



Sangguniang Panlalawigan

BATAAN CAPITOL, BALANGA CITY



EXCERPT FROM THE MINUTES OF THE 80TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF BATAAN ON FEBRUARY 26, 2024, HELD AT THE SESSION HALL, THE BUNKER, CAPITOL COMPOUND, BALANGA CITY, BATAAN

PRESENT:

Hon. Antonino B. Roman III, J.D., LL.M., Acting Vice Governor and Temporary Presiding Officer

FIRST DISTRICT:

Hon. Jomar L. Gaza J.D., Board Member

SECOND DISTRICT:

Hon. Maria Margarita R. Roque, Board Member
Hon. Manuel N. Beltran, Board Member
Hon. Noel Joseph L. Valdecañas, Board Member

THIRD DISTRICT:

Hon. Romano L. Del Rosario, Board Member
Hon. Jorge S. Estanislao, M.D., Board Member
Hon. Angelito M. Sunga, Board Member
Hon. Roman Harold R. Espeleta, Board Member

Hon. Jovy Z. Banzon, Board Member (PCL President)
Hon. Romeo A. Austria, Board Member (FABC President)
Hon. Lovely Joy A. Poblete, Board Member (SKF President)
Hon. Feliciano G. Magay, Jr., Board Member (IPMR)

ABSENT:

Hon. Benjamin C. Serrano, Jr., Board Member (On Leave)

PROVINCIAL ORDINANCE NO. 03 Series of 2024

AN ORDINANCE REVISING THE BATAAN CHILDREN'S WELFARE CODE.

SPONSORED BY:

HON. MARIA MARGARITA R. ROQUE
HON. JOMAR L. GAZA J.D.

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF THE PROVINCE OF BATAAN, IN REGULAR SESSION ASSEMBLED:

CHAPTER 1 GENERAL PROVISIONS

Section 1. TITLE. - This Ordinance shall be known as "The Revised Bataan Children's Welfare Code."

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Acting Provincial Governor

"EXCELLENT PUBLIC SERVICE TOWARDS A BETTER QUALITY OF LIFE FOR ALL"

Section 2. DECLARATION OF POLICIES AND PRINCIPLES. - In unity with the Filipino people and the State, the Provincial Government of Bataan (PGB) recognizes that the child is an important asset of the nation, and every effort should be exerted to promote his/her welfare and enhance his/her opportunities for a productive and happy life. In furtherance of this recognition, the PGB hereby adopts these principles as part of its governmental policies:

- a) The PGB recognizes the vital role of the child and youth in society and therefore shall promote and protect their physical, moral, spiritual, intellectual and social well-being and shall encourage child and youth involvement in public and civic affairs as enshrined in Article II, Section 13 of the 1987 Constitution of the Republic of the Philippines, as reiterated by Republic Act 9344.
- b) The PGB shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development, consistent with the State's mandate under Article XV, Section 3(2) of the Constitution.
- c) The PGB, through the Sangguniang Panlalawigan, has the duty to provide for the care of paupers, the aged, the sick, persons of unsound mind, abandoned minors, abused children, disabled persons, juvenile delinquents, drug dependents, and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age, as provided under Section 468, paragraph (a)(4)(vi) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.
- d) The child has the rights to survival, development, protection and participation in accordance with the United Nations Convention on the Rights of the Child. These rights are interdependent and indivisible and should be respected, promoted and protected so that the child can enjoy a full life.
- e) The child is a fully functioning human being capable of participating in proceedings affecting them within their evolving capacities.
- f) All rights apply to children without discrimination, irrespective of the child's or his/her parent's or legal guardian's nationality, identity, race, color, age, sex, language, religion, political or other opinion, ethnic or social origin, property, disability, paternity and filiations, birth or other status.
- g) 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.
- h) The child is largely influenced and molded by social experiences and the natural environment encountered in this critical stage of human development; hence, the PGB shall ensure and promote a child-friendly environment.
- i) Pursuant to Republic Act No. 10661, the PGB shall observe the month of November as National Children's Month and undertake projects in the observance thereafter.

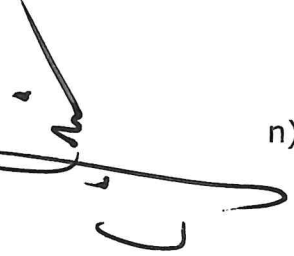

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- j) The PGB shall protect the family and its members, particularly women and children, from any form of violence and threats to their personal safety and security. Towards this end, the PGB shall exert efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitution and the provisions of the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments to which the Philippines is a party.
- k) The PGB shall give highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but, more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society in a manner that is culturally responsive, gender and age appropriate, and disability-inclusive.
- l) The PGB shall pursue a more proactive and preventive approach to secure the safety of passengers, especially children, by regulating the operation of motorcycles along roads and highways.
- m) The PGB shall protect the fundamental rights of children before, during, and after disasters and other emergency situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development. Guided by the principles on survival and development, child participation, and consistent with the United Nations Convention on the Rights of the Child, as well as the Children's Charter for Disaster Risk and Reduction, and the minimum standards for children in humanitarian action, the PGB shall establish and implement a comprehensive and strategic program of action to provide the children, pregnant and lactating mothers affected by disasters and other emergency situations with utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation and other acts prejudicial to their interest, survival, development and well-being.
- n) The PGB shall recognize the sanctity of family life, protect and strengthen the family as a basic autonomous social institution and foundation of the nation, strengthen its solidarity, and actively promote its total development. The right of families or family associations to participate in the planning and implementation of policies and programs that affect them shall be promoted.
- o) The PGB shall ensure that every child remains under the care and custody of the parents and is provided with love, care, understanding, and security towards the full and harmonious development of the child's personality. Only when such efforts prove insufficient and no appropriate placement or adoption by an unrelated person is considered.
- p) In pursuit of this policy, the PGB shall abolish all traditional and cultural practices and structures that perpetuate discrimination, abuse and exploitation of children, such as the practice of child marriage.
- q) The PGB shall provide special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty,


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discrimination and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic and religious background.

