



Republic of the Philippines
Province of Bohol
Municipality of Jagna

Office of the Sangguniang Bayan

MUNICIPAL ORDINANCE NO. CC-03-01-2006

JAGNA CODE FOR CHILDREN

(Sponsored by Councilor Senen C. Lloren)
Chairman, Committee on Social Services & Community Development

BE IT ORDAINED by the 5th Sangguniang Bayan of Jagna, Bohol
in session duly assembled, that:

CHAPTER I
GENERAL PROVISIONS

Article A. Title and Scope

SECTION 1. a) Title. This ordinance shall be known as the “Jagna Code for Children”
of the Municipality of Jagna, Bohol.

b) Scope. This code covers all ordinances and resolutions concerning the
welfare of children in Jagna, Bohol.

Article B. Statement of Purpose

SECTION 2. Purpose.

- a) This code is enacted in order to protect the children against all forms of abuse and exploitation.
- b) To advocate the rights of the children and promote their welfare and development.
- c) To improve the quality of life of every child in Jagna, Bohol giving them the chance to develop their potentials and participate in community, barangay, municipal and nation building.

Article C. Definition of Terms

SECTION 3. Definitions .

- a) **Child** refers to a person under the age of 18 years old.
- b) **Child Abuse** refers to maltreatment, whether habitual or not 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 demands the intrinsic worth and dignity of a child as human being.
 3. Unreasonable deprivation of his or her basic needs for survival such as food and shelter or failure to immediately give medical treatment to and injured child resulting in serious impairment of his or her growth and development or in her permanent incapacity or death.
- c) **Day Care** refers to the substitute parental care and stimulating activities for the total development of the child from 3-5 years old.

- d) **Day Care Center** is a facility where day care services are being undertaken by an accredited day care worker for children in 3-4 years age bracket.
- e) **Diversion** refers to an alternative child-appropriate process of determining a juvenile's responsibility for an alleged offense without subjecting the child to undergo formal court adjudication.
- f) **Diversion Programs** refers to programs requiring juvenile's to undergo after they are found responsible for an offense without subjecting the child to undergo formal court adjudication.
- g) **Community Reintegration Programs** refers to programs established for rehabilitation and preparing the child for reintegration into the community.
- h) **Special abled Children** refers to children with disabilities or children with special needs either physical or mental infirmities whether congenital or acquired after birth.

CHAPTER 2

RIGHTS AND BOLIGATION OF THE CHILD

Article D. Rights of the Child

Section 4. The Rights of the Child.

- a) Every child is entitled to rights to legitimacy, sex, social status, religion, political antecedents and other factors.
- b) Every child have the rights to SURVIVAL, DEVELOPMETN, PROTECTION and PARTICIPATION rights.
 - 1. **Survival Rights** ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to name and to a 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;
 - b. 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;
 - c. Every child has the right to a balanced diet and nutrition, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
 - 2. **Development Rights** refers to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also includes participation in cultural activities, access to appropriate and relevant information, and opportunities to rest, play and leisure. These are the development rights.

- a) Every child has the right to a well-rounded development of his or her personality to the end that he or she may become a happy, useful and active member of the society.
 1. The gifted child shall be given the opportunity and encouragement to develop his or her special talents;
 2. The emotionally disturbed or society 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 his or her particular condition;
- b) Every child has the right to be brought up in atmosphere of morality and rectitude for the enrichment and the 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 his or her share in the building of a better community;
- 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 shall 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.
3. **Protection Rights** cover those rights protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses, in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation.
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 and national law;
 - b. Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kinds;

- c. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;

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- d. 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.

Article E. Obligation of the Child

Section 5. Responsibilities of the Child. Every child regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a) Strive to lead an upright and virtuous life in accordance with tenets 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) Exert his or her utmost to develop his 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 for herself and to society;
- d) Extend to his or her brothers and sisters love, thoughtfulness and helpfulness, and endeavor with them to keep the family harmonious and united;
- 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 eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- g) Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

CHAPTER 3

ROLES, RIGHTS AND DUTIES OF VARIOUS SECTORS

Article F. Roles of Various Sectors

Section 6. The Family. The family is the central unit responsible for the primary Socialization of children which is important in the prevention of Children's rights violations. Governmental and social efforts to preserve the integrity of the family including the extended family should be pursued.

Section 7. The Role of Fathers. Fathers play a vital role in their children's lives, in the nurturing and rearing of children at home. Policies and legislations shall be enacted and programs shall be designed and implemented for the inclusion of their critical role.

Section 8. The Role of Women. Women in their various roles plays a critical role in the well-being of children. Efforts for the enhancement of women's status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, reproductive health, and other extension services constitute a valuable contribution to a nations' social and economic development.

