



Republic of the Philippines
PROVINCE OF NUEVA ECIJA
Provincial Capitol Bldg.
Brgy. Singalat, City of Palayan
Tel. No.: (044) 940-7793

OFFICE OF THE SANGGUNIANG PANLALAWIGAN

EXCERPT FROM THE MINUTES OF 11TH REGULAR SESSION OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA, HELD AT SESSION HALL OF THE SANGGUNIANG PANLALAWIGAN, PROVINCIAL CAPITOL BUILDING, BARANGAY SINGALAT, PALAYAN CITY.

JUNE 05, 2018

Present:

BM ROMMEL C. PADILLA	- Acting Governor
BM RAFAEL ANDREW R. VILLANUEVA	- Acting Vice Governor (T.P.O.)
BM FROILAN C. NAGAÑO, JR.	- Member
BM EDGARDO F. AGLIAM	- Member
BM MARIO C. ORTIZ	- Member
BM EDWARD THOMAS F. JOSON	- Member
BM NAPOLEON P. INTERIOR, JR.	- Member
BM BELINDA E. PALILIO	- Member
BM JOHN CARLO A. PATIAG	- Member
BM JO-MARIO ANGELO E. MATIAS	- Member
BM PETER MARCUS A. MATIAS	- Member (President-PCL)
BM EDMUND R. ABESAMIS	- Member (President-Liga ng mga Barangay)
BM ANDREW N. BISCALOG	- Member (IPMR)

On Official Leave:

VICE GOVERNOR JOSE GAY G. PADIERNOS - Vice Governor

RESOLUTION NO. 216-S-2018

WHEREAS, the Sangguniang Panlalawigan believes that it is the responsibility of the Provincial Government of Nueva Ecija to harness the potentials of the children of the province and prepare them for their eventual roles in community development;

WHEREAS, it is incumbent upon the Provincial Government to protect the rights and privileges of the children to ensure a better future for them and make them aware of their responsibilities as members of the society;

WHEREAS, there is a need to enact ordinances that would redound to the greater benefits of the young sectors of the society and to properly safeguard their welfare amidst the harsh realities of the present society;

WHEREAS, it is necessary that certain provisions of Provincial Ordinance No. 02-s-2007, otherwise known as "An Ordinance Establishing A Comprehensive Children Support System In Providing For The Survival, Development, Protection, And Participation Of Children, In The Province Of Nueva Ecija And For Other Purposes", be updated and strengthen so as to promote their effectiveness in upholding the rights of Novo Ecijano children;

NOW THEREFORE, upon suspension of rules and on motion of Board Member Napoleon P. Interior, Jr., duly seconded by Board Member Edward Thomas F. Joson;

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF NUEVA ECIJA IN SESSION ASSEMBLED to approve the following ordinance:

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PROVINCIAL ORDINANCE NO. 01-S-2018

AN ORDINANCE STRENGTHENING THE “CHILD AND YOUTH WELFARE CODE OF NUEVA ECIJA” TO BE KNOWN AS THE “CHILD AND YOUTH WELFARE CODE OF NUEVA ECIJA, AS AMENDED”

ARTICLE I
TITLE, POLICIES, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. *Title and Scope of Code.* - The Code shall be known as the “Child and Youth Welfare Code of Nueva Ecija, as Amended”. It shall apply to "child" or "minor" or "youth" as used in this Code, who shall refer to the following persons:

- a. Unborn child as defined in the Family Code and the New Civil Code,
- b. A person under the age of 18 years
- c. 18 years old and above but is unable to fully take care of himself/herself from abuse of a physical or mental disability or condition, as provided for in Section 3 (a) RA 7610.

SECTION 2. *Declaration of Principles and Policies.* It shall be the foremost policy of the Nueva Ecija Provincial Government to give priority on the promotion and protection of rights of children for survival, protection, participation and development of their potentials considering that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth” as clearly stated on the Declaration of the Rights of the Child.

In pursuit of such policy, the provincial government shall institutionalize the program for the development of institutions, facilities and services for the care of children that is comprehensive, sustainable and will facilitate collaboration among government agencies, PO's, NGO's and the private sector in the endeavour to prepare the child for the responsibilities of adulthood.

SECTION 3. *Duties and Responsibilities of LGU.* The LGUs shall defend the rights of the children to assistance including proper health care, nutrition, and education as well as special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development as stated in Sec.3., Paragraph 2 of Article XV of the 1987 Philippine Constitution.

The Nueva Ecija Provincial Government also adopts the “General Principles” of the United Nations Convention on the Rights of the Child (UNCRC) wherein the Philippines is a signatory, such as follows:

1. Non-discrimination (UNCRC Article 2)

- a. LGUs shall respect and ensure the rights set forth in the UNCRC to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- b. LGUs shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

2. Best interest of the child (UNCRC Article 3)

- a. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- b. LGUs undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- c. LGUs shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

3. Right to life survival and development (UNCRC Article 6)

- a. LGUs recognize that every child has the inherent right to life.
- b. LGUs shall ensure to the maximum extent possible the survival and development of the child.