- r. Pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the PGB recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting his/her reintegration. Whenever appropriate and desirable, the PGB shall adopt measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. The PGB shall ensure that children are dealt with in a manner appropriate to their well-being by providing for, among others, a variety of disposition measures such as care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.
- s. The administration of the juvenile justice and welfare system shall take into consideration the cultural and religious perspectives of the Filipino people, particularly the indigenous peoples and the Muslims, consistent with the protection of the rights of children belonging to these communities.
- t. The PGB shall apply the principle of restorative justice to all laws, policies and programs applicable to children in conflict with the law.
- u. PGB shall provide special protections to children from all forms of sexual violence, abuse and exploitation, especially those committed with the use of information and communications technology (ICT), provide sanctions for their commission and carry out programs for the prevention, deterrence and intervention in all situations of online sexual abuse and exploitation of children in the digital and non-digital production, distribution or possession of child sexual abuse or exploitation material.
- v. The PGB shall protect and promote the right to health of the people and instill health consciousness among them. Moreover, pursuant to various international human rights instruments and agreements that the State adheres to, the PGB guarantees the right to adequate food, care and nutrition to pregnant and lactating mothers, including adolescent girls, women of reproductive age, and especially children from zero (0) to two (2) years old.
- w. The PGB values the dignity of every human person and guarantees full respect for human rights. It is likewise the policy of the PGB to recognize the role of women and children in nation-building and ensure the fundamental equality of women and men before the law. The PGB also recognizes that both men and women must have equality, security and safety not only in private, but also on the streets, public spaces, online, workplaces and in educational and training institutions.
- x. Comply with international treaties concerning the rights of children to which the Philippines is a signatory or a State party, which include, but are not limited to, the United Nations (UN) Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, the International Labour Organization (ILO) Convention No. 182 on the


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Elimination of the Worst Forms of Child Labour, and the Convention against Transnational Organized Crime.

- y. Protect every child from all forms of abuse or exploitation, whether committed with or without the use of ICT, such as when the abuse or exploitation involves:
 - (1) performances and materials through online or offline means or a combination of both; and
 - (2) inducement or coercion of a child to engage in or be involved in child sexual abuse or exploitation materials through whatever means.
- z. Ensure the right of children to useful, meaningful and safe access to digital technologies that will provide knowledge and develop their understanding of civil, political, cultural, economic and social rights and help them achieve their potential to be empowered, responsible, law-abiding citizens, with the end in view of protecting them from any form of violence online.
- aa) Provide paramount consideration to the interests of children in all actions affecting them, whether undertaken by public or private social welfare institutions, courts of law, executive agencies, law enforcement agencies, local government units (LGUs), legislative bodies, and private business enterprises, especially those related to the online safety and protection of children.
- bb) The PGB affirms the human rights of children consistent with its obligations under international conventions to which the Philippines is a State Party, including, but not limited to: (a) Universal Declaration of Human Rights; (b) Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages; (c) UN Convention on the Rights of the Child; (d) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and (e) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
- cc) The PGB affirms that a marriage shall be entered into only with the free and full consent of capacitated parties, and that child betrothal and marriage shall have no legal effect.
- dd) The PGB views child marriage as a practice constituting child abuse because it debases, degrades, and demeans the intrinsic worth and dignity of children.

Section 3. DEFINITION OF TERMS. - For the purposes of this Code, the following terms are defined:

- a) **Abandoned Child** refers to a child who has no proper parental care or guardianship for at least three (3) continuous months, and has been declared as such by the National Authority for Child Care or a foundling, or a deserted or abandoned child or infant with unknown facts of birth and parentage found in the Philippines and/or Philippine embassies, consulates and territories abroad.
- b) **Adoption** refers to the socio-legal process of providing a permanent family to a child whose parents have voluntarily or involuntarily given up


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their parental rights, permanently transferring all rights and responsibilities, along with filiation, and making the child a legitimate child of the adoptive parents.

- c) **Alternative Child Care** refers to the provision of planned substitute parental care by a child-caring or child-placing agency to a child who is orphaned, abandoned, neglected, or surrendered. This may include foster care, kinship care, family-like care, and residential care.
- d) **Child** refers to a person below eighteen (18) years of age or those over but who are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical, mental disability or condition;
- e) **Council** refers to the Provincial Council for the Protection of Children;
- f) **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 and shelter; or
 - (4) Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death.
- g) **Child Labor** refers to illegal employment of children below the age of fifteen where they are not directly under the sole responsibility of their parents or legal guardians, or the latter employ other workers apart from their children who are not members of their families, or their work endangers their life, safety, health and morals or impairs their normal development, including schooling. It also includes the situation of children below the age of eighteen who are employed in hazardous occupations.
- h) **Child Laundering** refers to the act of stealing and selling a child to adopting parents under false pretenses and using schemes such as falsifying the child's details or manipulating the child's origins to make the child appear an orphan or foundling.
- i) **Child Marriage** refers to any marriage entered into where one or both parties are children and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner. It shall include an informal union or cohabitation outside of wedlock between an adult and a child, or between children;
- j) **Child at Risk** refers to a child who is vulnerable to and at risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:
 - (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parents or guardian refuse, are unwilling, or are unable to provide protection for the child;


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- (2) being exploited, including sexually or economically;
- (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
- (4) coming from a dysfunctional or broken family or without a parent or guardian;
- (5) being out of school;
- (6) being a street child;
- (7) being a member of a gang;
- (8) living in a community with a high level of criminality or drug abuse; and
- (9) living in situations of armed conflict.

k) **Children with Disability** refers to children suffering from restriction of different abilities, as a result of a mental, physical or sensory impairment, to perform an activity in the manner or within the range considered normal for a human being.

Disability shall mean: (1) a physical or mental impairment that substantially limits one or more psychological, physiological or anatomical functions of an individual or the activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment.

l) **Child in Conflict with the Law (CICL)** refers to a child who is alleged as, accused of, or adjudged to have committed an offense under Philippine Laws.

m) **Minimum Age of Criminal Responsibility** refers to a child fifteen (15) years of age or under at the time of the commission of the offense who shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Section 20 of RA 9344, or the Juvenile Justice and Welfare Act of 2006, as amended.

A child is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary of his/her birthdate.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he or she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with RA 9344, as amended.

The exemption from criminal liability established under RA 9344, as amended, does not include the exemption from civil liability, which shall be enforced in accordance with existing laws.

n) **Children in Need of Special Protection (CNSP)** refers to all persons below 18 years of age, or those 18 years old and over, but are unable to take care of themselves because of physical or mental disability condition; those who are vulnerable to or are victims of abuse, neglect, exploitation, cruelty, discrimination, violence and other analogous conditions prejudicial to their development.

o) **Child Sexual Abuse** refers to any form of communication through any platform or format, or any physical interaction between a child and any person when the child is being used for any act or activity inducing sexual stimulation or for the purpose of sexual gratification or in pursuit of the


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desire to have carnal knowledge of the child, regardless of the gender of the perpetrator or the victim, or the consent of the victim.

