents and caregivers to enable them to provide the quality of care that young children need in order to grow, thrive and to develop their optimum potentials.
 - 4) Monitoring of Registration of Births and the completion of immunization services on the prevention of tuberculosis (BCG), diphtheria (DPT), pertussis, tetanus, measles, polio-myelitis (OPV), hepatitis B and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age.
 - 5) Growth and nutritional monitoring with supplementary nutritional feeding and supervision of nutrition intake at home.

- 6) A pool of trained ECCD service providers with commensurate and upgraded salary scheme to include professionals, paraprofessionals and volunteer care-givers but are not limited to (day care workers, teachers, teacher-aides, rural health midwives, social workers, community health workers, barangay nutrition scholars, parent effectiveness service volunteers, child development workers and family day care providers) who are directly responsible for the care and education of young children thru various centers, schools and home-based programs.
 - 7) Care for children of working mothers in a particular place shall develop a network of homes where trained paid domestic and elderly relative can provide adequate care with competent supervision from the Local Social Welfare and Development Officer until children's care meet adequate standards.
 - 8) Training/Educational materials shall be provided and network of surrogate parents who can provide intellectual and mental stimulation to children.
- c) No Day Care Center and other child caring institution shall be allowed to operate without licensing and accreditation from the DSWD.
 - d) To ensure effectiveness of Day Care Service program, Day Care Service providers must undergo training, licensing and accreditation by DSWD, honorarium shall only be given to accredited Day Care Workers. Day Care Workers shall not be discharged from duty by any political intervention due to political affiliation, etc.

Section 2. Child-Friendly School System. This is a national DepEd/UNICEF-initiated program. The concept for establishing a Child-Friendly School System (CFSS) in the Philippines was introduced in 1999 via series of consultations among school administrators, teachers and children advocates. Establishing the CFSS demands that, a number of issues are addressed through an integrated approach. The school shall take the lead in shaping a learning environment that enables children to learn as much as their intellectual faculties could take. It is a kind of environment that allows them to grow up healthy, equips them with knowledge and skills that they can use throughout their life and enables them to become responsible and productive members of their community and society with funding support from the Local Government Units and the Local School Board.

In addition, LGUs and Local School Board shall see to it that:

- a) There shall be a library in all level of schools in their locality;
- b) There shall be a Comfort Room in every classroom;
- c) School activities should promote culture, values and good practices.

Section 3. Educators' and Health Professionals' Training for the Special Program on Children with Special Needs. A training program for educators and health professionals handling children with disabilities and special needs shall form part of the priority of the Municipal government of which funds are sourced out from the Local School Board / Special Education Fund.

Section 4. Support to Special Education (SPED) Program. The Municipal Government shall support the Special Education Program which is implemented by the Department of Education by providing regular assistance thereto. The Municipal Government with the assistance of the Department of Education, shall ensure that the Special Education Center shall be set-up in public schools whenever and wherever necessary to enable the differently-abled children to enroll if possible within their respective barangays. The Municipal Government shall regularly provide funds for the SPED program to be taken from the Special Education Fund (SEF).

Section 5. Survey and Active Program for Differently-Abled Children. The Municipal Government shall make a comprehensive survey and situational analysis on the differently-abled children in the Municipality. The Municipal Social Services Office with the offices of the Schools Division of DepEd and Municipal Health Office shall spearhead the conduct of situational analysis on the differently-abled children. The situational analysis shall be the basis of the planning, by the Children's Council and other concerned agencies, for programs and projects for children.

Section 6. Provision of Support System to the Pre-School Education program for Early Childhood Care and Development-Initiated by the POs and NGOs. The Municipal Government Units shall provide for a support system to the pre-school education program for early childhood care and development initiated by the POs and NGOs by significantly responding to the gaps of government service in providing for a pre-school education program having an alternative curriculum appropriate and culturally relevant to urban poor communities, encouragement of accreditation, materials, technical assistance such as enrichment training for facilitators and financial aid and monitoring activities for community-based ECCD as an alternative approach for the continuing basic problem of urban poor children.

Section 7. Rights of Children of Indigenous People. The Municipal council for the Welfare of children in coordination of the local DepEd Division office shall develop and institute an alternative system of education for children of indigenous people which is culture-specific and relevant to their needs.

