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**ORDINANCE NO. 13394-2018**

**AN ORDINANCE APPROVING THE CAGAYAN DE ORO CITY COMPREHENSIVE CHILDREN'S WELFARE CODE OF 2018; REPEALING ORDINANCE NO. 10536-2007, AND FOR OTHER PURPOSES**

**BE IT ORDAINED** by the 18<sup>th</sup> City Council (*Sangguniang Panlungsod*) of Cagayan de Oro in session duly assembled that:

**ARTICLE I  
BASIC PRINCIPLES**

**SECTION 1. TITLE** – This ordinance shall be known and cited as the Cagayan de Oro City Comprehensive Children's Welfare Code of 2018.

**SECTION 2. DECLARATION OF POLICIES AND PRINCIPLES –**

- (1) The Local Government of Unit of Cagayan de Oro recognizes the vital role of children in nation building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being of the child. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;
- (2) The Local Government Unit of Cagayan de Oro shall protect the best interest of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party in order to serve the best interests of children, which shall be the paramount consideration in all actions concerning them consistent with local autonomy and the principle of "First Call for Children" as enunciated in the United Nations Convention of the Rights of the Child (UNCHR);
- (3) The Local Government Unit of Cagayan de Oro likewise recognizes the right of the children to assistance, including care nutrition and special protection from all forms of neglect, abuse, cruelty, and exploitation and other condition prejudicial to their development and to undertake the holistic protection and development of children together with national government agencies and non-governmental organizations (NGOs) concerned;
- (4) The Local Government Unit of Cagayan de Oro shall protect and rehabilitate children threatened or endangered by circumstances which affect or will affect their normal development or their very survival, and over which they have no control, and that every effort shall be exerted to promote and protect the welfare of children and enhance their opportunities for a useful and happy life;
- (5) The Local Government Unit of Cagayan de Oro also recognizes the protection and preservation of the diversity of the local culture, its customs and tradition by means of cultural sensitivity; and
- (6) It is hereby declared to be the policy of the Local Government Unit of Cagayan de Oro to effectively promote, fully enhance, and institutionalize the provision, participation, and protection of children's rights within the framework of advancing general welfare in furtherance of integrated, sustainable, and equitable development.

**SECTION 3. DEFINITION OF TERMS** – The following terms as used in this Code shall be defined as:



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- a) “Child” shall refer to person below eighteen (18) years of age or those over eighteen but are unable to fully take care of themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition. For purposes of this ordinance the term minor is used to mean child;
- b) “Child Abuse” shall refer to the maltreatment, whether habitual or not, of the child which includes any of the following:
  - i. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
  - ii. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
  - iii. Unreasonable deprivation of his basic needs for survival, such as food and shelter: or
  - iv. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his growth and development or in his permanent incapacity or death.
- c) “Best interest of the Child” shall refer to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child’s physical, psychological, intellectual, social, spiritual and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child;
- d) “Child in Difficult Circumstances” shall refer to circumstances which gravely threatens or endanger the survival and normal development of children to include but are not limited to the following:
  - i. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
  - ii. Working under conditions hazardous to life and safety which unduly interface with their normal development;
  - iii. Living in or fending for themselves in the street of urban or rural areas without the care of parents or guardian or basic services needed for a good quality of life;
  - iv. Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;
  - v. Being a victim of a man-made or natural disaster or calamity; or
  - vi. Circumstances analogous to those above-stated which endanger the life, safety or normal development of children.
- e) “Child at Risk” shall refer to child who is vulnerable to and at risk of committing criminal offenses because of personal, family and social circumstances, as such, but not limited to the following:
  - i. Being abused by any person through sexual, physical, psychological, mental economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;



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- ii. Being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
  - iii. Coming from dysfunctional or broken family or without a parent or guardian;
  - iv. Being in a community where there is armed conflict or being affected by armed conflict-related activities;
  - v. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
  - vi. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or guardian or any adult supervision needed for their welfare;
  - vii. Being children of indigenous people and/or living under conditions of extreme poverty or in area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;
  - viii. Being a victim of a human-made or natural disaster or calamity;
  - ix. Analogous circumstances which endanger the life, safety or normal development of children.
  - x. Gang or living in a community with high level of criminality or drug abused;
  - xi. Dysfunctional and broken family;
  - xii. Child prostitution; and
  - xiii. Parents having identified their children with disability must bring their child to a rehabilitation center.
- f) "Child in Conflict with the Law" shall refer to a child who is alleged as, accused, or adjudged as, having committed an offense under existing laws and law of the Philippines to be consistent pursuant to R.A. 9344, as amended R.A. 10630.
- g) "Community-based Programs" shall refer to programs provided in a community setting develop for purposes of rehabilitation of the child in conflict with the law, for integration into the child family and/or community;
- h) "Comprehensive program against child abuse, exploitation, and discrimination" shall refer to the coordinated programs and services and facilities to protect children against:
- i. Child prostitution and other sexual abuse of R.A. 7610, R.A. 8353;
  - ii. Child trafficking-under the provisions of R.A. 9208 as amended by RA 10364;
  - iii. Obscene publication and indecent shows of R.A. 9775;
  - iv. Other acts of abuse (R.A. 9231) child labor; and
  - v. Circumstances which threatens or endanger the survival and normal development of children.
- i) "Child Trafficking" shall refer to the recruitment, transportation, transfer or harbor or receipts of minors with or without the victim's consent or knowledge, within or across



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national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which included at a minimum, the exploitation or the prostitution or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs as defined under R.A 9208 as amended;

- j) "Prostitution" shall refer to any act transactions, scheme or designs involving the use of the person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration;
- k) "Forced labor and slavery" shall refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of force, or coercion including deprivation of freedom, abuse of authority or moral ascendancy, debt bondage, or deception;
- l) "Child Sex Tourism" shall refer to a program organized by travel and tourism-related establishments and individuals which consist of tourism packages or activities utilizing and offering escorts and sexual services of children as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military;
- m) "Sex Exploitation" shall refer to participation by a person in prostitution or the pornographic materials including online pornography or cybersex as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, fraud, or through abuse of a victim's vulnerability;
- n) "Sextortion" shall refer to a form of blackmail in which sexual informations or images are used to extort sexual favors from the victim. Either through social media, text messages, or any other means considered to be sources of sexual materials used to threaten the victim by it with others;
- o) "Debt Bondage" shall refer to the pledging by the debtor of his or her personal services or labor or those of a child under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt;
- p) "Pornography" shall refer to any representation, through publication, exhibition, cinematography, indecent shows, information technology, internet, or by whatever means, of a child engaged in real or simulated explicit sexual activities or representations of sexual parts of a person for primary sexual purposes;
- q) "Provision Rights" shall refer to the right of the child to resources, skill, services that are necessary to ensure survival and development to their full potential;
- r) "Protection Rights" shall refer to the right of the child being protected against all forms of abuse, exploitation and discrimination in the major areas where a child is considered in extremely difficult circumstances;



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- s) "Participation Rights" shall refer to the right of the child which includes the child's freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and to freedom of association;
- t) "Children in Need of Special Protection (CNSP)" shall refer to all persons below 18 years of age, or those 18 years old and over but are unable to take care of themselves because of physical or mental disability or condition: who are vulnerable to or are victims of abuse, neglect, exploitation, cruelty, discrimination and violence (armed conflict, domestic violence) and other analogous conditions prejudicial to their development. CNSP include but are not limited to:
- i. Sexually/physically-abused children;
  - ii. Children in commercial sexual exploitation;
  - iii. Children in conflict with the law;
  - iv. Children involved in armed conflict;
  - v. Working children or victims of child labor;
  - vi. Children in various circumstances of disability;
  - vii. Displaced children/refugee children;
  - viii. Children directly affected by Human Immuno-Deficiency Virus (HIV)/ Sexual Transmitted Infections/Disease (STI/D);
  - ix. Street Children;
  - x. Children in substance abuse;
  - xi. Mentally challenged children;
  - xii. Abandoned children/children without primary caregiver;
  - xiii. Indigenous Peoples Children;
  - xiv. Unregistered Children; and
  - xv. Children of Overseas Filipino Workers
- u) "Guardian" shall refer to a person who has been appointed by a judge to take care of a minor child or incompetent adult (both called "ward") personally and/or manage that person's affairs. To become a guardian of a child either the party intending to be the guardian or another family member, a close friend or a local official responsible for minor's welfare will petition the court to appoint the guardian. In case of a minor, the guardianship remains under court supervision until the child reaches majority at eighteen (18);
- v) "Intervention" shall refer to the Department of Social Welfare and Development (DSWD) intervening on behalf of the child if it finds, after its case study, that the petition for guardianship or custody should be denied;
- w) "Pedophile" shall refer to the person with this attraction. It denotes significantly older adults who are sexually attracted to children below the local age of consent as well as those who have sexually abused a child;
- x) "Firecracker" means any device, whether regular or irregular, in shape, or any powder compact device of any form or shape and of any size or weight that explodes when lighted or pressed and emits fire and smoke, not included in the category of dynamite or high explosive;
- y) "Chaperone" shall refer to any person of legal age who accompanies and looks after the minor during the travel, whether parent, guardian, custodian, or other persons such as grandparent, uncle, aunt, cousin, sibling, teacher, coach, friend, or etc.;