- p) **Child Sexual Abuse or Exploitation Material or Child Sexual Abuse Material (CSAEM/CSAM)** refers to any representation, whether offline, or by, through or with the use of ICT, by means of visual, video, audio, written or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse or exploitation of a child as a sexual object.
- q) **Child sexual exploitation** refers to any of the following acts, even if consent appears to have been granted by the child:
- (1) Child sexual abuse with consideration, whether monetary or nonmonetary, favor, or benefit, in exchange for the opportunity to perform such abusive or exploitative act;
 - (2) Actual sexual intercourse with a child or children with or without consideration;
 - (3) Employing fraud, machination, undue influence, intimidation, threat or deception by any person to commit sexual abuse of or sexual intercourse with a child or children; or
 - (4) Any other similar or analogous acts related to child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the development of the child.
- r) **Commercial Sexual Exploitation of Children (CSEC)** refers to a commercial transaction that involves the sexual exploitation of a child.
- s) **Corporate Social Responsibility (CSR)** refers to a management concept whereby companies integrate social and environmental concerns into their business operations and interactions with their stakeholders, considering the best welfare and interests of the child.
- t) **Diversion** refers to an alternative, child-appropriate process of determining the responsibility and treatment of a CICL on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.
- u) **Diversion Program** refers to the program that the CICL is required to undergo after the child is found responsible for an offense without resorting to formal court proceedings.
- v) **Grooming** refers to predatory conduct, act, or pattern of acts, of establishing a relationship of trust, or emotional connection by another, with a child or someone who is believed to be a child, and/or the family, guardian, and/or caregivers, whether in person or via electronic and other similar devices, for the purpose of perpetrating sexual abuse or exploitation or the production of any form of CSAEM.
- w) **Guardian** refers to a person having the care and custody of the person of the minor and the management of his/her property or only the management of his/her property.


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- x) **Intervention** refers to a series of activities designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program, which includes counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- y) **Juvenile Justice and Welfare System** refers to a system dealing with children at risk and children in conflict with the law, which provides child-appropriate proceedings, including programs and services for prevention, diversion, rehabilitation, reintegration and aftercare to ensure their normal growth and development.
- z) **Non-Governmental Organizations (NGOs)** refers to voluntary groups or institutions with a social mission, which operate independently of the government.
- aa) **Online Sexual Abuse and Exploitation of Children (OSAEC)** refers to the use of ICT as a means to abuse and/or exploit children sexually, which includes cases in which offline child abuse and/or exploitation is combined with an online component.
- bb) **Parents** refers to biological and/or adoptive mother and/or father of a child.
- cc) **People's Organizations (POs)** refers to *bona fide* associations of citizens with demonstrated capacity to promote the public interest and with identifiable leadership, membership, and structure.
- dd) **Physical Abuse of a Child** refers to any act of violence that results in injury or death of a child, such as, but not limited to, beating, mutilation, piercing or wounding.
- ee) **Trafficking in Persons** refers to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of human organs.
- ff) **CRC** refers to the United Nations Convention on the Rights of the Child.
- gg) **Volatile Substance** refers to any stuff used as thinner, solvent, adhesive or any product which may contain substances that affect the normal function of the child when ingested or inhaled;
- hh) **Violence Against Women and their Children (VAWC)** refers to any act or a series of acts committed by any person:
 - a. against a woman who is his wife or former wife;
 - b. against a woman with whom the person has or had a sexual or dating relationship;
 - c. against a woman with whom he has a common child; or
 - d. against her child, whether legitimate or illegitimate within or without the family abode, of which results in or is likely to result in physical,


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sexual, psychological harm or suffering or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty. It includes, but is not limited to, the following acts:

- A. "Physical Violence" refers to acts that include bodily or physical harm;
- B. "Sexual violence" refers to an act which is sexual in nature, committed against a woman or her child. It includes, but is not limited to:
 - a. rape, sexual harassment, acts of lasciviousness, treating a woman or her child as a sex object, making demeaning and sexually suggestive remarks, physically attacking the sexual parts of the victim's body, forcing her/him to watch obscene publications and indecent shows or forcing the woman or her child to do indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room with the abuser;
 - b. acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
 - c. Prostituting the woman or child.
- C. "Psychological violence" refers to acts or omissions causing or likely to cause mental or emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs, or to witness pornography in any form or to witness abusive injury to pets or to unlawful or unwanted deprivation of the right to custody and/or visitation of common children.
- D. "Economic abuse" refers to acts that make or attempt to make a woman financially dependent.

**CHAPTER II
RIGHTS OF THE CHILD**

Section 4. SURVIVAL RIGHTS.

- a. **Right to Life.** Every child has the inherent right to life.
- b. **Right to Adequate Standard of Living.** Every child has the right to a standard of living adequate to his/her physical, mental, spiritual, moral and social development.
- c. **Right to Health.** The child has a right to the highest attainable standard of health and medical care.
- d. **Right to Parental Care and Support.** The child has the right to a wholesome family life that will provide him/her with love, care, understanding, guidance counseling, moral and material security.
- e. **Right to a Name, Nationality and Identity.** The child has a right to be registered immediately after birth and shall have the right to a name and a nationality. The child also has a right to preserve his/her identity,

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including his/her name, nationality and family relations.

Section 5. DEVELOPMENTAL RIGHTS.

- a. **Right to Education.** The child has the right to education, which shall include the right to avail of Early Childhood Care and Development (ECCD) programs, primary, secondary and tertiary education commensurate to the capacity of the child.
- b. **Right to Information.** The child has the right to appropriate information on matters of interest to him/her and to obtain information and ideas of all kinds, either orally, in writing, in print, in the form of art, or any other form of media of the child's choice, especially those aimed at the promotion of his social, spiritual and moral well-being and physical and mental health.
- c. **Right to Leisure, Recreational and Cultural Activities.** The child has the right to rest, to engage in any leisurely or recreational activities appropriate to his/her age and to participate freely in culture and the arts.

Section 6. PARTICIPATION RIGHTS.

- a. **Right to Opinion and Freedom of Expression.** The child has the right to freely express his/her views in all matters affecting him/her.
- b. **Right to Freedom of Thought, Conscience and Religion.** The child has the right to freedom of thought, conscience and religion, subject to appropriate guidance by the parents and/or guardians.
- c. **Right to Enjoy and Practice His/Her Own Culture and Language.** The child shall have the right to exercise, profess and practice his or her own culture and to use his or her own language.
- d. **Right to Freedom of Association.** The child has the right to meet other persons, to organize, form or join associations and to freedom of assembly.
- e. **Right to Privacy.** The child has the right to protection from interference with his/her privacy, family, home and correspondence, except under circumstances that would lead a reasonable person to believe that the safety and security of the child, the family and the community are under threat.