Section 8. Role of Local School Board. The Local School Board shall determine in accordance with the criteria set by the DepEd, the annual supplementary budgetary needs for the operation and maintenance of public schools within the Municipality. The LSB serve as an advisory committee to the Sangguniang Bayan/Bayan on education matters such as, but not limited to, the necessity for and the uses of local appropriations for educational purposes.

ARTICLE IV

PROTECTION RIGHTS OF CHILDREN

Section 1. Program on Protection Against Exploitation and Discrimination. There shall be a comprehensive plan to be formulated by the Municipal Council for the Protection of Children against child prostitution and other sexual abuse; child trafficking, child labor, obscene publication and indecent shows, begging and other acts of abuse and circumstances which endanger child survival and normal development. A coordinated delivery of programs and services by the different concerned agencies shall be implemented in the Municipality.

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

Section 2. Child Prostitution and Other Sexual Abuse.

- a) Cases involving child prostitution and other sexual abuse and attempt to commit the same shall be dealt with under Section 5, Article III of Republic Act 7610 an act on Special Protection of Children Against Child abuse, Exploitation and Discrimination.
- b) In addition to the penalties provided for under Section II, Article VII of RA 7610, a penalty shall be imposed against the perpetrators herein as provided for in this code.

Section 3. Obscene Publications and Indecent Shows. Penalize any person engaged in the publication, exhibition, cinematography, & indecent shows by whatever means. Persons who are also engaged in real or simulated and explicit sexual activities, or any representation of the sexual parts of a person primarily for sexual purposes.

Section 4. Child Trafficking. Cases of child trafficking and attempt to Commit Child Trafficking shall be dealt with pursuant to Article IV of RA 7610 an act on Special Protection of Children Against Child abuse, Exploitation and Discrimination)and RA 9208.

In order to curtail/stop persons who are engaged in child trafficking in their locality, LGU and LCPC shall;

- a) Shall conduct advocacy/IEC on the prevention of Child Trafficking;
- b) Install support system and network of assistance from barangay to municipal and to Municipal level in order to get or retrieve a child or minor being taken from parents/guardians illegally;
- c) To pass ordinances for the prevention of Child Trafficking and to facilitate free legal and counseling assistance to indigent parents of victims; and
- d) To support National Government Agencies and Non Government Organizations efforts in the prevention of Child Trafficking.

Section 5. Employment of Children.

- a) Cases involving working children shall be dealt with pursuant to R.A. 7658 and other pertinent national statutes.
- b) The employment of children as domestic helpers, aged 16 and 17 years, in the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment and the Office of the Mayor which shall ensure the observance of the provisions that his/her employment neither endangers his/her safety, health and morals nor impair his/her normal development including the provision of the said minor with primary and/or secondary education. Certified birth certificate as requirement for working permits shall be complied with.
- c) No person shall employ a child to model in, all forms of commercials or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products, and
- d) Children found working in violation of the above provision shall immediately be rescued and provided with appropriate intervention as provided in the *Comprehensive Program For Children In Need For Special Protection* (CNSP).

Section 6. Children in Conflict with the Law – Cases involving children in conflict with the law shall be dealt with in accordance with provision of *R.A. 9344 otherwise known as Juvenile Justice & Welfare Act of 2006* in relation to *P.D. 603* with the following pertinent rules:

- a) The Local Council for the Protection of Children (LCPC) in coordination with National Line Agencies shall initiate appropriate training for members of the Local Police Force, members of the Citizens Armed Forces Geographical Unit, and the Barangay Police.
- b) A custodial facility for minor offenders be established and provided for in all local government units.
- c) Preparation for the eventual return of youthful offenders in the community be under the direct supervision of a trained/registered Social Worker accredited in handling court-related cases.
- d) Local Social Workers in coordination with Court Social Workers shall closely monitor suspended sentence cases as well as other court related cases involving children.
- e) Responsive and appropriate rehabilitation program shall be afforded to minor offenders under the care of the local DSWD which shall design the framework of assistance concerning children in consultation with national DSWD.

Section 7. Survival, Protection and Development of Indigenous Peoples Children.