Section 9. The role of Local Councils for the Welfare of Children. These Council shall in addition to their existing duties and functions, coordinate with and assist their corresponding LGU's in

coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

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Section 10. The Role of Educational Institutions. Educational Institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the DepEd and the Commission on Higher Education (CHED).

Section 11. The Role of Judicial Institutions. In the administration of Justice, courts, Prosecutors and other sectors shall ensure that the rights of children and allocate appropriate budgets for their implementation.

Section 12. The Role of Local Government Units. The Local Government Units (LGU's) shall come up with comprehensive programs for children and allocate appropriate budgets for their implementation.

Section 13. The Role of the Mass Media. The mass media shall be aware of their extensive social role and responsibility, as well as their influence in communications relating to children. They should use their power to protect the rights of children by relaying consistent messages and information particularly the anti-drug awareness campaigns and delinquency prevention.

Section 14. The Role of the Sangguniang Kabataan. The Sangguniang Kabataan (SK) is established under the Local Government Code shall, in addition to its powers and functions, actively involved itself in the formulation and implementation of prevention and protection programs in the community. It shall coordinate with the local councils for the welfare of children for this purpose. It is encouraged that the SK shall devote at least 50% of its annual budget to prevention programs for the youth.

Article G. Rights and Duties of Various Sectors

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

- a) To give them affection, companionship and understanding;
- b) To extend to 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 advice 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 in Article 194 of the Family Code; and
- i) To administer their property, if any, according to their best interest subject to the provisions of Article 225 to 227 of the Family Code.

Section 16. Primary Right of Parents. The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values, and norms of their society shall begin in the family. The parents shall have the right to the company of their children and in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide their upbringing.

Section 17. right 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 or just and reasonable rules, suggestions and admonitions.

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Section 18., Right not to be Separated from their Families. Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to *force Majeur* or in their own interest, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children's upbringing in their own cultural milieu. Extended families, relatives and community institutions shall be given support to help meet the special needs of orphaned, displaced and abandoned children. Efforts must be made to ensure that no child is treated as outcast of society.

CHAPTER 4

PROGRAMS AND SERVICES DESIGN FOR CHILDREN

Article H. Comprehensive Programs for Children

Section 19. comprehensive Programs for Children. The Municipality of Jagna, Bohol shall formulate a comprehensive Program for children either long term (10 years period) or short (3 years period). Such program shall include prevention, protection, as well as rehabilitation programs for children, and shall emphasize prevention of children's rights violations to include prevention of child abuse, juvenile delinquency, drug addiction, and other problems.

Section 20. Process in Formulating Comprehensive Programs for Children. The process in coming up with comprehensive program shall be designed through community approach and it shall also be participatory and consultative. The LGU in coordination with the local council for the welfare of children, child-focused institutions, NGO's, people's organizations, youth organizations, children's councils, educational institutions, and government agencies involved with children's concerns like the Department of Social Welfare and Development (DSWD), Department of Education (DepEd), and Department of Health (DOH) to participate in the planning process.

Section 21. Periodic Review and Assessment of the Comprehensive Programs for Children. The comprehensive shall be reviewed and assessed annually by the LGU in coordination with the local councils for the welfare for children. The programs may be identified accordingly if the time and circumstance requires to do so.

Section 22. Prevention Programs.

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

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

Article I. Other Programs Related to Child Care and Welfare

Section 23. Parenting Orientation Courses.

- a) Parenting orientation courses shall be integrated into the curriculum of all high schools in this municipality subject to DepEd rules and regulations.

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- b) Marriage license applicants shall be required to participate in a parenting orientation course with Gender and Child Sensitivity among other requirements, prior to the issuance of a marriage license by the Local Civil Registrar's Office. This course becomes an integral part of existing family planning seminars of reproductive health courses.
- c) Parenting orientation course may also be incorporated in the Parent-Teacher Association (PTA) activities for the Elementary and High School levels.

The Municipal Council for the Welfare of Children in coordination with office of the Municipal Civil Registrar shall be responsible in formulating the guidelines for implementing the provisions of this Code.

Likewise, the Jagna Council for the Welfare of Children and the Municipal Office of Social Welfare and Development shall initiate the designing of modules for the courses.

Section 24. Health Care Program

- a) Primary Health Care – The municipal government of Jagna, Bohol shall implement primary health care and nutrition programs for children in coordination with the Municipal Health Office and the Office of the Municipal social Welfare and Development.
- b) Barangay Health Care Programs – The barangay health centers shall implement the primary health care programs. This includes to combat disease, malnutrition and environmental pollution.