Section 7. PROTECTION RIGHTS OF THE CHILD.

- a. **Right to Protection Against Physical Abuse.** The child has the right to protection against physical abuse, violence, injury or maltreatment.
- b. **Right to Protection against Emotional or Psychological Abuse.** The child has the right to protection against mental, psychological and emotional abuse caused by violence, injury or maltreatment.
- c. **Right to Protection Against Sexual Abuse.** The child has the right to protection against rape, incest, sexual harassment, acts of lasciviousness, seduction and other forms of sexual abuse and violence.


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- d. **Right to Protection Against Neglect and Abandonment.** The child has the right to quality care by his/her parents or guardians and to be protected against neglect and abandonment.
- e. **Right to be Protected from Drugs, Cigars, Cigarettes, Liquor Intoxicating Beverages and Other Substances.** The child has the right to be protected from the use and exposure of narcotic and psychotropic drugs, cigars, cigarettes, liquor, intoxicating beverages, and volatile substances, and from being involved in the production or distribution thereof.
- f. **Right to Protection of the Working Child.** The child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or interfere with the child's health and his/her mental, spiritual, moral or social development.
- g. **Right to Periodic Review of Treatment if Placed under Protective Custody.** The child has the right to be protected from any harmful or harsh treatment.
- h. **Right to Special Protection of Children with Disability.** Children have the right to special care, education and training to help them enjoy a full and decent life and achieve the greatest degree of self-reliance and social integration.
- i. **Right of Children in CICL.** Every CICL shall have the following rights, including but not limited to:
- The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
 - The right not to be imposed a sentence of capital punishment or life imprisonment without the possibility of release;
 - The right not to be deprived, unlawfully or arbitrarily, of his liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
 - The right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/she shall be conveyed separately to or from court. He/she shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
 - The right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
 - The right to bail and recognizance, in appropriate cases;
 - The right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
 - The right to have his/her privacy respected fully at all stages of the proceedings;
 - The right to diversion if he/she is qualified and voluntarily avails of the same;


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- The right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;
- The right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- The right to automatic suspension of sentence;
- The right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- The right to be free from liability for perjury, concealment or misrepresentation.

- j. **Rights to be Protected Against All Forms of Commercial Sexual Exploitation.** The child has the right to be protected from child prostitution, pornography, sex tourism and other forms of commercial sexual exploitation including those carried out through web-based/online platforms.
- k. **Rights to Protection from Other Forms of Exploitation.** The child has the right to be free and to be protected from all other forms of exploitation prejudicial to any aspect of the child's welfare.
- l. **Rights to Protection from Trafficking.** The child has the right to be protected from the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud, coercion or deception, with the aim of exploiting them for profit.
- m. **Rights to Protection from All Forms of VAWC.** The child has the right to be protected from all forms of violence – physical violence, sexual violence, psychological violence, and economic abuse.
- n. **Right to Protection on Public Roads.** The child has the right to be protected and safe on public roads from vehicular accidents.
- o. **Right to Protection Before, During and After the Disaster and Other Emergency Situations.** The child has the right to be protected from any harmful situation before, during, and after the disaster or other emergency situation. The children and pregnant and lactating mothers affected by disasters and other emergency situations shall be provided with the utmost support and assistance necessary for their immediate recovery and protection against all forms of violence, cruelty, discrimination, neglect, abuse, exploitation, and other acts prejudicial to their interest, survival, development, and well-being.
- p. The right to protect every child from all forms of abuse or exploitation, whether committed with or without the use of ICT, such as when the abuse or exploitation involves performances and materials through online or offline means or combination of both, and the inducement or coercion of a child to engage in or be involved in child sexual abuse or exploitation materials through whatever means.
- q. Ensure the right of children to useful, meaningful and safe access to digital technologies.


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The aforementioned rights of the child may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals, or the fundamental rights and freedoms of others.

**CHAPTER III
SOCIAL RESPONSIBILITIES**

Section 8. RESPONSIBILITIES OF THE CHILD. - Every child shall endeavor to become an obedient, responsible, law-abiding member of society, and therefore shall:

- a. Strive to lead an upright and virtuous life, and develop a clean conscience;
- b. Love, respect, and obey his/her parents, elderly, government and school authorities;
- c. Engage in productive activities;
- d. Participate actively in civic affairs and in the promotion of the general welfare;
- e. Observe human rights and respect for freedom, and foster cooperation with other members of society in the pursuit of amity and peace;
- f. Desist from the illicit use, production, and trafficking of narcotic drugs and psychotropic substances and to report to the concerned authorities should any person recruit or attempt to influence him/her;
- g. Choose the right peer groups, affiliations and associations, including proper kind of entertainment, hobbies and activities;
- h. Cooperate with competent authorities in the treatment and other services being provided to him/her;
- i. Abstain from any activity that is illegal and forbidden by law and other activities that would hamper his development.

Section 9. RESPONSIBILITIES OF THE PARENTS AND GUARDIANS. - To ensure the survival of the child, all parents and guardians shall perform the following responsibilities:

a. Pre-Natal Care

- 1) All person who intend to have a child shall exercise responsible family planning methods;
- 2) All pregnant and expectant mothers, together with the father, shall undergo pre-natal evaluation and services.

b. Post-Natal Care/Maternal and Child Care

- 1) Mothers and their babies shall undergo post-natal and ante-natal check-ups;
- 2) All newborn are initiated to breastfeeding within one hour after birth and exclusively breastfed for six (6) months;

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- 3) All infants are given timely, adequate and safe complementary foods and continued breastfeeding up to two (2) years and beyond;
- 4) Parents and guardians shall ensure that their child is immunized against all childhood diseases;
- 5) Parents and guardians shall keep the child in their custody and shall provide adequate support for their food, clothing, shelter, education, medical and other needs;
- 6) Parents and guardians shall submit the child to Newborn Screening as soon as possible after birth.

c. *Child Development* – to ensure that the child receives a wholesome family life that will foster physical, moral, spiritual, intellectual and social well-being, parents, guardians and other persons who are taking care of the child shall:

- 1) Instill proper values and virtues to the child;
- 2) Provide the basic needs of the child, such as food, clothing, basic education and decent living condition;
- 3) Provide the child the opportunity to express his/her views in all matters affecting his/her beliefs, religion, and other information concerning their development;
- 4) Educate the child about his/her history, culture, customs and tradition;
- 5) Provide the child the opportunity to interact with any individual and/or participate in organizations that can promote and develop his/her potential, well-being and identity;
- 6) Educate the child about safety measures against any form of abuse;
- 7) Give proper guidance to the child on the access and utilization of any information derived from multi-media.

d. *Child Protection from Abuse Exploitation*

- 1) Parents/Guardians shall be responsible for ensuring that the child is not involved in any activity which may abuse his/her rights;
- 2) It shall be the duty of the parents/guardians of children with disabilities to ensure that they are given special care and intervention by appropriate institutions, commensurate with their resources.

