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Annex M-2.1

Besao Municipal Code for Children

**Republic of the Philippines
Mountain Province
Municipality of Besao
OFFICE OF THE SANGGUNIANG BAYAN**

**MUNICIPAL ORDINANCE NO. 08
Series of 2005**

BESAO CHILDREN’S CODE

**ARTICLE I
TITLE, POLICY, SCOPE AND PURPOSES**

- Section 1. TITLE.** This ordinance shall be known as “**Besao Children’s Code**”.
- Section 2. DECLARATION OF PRINCIPLE AND POLICY.** It is hereby declared that Besao, Mountain Province is a Child Friendly Municipality. As such, it is the policy of the Municipal Government that the rights of the child for survival, protection, participation and development must be given priority.
- Section 3. SCOPE OF APPLICATION.** This code shall apply to the municipality and all its barangays.
- Section 4. PURPOSES-** This code is enacted with the following purposes:
- a. To ensure the protection of children against all forms of abuse and exploitation;
 - b. To advocate for children’s rights and promote their welfare and development;
 - c. To ensure that children’s rights are given priority attention both in government and civil society;
 - d. To improve the quality of life of the Ibesao children enabling them to fully develop their potentials and participate in community life and nation building;
- Section 5. DEFINITION OF TERMS-** The following terms used in this Ordinance shall be defined as follows:
- a. “Child” refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect

themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition;

- b.** “Child Abuse” refers to the maltreatment, whether habitual or not, of the child which includes psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment.
- c.** “Culturally Relevant activities” refer to activities show-casing the Igorot culture such as but not limited to ethnic folk dances, drama and music etc.;
- d.** “Pre-school Education Age” refers to the age from birth up to six years of age (0-6) and known to be the critical phase of the child’s psychomotor development. It is the phase when ninety percent (90%) of the human brain is developed. It is therefore the phase when activities for developmental stimulation for children must be provided, the Early Childhood Care and Development Program.
- e.** “Day Care Center” is a facility where day care services are provided by an accredited day care worker particularly for children in the three-to-five (3-5) year age bracket.
- f.** “Te-e” refers to the indigenous practice involving mothers in a neighborhood taking turns in child caring where one is assigned to attend to the children while the others go to work.
- g.** “Og-ogbo” refers to the indigenous practice of sharing work on a rotation basis. As used in this code, it refers to the practice of mothers performing the farm work of a full-term pregnant or a post partum mother and said mother shall reciprocate when capable.
- h.** “Lang-ay” refers to the indigenous breastfeeding practice wherein the baby is breastfed by another breastfeeding mother meantime that the mother of the suckling could not express milk or is at work.
- i.** “Waswas” refers to the indigenous practice of delegating a person to go house-to-house to inform the community about a certain issue or concern.
- j.** “Sapit” is the indigenous procedure of case resolution usually mediated by the elders, where contending parties are given chances to present their positions, and, decisions are grounded on the preservation of community cohesiveness and unity.

ARTICLE II RIGHTS AND OBLIGATIONS OF THE CHILD

Section 6. Rights of the Child. Every child shall be entitled to the following rights without distinction as to legitimacy, sex, social status, religion and other factors: viz:

1. Survival Rights which include the child's inherent right to life and to the needs that are most basic to existence, the right to a name and nationality, the right to identity and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation.

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

2. Development Rights which include the access of the child to educational opportunities, rest and leisure, right to enjoy one's culture and religion, privacy and a right to name and nationality.

- a. Every child has the right to a well-rounded development of his or her personality to the end that she or he may become happy, useful and active member of society specifically:
 - (1) The gifted child shall be given the opportunity and encouragement to develop his or her personal talents;
 - (2) The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 - (3) The physically or mentally disabled child shall be given treatment, education and care required by her or his particular condition;
- b. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of his or her character;

- c. Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world;
- d. Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means. The education of the child must be directed to:
 - (1) The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 - (2) The preparation of the child for responsible adult life in a free society;
 - (3) The development of respect for the child's parents, his or her cultural identity, language and values, and the cultural background and values of others;
 - (4) The development of respect for the natural environment.
- e. Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his or her other leisure hours;
- f. Every child has the right to live in a community and society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.