Section 25. Child and Gender Sensitivity Training for Health Worker. – Barangay health worker shall be required to attend training courses on child and gender sensitivity to be conducted by Jagna Council for the Welfare of Children.

Section 26. Child-and Family-Friendly Hospitals in Jagna, Bohol. - All hospitals in Jagna, Bohol shall set up a child-friendly units to include rooming –in facilities and pediatric-friendly atmosphere.

Section 27. Establishment of Special School for Disabled Children – the LGU –Jagna shall initiate to have a special school for deaf and mute and other disabled children to provide them primary schooling. The training program for **educators** and **health professionals** handling children with disabilities and special needs shall form part of the trust of the municipal government of Jagna, Bohol.

Section 28. Under Six Program and Establishment of Day Care Centers – The LGU-Jagna shall ensure survival and development of the child. The programs are the following.

- a) Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, tetanus, measles, poliomyelitis and such other disease for which vaccines have been developed for administration to children up to six years of age;
- b) A reproductive health care center for pregnant mother for pre-natal and neo-natal care. High-risk mothers shall be referred to the proper tertiary or secondary care service personnel or facility. **Hilots** otherwise known as the traditional birth attendants and barangay health worker shall be provided the needed basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent physician.

- c) The Barangay Nutrition Scholars shall assist the Municipal health Office in a massive campaign related to nutrition particularly the national campaign for immunization and iodization program.

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- d) Day Care Center shall set up in the barangay level pursuant to R.A. 6972. Day Care Services addresses the needs in the crucial stages of a child's growth. By the age of five (5), a child's brain has already grown to ninety percent (90%) of its adult weight. The Day Care Center aims to help the child.
 - a) Become physically fit through proper care and nutrition;
 - b) Develop self-confidence, self-expression and self-discipline;
 - c) Relate well with others;
 - d) Develop mental, intellectual, verbal and nationalistic values as well as positive attitudes;
 - e) Be protected from all forms of neglect, abuse, cruelty and exploitation
- e) Unstructured combined with structure learning exercise for children under early childhood education shall be instituted in the day care centers respecting the participation rights of the child;
- f) The LGU-Barangay shall pay for the day care worker's allowance and salary. The DSWD shall provide continuing technical assistance to the center.
- g) The LGU-Jagna in partnership with NGO's ,private sectors, civic organizations and other agencies area also encourage to put up and maintain other child-friendly facilities such as libraries, parks, museum and playgrounds.

Section 29. Children's Month and Children's Day Celebration – Presidential Proclamation No. 267 September 30, 1993 declaring the month of October every year as National Children's Day to honor Filipino children and to emphasize the importance of their role within the family and to society as well. October 17 of every year is the National Children's Day pursuant to Presidential Proclamation No. 74 dated October 16, 1992.

Section 30. Crisis Intervention Program – In recognition of the special need for protection assistance and development of children in consonance with the constitutional provisions and R.A. 7160 mandating the protection against child abuse, exploitation and discrimination and likewise, R.A. 8505 mandating the establishment of CRISIS CENTER in every province, city and municipality and such center shall not only extend services to abuse children but also cater to vulnerable sectors of society particularly women.

Section 31. Objectives of the Crisis Intervention Center – The crisis Intervention Center shall have the following objectives:

- a) To provide temporary shelter and basic services to abused children and women;
- b) To network with NGO's and government agencies for the provisions of the needed medical, psycho-social and legal services necessary in restoring /building the self-esteem of its clients;
- c) To encourage and build the capabilities of abused children and women to become into open and pursue cases in court whenever they are ready;
- d) To provide livelihood assistance and placement of abused children and women while on the center to enable them to be productive as a form of therapy;
- e) To provide livelihood assistance and placement to abused children and women who are ready to be re-integrated with their families and communities;

- f) To conduct municipality and barangay –wide education and advocacy program aimed at raising public awareness on the evils of child abuse and domestic violence and massive information dissemination on the rights of children and women.

The office of the Municipal Welfare and Development and the Municipal Council for the Welfare of Children, in coordination with the LGU shall formulate the organizations structures of the center depending on the need for its services. Likewise, they shall also issue necessary rules, policies, regulations and guidelines for the effective implementation of the programs of the center.

