

**Republika ng Pilipinas**  
**SANGGUNIANG PANLUNGSOD**  
**Lungsod ng Dabaw**

**ORDINANCE NO. 0292-06**  
**Series of 2006**

**AN ORDINANCE KNOWN AS THE “COMPREHENSIVE CHILDREN AND  
FAMILY SUPPORT SYSTEM IN DAVAO CITY, AS AMENDED”,  
OTHERWISE KNOWN AS “ DAVAO CITY CHILDREN’S WELFARE  
CODE, AS AMENDED”**

Be it enacted by the Sangguniang Panglungsod of Davao City in session assembled that:

**Article I. Title, Policy, Principles and Definition of Terms.**

**SECTION 1. TITLE-** This Ordinance shall be known as the "Comprehensive Children and Family Support System in Davao City, as Amended", otherwise known as "Davao City Children's Welfare Code, as Amended";

**SECTION 2. DECLARATION OF POLICY AND PRINCIPLE OF THE LOCAL GOVERNMENT OF DAVAO CITY-** It is hereby declared to be the policy of the local government of Davao City that the rights of children to their survival, protection, participation and development must be given high priority; it will work for the respect for the role of the family in providing for children and will support the efforts of parents, other child care and development workers, Non-Government Organizations (NGOs) and communities to nurture and care for children, from infancy including the earliest stages of childhood to adolescence.

It shall be the policy of the local government of Davao City to ensure that the programs aimed at the achievement of goals for the survival, protection, participation and development of children must be given priority when resources are

allocated. Every effort shall be made by the local government of Davao City to ensure that such programs are protected in times of economic austerity and structural adjustments;

### **SECTION 3. DEFINITION OF TERMS:**

**CHILDREN** -refer to persons below eighteen (18) years of age or those over but unable to fully take care of themselves to protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical and mental disability condition.

**SURVIVAL RIGHTS** -deal with the provision in relation to parental and governmental duties and liabilities, adequate living standard and access to basic health, health services and social security.

**DEVELOPMENT RIGHTS** -pertain to the access of a child to educational opportunities, access to relevant information, play, leisure, cultural activities and the right to freedom of thought, conscience and religion.

**PROTECTION RIGHTS** -cover those which guard children against all forms of child abuse, exploitation and discrimination in the major areas where a child is considered in extremely difficult circumstances.

**PARTICIPATION RIGHTS** -include child's freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and to freedom of association.

**CHILD ABUSE** -refers to the maltreatment of the child, whether habitual or not, which includes any of the following:

- Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
- Any act by deed or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
- Unreasonable deprivation of his/her basic needs of survival such as food and shelter; or

- Failure to immediately give medical treatment to an injured child resulting to serious impairment of his/her growth and development or permanent incapacity or death.

**CIRCUMSTANCES WHICH GRAVELY THREATEN OR ENDANGER THE SURVIVAL AND NORMAL DEVELOPMENT OF CHILDREN**

- include but are not limited to, the following:

- Being in a community where there is armed conflict or being affected by armed conflict –related activities;
- Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development or working without provisions for their education;
- Living in or fending for themselves in the streets of urban and rural areas without the care of parents or guardian or any adult supervision needed for their welfare;
- Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lack or has inadequate access to basic services needed for a good quality life;
- Being with family members or guardians having psychological problems grave enough for them to commit incest, sibling rape, lascivious acts and other forms of physical and mental abuse;
- Being a victim of human-made or natural disaster or calamity;
- Being a victim of an illegal transnational union; or child trafficking;
- Circumstance analogous to those above stated which endanger the life, safety or normal development of children.

**COMPREHENSIVE CHILDREN'S SUPPORT SYSTEM AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION**

-refers to the coordinated program of services and facilities to protect children against:

- 1.) Child prostitution and other sexual abuse;
- 2.) Child trafficking;
- 3.) Other acts of abuse;
- 4.) Circumstances which threaten or endanger the survival and normal development of children or as prescribed in the United Nations Convention on the Rights of the Child.

**COMPREHENSIVE SUPPORT SYSTEM FOR THE DEVELOPMENT OF CHILDREN**

-refers to the coordinated program of services outlined in Sec. 3 of RA 6972

and as prescribed by the United Nations Convention on the Rights of the Child.

**DAVAO CITY SPECIAL OFFICE FOR CHILDREN'S CONCERNS (SOCC)**

-refers to the line-function office that shall be created by the local government of Davao City responsible for the implementation of this Ordinance with regulatory, executory, coordinative, monitoring and evaluative functions specific to children's rights promotion and protection distinct from the direct service function of the Davao City's social welfare arm, the City Social Services and Development Office (CSSDO).

**CHILDREN IN CONFLICT WITH THE LAW** - refer to persons below 18 years old who are alleged to have committed or who have been found to have committed offense(s) under Philippine laws.

**BENEFIT DANCE** -also known as community disco refers to a dance in the locality wherein young girls and boys in the process are being commodified for fund raising purposes.

**INTERNET CAFES** -are business establishments using the worldwide web or internet system that enable users to view and interact with a variety of information accessed through a computer connected to local area network. It may offer email services, chatting, games and surfing services.

**INTERNET SERVICE PROVIDER** -refers to the local or national network provider of Internet Services.

**CHILD PROSTITUTION** -is the sale, purchase, exchange, employment or hiring the services of children, or any attempt thereof, for the purpose of engaging in sexual intercourse or lascivious conduct for money, profit or other considerations by another.