3. Protection Rights which encompasses the rights of the child to be protected and guarded against abuse and neglect, commercial exploitation, discrimination and to be safe from emergency or especially difficult circumstances. It further includes the child's rights to legal assistance and adequate judicial processes.

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

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

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

5. The right to be free from circumstances, which gravely threaten or endanger their survival and normal development, which 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 health, safety and morals, which unduly interfere with their normal development or working without provision for their education;
- 3. Living under conditions of extreme poverty or in an area, which is underdeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;
- 4. Being with family members or guardians having psychological problems grave enough for them to commit incest, siblings rape, acts of lasciviousness and other forms of physical and mental abuse;
- 5. Being a victim of man-made or natural disaster or calamity;
- 6. Being a victim of an illegal transnational organization or child trafficking;
- 7. Circumstances analogous to those above stated which endanger the life, safety or normal development of children.

Section 7. Responsibilities of the Child- Every child, regardless of the circumstances of birth, sex, religion, social status and other factors shall:

- a. Strive to lead an upright and virtuous life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and the bidding of a clean conscience;
- b. Love, respect and obey his or her parents, and cooperate with them in the strengthening of the family;
- c. Extend to his or her brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
- d. Exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself to society;
- e. Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;
- f. Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nations' future, and
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

ARTICLE III RIGHTS AND DUTIES OF PARENTS

Section 8. Rights of Parents. Parents shall have the primary right and obligation to provide for the upbringing and shall continue to exercise their rights as provided for in the Family Code over the person and property of their children.

Section 9. Rights to Discipline Children. Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this

Code. Parents may require from their children obedience to just and reasonable rules, suggestions and admonitions.

Section 10. Duties of Parents. Parents shall have the following duties toward their children:

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

ARTICLE IV PROGRAMS AND SERVICES FOR CHILDREN

Section 11. UNDER FIVE PROGRAM. The Municipal Government shall ensure to the maximum extent possible survival and development of the child. The Early Childhood Care and Development Program coupled with Parents Effectiveness Service Program on child survival and development shall include the following, among others:

11.1. DAY CARE SERVICE PROGRAM. A day care center shall be established in every barangay, which shall serve children 3-4 years old with consent of parents. The BCPC shall endeavor to convince parents to enroll their children in the program. The program shall include the following:

- a) Growth and nutritional monitoring;
- b) Care of children of working parents during the day, e.g. child minding centers;
- c) Materials and networks of surrogate mother-caregivers who will provide intellectual and mental stimulation to children;
- d) A center for neglected children during part of the day;
- e) A support system and network of assistance from the members of the barangay for the total development and protection of children.

The Day Care Service Program shall be implemented by the barangay. It may call upon private volunteers who should be native members of the community to assist in the care of children and provide referral service for medical, educational and other needs of the children. The BCPC shall screen volunteers and submit a list of recommendees to the Barangay Council for final selection.

The Municipal Social Welfare and Development Office will assist in the training of Day Care Workers and shall conduct periodic monitoring of the Day Care Centers and extend technical assistance to Day Care Workers. Parents of Day Care children shall be actively organized in every day care center, to provide venue for learning opportunities in parenting complementary to the learning experiences of their children in the day care centers, and as a strong support group to child development and protection programs.

Funds for the establishment and maintenance and operation of the barangay day care centers shall be sourced from the Annual Budget of the barangay.

A monthly allowance of not less than P1, 000 shall be paid to every day care worker in accredited Day Care Centers of which fund shall be sourced from the Barangay Budget and may be augmented by the Municipal Government.

11.2. CHILD MINDING SERVICE PROGRAM. This Local Government in cooperation with barangays shall develop, implement and sustain a Child Minding Center, whenever needed, in work places such as schools, public markets, hospitals and government offices where parents work during the day. The Child Minding Service caters to

children 0 to 3 years old and shall be operated by a team of trained caregivers and medical staff.

Funds for the implementation and sustenance of the Child Minding Service program shall be borne out from the contributions of parents augmented by the municipality.