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CHAPTER 5

PROHIBITED PROVISIONS

Article J-Prohibitions

Section 32. Prohibited Acts- In addition to all acts defined and penalized under R.A. 7610 on child abuse and exploitation. R.A. 7658 on child labor and other pertinent laws, the following acts shall likewise be punished:

- a) **Illegal Recruitment** – Any person who recruits other person for work shall be required to register with and secure barangay clearance from the office of Barangay Captain in the place of recruitment with an undertaking not to include children for recruitment. It is therefore presumed as illegal trafficking when a person is found together with three or more minors not simply his or her relatives at the port of exit for the purpose of transporting the minors to another place without barangay clearance from the Barangay Captain.
- b) **Pre-arrangement for Marriage** – Pre-arrangement or locally known as Buya made by parents or guardians to marry their children. However, an established culture of some other sectors in the community shall be subject for consideration.
- c) **Girls use as Commodities in Benefit Dances** – Organizers of benefit dances, persons facilitating or anchoring benefit dances shall be penalized if they are using children as dancing partners for a fee to the organizers.
- d) **Discrimination of Girl Children** –Discrimination of girl children by prohibiting and depriving them for formal education.
- e) **Peonage of Children-** Offering a child or the service of a child as payment for a debt or in exchange for favor such as but not limited to:
 - 1. Working in agricultural industries like rice and corn plantations or farms;
 - 2. Working as house helpers.
- f) **Discrimination of Illegitimate Children** – for schools to determine illegitimate children as follows but not limited to the following:
 - 1. Refusal to accept enrollment of illegitimate children in the schools by reason of one's illegitimacy;
 - 2. Requiring the marriage contract of parents as a requirement for enrollment of the child.
- g) **Expulsion by Reason of Pregnancy** – For schools to impose a penalty of expulsion against a child who has complied with all academic requirements by reason of her pregnancy. Schools may impose any other appropriate penalty which shall be made applicable to both the pregnant girl and other partner if he also enrolled in the same school;

- h) **Refusal to Graduate by Reason of Pregnancy** – For schools to refuse to graduate a child who has complied with or willing to comply with all academic requirements by reason of pregnancy;
- i) **Refusal to Issue Clearance by Reason of Pregnancy-** For schools to refuse to issue clearance to a child for reason of pregnancy;

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- j) **Physical and Degrading Forms of Punishment** – Subjecting the child to physical and degrading forms of punishment such as but not limited to:
 1. Ordering or directing a child to knell on salt;
 2. Placing a child inside a sack and/or hanging him/her;
 3. Shaving the head of a child;
 4. Harsh whipping or the child with the tail of stingray (sanga), stick, belt, and other similar objects
 5. Stripping the child of his/her clothes;
 6. Locking up a child in a cabinet or aparador or any closed structure;
 7. Tying up the child or detaining him/her;
 8. Throwing objects such as but not limited to eraser, chalk, and notebooks at the child;
 9. Pulling the hair of the child;
 10. Making the child stand under the heat of the sun;
 11. Exposing the child to be bitten by ants.
- k) **Pushing /Enticing Minors to Live-in Arrangements** – it shall be unlawful for parents to entice, encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration;
- l) **Sexual Exploitation of Minors** – sexual exploitation of children by any person, foreigner or otherwise, shall be prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation.
- m) **Entry, Selling and Distribution of Pornographic Materials** – the local Council for the welfare of children and the local law enforcers shall monitor and prevent the entry of pornographic materials and selling an distributing such materials is strictly prohibited.
- n) **Selling Liquor, Cigarettes, Rugby and other Addicting Substance** – it shall be unlawful for any person to sell liquor, cigarette, rugby or any addicting substance to a child (Separate ordinance with separate penalty clause).
- o) **Smoking in Youth Centers and Facilities** – smoking is absolutely prohibited at center of youth activity and facilities for persons under 18 years old.
- p) **Children Betting Illegal Numbers** - children shall be strictly prohibited to bet illegal numbers such as masiao, jueteng, suer-tres, and others. Parents ordering their children to bet illegal numbers in behalf of their bet shall be penalized in accordance to penalty imposed in this code.
- q) **Children in Gambling Place-** children area strictly prohibited to be at the gambling places where there is an existing gambling activity such as cockfighting, care d playing (Tong-its, Chikicha, Piat-piat, and others), billiard game, coin betting (hantak), mahjong, and other related gambling activities. Likewise, children shall not be allowed to be with their parents, guardians, relatives and friends playing mahjong

and other gambling activities. Parents bringing their children to gambling places shall be penalized in accordance to the penalty clause stipulated in this code;

- r) **Girl Working as G.R.O. in Commercial Establishments** – girl children below 18 years old shall be prohibited to work as G.R.O. in commercial establishments offering liquors and beverages or video-k stores. Owners hiring girl children or minor shall be penalized in accordance to the penalty clause stipulated in this code.

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Article K. Other Prohibitions Based to New Technology

Section 33. Control on Children's Exposure to Commercial Video Games – Commercial establishments offering electronic video games to children shall be regulated as follows:

1. The owner or keeper of video games shall not allow children to play or watch video games during school days except from 5:00P.M to 7:00 P.M. and during Saturdays
2. Filtering screen must be provided by the owner or keeper of video games sets to be attached thereto for eye protection of the children.