**PERSONS ENGAGED IN PROSTITUTION** -shall include/encompass, but shall not be limited to the pimp, procurer of the service or customer, parents, owners, managers or operators of establishments such as disco bars, sauna baths, massage clinics, movie houses, vehicles like cars, taxi cabs or any other

forms of transportation, hotels and restaurants, and any other persons who employ various schemes to prostitute persons.

**CHILD TRAFFICKING** shall refer to the recruitment, transfer, or deployment of a child, and/or harboring or receipt of child with or without the victim's consent or knowledge, fraud or deceit, violence, coercion, intimidation, abuse of position or authority, within or across national borders for purposes of prostitution, work, services, marriage or adoption and other similar arrangement characterized by forced labor, slavery-like practices of sexual exploitation.

#### **ENTERTAINMENT ESTABLISHMENTS**

-are business establishments which include bars, nightclubs, beer houses, cocktail lounges, and massage clinics, karaoke bars/sing-along pub houses within Davao City.

**QUICK RESPONSE CENTER** -refers to the inter-agency center supervised by the City Social Services and Development Office (CSSDO) in coordination with the Special Office for Children's Concerns created to provide a 24-hour quick response for children who are in need of special protection.

**CHILDREN IN NEED OF SPECIAL PROTECTION** -refer to children living under circumstances which gravely threaten or endanger their survival and normal development as defined and expanded to include victims of STD-HIV-AIDS, physical and emotional neglect, and sex exploitation; children in conflict with the law, dependent, abandoned, neglected, girl children, and children in various circumstances of disabilities.

### **Article II Protection Rights of Children**

**SECTION 1. PROGRAM ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION** -There shall be a comprehensive program to be formulated by the Davao City Social Services and Development Office and the Davao City Council for the *Welfare* of Children in coordination with the Special Office for Children's Concerns, other governmental agencies, and the private sector concerned within one (1) year from the effectivity of this Ordinance, to protect children against child prostitution and other sexual abuse; child trafficking; obscene publications and indecent shows and

other acts of abuse; and circumstances which endanger child survival and normal development.

**SECTION 2. CHILD PROSTITUTION AND OTHER SEXUAL ABUSE** -Children, whether male or female, who for money, profit or any other consideration or due to the coercion or influence of any adult, syndicate or groups, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse. The following shall be liable under this Ordinance:

a.) Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:

- 1.) Acting as a procurer of a child for prostitution by means of written or oral advertisements or other similar means;
- 2.) Inducing a person to be a client of a prostituted child by means of written or oral advertisements or other similar means;
- 3.) Entering into a relationship with, or taking advantage of a child for prostitution;
- 4.) Threatening or using violence towards a child to engage him/her as a prostitute or participant in indecent shows;
- 5.) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.

b.) Those other persons who commit acts as stated in Article III of Republic Act No. 7610 and shall be penalized accordingly as prescribed in the same without prejudice to the prosecution of the same acts under our existing national laws. The Barangay Officials, through the Barangay Council for the Protection of Children shall actively monitor the recruitment of children for purposes of child prostitution at the barangay level and they shall conduct educational and information campaign against child prostitution to facilitate effective monitoring of the same;

**SECTION 3. SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATIONS AND INDECENT SHOWS**

All establishments or enterprises which promote, or facilitate child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse shall be immediately closed, their authority or license to operate canceled,

without prejudice to the owner or manager thereof being prosecuted under this Ordinance.

The Business Bureau shall designate personnel to act upon complaints to determine and/or validate reports of establishments or enterprises which promote, or facilitate child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse.

A sign with words: "**OFF LIMITS**" shall be conspicuously displayed outside the establishments or enterprises by the Davao City Special Office for Children's Concerns (SOCC) for a period of not more than one year.

#### **SECTION 4. ESTABLISHMENTS TO POST NOTICES AND INFORMATION AT ENTRY OR FRONT DESKS REGARDING CHILD PROTECTION**

-All hotels, sauna baths, inns, motels, night clubs and other establishments of similar services and movie houses shall be required to post notices and information about child protection to serve as deterrent to committing child trafficking, prostitution and other sexual abuse. To ensure the compliance by the concerned establishments to this section of the Ordinance, the SOCC, through the License Division of the Office of the City Mayor shall require these establishments to post such information or notices before their respective licenses shall be renewed and/or approved.

**SECTION 5. CHILD TRAFFICKING** -Any person who shall engage in child trafficking as defined in this Ordinance, shall suffer the penalty as prescribed in Article IV of the Republic Act No. 7610.

The arresting authorities are mandated by this Ordinance to file a case on child trafficking against the apprehended individual(s). The participation of the Department of Labor and Employment (DoLE), Philippines Ports Authority (PPA), Land Transportation Office (LTO), MARINA and the Land Transportation Franchising and Regulatory Board (LTFRB) is enjoined.

**SECTION 6. ATTEMPT TO COMMIT CHILD TRAFFICKING** -There is an attempt to commit child trafficking under Section 9 of this Ordinance:

- When a child below 15 years old travels alone to or from Davao city without valid reason therefore and without clearance issued by the Davao City Special Office for Children's Concerns or written permit or justification from the parents or legal guardians;

- When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration; or consent, participates or in any manner cause the registration of the birth of such child in the name of another with or without consideration;
- When a person, agency, establishment or child-caring institution recruits a woman or couples to bear children for the purpose of child-trafficking;
- When a doctor, hospital or clinic official employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking;
- When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers or other child caring institutions who can be offered for the purpose of child trafficking; or
- When any person, authority, agency or institution who are witnesses to and fails to report transactions related to circumstances in child trafficking.