Section 10. RESPONSIBILITIES OF THE LOCAL GOVERNMENT UNITS. -

The LGUs shall utilize all avenues and resources available to promote, and safeguard the rights and welfare of the children. It shall encourage all sectors including the multi-media to exercise and promote guidelines that promote and respect the rights of the child.

a. **Child Care and Survival.** Ensure the provision of all services to every child and those responsible for his welfare, such as but not limited to:

- 1) Ensure that no child is deprived of his/her right to proper health care services and pursue full implementation of this right. The PGB shall place special emphasis on the provision of primary and preventive health care, public health education and the reduction of infant mortality. It shall also encourage inter-city and inter-municipal cooperation in this regard;
- 2) Ensure that all children are registered at birth and shall provide adequate assistance and protection with a view to reestablishing his/her family if necessary.

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b. **Child Development.** Ensure the proper development of the child and shall formulate and adopt programs and policies that would:

- 1) Ensure that primary and secondary education is free and compulsory;
- 2) Make certain that children with disabilities have effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social development;
- 3) Offer different alternative learning methods accessible to every child;
- 4) Ensure the implementation of laws relative to the mobility of children with disability;
- 5) Provide administrative and financial support to schools and LGUs within its jurisdiction in the promotion of recreational, cultural and artistic activities for children;
- 6) Ensure the functionality of the Local School Board and Local Health Board;
- 7) Ensure that the child participate in policy and decision-making processes of LGUs at all levels relative to their welfare;
- 8) Encourage the preservation of culture, religion and language of children belonging to indigenous groups;
- 9) Promote parental and community involvement in the child's learning and development.

c. **Child Protection**

- 1) Promote and ensure the right of every child to protection from any form of abuse;
- 2) Ensure the effective implementation of laws pertaining to Child Protection including the establishment of systems in monitoring Child Labor and Trafficking;
- 3) Establish monitoring system for Child Labor and Trafficking;
- 4) Adopt measures to ensure that all business establishments in the Province of Bataan (Province) including hotels, lodging, inns and bars would not be used for prostitution and would not employ children;
- 5) Protect the child from all forms of sexual exploitation and abuse and shall take all appropriate measures to prevent the same;
- 6) Educate law enforcers about the provisions of all child protection laws;
- 7) Establish monitoring mechanism for incident of CNSP;
- 8) Ensure child's protection from physical and sexual abuse;
- 9) Establish comprehensive psychosocial interventions and provide necessary support for the child and those who take care of the child;
- 10) Adopt a mechanism for monitoring incidents of child abuse;
- 11) Institutionalize prevention programs against child abuse;
- 12) Provision of emergency relief and protection for children before, during, and after disasters and other emergency situations;
- 13) Provide appropriate interventions and case dispositions to CICL, such as Diversion and Intervention Programs.

Section 11. RESPONSIBILITIES OF PRIVATE AND PUBLIC DOCTORS, MIDWIVES, MEDICAL PRACTITIONERS AND HEALTH CARE PROVIDERS.

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- a) It shall be the responsibility of all doctors, midwives and other health care providers to educate parents on proper care and nutrition for the child's well-being;
- b) Doctors, midwives and other health care providers shall also exercise due diligence in ensuring the safe delivery of the child and his/her proper physical and mental development;
- c) Doctors, midwives, and skilled birth attendants in attendance at birth of the newborn shall have the duty to register the birth of the newborn child.

Section 12. RESPONSIBILITIES OF EDUCATIONAL INSTITUTIONS. - In addition to the role of all educational institutions in imparting knowledge and skills to their students, they shall likewise institute programs and services that will include proper values formation:

- a) Educational institutions from the primary to the tertiary level shall provide creative, innovative and appropriate recreational, cultural and artistic activities to develop the child's full potential and talents. Elementary educational institutions shall see to it that the basic rights of the child are incorporated in the elementary curriculum;
- b) All educational institutions shall maintain quality education and use child-friendly methods in teaching the child;
- c) All educational institutions shall ensure the safety of children within and outside school premises during school tours and authorized school activities;
- d) School Authorities shall ensure to forbid the sale of prohibited products to children within their premises and area of jurisdiction;
- e) All educational institutions shall give their full support to student body organizations. The school administration shall conduct periodic consultations on matters affecting their students. Student representatives shall be elected by the student body to sit in Parent-Teacher Councils and other recommendatory and decision-making bodies in school;
- f) Educational institutions shall adopt measures against discrimination and abuse of children.

Section 13. RESPONSIBILITIES OF THE MASS MEDIA. - Mass media is largely accessible to the child and has a major influence on his/her behavior and attitudes. In view hereof, all media operating in the Province shall endeavor to:

- a) Show or broadcast wholesome and educational materials on their primetime program. Said programs shall contain no elements that may result in physical, mental or emotional harm to child;
- b) Provide child-friendly programs;
- c) Refrain from showing/broadcasting any form of violent or pornographic material.

Section 14. RESPONSIBILITIES OF THE BUSINESS SECTOR. - All persons and judicial entities engaged in any commercial activity in the Province shall establish CSR programs in support of the initiatives of the PGB in promoting children's rights:


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Section 18. RESPONSIBILITY OF THE RELIGIOUS SECTOR. - It shall be the responsibility of the religious sector to ensure the promotion and protection of children. The church shall design and adopt strategies to educate its members on children's rights and protection.

Section 19. RESPONSIBILITY OF ALL CITIZENS TO REPORT. - It shall be the responsibility of any person who has personal knowledge that a child is suffering from any form of abuse to report the same, orally or in writing, to the Local Social Welfare and Development Office, Women and Children's Desk, Philippine National Police or other law enforcement agency.

**CHAPTER IV
PROHIBITED ACTS**

Section 20. FAILURE TO PROVIDE PROPER CHILD CARE. - The primary responsibility for ensuring proper child care lies with parents and/or guardians. The following acts are deemed unlawful:

- a) Refusing to provide financial support to one's children;
- b) Refusing to furnish adequate food, shelter, or clothing to a child;
- c) Neglecting to provide necessary medical, dental, and health services to a child;
- d) Committing intentional abortion;
- e) Engaging in activities that pose hazards to the safety and overall well-being of the child;
- f) Preventing the child and the mother from availing Maternal and Child Care services offered by the government;
- g) Neglecting and abandoning the child;
- h) Withholding, providing inadequate, or furnishing incorrect information about the care and nutrition of a child;
- i) Any other similar acts of the same magnitude and circumstance.