The owner violating this regulation shall be subjected to a punishment by a compromise fine of PhP2,500.00 without going further to court proceedings and revocation of the business permit.

Section 34. Control on Children's Exposure to Internet –

- a) Internet Café's catering to children except college students, shall not allow children to engage with internet activity during school days except from 5:00 P.M. to 7:00 P.M. and during Saturdays and Sundays (up to 7:00 P.M. only) and Holidays. Owners of Internet Café's violating this section shall be penalized accordingly that of the same penal provision of Section 33 of this code including the confiscate of computer units.
- b) Showing cybersex and obscene scenes are strictly prohibited to children.

CHAPTER 6

SPECIAL PROVISION RELATED TO CHILDREN'S WELFARE

Article L. Special Concerns

Section 35. Children in Situations of Armed Conflict – Children in situations of armed in conflict shall be considered victims and shall be afforded full protection in accordance with the provision of R.A. 7610 or the Anti-Abuse Act.

Section 36. Children belongs to the Jagna Muslim Community - Muslim children in Jagna, Bohol shall be also entitled to protection, survival, participation and development consistent with customs and traditions of their respective communities. The delivery of basic social services to health and nutrition to muslim children as well as the health institution shall ensure that these children are given equal

attention and priority. Children belongs to the muslim community shall not be subjected to any form of discrimination.

Article M. Juveniles and Diversion

Section 37. Juveniles – Every child alleged or accused of having infringed the penal law has at least the following guarantees:

- a) To be presumed innocent until proven guilty according to law;
- b) To inform promptly and directly of the charges against him/her, if appropriate through his or her parent or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
- c) To have the matter determined without delay by a competent independent and impartial authority or judicial body in fair hearing according to law, in the presence of legal or other appropriate assistance and unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parent or legal guardians;

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- d) Not to be compelled to give testimony or to confess guilt; to examine adverse witness and to obtain the participation of and examination of the witness on his or her behalf under condition of equality;
- e) It considered to have infringed the penal law, to have the decision and any measure imposed in consequence thereof reviewed by a higher competent, independent, and impartial authority and judicial body according to law;
- f) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- g) To have his or her privacy fully respected in all stages of the proceedings.

Section 38. Right of the Juvenile to Counsel – From custodial investigation and throughout the proceedings, the juvenile shall have the right to be represented by counsel before proceeding with the investigation or trial. Any confession or admission made in any proceeding without the assistance of counsel shall be null and void.

Section 39. Manner of Investigation of a Juvenile – A child shall only be investigated or his/her statement secured in the presence of the following order. His or her parents/ guardian, the nearest relative, member of a child-focused group, member of the barangay council for the protection of children concerned, or the local social worker, and his/her counsel. In their presence the child shall be informed of his/her constitutional rights to remain silent and to competent and independent counsel of his/her choice in language that is clearly understood by the child, the parents or guardian.

If the child cannot be represented by counsel of his/her own choice, the LGU through the Jagna council for the Welfare of Children shall contact a member of the Public Attorney's Office to assist the child.

Section 40. Prohibited Acts Against Youth Offenders. – All Acts and practices which are prejudicial can detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the minor shall be prohibited.

- a) Authorities shall refrain from employing threats of whatever kind and nature and /or abusive, coercive and punitive measures in dealing with minors. Such practices committed directly or indirectly by persons in authority, such as cursing, beating, stripping and detaining minors in cells shall be dealt with administratively and criminally;
- b) Likewise degrading inhuman and cruel forms of punishment such as shaving the heads of minors, pouring irritating, corrosive or harmful substances over their bodies, or forcing minors to walk around the community wearing signs which embarrass,

- humiliate, and degrade their personhood and which harm psychologically, emotionally, spiritually, morally, and physically shall be prohibited;
- c) No minors shall likewise be made subject to involuntary servitude in any and all instances by their arresting officers and/or custodians compelling them to act and serve as errand, cleaners or helpers is also prohibited unless sanction by an ordinance or any measures as a means of disciplinary action.

Section 41. Care and maintenance of Juvenile –The parents or other person liable to support the child shall pay the expenses for the care and maintenance of the said child whose disposition of the case is institutionalization. If such person is not capable of paying the whole amount and the rest shall be paid by the local government unit maintaining such a facility.

