



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES

Authored By: Councilor Orlando R. Benito
Co-Authored By: Councilors Christian G. Sia, Reynaldo R. San Buenaventura III, Augustin Alexee C. Santiago, Ferdinand A. Avis, Gregorio P. Rupisan, Jr., Rhichie Gerard T. Brown, Richard C. Eusebio, Charmie Q. Benavides, Rosalio D. Martires, Wilfredo F. Sityar and LIGA Pres. Celestino U. Chua

WHEREAS, Section 13, Article II of the Philippine Constitution provides that:

"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs".

WHEREAS, despite of the said constitutional provision, the children, particularly the minors, appear to be neglected of their proper care and guidance, education, and moral development, which led them into exploitation, drug addiction, and become vulnerable to and at the risk of committing criminal offenses;

WHEREAS, under Section 458 (a) (1) (ii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Council is mandated to maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, and impose penalties for the violation of the ordinance;

WHEREAS, minor children are oftentimes victims of notorious gangs who stay, roam around or meander in public or private roads, streets or other public places, whether singly or in groups who encourage or deceive children to commit nefarious activities;

WHEREAS, misguided minor children prefer to converge or flock together during the night time until the wee hours of the morning resorting to drinking on the streets and other public places, illegal drug use and sometimes result to troubles;

WHEREAS, reports of barangay officials and law enforcement agencies reveal that minor children roaming around, loitering or wandering in the evening are the frequent personalities being victimized by criminals and/or influenced by syndicates;



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 2-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

WHEREAS, it is necessary, in the interest of public order and safety to regulate the movement of minors during night time to protect them from neglect, abuse, cruelty and exploitation, and other conditions prejudicial or detrimental to their development;

WHEREAS, to achieve the herein above purposes and objectives, there is a need to protect and rescue minors from these criminal elements and wean them away from bad nocturnal habits and occurrences, all are detrimental or prejudicial to their development.

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF PASIG IN REGULAR SESSION DULY ASSEMBLED;

SECTION 1. **TITLE** – This Ordinance shall be known as the Pasig City Child Protection and Reach-out Assistance and Development Ordinance”.

SECTION 2. **DEFINITIONS** – The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

- a. **RESTRICTED HOURS** – means the hours from 12:00 midnight up to 5:00 A.M. or at anytime where there is an eminent risk.
- b. **DEVELOPMENT** - The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means to ensure and enable his fullest development physically, mentally, emotionally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity appropriate to the corresponding developmental stage.
- c. **MINOR** – means any person under eighteen (18) years of age.
- d. **PARENT** – refers to both biological and adoptive parent who has actual custody of or living together with the minor child/children.



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 3-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

e. **GUARDIAN** – means:

1. A person who, under court order, is the guardian of the person of a minor.
2. A public or private agency with whom a minor has been placed for custody by a court;
3. A person of legal age in charge of the custody or who is taking care of a minor, whether relative or not;

f. **PUBLIC PLACE** – a place located within the juridical boundaries of Pasig City, where the general public, or substantial group of people, have access, including but not limited to, streets, highways, sidewalks, parking lots, vacant lots, churches, hospitals, schools, shops and places of entertainment such as movie theaters and similar places or establishments.

g. **REMAIN** – means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, a Batas Ciudad Enforcement Officer, a Barangay Official, any law enforcement officer or agent, or the owner of the concerned establishment himself or herself.

h. **EMERGENCY** - means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, a vehicular accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

i. **RESIDENCE** – means the house or home wherein the minor and his/her parent/s or guardian/s actually lives.

j. **BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)** – refers to the Barangay Council directed to implement the implementing rules of this ordinance and in charge of counselling the minor, its parent/s or guardian/s; and responsible for coordinating with proper government institution/s or agency for the general welfare of the minor found in violation of this ordinance.



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 4-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

- k. **CITY SOCIAL WELFARE AND DEVELOPMENT** – refers to proper government institution/s or agency committed to formulate and implement the said ordinance.
- l. **COURT** – refers to a Trial Court with the authority to adjudicate legal disputes and carry out or dispose of the administration of penalty provided in the herein ordinance with the existing rule of law.
- m. **LAW ENFORCEMENT OFFICER** - pertains to a police officer.
- n. **MINOR AT RISK** – a minor who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances such as: abuse, exploitation, abandonment, being out of school, being street children or gang-groupings.
- o. **CUSTODY** - care or safekeeping of a child.
- p. **COUNSELLING** - is the most basic set of activities from guidance in an effort to help the counsel/client face-to-face with the aim that the client can take responsibility for themselves on various issues or special problems.