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- z) "City" shall refer to Cagayan de Oro City;
- aa) "CSWDD" shall refer to City Social Welfare and Development Department;
- bb) "Custodian" shall refer to any person of legal age who is acting in loco parentis ("in the place of a parent") to a minor;
- cc) "Parent" shall refer to the natural or adoptive parent of the minor;
- dd) "Parental Travel Permit" shall refer to a document issued by the Department of Social Welfare and Development (DSWD) to a minor traveling abroad accompanied only by one parent or persons exercising parental authority. When a minor is traveling with only one of his/her parents, the parent who is left behind shall execute a duly notarized Parental Travel Permit, certifying that he/she is allowing the minor to travel with his/her spouse;
- ee) "PNP" shall refer to the Philippine National Police;
- ff) "Travel Clearance" shall refer to a document issued by the DSWD (Department of Social Welfare and Development) to a Filipino child (below 18 years of age) traveling abroad alone or with someone other than his/her parents, legal guardian, or custodian. A travel clearance certificate shall be valid for a period of one (1) year from the date of issuance and shall be valid for multiple travels within the said validity period, provided that the conditions under which the travel clearance was issued have not changed. If a change in condition occurs, (e.g., a change in traveling companion, then a new travel clearance must be obtained; and
- gg) "NCIP" shall refer to the National Commission on Indigenous Peoples.

### ARTICLE II PROVISION ON THE RIGHTS OF CHILDREN

**SECTION 4. ROLE OF THE CITY GOVERNMENT** - The City Government of Cagayan de Oro shall ensure the survival and proper development of children. The city shall implement a primary health care program which shall be formulated by the City Health Officer, in coordination with or assistance of the Department of Health, which will include the following programs:

- a) Requiring all parents, guardians, primary care givers and significant others to exclusive breastfeed their infants up to six (6) months and encouraging up to two years, submit newborn child or infant within forty-eight (48) hours for Newborn Screening and immediate reporting for appropriate management;
- b) Submitting children for Operation Timbang, full immunization, deworming and assessment on integrated management on childhood illness (IMCI) for early detection of complications like dehydration and pneumonia;
- c) Requiring all pregnant women and/or postpartum mothers to have prenatal check-up, Tetanus Diphtheria Vaccination, and postpartum check-up one week after delivery;
- d) Directing all local health personnel to intensify advocacy on the pillars of Family Planning emphasizing birth spacing and consider the health of the mother as a paramount factor; strengthen measures to sustain low Maternal Mortality Rate (MRR)



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- and Infant Mortality Rate (IMR); monitor Lying-in and other private clinics catering to deliveries; and recommend measures based on findings to concerned agencies;
- e) Intensifying and sustaining the home, school and community food production and other nutrition programs;
  - f) Monitoring of Milk Code, Food Fortification Law and Act on Salt Iodization (ASIN) pursuant to RA 8172;
  - g) Promoting and monitoring the birth registration in relation to the right of the child to a name and nationality pursuant to Article VII of United Nations Convention on the Rights of the Children (UNCRC); and
  - h) Promoting micronutrient supplementation among young children and mothers (*i.e.*, Vitamin A, Iron, etc.)

**SECTION 5. BIRTH REGISTRATION OF CHILDREN IN NEED OF SPECIAL PROTECTION (CNSP)** – Conformably with the City Government’s recognition of the right of a child to a name and nationality upon birth:

- a) It shall be the duty of any finder of CNSP to report the incident to the Punong Barangay of the place where the CNSP was found/rescued, and to the nearest police precinct/authority. Thereafter, the Punong Barangay or police authority shall facilitate the commitment of the child to the Department of Social Welfare and Development (DSWD), or to a duly licensed and accredited orphanage or charitable institution;
- b) In case the finder is given custody of the child, he/she shall cause the registration of birth of the child;
- c) Any government institution or Social Welfare and Development Agency (SWADA) licensed and accredited by the DSWD which is in custody of CNSP or who possesses any information about the CNSP shall cause the registration of birth;
- d) The registration of birth of the CNSP shall be made in the Local Civil Registry Office where the child was born, if known. If the place of birth is unknown, registration shall be made in the place where the child was found, or in the residence of the custodian;
- e) The registration shall be made sixty (60) days from the date of the actual custody of the child, except during armed conflicts, emergencies, natural calamities and other difficult circumstances, in which case the registration shall be made sixty (60) days after the cessation thereof. Failure of the custodian to register the child within the elementary period shall make him/her liable under existing laws;
- f) The registration of the birth of CNSP shall be exempted from payment of applicable Local Civil Registry fees. NSO fees of the CNSP shall be shouldered by City Government; and
- g) The registration of birth of CNSP shall conform to the rules and regulations under the Philippine Statistics Authority Memorandum Circular No. 2004-01.

**SECTION 6. RECOGNITION OF CHILD’S RIGHTS** - The City Government of Cagayan de Oro City recognizes the right of the child to education and to achieve progressive realization of these rights on the basis of equal opportunity and shall ensure to:

- a) Make education compulsory according to age bracket up to age 15 including children with special needs;



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- b) Make early childhood, elementary and secondary education available and accessible to every child; and
- c) Promote and encourage the cooperation of non-government organizations, private and public organizations, and other groups to provide financial assistance to the less fortunate and deserving children.

### ARTICLE III EARLY CHILDHOOD CARE AND DEVELOPMENT

**SECTION 7. ECCD ESTABLISHMENT** - Pursuant to RA 10410 or known as the Early Years Act of 2013, the City shall promote the rights of children to survival, development and special protection with full recognition of the nature of childhood and its special needs; and to support parents in their roles as primary caregivers and as their children's first teachers. The City shall institutionalize a National System for Early Childhood Care and Development (ECCD) that is comprehensive, integrative and sustainable, that involves multi-sectoral and inter-agency collaboration at the national and local levels among government; among service providers, families and communities; and among the public and private sectors, nongovernment organizations, professional associations, and academic institutions. This System shall promote the inclusion of children with special needs and advocate respect for cultural diversity. It shall be anchored on complementary strategies for ECCD that include service delivery for children from conception to age six (6), educating parents and caregivers, encouraging the active involvement of parents and communities in ECCD programs, raising awareness about the importance of ECCD, and promoting community development efforts that improve the quality of life for young children and families. The number of centers shall depend on the number of children, preferably proportionate to a ratio of 1:30 of center to children especially in heavily populated barangays.

1. Establishment of Child Development Centers - there shall be established Child Development Centers in barangays for at least a minimum of 15 and a maximum of 30 children enrolled. Special consideration will be given to hinterland barangays. Home-based ECCD- Home-based program such as neighborhood-based, play groups, family child care programs, parent education and home visiting programs (republic Act No. 1080 ECCD Act) shall be established.
2. CHILD DEVELOPMENT TEACHERS - Preferably a resident of the barangay, at least second Year College, shall possess good moral character, pass a psychological evaluation. They shall undergo trainings on Early Childhood Care and Development (ECCD) of the DSWD and any Colleges or Universities in the College of Education/Teacher of Education. The City Social Welfare and Development Office shall conduct a regular technical assessment and monitoring. Recruitment and hiring of Child Development Teachers must meet the standard set by the DSWD.
3. ACCREDITATION OF CHILD DEVELOPMENT TEACHERS AND CENTERS - Every Child Development Center and Teachers shall be accredited by authorized accreditors of the DSWD. Accreditation shall be based on Revised Assessment Tool and User's Manual for the Accreditation of DSWD. Renewal of accreditation shall be compulsory and be done immediately after the expiration of accreditation. The City Social Welfare and Development Office shall supervise and monitor the renewal of the accreditation of Child Development Centers and Teachers.
4. ACCREDITATION PERIOD AND SECURITY OF TENURE - The period of accreditation shall be based on the result of the evaluation on the service provider and the Child





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Development Center by the accreditors based on the standards set by the DSWD. For purposes of the continuation and stability of the program the accredited Child Development Teacher shall in no way be transferred, remove or suspended during the period of her accreditation without justifiable cause and due process thereof. No Child Development Teacher shall be removed from Self-Help Service by cause of change administration at the barangay level, unless found ineffective and inefficient on two (2) consecutive evaluation by CSWD.