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Section 42. System and Level Diversion – A system of diversion is established wherein juveniles shall as much as possible be referred to alternative measures without undergoing court proceedings. Diversion shall be conducted at the barangay, police, and office of the social welfare. The Lupong Tagapayapa and the Child and Youth Relations Unit (CRYU) are the competent authorities to conduct diversion proceeding. These authorities are duly-bound to explain to the minor in a language known and understood by him/her consequences of his/her acts and or omission. If the competent authorities determine that the child did not commit the offense charged, the case shall be terminated and a decision to that effect shall be written and explain both parties.

Section 43. Confession or Admission of Offense.- it the child voluntarily admits or confesses to the commission of the offense charged the competent authorities shall decide on the diversion programs to be undertaken by the child. Any admissions or confession, the child shall be signed and countersigned by the parents or legal guardian or any of the following local social worker, the nearest relative, member of a child focused group, religious group of a member of the Barangay Council for the protection of children concerned.

Section 44. Prohibition against labeling. - in all conduct of the proceedings beginning the initial contact of the child the competent authorities must refrain from branding or labeling minors as young criminals, juvenile delinquents, prostitutes, snatchers, rugby boys or attaching, to them in any manner any other derogatory names.

Section 45. Diversion Programs – when the parties and /or the competent authorities decide that the child must undergo a diversion program, such a continuing program for the rehabilitation and reintegration of the child shall be formulated with cooperation of the complainant and the child. The diversion program shall include adequate socio-cultural and psychological responses and services for the child. Diversion program can include, but not limited to the following:

- a) Written or oral reprimand or citation;
- b) Restitution of property;
- c) Reparation of the damaged caused;
- d) Indemnification of consequential damages;
- e) Confiscation and forfeiture of the proceeds or instruments of the crime;
- f) Fine;
- g) Payment of cost of the proceedings;
- h) Written or oral apology;
- i) Guidance and supervision orders;
- j) Counseling for the child and family;

- k) Training, seminars, lectures on:
 1. anger management skills
 2. problem solving and/or conflict resolutions skills
 3. values formation
 4. other skills which will aid the child to deal with situations which can lead to re-offending
- l) community-based programs available on the community;
- m) Institutional care and custody.

45.1 Factors Determining Diversion Programs – in determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration;

1. The nature and circumstances of the offense charged;
2. The frequency and the severity of its occurrence;
3. The character and reputation of the child;

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4. The circumstances of the accused child (e.g. age, maturity, intelligence, etc.);
5. The influence of the family and environment of the growth of the child;
6. The emotional relief of the victim;
7. The weight of the evidence against the child; and
8. The safety of the community

45.2. Criteria for Formulating Diversion Programs – in formulating a diversion Program, the individual characteristics and the peculiar circumstances of the child shall be used to formulate and individualized treatment. The following factors shall be considered in formulating a diversion program for the child:

- a) The child's feelings of remorse for the offense he or she committed;
- b) The parent's or legal guardians' ability to guide and supervise the child;
- c) The victims' views about the propriety of the measures to be imposed;
- d) The availability of community-based programs for rehabilitation and re-integration of the child;

45.3 Condition for Diversion Program – in all cases where a child is required to undergo a diversion program, the following conditions shall be mandatory:

- a) A contract of diversion containing the diversion programs to be undergone by the child shall be signed by the authority concerned and the child;
- b) The child shall present himself or herself to the competent authorities that imposed the diversion program at least once a month for reporting and review of the effectiveness of the program;
- c) The child shall cooperate and faithfully comply with the conditions in the contract;
- d) The child shall permit the competent authorities and /or the local social welfare and development officer to visit the child's home;
- e) The child and other parties concerned shall satisfy other condition related to the diversion program as long as such conditions are not contrary to law, morals and good customs.

45.4 Criteria of Community-Based Programs – Every municipality shall establish programs, through the local government unit that will focus on the rehabilitation and reintegration of the child. All programs shall have the following criteria:

- a) Its primary purpose shall be the rehabilitation and reintegration of the child.;

- b) Referral to such program shall need the consent of the child and the parents or legal guardian;
- c) The participation of other child-centered agencies, religious, civic and other organizations will be allowed.

45.5 Reintegration Programs – The Local Government Units are encouraged to implement reintegration programs for a juvenile who is released by the court. This sit for the purpose of preparing the juvenile for reintegration to the community. The community reintegration programs shall consist of, but shall not be limited to the following:

- a) Community Service;
- b) Membership in civic and/or religious organizations.