SECTION 3.

RIGHTS OF THE CHILD – All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors.

- (1) Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.
- (2) Every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counselling, and moral and material security.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 5-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

The dependent or abandoned child shall be provided with the nearest substitute for a home.

- (3) Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.

The gifted child shall be given opportunity and encouragement to develop his special talents.

The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care.

The physically or mentally handicapped child shall be given the treatment, education and care required by his particular condition.

- (4) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
- (5) Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.
- (6) Every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.
- (7) Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his leisure hours.

Glenda R. Benit

www.pasigcity.gov.ph



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 6-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

- (8) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.
- (9) Every child has the right to live in a community and a society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.
- (10) Every child has the right to the care, assistance, and protection of the State, particularly when his parents or guardians fail or are unable to provide him with his fundamental needs for growth, development, and improvement.
- (11) Every child has the right to an efficient and honest government that will deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives.
- (12) Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding, tolerance, and universal brotherhood, and with the determination to contribute his share in the building of better world.

SECTION 4.

RESPONSIBILITIES OF THE CHILD - Every child, regardless of the circumstances of his birth, sex, religion, social status, political antecedents and other factors shall:

- (1) Strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and mentors, and the biddings of a clean conscience;
- (2) Love, respect and obey his parents, and cooperate with them in the strengthening of the family;



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 6-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

- (3) Extend to his brothers and sisters his love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united;
- (4) Exert his utmost to develop his potentialities for service, particularly by undergoing a formal education suited to his abilities, in order that he may become an asset to himself and to society;
- (5) Respect not only his elders but also the customs and traditions of our people, the memory of our heroes, the duly constituted authorities, the laws of our country, and the principles and institutions of democracy;
- (6) Participate actively in civic affairs and in the promotion of the general welfare, always bearing in mind that it is the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- (7) Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and prosperity, and the furtherance of world peace.

SECTION 5.

SPECIAL DUTIES OF PARENTS, GUARDIANS, SUBSTITUTED PARENTAL AUTHORITY -

- 1) The parent/s or guardian/s who are in actual custody or living together with the minor child/children are hereby mandated to supervise the conduct and activities of their minor child/children all the time and see to it that the latter are already in their home specially prior to and until after the lapse of the hours of 11:00 p.m. to 5:00 A.M. of the next morning.



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 8-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

SECTION 6. PROHIBITED ACTIVITIES

- a. Minors are prohibited to roam around, loiter, wander, stay or meander in all public places within the jurisdiction of Pasig City without the supervision of the parent/s or guardian/s.

SECTION 7. EXEMPTIONS – Minors under the following circumstances shall not be covered by the provisions of this ordinance;

- (a) Those accompanied by their parents or guardian;
- (b) Those attending to, or in experience of, an emergency situation such as conflagration, earthquake, hospitalization, road accident.
- (c) When the minor is engaged in an authorized employment activity, or going to or returning home from the same place of employment activity, without any detour;
- (d) When the minor is out of his/her residence attending an official school, religious, recreational, educational, social, community or other similar private activity sponsored by the city, barangay, school or other similar private civic/religious organization/group (recognized by the community) that supervises the activity or when the minor is going to or returning home from such activity, without any detour; and
- (e) When the minor can present papers certifying that he/she is a student and was dismissed from his/her class/es in the evening or that he/she is a working student.

SECTION 8. IMPLEMENTING OFFICERS – The group that shall enforce this Ordinance shall be headed by the Representative or Accredited person from the CSWD to be assisted by any two (2) of the following, a Police Officer, Barangay Officer and a person assigned by the City Mayor.



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 9-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

SECTION 9.

IMPLEMENTING PROCEDURE. – The group enforcing this Ordinance to protect and rescue the minor who are in custody shall observe the following:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the acts that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- (c) Record the following in the initial investigation:
 1. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the rescue and the details thereof; and
 2. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
 3. Ensure that all statement signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.
- (d) Release the minor to the parents, guardians, or social welfare officer after 5:00a.m. of the restricted hours.

A child protected and rescued shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

SECTION 10.

COMMUNITY INVOLVEMENT/PARTICIPATION – Any person at risk not necessary during the wee hours.

SECTION 11.