Penalties prescribed under this Ordinance shall be imposed upon the principles of the attempt to commit child trafficking without prejudice to the prosecution of the same acts under our existing national laws. In addition, a one-month community service shall be imposed for the commission and omission of acts under Section 3. Such service shall be defined by the Davao City Council for the Welfare of Children;

**SECTION 7. PROHIBITION ON ESTABLISHMENTS SELLING OR ALLOWING TO BE SOLD TO CHILDREN CIGARETTES AND OTHER TOBACCO PRODUCTS, BEER, LIQUOR, OTHER INTOXICATING BEVERAGES AND CONTACT CEMENT (E.G. RUGBY) SOLVENT AND VOLATILE SUBSTANCES TO BE SOLD TO CHILDREN**

All wholesale, retail, hardwares, stores, grocery or convenience stores as well as all other business establishments in the city are prohibited from selling or serving beer, liquor, coconut wine and other intoxicating beverages, cigarettes and other tobacco products and contact cement solvent (rugby) to all children.



For purposes of this Ordinance, the penalty for the commission of such act as prescribed in Presidential Decree 1619 and in local ordinances shall be imposed. The filing of cases against establishments violating this provision must be closely enforced and monitored. The victim of the act committed under this section shall be entrusted to the care of appropriate agencies in coordination with the Davao City Special Office for Children's Concern (DCSOCC).

**SECTION 8. CONTROL ON CHILDREN'S EXPOSURE TO COMMERCIAL VIDEO, INTERNET GAMES AND OTHER ELECTRONIC GAMES**

-Commercial establishments catering rental of electronic video games to children, during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon shall be subjected to suspension of business permit for fifteen (15) days during the first offense and, one (1) month suspension of the same for the second offense. Confiscation of all video units and of said establishment and cancellation of business permit shall constitute the penalty for the third offense, as prescribed under the Internet Café Ordinance of Davao City.

Commercial establishments or cafes offering Internet services including but not limited to electronic-mail, fax, games, chatting, surfing and other such services covered by Internet technology which are accessed for a fee and/or other business establishments offering a combination of services such as food and Internet, bar and Internet recreation, Internet and other combinations shall not allow children to stay in their premises during schooldays from 8:00 am to 5:00 pm and between 10:00 pm and 8:00am in conformity and in relation to section 31 of this Ordinance unless for specific educational or study purposes such as research, data-gathering or statistical treatment duly assigned by a teacher or tutor or any educational institution representative. Violators of this specific provision shall suffer penalty of a fine of P 500.00 for the first offense, P 1,000.00 for the second offense, and P 2,000.00 for the third offense and/or revocation of business permit by the Mayor or both as provided for by Sections 4.3, 9 and 10 of the Davao City Internet Café Ordinance.

Commercial establishments or cafes offering Internet services portraying violent games and/or pornography shall be regulated and shall not be allowed to cater to children.

Monitoring of the same shall be ensured at the Barangay level through the Barangay Council for the Protection of Children.

As an alternative to increased patronage of children to commercial videogames, electronic games and internet cafes, all public and private schools are enjoined to put up recreational-educational facilities which shall include but not limited to internet centers and sports facilities to cater to children with the funding support of the Local Government of Davao City.

**SECTION 9. APPOINTMENT OF CHILD AND YOUTH RELATIONS OFFICER(S) WITHIN THE WOMEN AND CHILDREN'S PROTECTION DESK** -Each Police Station and the Bureau of Jail Management and Penology (BJMP) in Davao City shall have a Child and Youth Relation Officer (CYRO) incorporated under the existing Women and Children's Protection Desk created by the Philippine National Police (PNP) pursuant to R.A. 8551 tasked to handle cases involving children.

The CYRO must function purely as such, exclusively as CYRO for a period of five consecutive years. A memorandum of agreement with the PNP shall be forged by the local government of Davao City indicating the same. Police stations shall build a separate reception-cum-interview center for the Women and Children Protection Desk (WCPD) to ensure a child-friendly atmosphere in handling cases involving children. All police stations shall promote child-friendly units.

The WCPD personnel shall be on call for 24 hours and shall be assisted by a social worker at the district level and the Quick Response Center. *In rescue operations, the personnel must respond with or without the presence of a social worker in the rescue of children but the case must still be indorsed to a government social worker afterwards.*

There must have at lease one female police officer in every WCPD.

There shall be an investigation room within the Women and Children's Concern Section of the Davao City Police Office as venue for victims of heinous crimes under 12 years of age.

Child-friendly police procedures shall be implemented as contained in the existing police manuals and handbooks. Each WCPD personnel shall be provided with a copy of the police manuals and handbooks.

**SECTION 10. SPECIAL COURSE FOR PNP MEMBERS, JAIL OFFICERS AND AUXILIARY MEMBERS.** -A special course for members of the Philippine National Police (PNP) shall be designed to effectively handle children in need of special protection.

The police officers must undergo trainings on the management of Cases of Children in Need of Special Protection and Gender Sensitivity Trainings before assuming the functions of a CYRO.