- a) In addition to the rights guaranteed to children under this Code and the existing laws, children of indigenous cultural communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.
- b) The Local Council for the Protection of Children (LCPC) shall develop and institute an alternative system of education for children of Indigenous People (IPs) which is culture specific, sensitive and relevant to the needs of the existing situation in their communities.
- c) The delivery of basic services in health and nutrition to children of indigenous cultural communities shall be given priority. Hospitals and other health institutions shall ensure that children of indigenous cultural communities are given equal attention in the provision of health and nutrition services. The indigenous health practices shall be respected and recognized.
- d) Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

Section 8. Children in Situations of Armed Conflict Cases. Children affected by armed conflict shall be dealt with in accordance with the provision of RA 7610's objective, with the following policies:

- a) Cases of children involved in armed conflict shall be dealt with in accordance with the provision of RA 7610 and the Memorandum of Agreement in the Handling and Treatment of Children in armed conflict entered into by and between the Department of National Defense, DILG, CAFP, DGPNP, DSWD, CHRS, OPAPP, of which if ever caught or voluntarily surrendered to authorities they are not to be treated as criminals or offenders but rather as victims.
- b) Evacuation of children as a result of conflict be given priority. Existing community organization shall be tapped to look after for the safety and well-being of children during evacuation operations.
- c) Family Life and Temporary Shelter – whenever possible, members of the same family shall be housed in the same premises and given separate accommodation from other evacuees and provided with facilities to lead a normal life.
- d) Manipulative toys shall be provided in the evacuation center by LGUs in coordination with NGOs and other child-caring institutions to be used for counseling and stress debriefing sessions.
- e) Rights of children arrested for reasons related to armed conflict. Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights:
 - 1) Separate detention from adults except where families are accommodated they are to be with their parents or families.
 - 2) Immediate free legal assistance.
 - 3) Immediate notice of such arrest to the parents or guardians of the child and local DSWD for proper disposition of case and to effect reintegration back to normalcy.
 - 4) Release of the child on recognizance within eight hours (8) hours to the custody of any responsible member of the community as determined by the court and in accordance with the provisions of R.A. 9344.
 - 5) Respect for the International Covenants Relevant to Armed Conflict - the Local Government of San Benito undertakes to respect and to ensure respect for rules of International Humanitarian Law applicable to the Philippines Political Armed

Conflict which are relevant to the child specifically the following policies shall be observed:

- 5.1 Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or order, cruel, inhumane or degrading treatment.
- 5.2 Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting or used as guides, couriers, or spies.
- 5.3 Delivery of basic social services such as education, primary health care and emergency relief services shall be kept unhampered.
- 5.4 The safety and protection of those who provide services including those involved in fact-finding missions/assessments of children involved in armed conflict from both government and non-government institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work.

Section 9. Survival, Protection and Developmental Participation Rights of Differently-Abled Children.

- a) Facilities for Differently-abled children shall be properly equipped relevant to the categorization of Persons With Disabilities (PWDs) and their needs.
- b) Maintenance and operation of PWDs existing facilities be provided for to include incentives, honoraria, travel allowances and amenities to enhance capabilities of SPED teachers and PWD clients, supplies and materials like brailed paper and additional working tables and chairs and equipment for SPED classes.
- c) There should be an expansion of SPED classes specifically in cluster municipalities with prevalence rate of PWDs.
- d) A New Born Screening Program should be established to Government Hospitals and should be subsidized by Local Government, Government Agencies, NGOs or wherever funds are available to babies delivered by high risk indigent mothers.
- e) An integrative approach for converging services for the prevention of diseases resulting to physical disabilities shall be institutionalized in the local initiative of the Municipal government.
- f) Funding support for PWD implementation shall be taken from 1% of the total budget allocation of any government agency and LGU per joint Circular No. 2003-01 dated April 28, 2003.

ARTICLE V

PARTICIPATION RIGHTS OF CHILDREN

Section 1. Participation of Children in Decision Making Process. Children in the family, school, community or other organization or institution shall be heard. Each child regardless of sex, age and tribe has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the him or her. It shall be the responsibility of the adults to provide opportunities for children to express their views, to obtain information, make their ideas or information known, regardless of tribe, religion, age and sex.