Section 21. WITHHOLDING THE CHILD'S PROPER IDENTITY. - Parents, guardians, or any person taking custody of the child must ensure that each born child has a proper identity through the registration of live birth, thereby bestowing upon the child the dignity and honor befitting a member of the human family. The following acts shall be considered unlawful:

- a) Neglecting to register the child's birth;
- b) Calling a child by any name or identity other than his/her own for the purpose of insulting, belittling, or humiliating him/her;
- c) Facilitating, encouraging, or coercing the child, the parent or guardian of the child, to falsify any entry in a child's records, including birth, baptismal, or school records.

Section 22. OBSTRUCTING THE PROPER DEVELOPMENT OF THE CHILD. - Recognizing the importance of providing adequate avenues and a positive environment for the mental and emotional progress of the child, the PGB deems the following acts unlawful:

- a) Refusal of parents and/or guardians to send their children to school;
- b) Refusal of public schools to accept children for enrollment in the primary and secondary levels;
- c) Requiring students to purchase special projects and other objects and items outside the approved school curriculum as a condition for passing or obtaining higher grades;


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- d) Selling, showing, exposing, and allowing children to access obscene, pornographic, and violent material on television, radio, print, and the internet.

Section 23. DISCRIMINATION AGAINST THE CHILD. - In line with PGB's commitment to providing equal opportunities to all children regardless of gender, race, religion, social status, culture, physical appearance, and political affiliation, the following acts shall be deemed unlawful:

- a) Refusing to enroll or accept a child merely by reason of physical disability;
- b) Refusing to provide services to a child merely because of physical or mental disability;
- c) Making fun of or disrespecting a person by reason of physical/mental disability or socio-economic condition;
- d) Refusing to listen to the views expressed by the child in matters affecting him/her;
- e) Inflicting any form of punishment or abuse on a child for expressing a contrary opinion;
- f) Branding or labeling CICL as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys, or attaching to them in any manner any other derogatory names;
- g) Using discriminatory remarks and practices, particularly with respect to the child's class or ethnic origins;
- h) Threatening the child of any kind and nature and/or employing abusive, coercive, and punitive measures such as, but not limited to cursing, beating, and stripping;
- i) Using degrading, inhuman, and cruel punishment such as, but not limited to, shaving the heads of minors, pouring irritating corrosive or harmful substances over their bodies, or forcing minors to walk around the community wearing signs that embarrass, humiliate, and degrade their personality and dignity, which harm them psychologically, emotionally, spiritually, morally, and physically;
- j) Subjecting a CICAL to involuntary servitude in any and all forms under any and all instances by their arresting officers and/or custodians by designating and/or compelling them to act and serve as errand boys/girls, cleaners, or helpers;
- k) Any other discriminatory acts directed toward the child, particularly the disabled.

Section 24. MANIPULATING THE CHILD. - Taking advantage of the child shall be considered unlawful and prohibited in the Province, regardless of the child's consent. The following acts are unlawful:

- a) Inducing a minor to use prohibited drugs;
- b) Inducing a minor to use cigars, cigarettes, tobacco, and other tobacco products, liquor, and other intoxicating beverages, volatile substances, and similar products;
- c) Using minors in the production and trafficking of prohibited drugs;
- d) Committing sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse.

Section 25. DENYING THE CHILD BASIC RIGHTS AND ACCESS TO PROVINCIAL GOVERNMENT SERVICES. - It shall be unlawful to perform the following acts:

- a) Refusing to accept a child in public libraries, research centers, and other government facilities;


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- b) Forcing a child to change or join a certain religion or belief;
- c) Withholding services or privileges from children of minority cultures and indigenous people;
- d) Causing undue publicity about cases of child abuse or other cases involving CNSP.

Section 26. COMMERCIAL AND SEXUAL EXPLOITATION OF THE CHILD. -
It shall be unlawful to perform the following acts:

- a) Selling cigars, cigarettes, tobacco and tobacco products, liquor and intoxicating beverages, volatile substances, pornographic and similar products/materials to children; and using children in the manufacture or distribution thereof;
- b) Employing children below 15 years old except in instances allowed by law;
- c) Employing children 15 years old to but below 18 in hazardous work;
- d) Engaging children in other illegal activities;
- e) Selling, forcing, coercing, and deceiving children and their parents or guardians for the purpose of engaging the children in prostitution or pornography;
- f) Recruiting, transferring, transporting, harboring, and holding a child in prostitution, pornography, and other sexual activities;
- g) Exposing children to pornographic materials;
- h) Falsifying birth records for employment in bars, karaoke, and other similar establishments;
- i) Failing to report to the proper authorities any suspected incident of commercial sexual exploitation of a child;
- j) Failing to report to the proper authorities any suspected incident of child trafficking. Regardless of the consent of the child, it shall be unlawful for any person to commit the following acts through online or offline means or a combination of both:

- (1) Hiring, employing, using, persuading, inducing, extorting, engaging, or coercing a child to perform or participate in any way in the creation or production of any form of OSAEC and CSAEM;
- (2) Producing, directing, manufacturing, facilitating, or creating any form of CSAEM or participating in the production, direction, manufacture, facilitation, or creation of the same;
- (3) Offering, selling, distributing, advertising, promoting, exporting, or importing, by any means, any form of CSAEM;
- (4) Knowingly publishing, transmitting, and broadcasting, by any means, any form of CSAEM;
- (5) Permitting or influencing the child to engage, participate, or assist in any form of CSAEM;
- (6) Producing, directing, creating, hiring, employing, or paying a facilitator to stream or livestream acts of child sexual abuse or exploitation;
- (7) Streaming or live-streaming acts of, or any form of, child sexual abuse and exploitation;
- (8) Recruiting, transporting, transferring, harboring, providing, or receiving a child or inducing or influencing the same, for the purpose of violating this Code;
- (9) Introducing or matching a child to a foreign national or any person for the purpose of committing any of the offenses under this Code;
- (10) For film distributors, theaters, and ICT services by themselves or in cooperation with other entities, to distribute any form of


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CSAEM or to facilitate the commission of any of the offenses under this Code;

- (11) Knowingly benefiting from, financially or otherwise, the commission of any of the offenses of this Code;
- (12) Providing a venue for the commission of prohibited acts under this section, such as dens, private rooms, cubicles, cinemas, houses, private homes, or other establishments;
- (13) Engaging in the luring or grooming of a child: Provided, That grooming taking place offline as a prelude to violations under this Code shall also be penalized;
- (14) Sexualizing children by presenting them as objects of sexual fantasy or making them conversational subjects of sexual fantasies in any online or digital platform;
- (15) Engaging in pandering;
- (16) Willfully subscribing, joining, donating to, or supporting an internet site that hosts OSAEC or the streaming or live-streaming of child sexual abuse and exploitation;
- (17) Advertising, publishing, printing, broadcasting, or distributing, or causing the advertisement, publication, printing, broadcasting, or distribution by any means of any brochure, flyer, or any material that promotes OSAEC and child sexual abuse or exploitation.