All police officers shall take up the course, especially those who are to be assigned in the WCPD including Officers of the Bureau of Jail Management and Penology (BJMP). The Barangay Police, auxiliary units and volunteer organizations shall also be required to attend the special course inasmuch as they are front liners.

The course shall be designed and provided by the Davao City Special Office for Children's Concerns in close coordination with the Women and Children's Concern Section, other agencies, and NGOs focused on child and youth programs.

**SECTION 11. BRUTALITY AND/OR MALTREATMENT** -Any brutality and/or maltreatment against children committed by persons in authority and their agents including but not limited to barangay police, security guards, CVOs, CSU, CAFGUs, Police Volunteers, SPAG and their assets shall be subjected to penalty under this Ordinance as determined by the local Internal Affairs Service of PNP, NAPOLCOM, the Bureau of Jail Management and Penology, the Department of Interior and Local Government (DILG) and other appropriate agencies without prejudice to provisions of the Revised Penal Code. The SOCC shall monitor and assist in filing complaints of brutality and maltreatment at the appropriate courts.

**SECTION 12. PROHIBITION ON THE EMPLOYMENT OF CHILDREN** -Children shall not be employed as provided in the Labor Code of the Philippines and Republic Act No. 7658.

The employment of children domestic helpers, aged 16 and 17 years, and the termination of their employment shall be registered at the Office of the Barangay Captain. The Barangay Captain or the person designated by the Barangay Council for the Protection of Children is authorized to monitor the condition of children domestic helpers from time to time.

The SOCC, CSSDO and the Department of Labor and Employment shall develop alternative livelihood programs for the families of street and urban working children.

The City Government shall allocate higher budget for educational assistance to street children and employed children.

**SECTION 13. PROHIBITION ON THE EMPLOYMENT OF CHILDREN IN CERTAIN ADVERTISEMENTS** -No person and establishment shall employ or allow to employ any child to model in all forms of commercial or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products, prostitution and violence.

**SECTION 14. CREATION OF A MORO AND OF AN INDIGENOUS PEOPLE'S COUNCIL** -A council for Moro and for Indigenous Peoples communities in Davao city shall be created separately to facilitate planning, decision-making, implementation, and evaluation of all government programs affecting children of indigenous and Moro peoples. NGOs focused on these communities shall also be recognized, respected and represented to the Council.

The Council, in coordination with the Local School Board, the Division of City Schools, National Commission of Indigenous Peoples, Office of Muslim Affairs and the Davao City Council for the Protection of Children, shall create a Team of Educators to formulate a specialized curriculum which is culture-specific and relevant to the needs and existing situation of the indigenous and Moro children in Davao City.

**SECTION 15. CHILDREN AS SOCIAL INDICATORS OF LOCAL CONDITIONS**

Children are hereby declared as Social Indicators of Local condition. The City Planning & Development Office in coordination with the SOCC shall come up with a yearly situational analysis of children in Davao City for monitoring and evaluation.

**SECTION 16. RESPECT FOR THE INTERNATIONAL COVENANTS RELEVANT TO ARMED-CONFLICT** -The Local Government of Davao City shall undertake to respect and to ensure respect for rules of international humanitarian law applicable to Philippine political armed-conflict which are relevant to the child. Specifically the following policies shall be observed:

- Children shall not be the object of any attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other

cruel, inhumane or degrading treatment. Places that generally have significant presence of children including but not limited to schools, hospitals and places of worship shall also be protected from attacks or threats of attacks.

- Children shall not be allowed to take part in the hostilities. They shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, or couriers, or spies, cooks or medics.
- Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered.
- The safety and protection of those who provide services including those involved in fact-finding missions from both government and non-government institutions shall be ensured. They shall not be subjected to undue harassment in the performance of their work.
- Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots.
- All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.

#### **SECTION 17. EVACUATION OF CHILDREN DURING ARMED CONFLICT**

- Children shall be given priority during evacuations as a result of armed conflict.

The CSSDO together with the SOCC, other agencies and non-government organizations shall look after the welfare of children during evacuation. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.

**SECTION 18. FAMILY LIFE AND TEMPORARY SHELTER** -Whenever possible, members of the same family shall be housed in the same premises given separate accommodation from other evacuees and provided with facilities to lead a normal family life. In places of temporary shelter, expectant and nursing mothers and children shall be given additional food in proportion to their physiological needs. Whenever feasible, children shall be given opportunities for physical exercise, sports and outdoor games.

**SECTION 19. RIGHTS OF CHILDREN IN SITUATIONS OF ARMED CONFLICT** -Any child who has been detained for reasons related to armed conflict, a combatant, courier, guide or spy is entitled to the following rights:

- a. Separate detention from adults except where families are accommodated as family rights;
- b. Immediate free legal assistance;
- c. Immediate notice of such arrest to the parents or guardian of the child; and
- d. Release within twenty-four (24) hours upon the receipt of the child by the arresting party to the protective custody of the Department of Social Welfare and Development or its accredited organization or the City Mayor as mandated in the Memorandum of Agreement in the Handling and Treatment of Children Involved in the Armed Conflict.
- e. Psychosocial therapy.