The indigenous practice of “*te-e*” is recognized as an effective means of childcare in the communities. The barangays are encouraged to promote this practice in the absence of a child-minding center, provided that mothers involved will be given orientation on early childhood care, development and enhancement and the revised day care manual.

Section 12. PRIMARY HEALTH CARE PROGRAM. The Municipal Government shall coordinate with/or assist the Barangay Governments to implement and sustain the Primary Health Care Program to primarily cater to children. To further ensure the implementation of this section, it shall implement appropriate measures to support the program on health under the framework of primary health and preventive care.

12.1.. SAFE MOTHERHOOD PROGRAM. The Municipal Government shall continue to implement and support its ***SAFE MOTHERHOOD Program***, which shall cater to the health of mother and the unborn child.

This Local Government Unit through the Municipal Health Office as lead agency shall conduct trainings to mothers and shall promote immunization for women of child bearing age and iron supplementation for pregnant and breastfeeding mothers. It shall conduct functional literacy classes for women.

As front liners in the implementation of the safe motherhood program, the Municipal Health Workers as well as the Barangay Health Workers shall be trained on essential obstetrics, home-based monitoring of mothers and infants and hygienic deliveries.

The indigenous practice of “*og-ogbo*” shall be promoted to unburden full-term pregnant and post partum mothers. For this purpose, the BHWs are mandated to organize mothers or advocate with existing women’s organization in each and every community.

12.2. BREASTFEEDING PROGRAM. The Municipal and Barangay Governments shall promote exclusive and sustained breastfeeding for at least the first six (6) months of a child’s life, to prevent malnutrition, illness and death.

It shall further endeavor to advocate the “**Lang-ay**” to ensure continuous breast milk for the babies of working mothers. There shall be a continuing information, education and re-education drive to be spearheaded by the Municipal Health Office with the assistance of other government agencies, professional and non-governmental organizations which can be done during pre-natal and post-natal visits and during functional literacy classes.

12.3. COMPULSARY IMMUNIZATION AGAINST HEPA-B FOR INFANTS AND CHILDREN BELOW 8 YEARS OLD. The Municipal government shall prioritize programs on immunization against hepa-B for infants and children below eight (8) years old and newborn infants of women with hepa-B shall be immunized within 24 hours after birth.

The immunization program shall include BCG, inoculation against diphtheria, pertussis, tetanus and oral poliomyelitis, protection against measles and immunization against rubella.

The practice of “**waswas**” as an effective means of information dissemination shall be done by the BHWs prior to immunization days.

Section 13. NUTRITION PROGRAM. The Municipal Government shall establish and sustain a growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake of children at home and in school. The program shall be under the administration and supervision of the Municipal Health Office. This Program shall include a monitoring and evaluation system, which shall be established by the said office. Further, the Municipal and Barangay governments shall especially allocate funds for the celebration of the nutrition month, Araw ng Sangkap Pinoy and other initiatives for the promotion of proper nutrition. All barangays must also have a Barangay Health Center where adequate health services/resources are served by trained health workers.

Section 14. CHILD AND YOUTH WELFARE PROGRAM. The Municipal Government shall strengthen and support a Comprehensive Child and Youth Welfare Development Program that shall include the services such as peer group service, community based services for street children, community based services for delinquent youth, and services for children in especially difficult circumstances, and others.

- Section 15. PARENTAL WELFARE PROGRAM.** The Municipal Government shall recognize the role of parents in the formation of the society as well as the child, hence it shall support a Women Welfare and Development Program which shall include courses such as self-enhancement skills development, maternal and child care, skills training for employment and livelihood support, among others.
- Section 16. PROGRAM FOR THE PROTECTION, REHABILITATION, EDUCATION, SELF-DEVELOPMENT AND SELF-RELIANCE OF DISABLED CHILDREN AND CHILDREN WITH SPECIAL NEEDS AND THEIR INTEGRATION INTO THE MAINSTREAM OF SOCIETY AND FOR OTHER PURPOSES.** The MCWC shall formulate plans and programs for the protection, rehabilitation, education, self-development and self-reliance of disabled children and children with special needs and their integration into the mainstream of society and for other purposes. The provisions of the Accessibility Law or BP Blg. 44 shall be followed in the issuance of building permits and in the preparation of the plans and specifications of public and commercial buildings.
- Section 17. PROVISION FOR THE STRICT IMPLEMENTATION OF THE ASIN LAW IN BESAO, MOUNTAIN PROVINCE.** The Municipal Government shall ensure the strict implementation of R.A. 8172, otherwise known as “ An Act Promoting Salt Iodization Nationwide”.