4. Right to be heard (UNCRC Article 12)

- a. LGUs shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- b. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

SECTION 4. *Rights of the Child.* - All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, sexual preference, social status, religion, political antecedents, and other factors.

4.1. Survival Rights – deals with the provision relating to parental and government duties and liabilities, adequate living standard and access to basic health and health services and social security;

- a. 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.
- b. 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.

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

- c. 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.
- d. 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.
- e. 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.

4.2. Development Rights – pertain to the access of a child to educational opportunities, relevant information, play, leisure, cultural activities, and the right to freedom of expression, association and religion;

- a. 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.

- b. 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.
- c. 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 a better world.
- d. 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.
- e. Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his leisure hours.
- f. 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.

4.3. Protection Rights – cover all those guard children against all forms of abuses, exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

4.4. Participation Rights – include the child's freedom to express one's self in matters affecting his/her life as part of the preparation for responsible adulthood and freedom to association:

- a. Every child has the right to be provided with the opportunity to be heard in any judicial and administrative proceedings affecting him/her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law
- b. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance
- c. Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas of all kind
- d. Every child has the right to express his/her opinions freely and to have these opinions taken into account in any matter or procedure affecting him/her
- e. Every child has the right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his/her honor and reputation.

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

- a. 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;
- b. Love, respect and obey his parents, and cooperate with them in the strengthening of the family;
- c. Extend to his brothers and sisters his love, thoughtfulness, and helpfulness, and endeavour with them to keep the family harmonious and united;
- d. 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;
- e. 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;
- f. 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
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for programs and prosperity, and the furtherance of world peace.

SECTION 6. Definition of Terms.

1. "Parents" as here used shall include the guardian and the head of the institution or foster home which has custody of the child.

2. "Abandoned" – refers to a child who has a proper parental care or guardianship, or whose parents or guardians have deserted him/her for a period of at least six continuous months.
3. "Basic Education" – refers to pre-school, primary, elementary and secondary education programs administered by the Department of Education and other educational institutions, agencies and organizations.
4. "Best Interest of the Child" – refers to the totality of the circumstances and conditions most congenial to the survival, protection and feelings of the security of the child and most encouraging to the child's physical, psychological and emotional development, it also means the least detrimental available alternative for safeguarding the growth and development of the child (RA 9344).
5. "Child Abuse" – refers to the maltreatment, whether habitual or not, of the child which includes any of the following:
 - a. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 - b. Any act by deeds or words which debase, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 - c. Unreasonable deprivation of his/her basic needs for survival, such as food, clothing and shelter; and
 - d. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or his/her permanent incapacity or death.
6. "Children in Conflict with the Law" – refers to children who are alleged as, accused of, or adjudged as, having committed an offense under Philippine Laws as defined in RA 9344.
7. "Children at Risk" refers to children who are vulnerable to and the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to the following:
 - a. Being abused by any person through sexual, physical, psychological, mental economic, or any other means and the parents or guardian refuse, are willing, or unable to provide protection for the child;
 - b. Being sexually or economically exploited;
 - c. Being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;
 - d. Coming from a dysfunctional or broken family or without parent/guardian;
 - e. Being out of school
 - f. Being street child
 - g. Being a member of a gang
 - h. Living in a community with a high level of criminality or drug abuse;
 - i. Living in situations of armed conflict, (RA9344);
 - j. Children affected and infected with STD/HIV/AIDS (RA 8504);
 - k. Children in calamity stricken areas or evacuation centers; and
 - l. Children of OFW

8. "Children in Situation of Armed Conflict" – children caught in between armed struggle by the government and the extremists.
9. "Community Based Programs" – refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the Children in Conflict with the Law, for reintegration into his/her family and/or community (RA 9344)
10. "Community Reintegration Programs" – refers to the programs established for the purpose of rehabilitation and preparing the child for the reintegration into the community
11. "Crisis Intervention" – is the provision of a service that gives the individual comfort and support thus enabling him/her to manage the impact of the severe stress. It is transitional and temporary.
12. "Delinquency" – a child's wrongdoing/misdemeanour.
13. "Differently-Abled Children", Children with Disabilities", or Children with Special Needs" – refers to children with either physical, or mental infirmities whether congenital or acquired after birth.
14. "Dysfunctional Child" – when a child's pattern of behavior is inappropriate or unacceptable.
15. "Exploitation" – any hiring, employment, persuasion, inducement or coercion of a child.
16. "Indigenous People (IPs)" – any member of indigenous cultural community who is bound by a common ethnic origin, language, culture, or religion or beliefs.
17. "Intervention" – series of activities which are designed to address issues for the child's individualized treatment program.
18. "Pornography" – lurid and sensational sexually explicit pictures, writings or other materials whose primary purpose is to cause arousal.
19. "Special Concerns" are circumstances which gravely threaten or endanger the survival and normal development of children including but not limited to the following:
 - a. Being in a community where there is armed conflict or being affected by armed-conflict-related activities;
 - b. Working under conditions hazardous to life, safety and morals which unduly interfere with their normal development;
 - c. Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or any adult supervision needed for their welfare;
 - d. Being children of Indigenous People and/or living under conditions of extreme poverty or in area which is underdeveloped and/or lack of or has inadequate access to basic services needed for a good quality of life;
 - e. Being a victim of human-made or natural disaster or calamity; and
 - f. Other analogous circumstances which endangered the life, safety or normal development of children.