Section 2. Children's Congress. There shall be a Children's Congress to be held every October during Children's Month and a Children's Day Celebration to be participated in by children representatives including IPs from all barangays of the Local Government Unit to be spearheaded by

the Municipal Social Services Office and other concerned agencies. October is Children's Month and October 17 as Children's Day is mandated through Presidential Proclamation 267 signed on September 30, 1993 and Presidential Proclamation No. 74 dated October 16, 1992 respectively. It is important to consult and provide venue for expression of children's views on government policies, etc. Every NGO's concerned with children shall be instrumental in the process of the preparation and evaluation of the convention.

Section 3. Child Friendly Movement – is a worldwide movement to operationalize the convention on the Rights of the Child. This is in support of the Child Friendly Movement which provides opportunities for Filipino children to enjoy their rights. The National Council for the Welfare of Children launched the Search for Child Friendly Municipalities and Cities, the search is in recognition of the role of LGU in promoting and protecting children's right to survival, development, protection and participation. This is also in recognition of LGUs who ensures that basic needs of children are met and that their rights are upheld and protected.

Specifically it also gives:

- a) National recognition to municipalities/cities which have been considered as child-friendly.
- b) Encourages local government units to prioritize and address issues/concerns affecting the full realization of the rights of children.
- c) Increases awareness of LGUs on the rights of children and its laws.
- d) Monitor and evaluate the implementation of programs and services for children.

The search shall have four (4) categories based on the classification of municipalities and cities provided for in the Implementing Rules and Regulations. It shall be done annually. Winners of the search will be given citations and cash prizes at the local level.

The Municipal LGU thru its Council shall encourage municipal LGUs to join such search and provide financial assistance for LGUs conferred as National Awardee.

Section 4. Fun Day. There shall be a FUN DAY for children with Special Needs to be held in July of every year to be participated in by all said children from all barangays of the Local Government Unit.

Section 5. Summer Camps. There shall be a Summer Camp for Children with Special Needs to be held in the summer months of every year to be participated in by said children of the Local Government Unit.

Section 6. Information and reading Center. There shall be established information and reading centers in every barangay, the design, structure and IEC materials of which shall be provided for in the IRR.

Section 7. Other Child-Friendly Facilities. Local government units in partnership with NGO's and civic organizations are also encouraged to put up and maintain other child-friendly facilities but not limited to libraries, museums, parks and playgrounds.

Section 8. Organization of Children into Groups / Association.

- a) To advocate for children/youth participation in community activities and encourage involvement in character building for civic efficiency and social consciousness.
- b) To intensify consciousness raising efforts on child participation in local governance and collaborate efforts within the family, in school and communities in order to foster leadership and sense of belongingness.
- c) To provide children the forum in the community to express their opinions and be informed of their choices/decisions a child representative shall be nominated/appointed in the PCPC

and MCPC the selection of which shall be recommended by in-school or out of school Youth Organizations or Children's organizations in the community.

ARTICLE VI

ROLES AND FUNCTIONS OF VARIOUS SECTORS

Section 1. The Family. The family is the central unit responsible for the primary socialization of children which is important in the prevention of children's rights violations.

Section 2. Role of Women. Women in their various roles play a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to a nation's social and economic development.

Section 3. Role of Fathers. Fathers play a vital role in their children's lives. Policies and legislations shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and strive to become good role model.

Section 4. Role of the Educational Institutions. Educational Institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. These institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education and the Commission on Higher Education.

Section 5. Role of Mass Media. The mass media shall be aware of their extensive social role and responsibility, as well as their influence, in communications relating to children. They shall use their power to protect the rights of children by relaying consistent messages through a balanced approach.

Section 6. Role of Judicial Institutions. In the administration of justice, court prosecutors and other actors shall ensure that the rights of children are protected and promoted at all time. They shall conduct programs and activities geared towards enhancing children's rights.

Section 7. Role of Local Government Units. The LGUs shall come up with comprehensive programs for children and allocate appropriate budget for their implementation.

Section 8. Role of Local Councils for the welfare of Children. These councils shall, in addition to their existing duties and functions, coordinate with and assist their corresponding LGUs in coming up with comprehensive programs for children and to be the primary body to oversee the implementation and monitoring of such programs.

Section 9. Role of Sangguniang Kabataan. The SK as established under the Local Government Code shall, in addition to its power and functions, actively involve itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the welfare of children for this purpose. It is encouraged that the SK shall devote at least 50% of its annual budget to prevention & protection programs for the youth.