MANNER OF DEALING WITH THE RESCUED MINORS

The penalty for Parent/Guardian who violates this ordinance shall be:



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 10-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

- a. For the **1st RESCUE** – when a minor is found and rescued under this ordinance for the first time, both the minor and the parent or guardian shall undergo a compulsory counselling to be conducted by the Barangay Council for the Protection of Children (BCPC) in accordance with the program and proceeding as prescribed.
- b. For the **2nd RESCUE** - when a minor is found and rescued under this ordinance for the second time, the parent or guardian shall be penalized with a fine of Two Thousand Pesos (P2,000.00) and/or imprisonment of one (1) day.
 - b.1. The minor shall undergo counselling to be imposed by the BCPC, after which he/she shall be released to the custody of their parent or guardian. Further, the parent or guardian, shall sign an agreement with the BCPC for the care and protection of the minor before the acceptance of the custody of the minor. All records shall be transmitted to the CSWD immediately.
- c. For the **3rd RESCUE** – when a minor is found and rescued under this ordinance for the third time, the parent or guardian shall be penalized with a fine of Three Thousand Pesos (P3,000.00) and/or imprisonment of five (5) days.
 - c.1. Immediately upon rescue, the minor shall be turned over to the CSWD for counselling in accordance with the program and proceeding as prescribed and formulated, and will undergo examination before the minor is returned to the parent or guardian.
- d. For the **4th RESCUE** – when a minor is found and rescued under this ordinance for the fourth time, the parent and/or guardian shall be penalized with a fine of Five thousand Pesos (P5,000.00) and/or imprisonment of thirty (30) days.



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 11-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.

d.1 The minor shall be endorsed to CSWD for an in-depth interview and assessment as may be appropriate or proper and shall be subjected for proper case management. After which, the minor shall be turned over to the parent or guardian or to an appropriate institution as the case may be.

e. In case the rescued minor is a resident of another City or Municipality or the place is in question the BCPC will endorse the custody of the minor to CSWD or to any other accredited NGO not later than eight (8) hours upon the immediate rescue of the child.

SECTION 12. **IMPLEMENTING RULES AND REGULATIONS.** – The City Social Welfare and Development Office (CSWDO), Barangay Affairs Office, Committee on Youth and Minors and the LIGA ng mga Barangay shall issue the necessary implementing rules and regulations to ensure the effective enforcement of this ordinance.

SECTION 13. **SEPARABILITY CLAUSE** – If any provision of the ordinance or the application of such provision to other persons or circumstances is declared invalid, the provisions hereof not affected thereby shall remain in full force and effect.

SECTION 14. **REPEALING CLAUSE** – All ordinances, resolutions, executive orders, rules and regulations, and other issuances or parts thereof found to be inconsistent with the provision of this ordinance are hereby repealed, modified, or amended accordingly.

SECTION 15. **EFFECTIVITY CLAUSE** – This ordinance shall take effect upon its approval and after publication in a newspaper of general circulation.

APPROVED, this 26th day of February 2015 at Pasig City.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

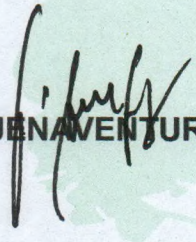


Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

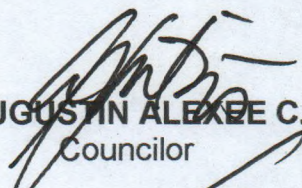
Ordinance No. 03
Series of 2015

-page 12-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.


REYNALDO R. SAN BUENAVENTURA III
Councilor


ORLANDO R. BENITO
Councilor

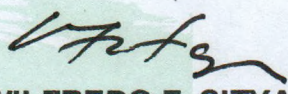

AUGUSTIN ALEXEE C. SANTIAGO
Councilor



CHARMIE Q. BENAVIDES
Councilor


FERDINAND A. AVIS
Councilor


ROSALIO D. MARTIRES
Councilor


GREGORIO P. RUPISAN JR.
Councilor


WILFREDO F. SITYAR
Councilor


RHICHIE GERARD T. BROWN
Councilor


CELESTINO U. CHUA
LIGA President

Absent
CHRISTIAN G. SIA
Councilor
Minority Floor Leader



Republic of the Philippines
SANGGUNIANG PANLUNGSOD
Pasig City

Ordinance No. 03
Series of 2015

-page 13-

AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES.


RICHARD C. EUSEBIO
Councilor
Majority Floor Leader
Presiding Officer

Attested by:


IYO CHRISTIAN C. BERNARDO
City Vice-Mayor

APPROVED:


MARIA BELEN A. EUSEBIO
City Mayor

Attested by:


LOIDA U. VILLANUEVA
Acting City Council Secretary