ARTICLE V SPECIAL CONCERNS

- Section 18. ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION.** Children shall be protected against prostitution, child trafficking, obscene publications and indecent shows and other acts of abuse; and circumstances, which endanger child survival and normal development. The provisions of P.D. 7610, as amended shall be strictly implemented.
- Section 19. RECOGNITION OF THE INDIGENOUS PROCEDURES IN CASES INVOLVING CHILDREN AND PROTECTION OF OFFENDERS AGAINST EXCESSIVE PENALTIES AND DEGRADING PUNISHMENTS.**
- 19.1.** The indigenous procedure of “*sapit*” is hereby recognized and encouraged as an alternative to formal proceedings in resolving cases involving children. Provided, that “*mensapit*” or the handlers of the proceedings shall include women especially if the victim is a girl. Provided, further, that children subject for “*sapi’t*” are not accused of rape, or are not habitually in conflict with the law. Formal proceedings

shall be resorted to only if the said indigenous procedures fail to resolve a case. The MCWC shall provide venues for the “*mensapit*” to understand and internalize child protection laws.

- 19.2.** Child offenders may be required to do community service in the form of labor provided the same shall be supervised by a competent and responsible adult and provided further that such penalty should not exceed four hours a day and the number of days to be determined by the BCPC. Provided, finally, that the form of labor is not hazardous to children’s health and safety and does not interfere with the child’s time for school.
- 19.3** Verbal abuse; whipping, caning, boxing, slapping and all forms of physical punishment in schools, dap-ays, etc. is hereby prohibited and violators shall be dealt with criminal as well as administrative penalties provided by law.

Section 20. SPECIAL PROTECTION OF CHILDREN BELOW 15 YEARS OF AGE.

No children below 15 years of age shall be employed as provided for in R.A. 7610 and R.A. 7658 and other pertinent laws.

Section 21. SANCTIONS FOR ESTABLISHMENT OR ENTERPRISES THAT PROMOTE, FACILITATE OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS. All establishment or enterprises caught promoting or facilitating child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and fined an amount of two thousand pesos (P2, 000) with their authority or license to operate permanently canceled, without prejudice to the owner, manager and other personnel thereof for being prosecuted under R.A. 7610, as amended, otherwise known as “*An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and Other Purposes.*”

Section 22. CURFEW ON MINORS. Children below eighteen (18) years of age are prohibited from loitering around or sleeping in public places from 9:00 o’clock in the evening until 4 o’clock in the morning of the following day unless they are in the company of their parents or guardians.

Children caught violating this provision shall be immediately turned over to the custody of the Municipal Social Welfare and Development Office and shall be released only after having attended with their

respective parents or guardians to a one (1) day seminar on the duties and responsibilities of children and parents conducted by the same office, provided, that this provision shall not be imposed during the presence of children in public places during such time are allowed or encouraged.

The Philippine National Police shall spearhead the implementation of this section.

Section 23. REGULATING AMBULANT VENDORS IN SCHOOLS, DAY CARE CENTERS AND INSTITUTIONS CATERING TO CHILDREN, FOR SANITATION PURPOSES AND ESTABLISHING MONITORING SYSTEM AND PROHIBITING THE SALE OF JUNK FOODS THEREIN. All vendors within the vicinity of all school campuses, day care centers and other institutions catering to children within the municipality shall be subjected to safety and sanitation standards. The Municipal Health Office, in coordination with the Barangay Health workers shall regularly monitor schools and encourage vendors to undergo food-handling courses to ensure safe and sanitary food commodities that they sell.

The sale of junk foods in the said areas is strictly prohibited.