Section 10. Role of the Mass Media. The Municipality values the contribution of the Mass Media in raising the level of people's awareness on the rights of the child, while enjoining the same to respect the children's privacy, and adhere to the guidelines for Media Practitioners on the Reporting and Coverage of Cases involving children.

ARTICLE VII IMPLEMENTING MECHANISMS

I. Local Councils for the Protection of Children.

Section 1. Creation of the Municipal Council for the Protection of Children. The Sangguniang Bayan shall create a council for the children known as Municipal Council for the Protection of Children (MCPC) and coordinate with the LGU in the creation and organization of the Barangay Council for the Welfare of Children (BCPC) at the barangay level. This is in keeping with the mandate of the Council for the Protection of Children (CPC) to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection of children of the local councils.

The MCPC shall ensure the effective implementation of the Philippine Government's commitment to the convention of the Rights of the Child, World declaration on the Survival, Development and Protection of Children, and the Philippine Plan of Action for Children (PPAC). It shall plan and implements programs and services for the children by virtue of LGUs power and authority to plan and implement local socio-economic development plans, policies and programs.

Section 1.a. Composition and Functions of the MCPC

a.) The members of the MCPC shall include the following agencies/units or offices:

- 1) The Municipal Mayor
- 2) The Chairperson of the Sangguniang Bayan Committee on Social Services
- 3) The Chairperson of the Sangguniang Pambarangay Committee on Women and Family
- 4) The Municipal Planning and Development Coordinator
- 5) The Municipal Social Welfare & Development Officer
- 6) The Municipal Health Officer
- 7) The Schools Division Superintendent/ District In-Charge
- 8) The President of the Municipal Federation of the Sangguniang Kabataan (SK)
- 9) Three (3) CSO representatives
- 10) Two (2) Child representatives; 1 from Public School and 1 from Private School
- 11) The President of the Municipal Federation of the Liga ng Mga Barangay
- 12) Municipal Local Government Operation Officer
- 13) A member of the Municipal Finance Committee
- 14) A representative of the Philippine National Police Municipal Station
- 15) A representative of the Philippine Information Agency; and
- 16) The Municipal Attorney

b.) The MCPC shall have the following functions:

- 1) Review and integrate the municipal programs and projects into the Municipal Program for Children for possible fundings.
- 2) Monitor and review the implementation of the municipal programs
- 3) Submit quarterly status reports on the implementation of the Municipal Program to the Regional Sub-Committee for the Protection of Children (RSPC) through the Municipal Development Council (PDC)
- 4) Recommend policies and programs to the RCPC and the PDC

- 5) Provide the necessary technical assistance to the municipality and barangay councils if the need arises.
- 6) Mobilize resource assistance, specifically, to provide appropriate support to child related activities/ projects recommended by the local councils for the welfare of children
- 7) Advocate for the passage of ordinances pertinent to the child survival, protection, participation and development with appropriate funding support
- 8) Identify and recommend programs and services to be contracted for implementation by NGOS and other entities in the implementation of this Code.

Section 1.b. Secretariat of MCPC. The secretariat support shall be provided by the Municipal Social Services Office. It 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 2. Creation of the Municipal Council for the Protection of Children. The Sangguniang Bayan shall create a Municipal Council for the Welfare of Children, the composition of which shall be determined by the concerned Sanggunian depending on the needs and circumstances of the area. The MCPC shall have the following duties and functions:

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

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

Section 3. Creation of 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) To ensure that every child in the barangay acquires at least an elementary education, the council can reprimand parents whose children in elementary age bracket are not in school.
- b) To encourage the proper performance of the duties of parents and provide learning opportunities on the rearing of children and on positive parent-child relationships;

- c) To report all cases of child abuse to the proper authorities;
- d) To protect and assist abandoned, maltreated and abused children and facilitate their case filed against their abusers;
- e) To prevent child labor in their area and to protect working children from abuse and exploitation;
- f) To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get help from experts and professionals;
- g) To adopt measures to promote the health and nutrition of children;
- h) To promote the opening and maintenance of playgrounds and day care centers and other services that are necessary for child and youth welfare;
- i) To secure the cooperation of organizations devoted to the welfare of children and coordinate with their activities;
- j) To assist parents whenever necessary in securing expert guidance counseling from the proper government or private welfare agencies;
- k) To advocate for the passage of child-friendly Barangay legislations in response to child-related issues and concerns;
- l) 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; and,
- m) To submit annual barangay accomplishment reports on the implementation of the plan to the MCWC.