5. REMOVAL OF CHILD DEVELOPMENT TEACHER - After due investigation by the Early Childhood Care and Development (ECCD) section, the City Social Welfare and Development Office shall recommend to the Federation for the Issuance of Resolution for Removal of Child Development Teacher. The CDT subject for the termination shall be given 15 days to turn over all necessary documents such as Records of pre-school children, class records, etc. to the ECCD Section. The concerned barangay shall be furnished with the copy of Resolution for their reference.
6. SEPARATION INCENTIVES FOR CHILD DEVELOPMENT TEACHERS- Child Development Teachers shall be entitled to receive the following retirement:

10 years to 15 years	- 50% of the minimum wage law
16 years to 20 years	- 75% of the minimum wage law
21 years and above	- 100% of the minimum wage law

- a) The program shall include the following:
  - i. Monitoring of registration of birth and the completion of the immunization series for prevention of tuberculosis, diphtheria, tetanus, measles, poliomyelitis and such other diseases for which vaccine have been developed for administration to children up to six (6) years of age in coordination with Barangay Health Center Personnel;
  - ii. Growth and nutritional monitoring enrolled in Child Development Center with supplementary nutritional feeding & supervision of nutritional intake at home;
  - iii. Care for children of working mothers during the day and, where feasible, care for the children up to six (6) years of age when mothers are working at night provided that the Day Care Center need not take care of children in a particular place but shall develop network of homes where women may take care of the children in a particular place but shall develop network of homes where women may take care of the children up to six (6) years of age of working mothers during work hours with adequate supervision from the supervising Social Welfare Officer of the Department of Social Welfare and Development of the city; provided further, that, where young children are left to the care of paid domestic, an elderly relative or older children without adequate and competent adult supervision, the Supervising Social Welfare Officer shall provide such training and adult supervision until the children's care meets adequate standards whereby the children under their care will develop normally as healthy, happy and loved children, even in the absence of their mothers during working hours;
  - iv. Material and network of surrogate mother-teachers who will provide intellectual and mental stimulation to the children, as well as supervised wholesome recreation, with a balanced program of supervised play, mental stimulation and activities, and group activities with peers;



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- v. A sanctuary for abused, neglected or exploited children either in one child institution in the Barangay and/or network of sanctuary-homes which will take in children in urgent need of protection due to a situation which endangers the child or which has exposed the child to cruelty and abused: a provided, that the Day Care Center, with the help and support of the Barangay Chairman and their barangay- level support system may call upon law enforcement home situation;
  - vi. A referral and support system for pregnant mothers for prenatal and neonatal care in the proper case for delivery of the infant under conditions which will remove or minimize risk to mother and child. Provided that high-risk mothers shall be referred to the proper tertiary or secondary care services personnel and children who are at risk from any condition or illness will be brought for care; provided further that the Day Care Center shall be alert to illegal abortions and incompetent obstetrical and pediatric medical care for mother and child who are at risk; and
  - vii. A support system and network of assistance from among the members of the barangay for the total development and protection of children.
- b) The City shall establish a Youth Rehabilitation Center which shall provide 24 hours group case, treatment and rehabilitation services under the guidance of trained staff where residents are cared for under a structured therapeutic environment with the end in view of reintegrating children to their families and communities as socially functioning individuals, particularly those who are at risk and/or in conflict with law, taking into consideration the best interest of the child.
  - c) The City shall establish Youth Shelter Home separate for boys and girls which shall provide a 24 hours short term residential care of children in conflict with law who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction;
  - d) The City shall establish a Drug Rehabilitation Center for minor drug dependents in conformity with existing guidelines therefor.

**SECTION 8. ECCD ROLE AND RESPONSIBILITIES OF THE CITY GOVERNMENT-**The City Government shall perform the following role and responsibilities, but not limited to:

- a) implement the National Early Childhood Care and Development (ECCD) program by providing basic public ECCD services;
- b) support the organization of parent cooperatives to initiate the establishment of ECD programs;
- c) ensure the services providers of public ECCD programs under its supervision shall be justly compensated, that adequate funds are made available, and their working conditions are conducive to fulfil national quality standards;
- d) provide counterpart funds for the training and continuing education of ECCD service providers, and supporting the operations of the city and barangay ECCD coordinating committees/City Council for the Protection of Children; and
- e) ensure the active participation of various stakeholders at all levels in the planning, implementation, monitoring and evaluation of ECD projects and programs in the city.

**SECTION 9. QUALIFICATIONS OF CITY ECCD OFFICER-** The City ECCD Officer shall have the following qualifications, but not limited to:



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- a) Master's degree in any ECCD-related field as social work, community development, health, education, nutrition, and psychology; and
- b) Experience in program management in related ECCD fields.

### ARTICLE IV CHILD MINDING CENTER

**SECTION 10. ESTABLISHMENT.** - There shall be established Child Minding Center at City Hall and in every commercial center, industry, school and other working places in this City a Child Care Center or Child Minding Center to be operated and maintained by the City Government or the respective management thereof, as the case maybe. All national government agencies, local government units, and GOCCS within the City are enjoined to establish, implement and sustain the Child Minding Services pursuant to and in accordance with Executive Order No. 340 Series of 1997.

- a) **Features of Child Minding Center-** The Child Minding Center shall have the following features:
  - i. Preferably situated at the center of the workplace or any available space that is accessible to employees;
  - ii. A well-ventilated, open space without barriers nor accident-prone fixtures;
  - iii. Of rounded structure with one meter cemented base wall but the rest are screened walls visible to the public and floors of wooden tiles;
  - iv. Should have a circular and child-friendly bathroom and toilet facilities, away from dining/kitchen area, but accessible to the child, with tiled floor, a pit measuring the size of the child's small feet and small button flush. All the faucet and related fixtures ate within the reach of the small fingers of the child; and
  - v. Should have a lactation room.
- b) **Services Offered by Child Minding Center** – The Child Minding Center shall provide nine-hour non-stop service for infants and toddlers of employees, consisting of custodial and health care, food service and early child education. Surrogate mothering shall be integral to its program.
  - i. It would cover children 2 months to 2 years old. Sound indigenous Filipino practices will be inculcated in rearing up the children. Earth-friendly/appropriate babyhoods, as well as stories games and play and ethnic art and music will be part of the program;
  - ii. Nutritious and natural foods will be given to children 4-6 months to 2 years old every two-hour interval in small amounts appropriate to the needs of the children's immature digestive system to develop good eating habits to keep them from being dependent on processed/junk foods;
  - iii. Counselling on breast feeding for working women will be part of its premium service. Proper techniques of breast milk preservation and re-lactation will be managed; and
  - iv. Mother-support group will be formed to prepare them to run the child-minding program. Training inputs to mothers will include issues of women, reproductive health, alternative initiatives on healthcare, foods that heal and nourishes, early



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child education, counselling techniques, leadership skills, organizational management and networking. Sessions will be given at lunchtime for 6 months. It will be open to the public too.

- c) **Fees-** To ensure sustainability, parent-beneficiary will shoulder the child-enrollee's fee on socialized scheme to cover for the nine hours custodial and health services, educational inputs and continues feeding program. The fee will also cover the honorarium of certified caregivers at the ratio of one caregiver to three babies (one infant and two toddlers).
- d) **Clearance requirement-** No business permit shall be issued to an establishment having a workforce of not less than 10 mothers with children between the age of 2 months and 2 years old unless it has established a Child Minding Center within its work place.

For this purpose, the Business and Licensing Division of the City Mayor's Office shall require concerned establishments to secure such clearance from the Child Minding Task Force before issuing their business permits.