Section 24. CHILD FRIENDLY BUILDINGS AND COMMUNITY INFRASTRUCTURES. In the approval of the proposed buildings community infrastructures, the office of the Municipal Engineer (authority in building permits) shall ensure the inclusion of child friendly facilities therein. And to avoid any accidents, the proposed buildings and infrastructures must observe the following specifications:

1. Balusters in staircases must be placed in a manner that their distance from each other would not exceed six (6) inches to avoid children from accidentally falling through.
2. In case of buildings having more than one story, railings or balusters acting as horizontal or vertical barriers must be likewise be spaced in a manner that their distance from each other must not exceed six (6) inches and said railings or balusters must have a height of not less than (5) feet.
3. Lavatories, urinals, etc. exclusively for children's use must be installed in the proposed plans of commercial buildings to accommodate the personal necessities of children entering the said buildings.

4. Pathways must not be slippery and when steps are constructed, the heights should not be more than eight inches in height; and railings must be installed in pathways constructed in precipices, cliffs and hazardous areas.

Section 25. PARTICIPATION OF CHILDREN IN DECISION-MAKING PROCESS.

The interest and welfare of children in the family, school, community or other organization or institution shall be heard. Every child has the right to express his opinions freely in so far as such opinion is not contrary to law, morals, good customs, public safety and public policy, and to have that opinion be taken into account in all matters of procedures affecting the child. It shall be the responsibility of the adults to provide opportunities for children to express their views, organize among themselves, obtain information, and make ideas or information known regardless of tribe, sex, and religious belief.

Each family shall encourage its children to express their views especially on matters that affect their survival and development. These healthy discussions shall be made on a family day where all the members of the family devote their time together.

Each school shall also endeavor to maintain the PTCA hour for both pupils/students and the teachers to discuss matters and come up with sound solutions and pieces of advises. Aside from this, each school shall endeavor to establish a school paper where students and pupils can develop their skills in journalism.

Each local level shall promote the participation rights of children through the recognition of the role of the *dap-ay* as a venue where children can participate freely in meetings and that their views shall be heard and considered.

Section 26. CONVENTION OF CHILDREN TO PROMOTE THEIR PARTICIPATION RIGHTS. It is important to consult and provide children. As a fulfillment of proclamation nos. 74 and 267 the Municipal Government shall set aside the 17th day of October of each year as a Municipal Children's Day and October of each year as Children's Month.

**ARTICLE VI
SUPPORT SYSTEMS**

Section 27. COMMUNITY SUPPORT SYSTEM. There shall be established a comprehensive community support system for the survival and

development, protection, security and participation of children in the municipality. The community support system and structures shall be the Municipal Council for the Welfare of Children, the Barangay Council for the Protection of Children, among others.

Section 28. INSTITUTIONALIZATION OF THE ANNUAL SEARCH FOR CHILD FRIENDLY LGU's. There shall be an annual search for child-friendly barangays. The Municipal Council for the Welfare of Children (MCWC) shall spearhead the search for child friendly municipalities making use of existing guidelines developed by the national government for the annual search.

Section 29. FAMILY AND COMMUNITY WELFARE SUPPORT SYSTEM. The Municipal Government shall implement and sustain a Family and Community Welfare Support System for children. To further ensure the implementation of this section, it shall take appropriate measures to support the program on family and community under a family and community welfare and development framework.

The comprehensive Family and Community Welfare Development Program shall include courses and services on reproductive health, child health and child rearing practices, parent effectiveness, pre-marriage and marriage counseling, responsible parenthood, among others, in the context of Filipino psychology. This shall further include courses and services in community organizing such as social preparation for people's preparation, community volunteer resource development, and social welfare structure development, among others. The following programs shall form part of this Comprehensive Family and Community Welfare Program, which this government shall zealously support.

Section 30. PROVISION OF SUPPORT SYSTEM TO THE PRE-SCHOOL EDUCATION PROGRAM FOR EARLY CHILDHOOD CARE AND DEVELOPMENT INITIATED BY THE PEOPLE'S AND NON-GOVERNMENT ORGANIZATIONS. The Municipal Government shall provide for a support system to the pre-school education program for early childhood care and development initiated by the People's Organization and Non-Government Organizations by significantly responding to the gaps of government service in providing for a pre-school education program having an alternative curriculum which is developmentally appropriate and culturally relevant to the poor communities; encouragement of accreditation, materials, technical assistance such as enrichment trainings for facilitators; and financial aid monitoring activities for community based Early Child Care and Development Program (ECCD) as an alternative approach for the continuing basic problem of poor children.