The SOCC shall initiate rescue of children detained or taken into custody by any armed element related to armed conflict. Together with CSSDO, it shall monitor and ensure the implementation of the Memorandum of Agreement in the Handling and Treatment of Children Involved in the Armed Conflict by and among the Department of National Defense, Armed Forces of the Philippines, Department of Interior and Local Government, Philippine National Police, DSWD, Commission on Human Rights, Office of the Presidential Adviser on the Peace Process and the National Program for Unification and Development Council signed on March 21, 2000. The SOCC shall call the attention of the agency or agencies found not to be implementing the MOA.

**SECTION 19a.** The detained child or child held in custody due to armed-conflict shall not be used as a state witness nor shall he/she be subjected to media exposure at any time upon his/her arrest and stay at the DSWD.

**SECTION 20. MONITORING AND REPORTING OF CHILDREN IN SITUATIONS OF ARMED CONFLICT** -The chairperson of the Barangay Council for the Protection of Children or any designated official of the Barangay affected by the armed

conflict shall submit the names of children residing in said Barangay to the CSSDO within twenty-four (24) hours from the occurrence of the armed conflict.

**SECTION 21. PROHIBITION OF COMMODIFICATION OF CHILDREN**

-All fund-raising activities that directly or indirectly commodify children or expose children as commodities or objects for sale shall be prohibited. These activities include but are not limited to beauty contests featuring child contestants who are reduced to a commodity for manipulation and utilization for one's interest and/or entertainment usually in exchange of money or goods; in community benefit dance or disco where proceeds from young patrons are utilized to fund common activities or projects; or in freak shows where children are used to attract customers for a fee.

Culturally relevant activities shall be promoted instead.

It is the duty of the Barangay Council for the Protection of Children to push for the education of this specific provision in the Barangay.

**SECTION 22. RESCUE OF CHILDREN UNDER SPECIAL CIRCUMSTANCES**

- For the protection of children below 15 years of age, they shall be rescued by the BCPC and CSSDO when found loitering around or sleeping in public places after 10 o'clock in the evening until 4 o'clock in the morning of the following day unless they are in company with their parents or guardians. The social worker in the Barangay, or any available personnel from the CSSDO shall initiate and accompany the rescue of these children and turn them over to their respective barangays. The same rescue operation shall be conducted on children inside disco pubs, videoke establishments, internet cafes and other similar establishments.

**SECTION 23. CHILDREN AFFECTED IN NATURAL DISASTERS AND/OR CALAMITIES**

-Children shall be given priority in times of natural disasters and/or calamities like flashfloods, fire, earthquakes, pest infestation, volcanic eruption, and drought. The CSSDO, in coordination with the Davao City Disaster Coordinating Council and the City Health Office shall devise a program to assist children victims of disasters inclusive of the following components:

- Psychosocial therapy and counseling;
- Naturally processed foods for newborn babies and special food for lactating mothers;
- Free medical services and children's clinic; and

- Child-friendly and child-sensitive evacuation centers

#### **SEC. 24. MEDIA HANDLING OF NEWS AND ISSUES INVOLVING CHILDREN**

- Children in need of special protection shall not be exposed to undue media coverage as unless consented to by the child and parent/guardian. Any member of the mass media who shall display, air, broadcast or print violence and exploitation of children shall be held liable in this Code.

### **Article III Survival and Development Rights of Children**

#### **SECTION 1: EARLY CHILDHOOD CARE AND DEVELOPMENT**

**SYSTEM** -This refers to the full range of health , nutrition, early education and social services programs that provide the basic holistic needs of young children from birth to age (6), to promote their optimum growth and development. These programs include:

1. Center-based programs, such as the day care service established under Republic Act No. 6972, public and private pre-schools, kindergarten or school-based programs, community or church-based early childhood education programs initiated by non-government organizations or people's organizations, workplace-related child care and education programs, child-minding centers, health centers and stations;

A Barangay-based child minding center shall be established to care for children of working parents during the day in a daily 8 hour programme and, where feasible, care and supervision for children up to six (6) years of age when parents are working at night; Provided, that the day care center need not take care of the children in a particular place but shall develop network of homes where adults may take care of the children up to (6) six years of age of working parents during work hours, with adequate supervision from the Supervising Social Welfare Officer of the CSSDO: Provided, further, that where young children are left to the care of a 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 loving children, even in the absence of their parents during working hours;



2. Home-based programs, such as neighborhood-based play groups, family day care programs, parent education and home visiting programs.

Materials and network of surrogate parents-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 activities, and group activities with peers.

Unstructured combined with structure learning exercises for children under the early childhood education shall be instituted in the children center or day care centers respecting the participation right of the child.

The local government of Davao City shall also ensure to the maximum extent possible the survival of the child from 0-6 years old. The program on survival shall also include the following:

- 1) Monitoring of registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertusis, tetanus, measles, poliomyelitis and such other diseases for which vaccines have been developed for administration to children up to six (6) years of age;
- 2) Growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake at home;
- 3) A sanctuary for abused, neglected or exploited children 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 abuse; Provided, that the center, with the help and support of the Barangay officials and their Barangay-level support systems, may call upon law enforcement agencies when the child needs to be rescued from an unbearable home situation;
- 4) A reproductive health care center for pregnant mothers for prenatal and neonatal care, and 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 service personnel and children who are at risk from any condition or illness will be brought for care: provided, further that "hilots" and Barangay health workers are provided the needed basic training for

normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care for mother and child who are at risk;

ECCD Service providers include the various professionals, paraprofessionals, and volunteers caregivers who are directly responsible for the care and education of young children through the various center and home-based programs. They include, but are not limited to, day care workers, teachers, teacher-aides, rural health midwives, social workers, community health workers, barangay nutrition scholars, parent effectiveness service volunteers, child development workers, and family day care providers.