### ARTICLE V PROTECTION RIGHTS OF THE CHILD

**SECTION 11. MANDATORY REPORTING.** It shall be the duty of any person who has personal knowledge of facts and circumstances of a child who is suffering from any form of abuse, neglect, or is abandoned by his/her parents or guardians, to report by any means to the nearest office of the Barangay Council for the Protection of Children (BCPC), the City Social Welfare and Development Office (CSWDO), or any police station and other Law Enforcement Agencies, or to the City Council for the Protection of the Children (CCPC), and other concerned agencies.

**SECTION 12. SEXUALLY EXPLOITED AND PROSTITUTED CHILDREN. -** Sexually exploited and prostituted children shall be considered as victims of abuse and shall be afforded with utmost protection, understanding and support. A comprehensive program, including massive information and education campaign, regular counseling and medical services, shall be provided by the CCPC.

1. The following prohibited acts shall be penalized;
  - (a) Those who engage in or promote, facilitate or facilitate or induce child prostitution, which include, but not limited to the following:
    - i. Acting as a procurer of a child prostitute;
    - ii. Inducing a person to be a client of a child prostitute by means of written or oral advertisement or other similar means.
    - iii. Taking Advantage of influence or relationship to procure a child as prostitute;
    - iv. Threatening or using violence towards a child to engage him as a prostitute; or
    - v. Giving monetary consideration, goods or other pecuniary benefit to a child with intent to engage such child prostitution.



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- (b) Those who derive profit or advantage there from, whether as manager or owner of the establishment where the prostitution takes place or the owner of the sauna, disco, bar resort, place of entertainment or establishment serving as a cover or which engages.
- (c) There is an attempt to commit child prostitution which shall likewise is penalized in the following instances, to wit:
  - i. When the person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishment, vessels vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse; and
  - ii. When any person is receiving services from a child in sauna parlor or bath, massage clinic, health club and other similar establishment.

### SECTION 13. CHILDREN AS GUESTS IN BARS, INNS, MOTELS, HOTELS, RESORTS, AND SIMILAR ESTABLISHMENTS -

- a. **Requirements.** The owner or the concerned personnel or employees of inns, motels, hotels, resorts, and other similar lodging establishments shall observe the following:
  - 1) To require, when practicable, from all adult guests or clients who avail of the services to present proof of identity such as but not limited to passports, birth certificate, driver's license and any other valid identification cards and record the identification presented, its id number, date and place of issue if available;
  - 2) Whenever practicable, adult guests or clients who are bringing with them a child or children, to require from them proof of identify of the child/children such as but not limited to passports or other legal or private documents or any valid identification cards of the child or children and record the document or id card presented. Specifically, for drive in hotels, clients shall be subjected to visual inspection, whether there are minors inside the vehicle. In a child-friendly manner, the following information shall be asked from the child or children including those who appear to be a child or children of oral or verbal communication;
    - i. name;
    - ii. address;
    - iii. birthdate or age;
    - iv. Relationship with the guests or clients who brought the child/children.
  - 3) To maintain a separate record book of all guests or clients who are bringing with them a child or children or of all minor or children guests or clients only with no adult companions. This record book is open to law enforcement authorities conducting surveillance and monitoring of possible child prostitution, sexual exploitation, and other sexual abuse of children in the establishment. Guests/clients should be informed of this policy;
  - 4) To exercise due diligence of a good father in the vigilance over guests who have children not registered as guests, to the rooms of the registered guests/clients except those who are related to the registered guests within the fourth civil degree of consanguinity or affinity. The personnel concerned shall call the attention of the





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children and adult companion, if any, who attempt to enter the rooms without first passing through the desk officer or concerned employee; and

- 5) To report to the Social Welfare Office or the PNP Station through the Women and Children Protection Desk Officer, to the Barangay Officials and the Tourist Police any of the following suspicions or allegations of child exploitation or abuse:
  - i. Child victim or witness with personal knowledge who reported to the company personnel incidents of child prostitution, sexual exploitation, and other sexual abuse of children happening in the establishment or involving their guests, clients or visitors;
  - ii. Guests/clients who are taking with them inside their room child/children not related with them within the fourth civil degree of consanguinity or affinity and not registered as guests or whose alleged relation with guests/ clients does not satisfy or convince the personnel concerned;
  - iii. Sexually explicit or pornographic materials involving children found in their possession;
  - iv. Guests or visitors taking along with them a minor under 12 years of age who are not related with them within the fourth civil degree of consanguinity or affinity in the establishment; and
  - v. Guests or visitors hanging around in the establishment with a child or children not related with them within the fourth civil degree of consanguinity or affinity.

Reports shall be made immediately after the incident or within 24 hours after having formed reasonable suspicion of child exploitation.

**b. Adoption of Child Protection Policy.** It is mandated by this ordinance that all inns, motels, hotels, resorts, and other similar lodging establishments shall adopt and implement the Child Protection Policy, an ethical policy regarding child prostitution, sexual exploitation, and other sexual abuse of children.

- 1) For the purpose of this Ordinance, the Child Protection Policy shall contain the establishment's ethical stance on the issue of child prostitution and the basic commitment to counter child prostitution, sexual exploitation, and other sexual abuse of children.
- 2) Child Protection Policy shall be adopted from this basic example:
  - i. "Our company is fully against child prostitution, sexual exploitation, and other sexual abuse of children in inns, motels, hotels, resorts, and other similar lodging establishments. We will refuse to conduct business with any person or company who is engaged or associated with this type of activity."
  - ii. "We will train our staff and partners to ensure that they know what to do if they suspect such activity in the course of their work."
- 3) A duly signed Child Protection Policy shall be displayed at the reception desk, lobby, façade or other visible areas of the company's establishments as a preventive measure to address child prostitution, sexual exploitation, and other sexual abuse of children.
- 4) Compliance with this section shall be one of the requirements for the renewal of the annual business permit and or license to operate being issued by the permit or license officer of the LGU concerned. Newly established enterprise shall be given



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one year to formulate and adopt their child protection policy in accordance with this ordinance and other relevant issuances.

- c. **Orientation of Employees and Personnel.** It shall be the obligation of the lodging establishment to orient or train all employees and personnel of their enterprises about the implementation of the child protection policy. The companies may coordinate with the Local Government Unit through the Office of the Mayor through the Department of Social Welfare and Development Office and Non-Government Organizations promoting the same cause, for the conduct of the orientation and training of its personnel. Orientation may be done through the association/s. The orientation shall include: understanding the phenomenon of the commercial sexual exploitation of children in travel and tourism or child sex tourism; measures of implementation of the Child Protection Policy; and reporting incidences of abuse and exploitation.

**SECTION 14. CHILD TRAFFICKING** – The City Government recognizes its vital role in addressing the problem of trafficking in persons, especially women and children, at the local level by instituting policies and programs to prevent, protect, and rehabilitate victims of trafficking, (refer to proposed ordinance implementing RA9208). The City Government shall monitor and document cases of trafficking in persons within the City.

**SECTION 15. PROHIBITION** – It shall be prohibited for any person to further exploit trafficked children.

**SECTION 16. PROSECUTION OF CHILD TRAFFICKERS** – The City Government of Cagayan de Oro shall ensure the effective prosecution of cases of trafficking in persons committed in the City.

**SECTION 17. INFORMATION CAMPAIGN AGAINST TRAFFICKING IN PERSONS** – The City Government of Cagayan de Oro shall undertake an information campaign against trafficking in persons through the establishment of the Migrant Advisory and Information Network (MAIN) desks in coordination with the DILG, Philippine Information Agency (PIA), Commission on Filipino Overseas (CFO), NGOs and other concerned agencies, organizations and individuals as well as the posting of signages in conspicuous/public places especially in the City's point of exits/entries; i.e., public transport terminals, seaport, airport, etc.

**SECTION 18. OBSCENE PUBLICATIONS AND INDECENT SHOWS. –**

- a) Any person who shall hire, employ, use, persuade, induce or coerce a child perform in obscene publications or pornographic materials or to sell or distribute the said materials shall be penalized pursuant to R.A. No. 9775.
- b) Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or participate in any obscene play, scene, act, movie or show or in any other acts covered by this section shall likewise be penalized.

**SECTION 19. FOR ADULT MOVIES SHOWING REGULATION** – No owner or person in charge of any movie house, theatre, stadium and other places of amusement shall allow children below five (5) years old to enter the same except when the show, film or presentation is specifically for children or for educational purposes. Likewise, person below



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eighteen (18) years old shall not be allowed to enter Movie Theater showing films classified by the Movies and Television Regulatory and Classification Board (MTRCB) as For Adults Only.