Section 27. PHYSICAL ABUSE OF THE CHILD. - It shall be unlawful for a parent or guardian to use physical and degrading forms of punishment, such as, but not limited to, the following:

- a) Ordering or directing a child to kneel on salt;
- b) Unreasonably shaving the hair of a child;
- c) Excessively whipping a child;
- d) Stripping the child's clothes;
- e) Tying up and detaining the child in a closed space that prevents the child's mobility;
- f) Pulling the hair of the child;
- g) Making the child stand under the heat of the sun;
- h) Exposing the child to be bitten by ants;
- i) Any other similar acts of the same magnitude and circumstance.

Section 28. CHILD MARRIAGE. - The following acts are declared unlawful and prohibited:

- a) Facilitation of child marriage;
- b) Solemnization of child marriage;
- c) Cohabitation of an adult with a child outside wedlock.

**CHAPTER V
MANAGEMENT OF MACHINERY AND SUPPORT SERVICES**

Section 29. PROGRAM AND SERVICES. - The PGB shall utilize all resources to promote and ensure the child's rights and therefore shall institute strategies to provide the following programs and services, provided, however, that the constitutional rights of parents and religious freedom shall be respected:

a) Child Survival:

- 1) Infant birth rate and mortality rate monitoring analysis and databank;

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- 2) Pre/Post natal care for mothers and child;
- 3) Immunization of all children;
- 4) Proper child health and nutrition information campaign, which shall include the promotion of breastfeeding;
- 5) Temporary shelter or food assistance for abandoned and neglected children and child-survivors of man-made and natural disasters and calamities;
- 6) Medical and financial assistance for medical needs of indigent children through an Integrated Health Plan for Families;
- 7) Birth Registration Awareness Campaign;
- 8) Birth Registration Day (every 2nd Wednesday of January);
- 9) Monitoring of registration of live birth;
- 10) Late registration and waiver fees for indigents.

b) **Child Development:**

- 1) Education and training on the CRC for teachers, health workers and other persons or institutions that have direct contact with children;
- 2) Inclusion of the CRC in the school curriculum;
- 3) Study-now-pay-later Plan in private education institutions;
- 4) Private-funded educational scholarship grants to indigent and deserving children;
- 5) In-school feeding program for ECCD and primary school students;
- 6) Participation of children in tri-media;
- 7) Public library and resource center for children;
- 8) Interactive Learning Center for children;
- 9) Parks and playgrounds;
- 10) Annual Sports Fest.

c) **Child Protection:**

1) *Abuse*

- 1.1) Center for Abused Children Reform;
- 1.2) Parent Education and Child Abuse Prevention Seminars;
- 1.3) Child hotline for children in need of assistance;
- 1.4) Monitoring of Commercial Sexual Exploitation of Children (CSEC) cases in the Province;
- 1.5) Support services for the families of child survivors/victims.

2) *Child Labor*

- 2.1) Advocacy Program against child labor in the community;
- 2.2) Alternative livelihood opportunities for parents and children above 15 years old;
- 2.3) Health services for working children.

3) *Sexual Exploitation and Illegal Drugs*

- 3.1) Children's Crisis Center (same as Right to Periodic Review);
- 3.2) Provincial Drug Rehabilitation Center;
- 3.3) Province-wide campaign against pornography and use of prohibited drugs for children;
- 3.4) Free medical, psychological and psychosocial services for abused and exploited children.

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4) *Children with Disabilities*

- 4.1) Providing assistance to parents of children with disabilities in order for the children to have access to special care, education and training;
- 4.2) System of incentives to companies that hire children with disabilities in order for the children to have access to special care, education and training;
- 4.3) Providing health care services, rehabilitation services, and preparation for employment and recreation opportunities for children with disabilities.

5) *Children in Conflict with the Law*

5.1) Comprehensive CICL Prevention Plans instituted from the Community Barangay up to the provincial level. The prevention programs shall include:

5.1.1) Primary prevention, which includes general measures to promote social justice and equal opportunity, which tackles perceived root causes of offending, such as poverty and other forms of marginalization;

5.1.2) Secondary prevention, which includes measures to assist children who are identified as being more particularly at risk, such as those whose parents are themselves in special difficulty or are not caring appropriately for them;

5.1.3) Tertiary prevention, which involves schemes to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending;

5.2) The PGB, through the Council, shall call on all sectors concerned, particularly child focused institutions, NGOs, POs, Youth Organizations, Educational Institutions, and Government Agencies to participate in the formulation of measures to curb juvenile delinquency. The PGB shall make sure that children and the youth actively participate in the planning, formulation, development and implementation of these programs;

5.3) System of Diversion at the Barangay and police levels including Diversion Programs such as, but not limited to, written or oral reprimand or citation, restitution of property, preparation of the damage caused, indemnification of consequential damages, confiscation and forfeiture of the proceeds or instruments of the crime, fine, payment of cost of the proceedings, written or oral apology, guidance and supervision orders, counseling for the child and the family, trainings, seminars and lectures on: (a) anger management skills; and (b) problem solving and/or conflict resolution skills which will aid the child in dealing with situations which can lead to re-offending, community and institutional care and custody;

5.4) Institutionalize a system of diversion at the Katarungan Pambarangay Proceedings;

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5.5) Institutionalize a system of diversion at the police level;

5.6) Establishment of CICAL Custody Homes (Open Detention Facility) in the Province, at least one center Custody Home in each district, where CICAL shall be provided extensive psychological and moral assistance and the necessary skills and academic training indispensable to his transformation and development.