Section 31. PROVISION OF FUNDS FOR CHILDREN'S WELFARE AS ONE OF THE BASIS OF THE SANGUNNIANG BAYAN'S REVIEW OF BARANGAY BUDGET. To ensure that barangays shall give priority to the Welfare of Children in their respective barangays, the Sangguniang Bayan shall review the barangay budgets and give strict attention to the allocation of funds for programs, projects and services for the welfare of children which should be not less than 5% of the annual budget.

Section 32. MUNICIPAL AND BARANGAY LEVEL RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM. A municipal and barangay level program for the revival of indigenous games reflective of the cultural diversity of the municipality shall be institutionalized. Indigenous game shall be introduced during the municipal and barangay fiestas and to be participated by the children and youth.

Section 33. LOCAL CHILDREN'S LITERATURE. In support to the socio-cultural development of children of Besao, Mountain Province, the Municipal Government shall invest in the production of local literature for children and other relevant materials. The barangay government shall also be encouraged to invest in such projects.

Section 34. PARENTING ORIENTATION COURSES. Marriage License applicants shall be required to participate to a parenting Orientation Course I or Pre-Marriage Counseling Seminar, among other requirements, prior to the issuance of marriage license by the Local Civil Registrar. This course shall become an integral part of existing Family Planning Seminar on Reproductive Health Course in close coordination with the Municipal Health Office, the Municipal Social Welfare and Development and the Population Commission Office.

Parent applicants for birth certificates of their children shall also be required to participate to a Parenting Orientation II Course before issuance of Certificate of Live Birth by the Civil Registrar without prejudice to the early registration requirements under existing law. The Municipal Council for the Welfare of Children (MCWC) shall monitor this.

Section 35. INTEGRATION OF CONVENTION OF RIGHTS OF CHILDREN IN THE SCHOOL CURRICULUM. As part of the advocacy, information and education campaign of the government on the survival and development, protection and security and participation rights of children, the Convention on the Rights of Children shall be integrated as part of school curriculum of schools in this municipality, both public and private at all levels.

ARTICLE VII IMPLEMENTING MECHANISMS

Section 36. MUNICIPAL COUNCIL FOR THE WELFARE OF CHILDREN. This Local Government with the Municipal Council for the Welfare of Children shall be tasked to over see the implementation of this code.

36.1. COMPOSITION OF THE MUNICIPAL COUNCIL FOR THE WELFARE OF CHILDREN. The membership of the respective Municipal Council for the Welfare of Children (MCWC's) shall be composed of the following:

1. Municipal Mayor – Chairman
2. Sangguniang Co-Chairman on Social Services - Vice-Chairman
3. Mun. Social Welfare and Development Officer - Secretariat

MEMBERS:

1. Mun. Planning and Development Coordinator
2. Municipal Health Officer
3. Municipal Agriculturist
4. Municipal Social Welfare Officer
5. School Principal and/or District Supervisor
6. Three (3) Non-Gov't. Organizations Representatives/
People's Organization Representatives (aside from the
NGO's represented in the MDC)
7. Municipal Federation of SK President
8. A member of the Local Finance Committee
9. Municipal Local Government Operations Officer (MLGOO)
10. Philippine National Police

36.2. POWERS, FUNCTIONS OF THE MUNICIPAL COUNCIL FOR THE WELFARE OF CHILDREN

1. Formulate municipal plan of action for children
2. Submit quarterly status reports on the plan implementation to the Municipal for the Welfare of Children Sub-Committee.
3. Work for the enactment of child-friendly ordinances and advocate the same.
4. Allocate funds for the child-friendly projects/programs.

5. Monitor the implementation of the Municipal Plan for Children and the Child Friendly Ordinances enacted.

36.3. THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN, ITS COMPOSITION, MEMBERS AND FUNCTIONS.

There shall be a created Barangay Council for the Protection of Children (BCPC) in every barangay in Mountain Province. The Barangay Captains are hereby mandated to spearhead the creation and strengthening of the said council with the support of the Department of Interior and Local Government, Municipal Social Welfare and Development Office, and other concerned government and non-government agencies in the area.