A pool of trained day care center or child development workers with an upgraded salary scheme commensurate to the tasks assigned shall be installed.

ECCD Curriculum refers to the age and developmentally appropriate educational objectives, programs of activities, organized learning experiences and recommended learning materials for children that are implemented by service providers through center and home-based programs. It shall consist of national program goals and guidelines, instructional objectives, and content outlines integrating local leaning experiences and indigenous learning materials.

Parent Education refers to the various formal and alternative means of providing parents with information, skills, and support systems to assist them in their roles as their children's primary caregivers and educators. These include public and private parent education programs linked to center, home and media-based child care and education programs.

### *Sec.2. Population--based day care center*

Day care centers shall be set up in every Barangay. Number of such centers shall depend on the number of children and the prevailing economic conditions in the Barangay as determined by the CSSDO. Parents Program shall form part of this early childhood education. Daycare workers shall preferably be a resident of the barangay, shall possess good moral character and shall undergo intensive trainings on ECCD. Monthly evaluation and monitoring shall be conducted.

### *Sec. 3. Promotion of Primary Health care program.*

The Barangay health centers shall implement the primary health program. Each Barangay health center shall have a Barangay child health officer tasked to monitor child health in the Barangay level with a salary commensurate to the task assigned. To further ensure the implementation of section 40 of this ordinance, the local government of Davao City, in particular shall take appropriate measures:

- c.1. To combat disease and malnutrition within the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risk of environmental pollution.
- c.2. To establish a comprehensive Parents Orientation Development Program which includes courses on reproductive health, child, health and child rearing practices in the context of the Filipino psychology
- c.3. To monitor the full implementation of the Milk Code of the Philippines and advocate for the prosecution of milk firms which violate the Code.
- c.4. To monitor the implementation of the Act for Salt Iodination Nationwide of 1995 (R.A.8172) which mandates the iodination of all food-grade salt for human and animal consumption.
- c.5. To conduct massive information and education on breast feeding. Utilizing existing reference materials for effective breast feeding education program. And that students in all levels are required to take up breast feeding course which shall be an integral part of all curricula.

#### *Sec. 4: Comprehensive Training Course on Child.*

All health practitioners dealing with Child health in the government, NGO or private institutions shall be required to complete a Comprehensive Training Course on Child Health. No one shall practice her or his health profession without the updated Certificate of Completion of this training course which shall be designed by the Task Force on Health or as prescribed in the implementing rules and regulations of this ordinance. Violation of this provision constitutes a penalty of cancellation of license to practice profession.

#### *Sec . 5. Child-friendly Hospital in Davao City*

All hospitals in Davao City shall set-up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanisms and gadgets.

#### *Sec. 6 Creation of Children's hospital*

The local government of Davao City shall establish a special hospital for children accessible to, and affordable for the poor families. It shall ensure pediatric assistance and facilities for the treatment of illness and physical rehabilitation. Such protective and developmental placement shall be evaluated regularly by a competent team composed of multi-disciplinal professionals. This multi-disciplinal special hospital shall not however, assume the function of the primary health care available at the Barangay level. The Davao City Pediatric Society shall be involved in the final promulgation of programme of the Children's Hospital under the Task Force on Child Health which shall be formed by the City Health Office and the Davao City Special Office for Children's Concerns within one year of the effectivity of this Ordinance. As part of the support system for child's health, government health practitioners are required to undertake special training on pediatric care through the Davao City Child Health Institute which shall be established by the local government of Davao City within two years after the approval of this Ordinance. The Child Health Institute shall monitor the operations of all private and government hospital-pediatric units to ensure child-friendly measures' implementations.

#### *Sec.7 Survey and Active Program for Differently-abled children.*

The CSSDO in coordination with the SOCC shall make a periodic comprehensive survey on the differently-abled in the City.

#### *Sec. 8 Barangay-level recreational and cultural facilities and program*

A Barangay-level program for the revival of indigenous games reflective of the cultural diversity in Davao City shall be installed. The local government of Davao City shall allocate space for recreation and provide recreational facilities appropriate for children's gender and age. A regular cultural program appropriate for each children's age-group and gender shall be designed with due respect to cultural diversity.

#### *Sec. 9 Local Children's Literature.*

In support to the socio-cultural development of children in Davao City, the local government of Davao City shall invest in the production of local literature for children or other relevant materials.

*Sec. 10. Parenting Orientation Courses.*

Prior to the issuance of marriage license, applicants shall be required to participate in a Parenting Orientation Course I which gives emphasis on counseling and strengthening family relations. This course becomes an integral part of existing Family Planning Seminar on Reproductive Health course.

Parents-applicants for birth certificate of their child shall also be encouraged to participate to a Parenting Orientation Course II, as a follow up to the first course before the issuance of Certificate of Live Birth by the Civil Registrar without prejudice to the early registration of birth requirement under existing law. Parenting Orientation course II shall be done in coordination with the community-based secondary and tertiary hospitals.

The Davao City Special Office for Children's Concerns in coordination with the City Health Office, CSSDO and the Civil Registry Office shall update the family planning seminar and design the module of Parenting Orientation Course I and II.