Section 30. PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN.

a) **Creation of the Council.** The Council is hereby created, which shall be attached to the Office of the Provincial Governor, for administrative supervision and ensuring the effective implementation of the PGB's commitment to the Convention of the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, the Philippine Plan of Action for Children (PPCA), the Philippine National Strategic Framework for Plan Development for Children (Child 21) and other international and national instruments.

b) **Functions of the Council.** The Council shall perform the following functions:

- 1) Assist and support the lower level Local Councils for the Protection of Children (LCPCs) on their programs, plans and activities (PPAs) for Children;
- 2) Prepare an Annual Work and Financial Plan (AWFP - LCPC WFP Form 001-C) consistent with its functions as provided herein and in the local executive order creating it;
- 3) Develop a Technical Assistance and Resource Augmentation (TARA) Plan based on the results of the annual LCPC Functionality Assessment and the Child Friendly Local Governance Audit (CFLGA); and
- 4) Other functions related to its mandate as provided by national laws and policies.

c) **Composition.** The Council shall consist of the following:

| | |
|------------------|--|
| Chairperson | The Governor |
| Vice-Chairperson | Sangguniang Panlalawigan Chairperson of the SP Committee on Women and Family |
| Secretariat | 1. Sangguniang Panlalawigan Chairperson of the SP Committee on Women and Family 2. Provincial Planning and Development Coordinator 3. Provincial Social Welfare and Development Officer |
| Members | 1. Provincial Administrator 2. Provincial Health Officer 3. Provincial Nutrition Officer 4. Provincial Budget Officer 5. Provincial Labor and Employment Officer 6. Provincial Disaster Risk Reduction and Management Officer 7. Provincial Agriculturist 8. Provincial Liga ng mga Barangay President 9. Provincial Sangguniang Kabataan Federation President 10. Provincial Legal Officer |

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| | 11. Department of Interior and Local Government Provincial Director 12. Department of Education Division Superintendent 13. Provincial Philippine National Police Director 14. At least three (3) CSO/NGO representatives 15. Parent representative 16. Child Representative 17. Others, as may be subsequently and properly identified and appointed |
|--|---|

d) **LCPC Sub-Committees.** In order to perform its mandate efficiently and ensure inclusivity and participation of all stakeholders, the LCPC may organize sub-committees based on the four core rights of children (survival, development, protection, and participation) as it deems necessary. This shall be included in the executive order issued upon the creation of the LCPC.

e) **Secretariat.** The PCPC secretariat shall perform the following functions:

1. Coordinate with Council members;
2. Prepare agenda for the Council;
3. Prepare minutes of the Council meetings;
4. Follow-through action points and agreements from the Council meetings;
5. Consolidate AWFPs of various departments related to Council plans;
6. Maintain and update relevant data, information or document of the Council;
7. Prepare accomplishment report of the Council; and
8. Monitor services and programs related to the Council.

The Council shall endorse to the Sangguniang Panlalawigan and other authorities all resolutions, including the AWF and their accompanying documents, approved by a majority of its members constituting a quorum. In case of a tie, the chair shall make the deciding vote.

f) **Budgetary and Funding Sources.** Pursuant to Section 15 of Republic Act No. 9344, as may be applicable, one percent (1%) of the internal revenue allotment of the PGB shall be allocated for the strengthening and implementation of the programs, projects and activities of the Council. Provided that such allocation shall be disbursed in accordance with the AWF and endorsed by the Council to the Sangguniang Panlalawigan.

The abovementioned undertakings may likewise be charged against the 20% Development Fund of the PGB as mandated by Section 287 of the Local Government Code of 1991, particularly in the realization of the goals for social development of the community; the budget for gender and development; and/or the funds of the Sangguniang Kabataan.

g) **Fund-generating Activities for Children.** The Council may hold activities to generate funds for the exclusive use of the Council. All money and donations, whether cash or in-kind, generated by the Council shall be placed in a Special Trust Fund of the Council to be held by the Provincial Treasurer.

Section 31. CITY/MUNICIPAL/BARANGAY COUNCILS FOR THE PROTECTION OF CHILDREN. - City/Municipal and Barangay Council for the


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Protection of Children shall be organized at each local level to ensure that child interests are properly addressed in their respective areas. The Council shall coordinate with the concerned city/municipality and provide technical assistance on the organization and functionality of the LCPCs.

Section 32. PENALTIES. - Public and private offices, NGOs, social welfare agencies, law enforcement offices, government-owned and controlled corporations, and the citizenry of the Province are urged to actively engage in promoting, safeguarding the rights, and promptly reporting any forms of abuse perpetrated against children in the Province.

Commission of any prohibited acts outlined in Chapter 4 of the Code is subject to penalties, including a fine not exceeding ₱5,000.00 or imprisonment not exceeding one (1) year, or both, at the Court's discretion. However, if the same acts or omissions are punishable under national laws, the penalties specified therein shall take precedence and be enforced.

**CHAPTER VI
TRANSITORY AND FINAL PROVISIONS**

Section 33. IMPLEMENTING RULES AND REGULATIONS. - The Council, in consultation with appropriate government agencies, POs and NGOs, shall promulgate the necessary rules and regulations for the implementation of this Code within ninety (90) days after its effectivity.

Section 34. REPEALING CLAUSE. - Ordinances, executive orders, circulars, memorandum orders and similar issuances inconsistent with this Code are hereby repealed.


Section 35. SEPARABILITY CLAUSE. - If any part or provision of this Ordinance is held unconstitutional or invalid, other parts or provisions thereof which are not affected shall remain valid and shall continue to remain in full force and effect.

Section 36. EFFECTIVITY. - This Code shall take effect after compliance with the relevant requirements set forth by the Local Government Code of 1991.

UNANIMOUSLY ENACTED this 26th day of February 2024.


I HEREBY CERTIFY to the enactment of the foregoing Ordinance.


ATTY. MARK LORENZ C. QUEZON
Secretary to the Sangguniang Panlalawigan


JOMAR L. GAZA, D.
Board Member


MARIA MARGARITA B. ROQUE
Board Member


ROMANO L. DEL ROSARIO
Board Member


MANUEL N. BELTRAN
Board Member


MA. CRISTINA M. GARCIA
Acting Provincial Governor

TRINIA






















JORGE S. ESTANISLAO, M.D.
Board Member



NOEL JOSEPH L. VALDECAÑAS
Board Member

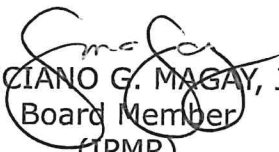

ROMAN HAROLD R. ESPELETA
Board Member


ANGELITO B. SUNGA
Board Member


JOVY Z. BANZON
Board Member
(PCL President)


ROMEO A. AUSTRIA
Board Member
(FABC President)


LOVELY JOY A. POBLETE
Board Member
(SKF President)


FELICIANO G. MAGAY, JR.
Board Member
(IPMR)

ATTESTED:


ANTONINO B. ROMAN III, J.D., LL.M.
Acting Vice Governor & Temporary Presiding Officer

APPROVED:




MA. CRISTINA M. GARCIA
Acting Provincial Governor
Date: _____