**SECTION 20. OTHER ACTS OF NEGLECT, ABUSE, CRUELTY OR EXPLOITATION AND OTHER CONDITIONS TO THE CHILD'S DEVELOPMENT:** Any person including the parents or guardians of a child who shall use, coerce, force or intimidate a child or any other child under the following circumstances shall be penalized:

- a. Conceals or abandons the child with intent to make such child lose his civil status;
- b. Abandons the child under such circumstances as to deprive him of the love, care and protection he needs;
- c. Sells or abandons the child to another person for valuable consideration;
- d. Neglects the child by not giving him the education which the family's status in life and financial conditions permit;
- e. Fails or refuses, without justifiable grounds to enroll the child as required by law;
- f. Causes, abates or permits the truancy from the school where he is enrolled "Truancy" as herein used means absence without cause for more than twenty school days, not necessary consecutive
- g. Improperly exploits the child by using him, directly or indirectly such as for purposes of begging and other acts, which are inimical to his interest and welfare;
- h. Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignation and other excessive chastisement that embarrass or humiliate him;
- i. Pedophilia or obsession with children as sex objects. It shall include overt acts, such as taking sexually explicit photographs, molesting children and exposing one's genitalia to children. It is the paraphilia of being sexually attracted primarily or exclusively to prepubescent or pubescent children;
- j. Causes or encourage the child to lead an immoral or dissolute life;
- k. Permits the child to possess handle or carry a deadly weapon regardless of its ownership;
- l. Allows or requires the child to drive without license or with license which the parent knows to have been illegally procured;
- m. Cause or allow a child to act as conduit or middlemen in drug trafficking or pushing; and
- n. Causes, participates, directs a child in the conduct of illegal activities shall be penalized.

**SECTION 21. CHILD LABOR.** - Children below 15 years old and below shall NOT be employed in circumstances as amended by R.A 9231, otherwise known as an Act providing for the Elimination of the Worst Form of Child Labor and Affecting Stronger Protection for the Working.

1. The guidelines provided under R.A 9231, the child is prohibited to work in hazardous (physical & psychological) exposure, sexual conditions.
2. Any employer and parent/guardian who permitted the child to be employed is punishable by law working/hiring as:
  - a. Porter;
  - b. Side car (sikad/padyak) driver;



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- c. Conductor/jeepney/bus helper;
  - d. Deep sea fishing;
  - e. Quarrying and mining;
  - f. Guest entertainer in Bars/Hotel & other establishment
  - g. Dispatcher/barker;
  - h. Peddling like cigarettes and boiled maize; and
  - i. Bakery
3. Except those circumstances, children who are 15 years old and above are allowed by law to work on the following conditions:
    - a. Secure approval from the Department of Labor & Employment;
    - b. Should render only working 4 hours daily;
    - c. Allowed to work doing simple domestic help; and
    - d. Establishments operators or host households shall provide sleeping quarter/medical/ accident/educational assistance as needed
  4. Schools should have a data base on working students for monitoring
  5. Barangay should have a baseline data on families' source of income
  6. Barangay must regularly monitor on business establishment

**SECTION 22. CHILDREN DISPLACED BY ARMED CONFLICT AND/OR CALAMITIES.** - An evacuation center and resettlement area shall be immediately provided to families displaced by armed conflict and/or calamities. Counseling services shall also be extended to the children.

In addition, children who are engaged in combats, and under the custody of law enforcement officers, shall be provided with rehabilitation program to prepare them for re-integration to the community.

**SECTION 23. CHILDREN IN CONFLICT WITH THE LAW.** - The City government, in coordination with the Philippine National Police (PNP), the Prosecutors' Office, Department of Health, and Department of Social Welfare and Development, and the Commission on Human Rights shall ensure that children in conflict with the law are protected from any form of abuse, discrimination, and exploitation as provided under R.A 9344, otherwise known as comprehensive Juvenile Justice and Welfare Act of 2006.

The City shall establish a Youth Rehabilitation Center which shall provide 24 hours group case, treatment and rehabilitation services under the guidance of trained staff where residents are cared for under a structured therapeutic environment with the end in view of reintegrating children to their families and communities as socially functioning individuals, particularly those who are at risk and/or in conflict with law, taking into consideration the best interest of the child:

- a. A Youth Home Intervention Center shall be implemented by the City government to take care of children who have been apprehended/arrested or have violated a law, and/or their case is pending before the court, or have been criminally convicted;
- b. A certified and competent psychologist shall be hired by the City government to take charge in the counseling of children;



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- c. Children in the center shall be provided with skills training and personal development trainings that will help them become self-reliant individuals; and
- d. The city government should duly implement the principle of restorative justice by requiring a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It shall seek to obtain reparation for the victim; reconciliation of the offender, the offended and the community; reassurance to the offender that he/she can be reintegrated into society. It shall enhance public safety by galvanizing the offender, the victim, and the community in prevention strategies.

**SECTION 24. ABANDONED AND NEGLECTED CHILDREN.** The city government, in coordination with the City Social Welfare and Development (CSWD), shall provide temporary shelter to children who are found to be abandoned and neglected.

**SECTION 25. STREET CHILDREN.** The CCPC shall formulate a comprehensive plan to resolve the problem of the proliferation of street children in coordination with CSWD, non-government organizations, church, and other civic groups, to include massive information campaign and enforcement of the Anti-Mendicancy Law and protection of children against any use force, or any abusive language to street children, especially during the Holiday Season when children migrate to the City.

**SECTION 26. GAMBLING, COCKPIT, MAHJONG AND OTHER GAMBLING PLACES:**

- a) Children should be totally free from the influence and pernicious effects of gambling of whatever form and betting in sports.
- b) The owner/s, operator/s, manager/s, or any responsible person of a cockpit, mahjong parlor and other gambling establishments, whether licensed or not, operating within the City of Cagayan de Oro, shall be strictly prohibited from admitting or allowing children to enter the said gambling establishments or profit and for whatever purpose.
- c) If a child is found inside any gambling establishments, it is presumed that his/her entry is with the permission of the owner/operator/manager or any responsible person of the said establishments.
- d) If a gambling place is owned by a corporation, the President or its Chief Executive Officer or any member of the Board of Directors who personally authorized, allowed, consented, or acted in conspiracy with the manager or any person responsible for the commission of the prohibited acts shall also be held criminally liable as principal.
- e)
  - i. No children shall be admitted in any bars, clubs, and cafes exhibiting shows unfit for minors including enclosed or open establishments or any establishments, which sell liquors. However, children ages 13 to 17 years old maybe allowed entering the said establishment if accompanied by their parents, adult relatives or other responsible adults.
  - ii. No person shall sell, give, or offer intoxicating liquor to any person less than 18 years of age except for medical purposes when certified and prescribed by a physician.
  - iii. No person less than 18 years old shall buy, receive or drink intoxicating liquor like alcohol, whisky, ale, beer, brandy, gin, rum, champagne, basi, tuba, or any





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- other beverage liable to produce intoxication, except when prescribed by a physician for medical purposes.
- iv. Proof of age shall be required from the parents or guardians before children aged thirteen (13) years but not below 15 may be accepted entrance.
  - v. Establishments selling liquors shall be required to install signs on the ban of selling liquors to minors.
- f) City Social Welfare and Development Officer, with the assistance of the PNP in every Police Station in the City, are mandated to do a weekly/monthly monitoring to the video-k bars and similar establishments.
- g) A monthly/quarterly report based on the weekly monitor shall be submitted by the CSWDO to the City Council for the Protection of Children (LCPC)

**SECTION 27. RESTRICTION HOURS FOR CHILDREN.** – No person below fifteen (15) years old shall roam, wander around, stand-by, or loiter in around market places, restaurants, cafes, bars, nightclubs, cocktail lounges, massage clinics, beer houses, discotheque joints or saloons, cabarets or liquor stores, gambling places, plazas, parks, recreation halls, billiard halls, parlors, bowling alleys, theater lobbies, sidewalks, hotels, and all other similar establishments, after ten o'clock (10:00) post meridian, and before five o'clock (5:00) ante meridian, except however, on the eve of the town fiesta, Charter Day and other local holidays for the city of Cagayan de Oro, Christmas, New Year, All Souls day, All Saints Day, Good Friday, Holy Thursday up to the Resurrection day immediately following, or those who have just attended in and are going home from school classes, civic or religious gatherings or social occasions.