Sec. 11. Live birth certificate shall be issued free of charge to indigent below 18 years of age without prejudice to existing provisions of the Tax Code of Davao City.

Sec. 12. Promotion of moral and spiritual values

There shall be a promotion of a comprehensive moral and spiritual values of all children in all school and communities. These values must be scripture-based principles that foster love of God, love for others, love for country, and respect for creation. It must inculcate the basic attitude of respect for laws and authorities. The promotion must be in all day care centers, all schools especially, elementary and in communities through the BCPC and other NGOs in the area.

Sec. 13. Gay and lesbian children shall not be discriminated and the rights and welfare shall be promoted and respected.

**Article IV Participation Rights of Children**

*Sec. 1: Participation of Children in Decision Making Processes*

The children in the family, school, community or other organization or institution shall be heard. They shall have the right to organize among themselves. Each child regardless of sex, age and tribe has the right to express his or her opinion freely and to

have that opinion taken into account in any matter or procedure affecting the child. It shall be the responsibility of the adults to provide opportunities for children to express his or her views obtain information, make ideas or information known, regardless of tribe, religion, age and sex.

*Sec. 2. Installation of Mechanism for Participation in the Policy and Program Formulation of the Local Government.*

Children, who primarily come from the grassroots and out-of-school youth, shall be convened in a Children's congress to be held in October every year. The Children's Congress shall provide venue for children to express their views relevant to the policies of the Local Government of Davao City. Detailed implementing rules and guidelines in the conduct of the Children's Congress shall be formulated by the Sangguniang Kabataan Federation in coordination with the Davao City Special Office for Children's Concerns.

*Sec. 3 School-based Children's Rights*

*A. Rights to organize among themselves*

School-based children shall have the right to form autonomous, democratic and representative pupil/student government/council as the highest expression of pupil/student organization in the school. It shall have its own Constitution and By-laws and shall serve as primary venues for school-based children to uphold their general welfare and aspirations. It shall be established through a democratic process such as elections. It shall plan and determine programs and activities geared towards their holistic development provided that such are made in accordance to the mission statement and policies of the school.

Pupil/student governments/councils shall represent their constituents and in consultation with them, shall participate in decision and policy-making processes regarding school matters directly affecting them.

School administrators shall assist in the collection of reasonable pupil/student government/council fee. The same shall be used for the implementation of the latter's activities and programs.

Based on their skills, talents, and interests, pupils/students have the right to form and join clubs, alliances, and other associations. These may include but not limited to academic, religious, socio-civic, cultural, and political clubs. These clubs shall be given

recognition and shall conduct activities in line with the school's mission statement and policies; and with the supervision of the Office of Student Affairs.

The recognition of pupil/student clubs shall be determined by the pupil/student government/council in coordination with the Office of Student Affairs, and shall be governed only by necessary and reasonable requirements. School policies pertinent to clubs shall be made with genuine students' participation and are applied for as long as these do not hinder them from realizing their goals and activities.

Pupils/students shall not be compelled to join or not to join any particular club. Any form of intimidation or harassment shall not be allowed. Pupils/students shall not be made to sign documents or any paper (e.g. waiver) certifying that they are not members of or do not intend to join a particular club, as a condition for enrolment and/or admission in school.

### *B. Right to Free Expression*

Pupils/students shall have the right to establish/form publications that will publish regularly and independently. These shall serve as venues to exercise their right to free expression and to ensure access to information.

School records of public concern shall be made available to the pupil/student publication whenever requested.

Pupils/students shall have the right to convey information and to manifest their ideas/views freely, either orally, in writing or in the form of art (e.g. distribute/circulate and/or mount leaflets, newsletters, posters, wallnews, and other similar materials reflective of their interests, aspirations, and well-being). The school shall provide adequate facilities for dissemination of information, such as bulletin boards, etc.

Pupils/students shall have the right to peaceably assemble and to petition for redress of grievance. Peaceful student assemblies shall not be forcibly dispersed and/or harassed. No school regulations and/or guidelines pertaining to pupil/student assemblies shall be restrictive of their basic right to peaceably assemble.

Request for permits shall not be required from pupils/students for the conduct of assemblies inside campuses. However, they shall notify the Office of Student Affairs within a reasonable period of time prior to the conduct of the assembly.

### *C. Right to Participate in the Review and Formulation of Policies Affecting their Welfare*

School-based children shall have the right to participate in the review and determination of school policies relevant to their welfare by having representatives in policy-making bodies in the school, particularly the leading officers of the pupil/student council/government. They shall have voting powers in these policy-making bodies.

Similarly, school-based children shall have the right to participate in the review and formulation of government programs and policies affecting them by having representatives to the Children's Congress.

#### *D. Right to Avail the Use of School Services and Facilities*

For more efficient participation, pupils/students shall have the right to adequate welfare services and facilities in school. Pupils/students and pupil/student organizations shall have the right to make use of school facilities, and are held responsible for its proper use and maintenance.

#### *E. Role of Moderators/Advisers*

Moderators/advisers of pupil/student councils, publications and clubs shall function to give guidance and assistance to aid in the formation of active and dynamic children sector in schools; but shall prohibit from exercising any form of control and censorship (as to publications).