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CHAPTER 7

IMPLEMENTATING PROVISIONS

Article N. Local Councils for the Welfare of Children

Section 46. Creation of the Municipal Council for the Welfare of Children. – The LGU-Jagna shall create a Municipal Council for the Welfare of Children, the composition of which shall be determined by the concerned Sanggunian depending on the needs and circumstances of the town. The council shall have the following functions:

- a) The council shall provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other condition prejudicial to their development;
- b) To council shall also provide sanction for their commission and carry out program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination;
- c) The council shall intervene on behalf of the child when the parents, guardian, teacher or person having care or custody of the child fails or discrimination or when such acts against the child are committed by the said parent, guardian, teacher or persons having care and custody of the same;
- d) It shall be the responsibility of the council to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development over which they have no control;
- e) The best interest of children shall be the paramount consideration of the council and every effort shall be exerted to promote the welfare of children and enhance their opportunity for a useful and happy life.

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

Section 47. Internal Rules of the Council for the Welfare of Children – The local council for the welfare of children shall adopt their own internal rules of procedures and regulations to serve as

guidelines for the members in the discharge of their official functions such as the organization's structure, parliamentary procedures, quorum of meetings, discipline and other rules the council may adopt.

CHAPTER 8

EXISTING MUNICIPAL ORDINANCES

Article O. Jagna Municipal Ordinances enacted for the Welfare of Children

Section 48. Municipal Ordinance No. 3-03-2003. *Regulating the Operation of video Games sets within the Municipality of Jagna, Bohol.* The Rules and Regulations provided for in this ordinance is stipulated on Section 33 of this code. The penalty clause for violators of this measure is also stipulated on Section 33 of this code.

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Section 49. Municipal Ordinance No. 3-03-2004. *Regulating all forms of Fraternities/sororities and Gang Group* - Organizing and recruitment of member is strictly prohibited. Any person violating this ordinance shall be penalized as follows: 1. PhP600.00 fine for first offense; 2. PhP1,000.00 fine for second offense; 3 Php1,500.00 fine or imprisonment of not more than 3 working days at the discretion of the court.

Section 50. Municipal Ordinance No. 6-08-2004. *–Prohibiting Children Below 18 Years of Age to Smoke, Buy tobacco, Sell, peddle Cigarettes* - The ordaining clause of this ordinance are as follows:

1. Children below 18 years of age are prohibited to smoke and buy cigarette;
2. Children below 18 years of age are prohibited to man stall or store or peddle cigarettes;
3. Cigarette vending machines are banned; store owners are required to post clear and conspicuous “it is unlawful for tobacco products to be sold, distributed to or purchased by minors of tobacco products is unlawful”. Violation of minors does not exempt parents, guardians or employers form liabilities;
4. Convenience store (sari-sari) is not exempt from this ordinance.

Violators to this ordinance shall subject to a fine of PhP1,00.00 for first offense; PhP2,000.00 for second offense; and PhP2,500.0 fine and cancellation of business' permit for third offense.

Section 51. Municipal Ordinance No. 14-11-2004. *Ordinance Providing Curfew Hours to Minors (18 years below)* within the Territorial Jurisdiction of Jagna, Bohol – Curfew Hours to minor is 10:00 P.M. to 4:00 A.M. However, the ordinance provided an exemption ad follows:

1. Minors accompanied by parents, relatives or guardians during curfew hours attending important occasions such as birthday party, thanksgiving party, Christmas party, etc. ;
2. Minors attending school activities during the designated curfew hours;
3. Minors who are confronted with emergency events.

Violators to this ordinance shall be penalized as follows: 8 hours civic works for First Offense, 16 hours works plus fine of PhP200.00 to be shouldered b the parents or guardians and PhP500.00 fine of the Third Offense and succeeding offenses.

Section 52. Municipal Ordinance No. 16-11-2004. *Ordinance Providing Penalty to Proprietors or Owners of Commercial Stores Selling Volatile Substance Products such as “RUGBY” to Minors.* Violators of such measure shall be penalized by a fine of PhP2,500.00 for first offense and cancellation of business permit for Second Offense.

Section 53. Municipal Ordinance No. 14-04-2005. *Ordinance Regulating the Buy and Swell Operation of Scrap materials in the Municipality of Jagna, Bohol and providing penalty thereof.* Minors area strictly prohibited to engage in gathering and selling of scrap materials and likewise, prohibited to be at the municipal dumpsite engaging in scavenging.