**SECTION 28. REGULATED ACTS OVER INTERNET CAFES, VIDEO GAME CENTERS, ETC. -**

- a) Owners of internet café and commercial video center shall share the responsibility of promoting the best interest of children that facilitate their educational development.
- b) **Prohibition-** It shall unlawful for owners, operators or persons in charge of Internet Cafes, Video Game Centers, bowling alleys and similar establishments to allow minors to play computer or video games inside their establishments from 7:00AM to 3:00PM during school days.
- c) **Exemption.** – Notwithstanding of the above provision to the contrary, minors maybe allowed to play computer video games inside Internet Cafes, Video Games Centers and similar establishments during afforested elementary period; Provided, That they can present a Consent Card duly signed both their parents/s and school principal.
- d) Furthermore, any commercial video or computer establishment allowing children to enter the said establishments during school days pursuant to the school authorized research or activity for educational purposes shall not be covered by this ordinance. Provided, that the student or group of students/pupils can present a school clearance or permit signed by the principal or the Teacher-In-Charge.
- e) Unless proven satisfactorily, when a child is found inside a commercial video or computer establishment, it is *prima facie* presumed that he/she managed his/her way



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in through the admission or permission of the owner, operator, or responsible person threat.

- f) School days as herein defined shall not include the whole period of Summer Vacation and Semestral Break and those officially announced by the President or by competent authorities as no-classes.
- g) Internet café owners are prohibited from allowing children to access pornographic sites, nor be engaged in any pornographic activities through the internet.

**SECTION 29. REGULATED ACTS OVER BILLIARD HALLS-**

- a) No school children sixteen (16) years old and below shall be allowed to play billiard or pool in billiard halls from Monday to Friday except when accompanied by their parents or guardians.
- b) **Exemption-** Notwithstanding the preceding Section, such playing of billiard shall be allowed if the same forms part of school activity or program.

**SECTION 30. SMOKING BAN ON REGULAR AND ELECTRONIC (VAPE) CIGARETTE.** - Children should be prevented from procuring and/or trying the vice of smoking either regular or electronic cigarette (E-cigarette, Personal Vaporizers, Alternative nicotine with flavors. It shall be unlawful for minors to smoke.

- 1. Any person/corporation/commercial establishment who sell to or entertain the purchase by a minor commits a violation shall be held liable for the offense.
- 2. In case of doubt as the real age of the buyer, retailers shall verify, by means of any valid form of identification containing the date of the bearer.
- 3. Establishments that are selling/distributing tobacco/vaporize products shall post "PERSONS BELOW 18 YEARS OLD ARE NOT ALLOWED TO SELL/PURCHASE/DISTRIBUTE."

**SECTION 31. PROHIBITION ON THE USE AND SELLING OF INHALANT.** -All children below 18 years old are prohibited to use/sniff any solvent. Solvent is a combination of two chemicals forming into liquid or gas for a solution specifically, thinner, rugby, *vulcaseal*, nail polish, gasoline. Examples of inhalant substances, but not limited to, are paint thinners and removers, gasoline, glues, and felt-tip marker fluids. Gases include medical gases (ether, nitrous oxide) and household or commercial products (butane lighters, propane tanks, whipped cream dispensers that contain nitrous oxide, and refrigerants).

- a) No children shall sniff solvent.
- b) No children shall buy solvent from any person or establishments.
- c) All establishments selling solvents are required to maintain a data (name, age and occupation of the buyer to be submitted to the Office of CCPC or PNP. Likewise, no establishments, store owners shall sell or distribute solvents to children.

**SECTION 32. REGULATING THE SALE, DISTRIBUTION, PROCUREMENT, AND USE OF FIRECRACKERS OR PYROTECHNICS DEVICES TO CHILDREN** - No person, business establishments, store owners, and the like shall likewise sell or distribute,



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directly or indirectly, any firecracker or pyrotechnic devices to minors upon procurement of the latter.

**A. OBJECTIVE.** It is the objective of this measure to regulate the sale, and distribution of firecrackers and other pyrotechnic devices to minors, to protect the latter from possible jeopardy that is inimical to their health and welfare.

### **B. TYPES OF PROHIBITED FIRECRACKERS AND PYROTECHNIC DEVICES**

#### **I. Firecrackers**

- a) *Baby Rocket* – A firecracker with a stick so constructed that a lighting of the wick will propel the whole thing to lift a few meters before exploding. The firecracker is about 1 ½ inches in length by 3/8 inches in diameter while the stick is about a foot in length
- b) *Small Triangulo* – A triangle shape firecracker with powder content less than the bawang and usually wrapped in brown paper measuring ¾ inch length in its longer side
- c) *Pulling of Strings* – A firecracker with a small tube about an inch in length and less than ¼ of an inch in diameter with strings on each end. Pulling both strings will cause the firecracker to explode;
- d) *Paper Caps* – Minute amount of black powder spread in either small strips of paper on a small sheet used for children's toy guns 2;
- e) *El Diablo* – Firecracker tubular in shape about 1 ¼ inches in length and less than ¼ inches in diameter with a wick; this is also known as labintador;
- f) *Judah's Belt* – A string of firecrackers consisting of either diablos or small triangulos that can number up to a hundred or thereabout and culminating in large firecracker usually a bawang;
- g) *Sky Rocket (kwitis)* – A large version of a baby rocket designed to be propelled to a height of forty (40) to fifty (50) feet before exploding; and
- h) Other types equivalent to the foregoing in explosive content

#### **II. Pyrotechnic Devices**

- (a) *Sparklers* – Pyrotechnic devices usually made of black powder on a piece of wire or inside a paper tube designed to light up and glow after igniting;
- (b) *Luces* – Any of several kinds of sparklers;
- (c) *Fountain* – A kind of sparkler conical in shape which is lighted on the ground and designed to provide various rising colors and intermittent lights upon being ignited;



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- (d) *Jumbo regular and special* – A kind of sparkler similar to a “fountain” but bigger in size;
- (e) *Mabuhay* – Sparklers bunched into a bundle of a dozen pieces;
- (f) *Roman Candle* – A sparkler similar to a “fountain” but shaped like a big candle;
- (g) *Trompillo* – A pyrotechnic device usually fastened at the center and designed to spin first clockwise and then counter-clockwise and provides various colored lights upon being ignited;
- (h) *Airwolf* – A kind of sky rocket shaped like an airplane with a propeller to rise about forty (40) or fifty (50) feet and provide various kinds of lights while aloft;
- (i) *Whistle Device* – Any of the various kinds of firecrackers or pyrotechnics designed to either simply emit a whistle-like sound or explode afterwards upon being ignited;
- (j) *Butterfly* – A butterfly-shaped pyrotechnic device designed to lift above ground while providing light; 11. All kinds of pyrotechnic devices (pailaw); and
- (k) Other types equivalent to the foregoing devices.

**C. OTHER PROHIBITED TYPES OF FIRECRACKERS AND PYROTECHNIC DEVICES SELL TO MINORS.** The sale and distribution of any firecrackers and pyrotechnic devices not mentioned above, with explosive content that could endanger life and limb, such as but not limited to atomic big triangulo and super lolo and their equivalent are strictly prohibited.

**D. PENALTIES.** Any person and business establishment or store owners who shall sell and distribute firecrackers and other pyrotechnic devices to minors, provided, that person has full conviction and knowledge that the person who procures and /or buys is duly recognized as minor as defined in section 3 herein, in violation of the provisions of this Ordinance shall be penalized by a fine of not less than Twenty thousand Pesos (P20, 000.00) nor more than Thirty thousand pesos (P30, 000.00), or imprisonment of not less than six (6) months nor more than one (1) year, or both such fine and imprisonment, at the discretion of the court in addition to the cancellation of his license and business permit and the confiscation of the Government of his inventory or stock pursuant to R.A. No. 7183 .

**ARTICLE IV  
PARTICIPATION RIGHTS OF CHILDREN**

**SECTION 33. CHILD REPRESENTATION IN THE CCPC** – The City Government of Cagayan de Oro shall ensure child representation in the City Council for the Protection of Children (CCPC) and in barangay levels hereby amending hereof the membership of CCPC as provided in Ordinance No. 8624- 2003, February 03, 2003.