Each Barangay shall regularly appropriate funds of not less than 5% from its annual and/or supplemental budgets to support the administrative and operational needs of the BCPC.

Section 4. Representation of the Civil Societies Organizations (CSO) in the Councils for the Children. The local legislative council shall invite CGOs with child-focused programs for membership in the Council for the Welfare of Children, provided that these civil societies organizations are duly accredited by the local sanggunian concerned based on its criteria of accreditation.

Section 5. Internal Rules of Councils for the Welfare of Children. The Local Councils for the welfare of children shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as the organization's structure, parliamentary procedure, order of meetings and quorum, discipline and such other rules the council may adopt.

Section 6. Child Rights Advocacy and Campaign Section. It handles projections of issues affecting children and the promotion of children's rights in the context of San Benito situation. This section designs appropriate trainings for all social workers, para-professionals and community-based volunteers in charge of children. The network of agencies under the Council for the Welfare of Children (CWC) shall be the main machinery campaign and advocacy. The personnel concern for this section shall be the regular secretariat of the council for the Welfare of Children. The Barangay Councils for the Protection of Children (BCPCs) shall become the grassroots structure to sustain the campaign and advocacy for children.

II. Desk for Children's Concerns

Section 1. Creation of a Desk for Children. There shall be a Desk for Children's Concerns under the Office of the Municipal Social Welfare and Development.

Section 2. Functions of the Desk for Children's Concerns. The Desk for Children's Concerns shall :

- a) Act as secretariat for the PCWC;
- b) Oversee and coordinate the implementation of this Code;
- c) Take charge of the day-to-day operations of the PCWC; and
- d) Coordinate & implement programs, projects and activities related to children with special needs.

Section 3. Consultations with the Desk for Children's Concerns. The Desk for Children's concerns shall be consulted by local government units and other bodies whenever they are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives.

Section 4. Mandatory Consultations. Prior to the implementation of any national project by any and all national government agencies, bureaus, or office affecting children, the express approval by the Mayor and the Sangguniang Bayan shall be obtained after the holding of the public hearings on the matter and after consultation with the Desk for Children's Welfare.

III. Comprehensive Juvenile Intervention Program

Section 1. Development of a Comprehensive Juvenile Intervention Program. - A comprehensive juvenile intervention program covering at least a 3-year period shall be instituted in LGUs from the Barangay to the Municipal level.

The LGUs shall set aside an amount necessary to implement their respective juvenile intervention programs in their annual budget.

The LGUs, in coordination with the LCPC, shall call on all sectors concerned, particularly the child-focused institutions, NGOs, people's organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs. Such programs shall be implemented consistent with the national program formulated and designed by the JJWC.

The implementation of the comprehensive juvenile intervention program shall be reviewed and assessed annually by the LGUs in coordination with the MCPC. Results of the assessment shall be submitted by the Municipal and city governments to the JJWC not later than March 30 of every year.

Section 2. Community-based Program on Juvenile and Welfare. - Community-based programs on juvenile justice and welfare shall be instituted by the LGUs through the LCPC, school, youth organizations and other concerned agencies. The LGUs shall provide community-based services which offer appropriate respond to the special needs, problems, interest and concerns of children and which offer appropriate counseling and guidance to them and their families. These programs shall consist of three levels:

- a) Primary intervention includes general measures to promote social justice and equal opportunity, which tackle perceived root causes of offending;
- b. Secondary intervention includes measures to assist children at risk; and
- c. Tertiary intervention includes measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offering.

ARTICLE VIII

FINAL PROVISIONS

Section 1. Implementing Rules and Regulations. The implementing rules and regulations (IRR) of this Code shall be drafted by the PCWC within one (1) year from the effectivity of this Code. The Municipal Council for the Welfare of Children and Special Desk for Children's Concerns shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provision of this ordinance.