Any child, on account of his/her exercise of participation rights shall be protected from arbitrary disciplinary measures and penalties. He/she shall have the right to due process, to procedural fairness in disciplinary proceeding, and to presumption of innocence.

These rights of school-based children shall be included in all pupil/student handbooks for more effective dissemination and implementation.

The Sangguniang Kabataan Federation shall adopt mechanisms to ensure and to monitor the implementation of these provisions.

### **Article V Institutional Mechanisms**

#### *Sec. 1. Creation of the Special Office for Children's Concerns.*

The Davao City Special Office for Children's Concerns, a line agency under the City Mayors Office, separate and distinct from the City Social Services and



Development Office, shall be created to beef up the capacity of the latter in realizing the provisions of this Ordinance. It shall assume functions relative to conceptualization, coordination of programs and services for and with children, regulatory, executory, monitoring and evaluation in support to the Local Government of Davao City's high priority on children. It shall cause to file complaints on cases of unlawful acts committed against children in the most expeditious process with the appointment of Ombudsperson for Children with full legal staff as deemed necessary.

A staffing pattern that has a strong leaning to child-centered work must be established.

## *Sec. 2. Davao City Council for the Welfare of Children.*

The Davao City Council for the Welfare of Children shall be created as the consultative-Assembly of the Davao City Special Office for Children's Concern for its periodic planning and programming, assessment and evaluation. The Council shall act as a recommendatory body for the formulation of the policies, and operations of all existing programs and projects designed for children. In such capacity, it must carry out measures to ensure that this Ordinance is strictly enforced and must conduct a follow through to proper government agencies to obtain the results of the evaluation of the internal participation in their implementation. It shall involve in all the processes related to the refinement of the implementing rules and guidelines of this Ordinance. The Council shall maintain a structure that allows participatory management of its program of action. The SOCC shall serve as the secretariat of the Davao City Council for the Welfare of Children.

### *Section 2a. The ECCD Coordinating Committee*

The Davao City Council for the Welfare of Children shall also act as the ECCD Coordinating Committee.

1) Composition. The City ECCD Coordinating Committee shall be composed of the City Mayor as Chairperson, the Division Superintendent, District Supervisor of Department of Education, City Planning and Development Officer, City Budget Officer, City Health Officer, City Social Welfare and Development Officer, City Local Government Officer, City Treasurer, City Nutrition Officer, President of the Association of the Parent-Teachers-Community Federation in the City, and two (2) representatives of non-government organizations involved in ECCD programs in the City appointed by the Committee for a two-year-term, subject to one (1) reappointment, as members.

2) Functions - The City ECCD Coordinating Committee shall be under the City Development Council and shall perform similar functions as the council as appropriate, including other functions that may be Provided in the implementing Rules and Regulations. It shall likewise support and complement the resources available to barangays in the expansion and improvement of ECCD programs, coordinate and monitor the delivery of services at the barangay level, ensure accurate reporting and documentation of service delivery, as well as mobilize and encourage private sector initiatives for the establishment of ECCD program implementers in the city that confirms to National ECCD System Standards.

3) Secretariat - the City ECCD Coordinating Committee shall organize a Secretariat which shall coordinate and monitor the effective implementation of ECCD programs b the City ECCD Officer, who shall be appointed by the mayor, upon the recommendation of the City ECCD Coordinating Committee.

### Sec 3. Barangay Council for the Protection of Children (BCPC)

All barangays shall organize a Barangay Council for the Protection of Children headed by the Punong Barangay and co-chaired by the Sangguniang Kabataan Chairperson. The Department of Interior Local Government, CSSDO and the Barangay and Cultural Communities Affairs Division (BCCAD) shall assist in the formation of the BCPC and shall conduct regular monitoring and evaluation of the same. Other members of the BCPC include those provided by the DILG Memorandum Circular No 2002-121.

\_\_\_\_\_ The BCPC shall have periodic assessment and report regarding situation of children in their respective barangays and to submit the same to the SOCC. It shall function in accordance with the provisions of the DILG Memorandum Circular No 2002-121 and those prescribed in this Ordinance.

### **Article VI Penal Provisions**

Sec.1. Unless otherwise provided, persons found violating any provisions of the provisions of this Ordinance shall be penalized as follows:

- A. First Offense – a fine of P2,000,00 and/or an imprisonment of one (1) month
- B. Second Offense – a fine of P3,000.000 and/or an imprisonment of three months
- C. Third Offense – a fine of P5,000.000 and or an imprisonment of one year and/or cancellation of business permit

## **Article VII Final Provisions**

### *Sec. 1 Rules and Regulations.*

An Ad Hoc Committee shall be created by the City Mayor composed by the members of the Technical Working Group in the amendment process of the Children Welfare Code together with the City Prosecutor's Office, shall promulgate rules and regulations for the effective implementation of this Ordinance. Such rules and regulations shall take effect upon their publication in two (2) local newspapers of general circulation.

### *Sec. 2. Appropriations.*

The amount necessary to carry out the provisions of this Ordinance is hereby authorized to be appropriated in the General Fund Proper particularly under the 5% Annual Development Fund.

### *Sec. 3. Effectivity.*

This Ordinance shall take effect after publication in a newspaper of general circulation.

**ENACTED**, December 5, 2006, by a majority vote of all the Members of the Sangguniang Panlungsod.

**APPROVED**: February 23, 2007

**(SGD.) RODRIGO R. DUTERTE**  
City Mayor