**SECTION 34. NOVEMBER AS CHILDREN’S MONTH.** – The Children’s Month Celebration in November is pursuant to Republic Act 10661, otherwise known as National Children’s Month (NCM) Act and DILG Memorandum Circular 2015-123. This declaration



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commemorates the adoption of the Convention on the Rights of the Child (CRC) by the United Nations General Assembly on November 20, 1989 and seeks to instill its significance in the Filipino consciousness. The City Council for the Protection of Children in cooperation with the Barangay Councils for the Protection of Children shall conduct child-focused activities for the month promoting the rights of children.

### **SECTION 35. MANDATORY CONSULTATION OF NATIONAL PROJECTS & COORDINATION WITH NATIONAL GOVERNMENT AGENCIES:**

- a) Prior to the implementation of any national project by any and all national government agencies, bureaus, offices with regards to children, the express approval by Chief Executive and the Sangguniang Panlungsod shall be obtained after the holding of the public hearings on the matter.
- b) In the full implementation of this Code and the overall development of all children within the locality, local programs, projects and activities shall be coordinated with, as far as practicable, national government agencies concerned.

### **ARTICLE V IMPLEMENTING MECHANISM**

#### **SECTION 36. ROLE AND DUTY OF THE LOCAL CHIEF EXECUTIVE-**

- a) The Local Chief Executive, for and in behalf of the Local Government, shall be principally responsible for the implementation of this Code and the attainment of its avowed objectives, provided, that in addition to the duties delegated to and possessed by the Local Chief Executive, he/she is hereby authorized and directed to cause the full implementation of this Code as well as to exercise those powers necessary, appropriate, incidental or essential for the promotion of the survival, development, protection and participation of children in particular, and the general welfare.
- b) In the regulation of establishments, enterprises, projects and activities which are subject to the authority of the local government, the office of the Local Chief Executive shall take into account this Code in the issuance or cancellation of permits and licenses including renewals thereof, or rejection of applications. The Local Chief Executive shall be further authorized, after due notice, hearing, investigation to order and cause the closure of non-complying establishments and enterprises.
- c) The Local Chief Executive is hereby authorized to enter into inter-local government cooperative arrangements with nearby local government for mutual benefit and in furtherance of the rights of children in such local governments.

#### **SECTION 37. COMMITTEE ON CHILDREN-**

1. In addition to the standing and special committee of the Sanggunian, there shall be created a Committee on Children composed of the president of the federation of the Sanggunian Kabataan as Chairman and another three (3) sanggunian members thereof.
2. The committee shall have the following functions and responsibilities:
  - (a) Formulate, consider and deliberate on proposals, measures and bills affecting the children, their survival, protection, development and participation;





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- (b) Conduct periodic public hearings and consultations with appropriate organizations and agencies involved with children;
- (c) Receive, process reports and recommendations and dialogue with the City Council for Children; and
- (d) Creation of the Barangay Committee on Children in every Barangay.

**SECTION 38. CREATION OF THE CAGAYAN DE ORO COUNCIL FOR THE WELFARE OF CHILDREN (CDOCWC)**- A Council for the Welfare of Children to be known as the Cagayan de Oro Council for the Welfare of Children (CDOCWC) is hereby created.

a) **Composition**- The Council shall be composed of the following;

- A. Chair - City Mayor
- B. Co-Chair - Chair, City Council Committees on Social Services and Women and Family Relations
- C. Vice Chair - to be selected among the members of NGO's
- D. Members:
  - i. Chair, SP Committees on Health, Education, Youth, and Finance
  - ii. SK Federation President
  - iii. City Health Officer
  - iv. City Budget Officer
  - v. City Treasurer
  - vi. City Social Welfare Officer
  - vii. City Planning and Development Coordinator
  - viii. President Liga ng mga Barangay
  - ix. Public Employment Services Officer
  - x. City Tourism Officer
  - xi. City Civil Registrar
  - xii. City Information Officer
  - xiii. MTCC Representative
  - xiv. xvi. City DILG
  - xv. xviii. Department of Education- City
  - xvi. xix. Cagayan de Oro City Police Office/Women's Desk Officer
  - xvii. xx. Presidential Commission on the Urban Poor- 10
  - xviii. xxi. Commission on Human Rights- 10
  - xix. xxii. Five Children Representatives
  - xx. xxiii. Five NGOs/SWADA accredited by the City
  - xxi. Xxiv. Oro Youth Development Council (OYDC)
  - xxii. xxv. Inter-Faith Organization

Member offices shall designate their permanent representative to the CCPC.

The CCPC may create executive and special committees for its effective and efficient operation.

**Executive Committee Members** - The following shall compose of executive committee members of the CCPC coming from Chair, SP Committees on Health, Education, Youth, Finance, City DepEd, CSWDD, COCPO, City DILG, PCUP, Three NGOs accredited by the City, CHO, CPDO, and OYDC.



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- b) **CDOCWC Secretariat-** The staff from CDOCWC shall serve as Secretariat, which shall provide administrative and technical support services thereto.
- c) **Creation of CDOCWC Office and Staff.** There shall be created a CDOCWC office with at least four staff (Social Worker, SOCTEC, Admin, and Driver) who are employees from CSWDD and amenities under the supervision of the CDOCWC in collaboration with CSWDD. Social Worker shall be the coordinator of the said office.
- d) **Powers and Functions-** The City Council for the Protection of Children shall have the following powers and functions:
- i. Formulate plans, programs and policies for children that are gender sensitive, culturally relevant and responsive to the needs of diverse groups of children below 18 years of age;
  - ii. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
  - iii. Prepare Annual Work and Financial Plan (AWFP) for children and recommend appropriations to the Sangguniang Panlungsod;
  - iv. Provide technical assistance and recommend financial support to the Barangay Council for the Protection of Children or similar bodies;
  - v. Establish and maintain database on children in the city;
  - vi. Foster education of every child;
  - vii. Advocate for the establishment and maintenance of playgrounds, day care centers and other facilities necessary for child and youth development;
  - viii. Recommend local legislations promoting child survival, protection, participation and development, especially on the quality of television shows, media prints and coverage, which are detrimental to children, and with appropriate funding support;
  - ix. Assist children in need of special protection and refer cases filed against child abuses to proper agencies/institutions;
  - x. Conduct capability building programs to enhance knowledge and skills in handling children's programs;
  - xi. Protect and assist children in need of special protection (e.g. abandoned, maltreated and dependents) and refer cases filed against child abusers to proper agencies/institutions;
  - xii. Document barangay best practices on children;
  - xiii. Monitor situational reports on children and prepare quarterly updates including the implementation of children's program and make recommendations to the City Mayor for consideration;
  - xiv. Coordinate the implementation and enforcement of all laws relative to the promotion of child and youth welfare;
  - xv. Perform such other functions and other child related laws especially in matters of child and parent education, health, entertainment, etc.;



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- xvi. Prepare and submit to the City Mayor plans and programs for the total development of children and youth and submit to him an Annual Report of the progress thereof;
  - xvii. To call upon and utilize any department, bureau; office, agency or instrumentalities, public, private or voluntary, for assistance as it may require in the performance of its functions;
  - xviii. Serve as the Oversight Committee in the monitoring and implementation of this Code and such as, it may suggest proposals and submit recommendations for legislative action on matters affecting children;
  - xix. Act as an advisory committee on the Sanggunian with respect to children's protection and development and the uses of local appropriations for this purpose;
  - xx. Authorize the City Treasurer, as the case maybe, with the concurrence of the Sanggunian, to disburse funds from the Special Children Fund thereto created in accordance with the budget prepared;
  - xxi. Designate and undertake education programs for the general public specific sectors and interest groups, special types of children such as but not limited to working, abused, differently-abled, indigenous people's children youth offenders;
  - xxii. Prepare and present an annual assessment of the implementation of this Code to the assembly of children as provided for in Section 9 hereof;
  - xxiii. Develop and implement support services enumerated in Section 23 of R.A. 9208;
  - xxiv. Oversee and monitor foundations and centers for children in the city operated by the City Government and/or NGOs and approve registration of these foundations prior to its accreditation and with City Government;
  - xxv. Rights to receive grants, donations from any source and to establish a special account thereof in the City Government for same purpose;
  - xxvi. Establish a Special Education for Special Children; and
  - xxvii. Such other functions as the Sanggunian will delegate; such as create or establish committees that would deal or work on Anti-Trafficking of Women and Children, Child Labor and Slavery, Child Prostitution, Pornography, Indigenous Persons/Children (pursuant to law on Indigenous People).
  - xxviii. Formulate Comprehensive Local Juvenile Intervention Program.
- e) **Meetings-** the CCPC shall convene in regular meeting once a month every third week thereof and as many special meetings as maybe called by the City Mayor or the majority of the members of the Council in a resolution duly passed for the purpose.
- f) **Appropriation-** Based on its Program of Works, there shall be appropriated so much amount as may be necessary in the Annual Budget of the City for the operation of the City Council for the Protection of Children.