Section 54. Municipal Ordinance No. 12-03-2005. *Ordinance Creating the Jagna Council for the Portection of Children (JCPC) and Providing for its Composition.* This ordinance is known as the “JAGNA COUNCIL FOR THE PROTECTION OF CHILDREN” (JCPC). The council is composed of the following:

- | | |
|-------------------------|---------------|
| 1. Municipal Mayor | Chairman |
| 2. Municipal Vice Mayor | Vice Chairman |
| 3. MLGOO-DILG | Member |
| 4. MSWDO-DSWD | Member |

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- | | |
|---|--------|
| 5. SB MEMBER, Chairman on Comm.
On Social Services & Community Development | Member |
| 6. SK Chairman –Jagna SK Federation | Member |
| 7. ABC President | Member |
| 8. Municipal Health Officer | Member |
| 9. MPDO-MPDC | Member |
| 10. Municipal Engineer | Member |
| 11. Parish Priest – Jagna Parish | Member |
| 12. MAO-DA | Member |
| 13. HRMO | Member |

Section 55. Municipal Ordinance No. 26-11-2005. –“AN ORDINANCE IMPLEMENTING THE ANTI-TRAFFICKING IN PERSONS.” Violation to this ordinance shall be penalized with a fine of PhP2,500.00 and six months imprisonment.

CHAPTER 9

REMEDIAL MEASURES, PENAL PROVISION AND BUDGET APPROPRIATIONS

Article P. Other Necessary Requirements

Section 56. Persons Who may File a Complaints – Complaints on unlawful acts committed against children as enumerated herein maybe filed by the following:

- a) Offended party;
- b) Parents or Guardians;

- c) Ascending or collateral relative within the third degree of consanguinity;
- d) Officer or Social worker of the Department of Social Welfare and Development;
- e) Officer, social worker or representative of a licensed child-caring institution;
- f) Barangay Captain; or
- g) At least three (3) concerned responsible citizens residing in the community where the violation occurred.

Section 57. Protection Custody of the child - The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the local social welfare and development officer pursuant to Executive Order No. 56 series of 1986. Custody proceedings shall be in accordance with the provisions of P.D. No. 603. AT the instance of the offended party, his or her name may be withheld until the court requires jurisdiction over the case. It shall be unlawful for any editor, publisher, and reporter or columnist, announcer, producer, and director to cause undue and sensationalized publicity of any case of violation of this Act which results in the moral degradation and suffering of the offended party.

Section 58. Reporting and Immunity. A person who learns of facts that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the Department of Social Welfare and Development Officer and to the law enforcement agency or to the JCPC concerned.

The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing, to DSWD or other agency the examination and/or treatment of a child who appears to have suffered abuse within forty eight (48) hours from the knowledge of the same.

Failure of any individual to report of a possible child abuse to the proper authorities shall be punishable under RA. 7610.

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Any person who act in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising therefrom. There shall be a presumption that any such person acted in good faith.

Article Q. Penalty Clause

Section 59. Penalties. – The penalty for any violation of this code, which is not penalized elsewhere in other section of this code or in national law, shall be imprisonment of six (6) months and for a fine of PhP2,500.00.

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

- a) Attendance in a parenting or any appropriate seminar;
- b) Community service of seven to ten (7 -10) days;
- c) Counseling session;
- d) Family therapy;
- e) Participation in appropriate training courses;

Article R. Budgetary Appropriations

Section 60. Appropriations for Children's Programs - The local Government Units shall appropriate funds as part of the annual budget for the implementation of children's programs.

CHAPTER 10

SEPARABILITY/REPEALING EFFECTIVITY CLAUSE

Section 61. Separability Clause. If for any reason or reasons, any part or provision of this code shall be held to be unconstitutional or invalid, pothor parts or provisions hereof which are not affected hereby shall continue to be in full force and effect.

Section 62. Repealing Clause. All ordinances, resolutions, executive orders an other issuances which are inconsistent with any of the provisions of this code are hereby repealed or modified accordingly.

Section 63. Effectivity. This code shall take effect upon its approval.

Enacted: January 30, 2006.

DO NOT COPY

AFFIRMATIVE:

SGD. BONIFACIO GO VIRTUDES, SR.
Municipal Councilor

SGD. JESUS B. ACEDILLO
Municipal Councilor

SGD. VICTORINO M. NAYGA, SR.
Municipal Councilor

SGD. PACHECO LL. RANCES
Municipal Councilor

SGD. GODOFREDO P. OKIT, SR.
Municipal Councilor

SGD. ALBERTO Y. CAFE
Municipal Councilor

SGD. SENEN C. LLOREN
Municipal Councilor

SGD. ALFONSO R. GALES, SR.
Municipal Councilor

SGD. ANDREW G. TADENA
Municipal Councilor (ABC Pres.)

SGD. DEXTER LITO N. RANIS
Municipal Councilor (SKMF Pres.)

NEGATIVE: N O N E

ON LEAVE:

CERTIFIED CORRECT:

SGD. RENATO R. ACERA
MGDH I/SB Secretary

ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:

SGD. ENGR. TEOFISTO C. PAGAR, SR.
Presiding

APPROVED: February 20, 2006
Date Signed

SGD. HON. EXUPERIO C. LLOREN
Municipal Mayor