36.4. COMPOSITION OF THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN.

The membership of the respective Barangay Council for the Protection of Children (BCPC) shall be taken from the responsible members of the community including a representative of the youth, as well as representatives of the government and private agencies concerned with the welfare of children and youth whose area of assignment includes the particular barangay. The membership shall be on purely voluntary basis.

36.5. POWERS AND FUNCTIONS OF THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN. The following shall be the functions of the Barangay Council for the Protection of Children in each respective barangay:

1. Prepare Barangay Plan of Action for Children and implement the same.
2. Foster education of every child in the barangay.
3. Protect and assist abandoned, maltreated and abused children and monitor cases filed against child abusers and report the same.
4. Protect children who are allowed by the law to work from abuse and exploitation.
5. Take steps to prevent juvenile delinquency and assist parents and children with behavioral problems so that they can get expert advice. Assist parents whenever

necessary in securing expert guidance counseling from the proper government or private agencies.

6. Adopt measures for the promotion of good health and nutrition status of children.
7. Establish and sustain day care centers and other services that are necessary for child and youth welfare.
8. Coordinate the activities of organizations devoted for the welfare of children and secure their cooperation.
9. Promote wholesome entertainment necessary in the community especially in home videos and the likes.
10. Work for the passage by the barangay sanggunian of child friendly ordinances.
11. Submit quarterly barangay accomplishment report to the Municipal Council for the Welfare of Children on the implementation of the Barangay Plan for Children.
12. Arrest any individual who is actually committing, about to commit or just committed an offense against the person or minor.

ARTICLE VIII REMEDIAL MEASURES AND PENAL PROVISIONS

Section 37. 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 Welfare and Development Office, to the law enforcement agency or to the BCPC concerned.

Section 38. Mandatory Reporting – The attending physicians and nurses, shall report, either orally or in writing to the above-mentioned offices or persons 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 39. Duty of Government Workers to Report – It shall be the duty of all teachers and administrators in public schools, law enforcement officers, barangay officials, 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 40. Failure Report – Any individual mentioned in Section 42 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 41. Immunity for Reporting – Any person who acting in good faith, reports a case of a child abuse shall be free from any civil or administrative liability arising there from. There shall be a presumption that any such person acted in good faith.

Section 42. Penalties – The penalty for any violation of this Code, which is not penalized elsewhere in other sections of this Code or in a national law, shall be imprisoned for six (6) months to one (1) year and/or a fine ranging from 500.00 to 1,000.00 pesos.

For cases resolved through the indigenous procedures, fines and penalties should not exceed those provided herein and by national laws.

For offenses punishable under national laws, the offended party so authorized shall file a complaint under the national law, the penalty in such national law shall be imposed.

ARTICLE IX FINAL PROVISIONS

Section 43. FUNDING. For effective and efficient implementation of the Code, the Municipal Government shall regularly appropriate funds not less than five percent (2%) of its annual development fund, which is exclusive of the appropriation intended for the Municipal Health Office and the Special Education Fund and without limitation to an additional in any supplemental budget.

Section 44. APPLICABILITY CLAUSE. All other matters relating to the impositions or regulations provide in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people with in the territorial jurisdiction of the municipality of Besao, barangays as well, and all persons who may be subject to the provisions of this Code.

Section 45. SEPARABILITY CLAUSE. If for any reasons, any part or provision of this Code shall be invalid or unconstitutional, other parts or provisions hereof are not affected and shall continue to be in full force and effect.

Section 46. REPEALING CLAUSE. All ordinances, Executive Orders, resolutions and other Local Memoranda or Rules inconsistent with the provisions of this code are hereby repealed or modified accordingly.

Section 47. EFFECTIVITY CLAUSE. This code shall effect after its posting for two (2) months in all barangay halls, all schools and such other conspicuous places.

CARRIED. May 9, 2005.

(This code was approved by the Sangguniang Panlalawigan as per Resolution No. 281 dated June 6, 2005)