Such rules and regulations shall take effect after fifteen (15) days following the completion of their full publication in two (2) local newspapers of general circulation in the Municipality of San Benito.

For first time offenders, in cases where the offender is the parent or teacher of the child or relatives within the fourth degree of consanguinity, if the offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child and the following measures imposed instead:

- a) Attendance in a parenting or any appropriate seminar
- b) Community service of 10 to 15 days
- c) Counseling sessions
- d) Participation in appropriate training courses

For offenders punishable under R.A. 7610, R.A. 7658, the Revised Penal Code or any other law as well as this Code, the offended party and/or any party so authorized shall file a complaint under the national law, and the penalty in such national law shall be imposed.

Section 2. Persons Who May File a Complaint. Complaints of unlawful acts committed against children may be filed by the following:

- a) Offended party
- b) Parents or guardians
- c) Ascendant or collateral relative within the third degree of consanguinity
- d) Officer, social worker or representative of a licensed child-caring institution
- e) Officer or social worker
- f) Barangay Chairperson
- g) At least three concerned responsible citizens residing in the community where the violation occurred

Section 3. Protective Custody of the Child. The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through local Social Welfare and Development Officer pursuant to E.O. 56 series of 1986. In the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability.

Section 4. Reporting. A person who learns of facts or circumstances that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Municipal Social Services Office, to the law enforcement agency or to the concerned Local Council for the Protection of Children.

Section 5. Mandatory Reporting. Any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

Section 6. Duty of Government Workers to Report. It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials and other government officials and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

Section 7. Failure to Report. Any person who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610.

Section 8. Information Dissemination. The LGU Information Officer / Office shall formulate and implement Information Dissemination Program informing the general public and other concerned sectors of this code. The printing of this code shall be the responsibility of the later.

Section 9. Appropriations. The Local Government Unit of San Benito shall appropriate funds as part of their annual budget for the implementation of children’s program. The Municipality shall allocate funds necessary for the implementation of this Code, drafting and publication, training and orientation of stakeholders and promotion of this Code to the general public. The amount necessary to carry out the provisions of this Code is to be appropriated, specifically 5% of the annual local development fund, and additional 1% of the 5% Gender and Development (GAD) annual budget. Other funding support for children program shall be taken from the Local School Board / Special Education Fund. Additional funding support for children with disabilities’ programs and services implementation shall be taken from 1% of the total budget allocation of any government agency.

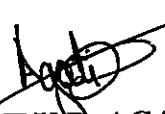
Section 10. Separability Clause. If, for any reasons, any part or provision of this code shall be held to unconstitutional or invalid, other part or provisions hereof which are not affected thereby shall continue to be in full force and effect.


Section 11. 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 12. Effectivity Clause. This code shall take effect fifteen (15) days after approval.


PASSED AND ENACTED on motion of Sangguniang Bayan Member Cindy R. Agati duly seconded by Sangguniang Bayan Member William A. Polican, this 28th day of November 2022.

XXX
We hereby certify to the correctness of the foregoing Children’s Welfare Code of San Benito, Siargao Island, Surigao del Norte.



HON. CINDY R. AGATI
SB Member

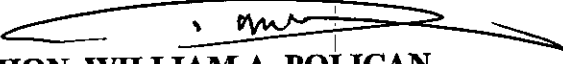

HON. CHARLITO E. MENDAVIA
SB Member



HON. DELFIN P. LABOLA
SB Member

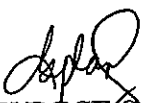

HON. JAYROM P. CABALLEJOS
SB Member

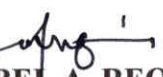
HON. PUYAT P. SUMANDO
SB Member


HON. FELIX B. SUMANDO, SR.
SB Member



HON. WILLIAM A. POLICAN
SB Member


HON. RUELLA T. RULETE
LnMB President / Ex-Officio


HON. DELCY ROSE S. PLANDANO
SKF President / Ex - Officio


HON. WELLYBEL A. REQUIRME
Municipal Vice Mayor
Presiding Officer

Attested:


MELQUIADES G. MANTILLA, MA, MPA
Secretary,
Sangguniang Bayan

APPROVED: 11/29/2022


HON. Ma. GINA SUMANDO – MENIL, LCB
Municipal Mayor