To augment its funding, national agencies, GOs and NGOs that are members thereof may provide counterpart funds for their CCPC-related operations.



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(Memorandum Circular 2012-120 of the Department of Interior and Local Government (DILG) - "Allocation of One Percent (1%) Internal Revenue Allotment (IRA) for the Strengthening and Implementation of the Programs, Projects and Activities of the Local Councils for the Protection of Children (LCPC) Per Section 15 Of Ra 9344")

- g) Barangay Council for the Protection of Children- All Barangays in the City are hereby mandated to create and organized their respective Barangay Council for the Protection of Children (BCPC) and shall coordinate in drawing and implementing plans for the promotion of child and youth welfare.
- i. **MANDATORY PARTICIPATION TO SEARCH FOR CHILD-FRIENDLY BARANGAY.** All Barangays are mandated to join, not for the sole purpose of competing in the Annual Search for Child-Friendly Barangay, but for the continuous enhancement and strengthening of their respective Barangay Council for the Protection of Children's functionality, as the primary defender of children from any forms of abuses, discrimination and exploitations and to foster better mechanism for child right's promotion and protection.
  - ii. **PENALTY.** Before the Barangay could receive their budget from the City Budget Office for review, they are required to allocate 1 % of their IRA for children and submit annual working financial plan and activities for children to be induced in their Barangay Annual Development Investment Program.
  - iii. **COMMUNITY OF BEST PRACTICE.** The winning Barangay for three (3) consecutive and non-consecutive years within the span of six (6) years shall be considered by the City Council for the Protection of Children as Community of Best Practice for immersion and exposure of interested barangay government units across the region, Mindanao Area and the country in general. The concerned Barangay, aside from the Seal to be Awarded by the City Government, shall also receive a FIFTY THOUSAND CASH Assistance in the continuous implementation of their activities for children and will no longer be eligible to join in the succeeding Search.
  - iv. **FORFEITURE OF CASH INCENTIVES.** The Non-enjoiment in the Search and Failure to maintain the Rating Standard set by the CCPC in two consecutive instances shall void the incentives and automatically permits the concerned Barangay to compete in the next Search. XXXXX

**SECTION 39. ROLE OF REGULATORY AND COMPLAINTS BOARD** - The Regulatory and Complaints Board (RCB) shall be responsible in regulating establishments covered under this Code.

**ARTICLE VI  
PROHIBITED ACTS**

**SECTION 40. SANCTIONS OF ESTABLISHMENT OR ENTERPRISES WHICH PROMOTE, FACILITIES OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATION AND INDECENT SHOWS AND OTHER ACTS OF ABUSE.**

1. All establishment and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publication and indecent shows and other



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acts of abuse shall be immediately closed and their authority or license to operate canceled subject to due process requirements, without prejudice to the owner or manager there being prosecuted under this Code and/or the Revised Penal Code as amended or special laws.

2. After an administrative determination of the culpability of the owners, managers, employees and agents of said establishment or enterprises, a sign with the words "off limits" shall be conspicuously displayed outside the establishment or enterprises for such period which shall not be less than one (1) year, as the Council may determine.
3. An establishment shall be deemed to promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publication and indecent shows and other acts of abuse if the acts constituting the same occur in the premises of said establishment under this code. An enterprise such as sauna, travel agency or recruitment agency which promotes the aforementioned acts as part of a tour for foreign tourists, exhibits children in a lewd or indecent show provides child masseurs for adults of the same or opposite acts and said services include any lascivious conduct with the customers or solicits children or activities constituting the aforementioned acts shall be deemed to have committed the acts penalized herein.

**SECTION 41. PROHIBITION AGAINST LABELING AND SHAMING.** - In the taking of custody of children beginning from the initial contact with the child, the competent authorities must refrain from branding and labelling children as young criminals, juvenile delinquents, prostitutes or attaching them in any manner any other derogatory names. Likewise, no discriminatory remarks and practices shall be allowed particularly with respect to the child's class or ethnic origin.

**SECTION 42. OTHER PROHIBITED ACTS.** The following and any other similar acts shall be considered prejudicial and detrimental to the psychological, emotional, social, spiritual, moral and physical health and well-being of the child in conflict with the law and therefore, prohibited.

1. Employment of threats of whatever kinds and nature;
2. Employment of abusive, coercive and punitive measures such as cursing, beating, stripping and solitary confinement.
3. Employment of degrading, inhuman and other cruel forms of punishment such as shaving of heads, pouring irritating corrosive or harmful substances over the body of the child in conflict with the law, or forcing the child to walk around the community wearing signs which embarrass, humiliate, and degrades the child's personality and dignity; and
4. Compelling the child to perform involuntary servitude in any and all forms under any and all instances.

**ARTICLE VII  
FINAL PROVISION**

**SECTION 43. GENERAL PENALTY-** 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 of six (6) months to one (1) year or a fine ranging from ₱500.00 to ₱5,000.00, or both at the discretion of the court.





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**SECTION 44. INFORMATION DISSEMINATION** - The City Information Office is hereby directed to formulate and implement an Information Dissemination Program to inform the general public about this code and to cause the printing and distribution of this Code.

**SECTION 45. APPROPRIATIONS** - There shall be allocated in the annual budget of each City Government department or office in charge of implementing the provisions of this Code so much amount necessary to carry out the provisions of this Code.

**SECTION 46. SEVERABILITY** - If, for any reason or reasons, any part or provision of this Code shall be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

**SECTION 47. REPEALING CLAUSE** - Ordinance No. 10536-2007, ordinances, resolutions, Executive Orders and other issuance/s which are inconsistent with any of the provisions of this Code, are hereby repealed or modified accordingly.

**SECTION 48. FORMULATION OF IMPLEMENTING RULES AND REGULATIONS.** - Within six (6) months after the approval of this Ordinance, the Council for the Protection of Children through a Technical Working Group shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance and shall be effective after approval of the City Mayor, and review this Code for possible amendments.

**SECTION 49. EFFECTIVITY** - This Code shall take effect upon completion of its publication and posting in at least two (2) conspicuous places for a minimum period of three (3) consecutive weeks.

**UNANIMOUSLY APPROVED.**

AUTHOR: COUNCILOR REUBEN R. DABA

CO-AUTHOR: COUNCILOR IAN MARK Q. NACAYA

Present:

<i>1<sup>st</sup> District:</i>	- Councilor Lordan G. Suan	- Councilor Romeo V. Calizo
	- Councilor Edna M. Dahino	- Councilor Reuben R. Daba
<i>2<sup>nd</sup> District:</i>	- Councilor Ian Mark Q. Nacaya	- Councilor Maria Lourdes S. Gaane
	- Councilor Suzette G. Magtajas-Daba	- Councilor Dometilo C. Acenas, Jr.
<i>Abstention:</i>	- Councilor Teodulfo E. Lao, Jr.	
<i>Out of Session Hall:</i>	- Councilor Leon D. Gan, Jr.	- Councilor Enrico D. Salcedo
	- Councilor Yan Lam S. Lim ( <i>President, Liga ng mga Barangay</i> )	
<u>On Leave:</u>	- Councilor Nadya B. Emano-Elipse	- Councilor Annie Y. Daba
	- Councilor Jay R. Pascual	
<u>Absent:</u>	- Councilor Zaldy O. Ocon	- Councilor George S. Goking ( <i>Indisposed</i> )

**ENACTED** this 12<sup>th</sup> day of March 2018 in the City of Cagayan de Oro.

I hereby certify to the correctness of the foregoing Ordinance.

**ARTURO S. DE SAN MIGUEL**  
CITY COUNCIL SECRETARY

Attested as duly enacted:



Republic of the Philippines  
CITY OF CAGAYAN DE ORO

**OFFICE OF THE CITY COUNCIL**

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**RAINEIR JOAQUIN V. UY**  
CITY VICE-MAYOR  
PRESIDING OFFICER

Approved:

Attested:

**OSCAR S. MORENO**  
CITY MAYOR

**TEODORO A. SABUGA-A, JR.**  
ACTING CITY ADMINISTRATOR