20. "Trafficking in Person" – refers to the recruitment, transportation, harboring or receipt of a child for the purpose of exploitation with or without victim's consent or knowledge.
21. "Welfare" – best interest and well-being of a child.

ARTICLE II

ROLES AND FUNCTIONS OF VARIOUS SECTORS

SECTION 7. The Family. The molding of the character of the child starts at the home. Consequently, every member of the family should strive to make the home a wholesome and harmonious place as its atmosphere and conditions will greatly influence the child's development. Attachment to the home and strong family ties should be encouraged but not to the extent of making the home isolated and exclusive and unconcerned with the interests of the community and the country. (PD 603)

7.1. Parental Authority. - Parental authority and responsibility shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being. The father and mother shall exercise jointly just and reasonable parental authority and responsibility over their legitimate or adopted children. In case of disagreement, the father's decision shall prevail unless there is a judicial order to the contrary. Children shall always observe respect and reverence towards their parents and are obliged to obey them as long as the children are under parental authority

7.2. Rights of Parents - The parents shall have primary right and obligation to provide for the upbringing of their children. They shall also have the right to discipline the child as may be necessary for the formation of his/her good character.

7.3 Duties of Parents - Parents shall have the following general duties toward their children:

1. To give affection, companionship and understanding;
2. To extend the benefits of moral guidance, self-discipline and religious instruction;
3. To supervise the activities of the child, including recreation to prevent the child from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling, and other vices or harmful practices;
4. To inculcate the value of industry, thrift and self-reliance;
5. To stimulate interest in civic affairs, teach the duties of citizenship, and develop commitment to the country;
6. To advise properly on any matter affecting the child's development and well-being;
7. To always set a good example;
8. To provide with adequate support, as defined in Article 194 of the Family Code;
9. To administer child's property, if any, according to his/her best interests, subject to the provisions of Article 225 to 227 of the Family Code.

10. To subject newborn babies after 24 hours of life to the Newborn Screening (RA 9288)

7.4. **Liabilities of Parents.** Parents and guardians shall be responsible for the damage caused by the child under their parental authority in accordance with the Civil Code. Criminal liability shall also attach to any parent who:

1. Conceals or abandons the child with intent to make such child lose his civil status.
2. Abandons the child under such circumstances as to deprive him of the love, care and protection he needs.
3. Sells or abandons the child to another person for valuable consideration.
4. Neglects the child by not giving him the education which the family's station in life and financial conditions permit.
5. Fails or refuses, without justifiable grounds, to enrol the child.
6. Causes, abates, or permits the truancy of the child from the school where he is enrolled. "Truancy" as here used means absence without cause for more than twenty schooldays, not necessarily consecutive.
7. It shall be the duty of the teacher in charge to report to the parents the absences of the child the moment these exceed five schooldays.
8. 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.
9. Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignation and other excessive chastisement that embarrass or humiliate him.
10. Causes or encourages the child to lead an immoral or dissolute life.
11. Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership.
12. Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive.

7.5. **Penalty-** The act mentioned in the preceding article shall be punishable with imprisonment from two or six months or a fine not exceeding five hundred pesos, or both, at the discretion of the Court, unless a higher penalty is provided for in the Revised Penal Code or special laws, without prejudice to actions for the involuntary commitment of the child. (PD 603)

SECTION 8. Educational Institution. Educational Institutions shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education (DepEd) and the Commission on Higher Education (CHED). It shall work together with the parents, community organizations and agencies concerned with the activities of children and youth. Furthermore, it shall be the duty of all teachers and administrators in both public and private schools to report all incidents of possible child abuse to the Department of Education, DSWD/LSWDO, BCPC, WCPD-PNP and other related agencies.

SECTION 9. *Parent-Teacher Associations.* - Every elementary and secondary school shall organize a parent-teacher association for the purpose of providing a forum for the discussion of problems and their solutions, relating to the total school program, and for insuring the full cooperation of parents in the efficient implementation of such program. All parents who have children enrolled in a school are encouraged to be active members of its PTA, and to comply with whatever obligations and responsibilities such membership entails.

Parent-Teacher Association shall aid the municipal and other local authorities and school officials in the enforcement of juvenile delinquency control measures, and in the implementation of programs and activities to promote child welfare.

SECTION 10. *Church.* - The LGUs shall respect the rights of the Church in matters affecting the religious and moral upbringing of the child. The religious education of children in all public and private schools is a legitimate concern of the Church to which the students belong. All churches may offer religious instruction in public and private elementary and secondary schools, subject to the requirements of the Constitution and existing laws.

SECTION 11. *Mass Media.* - They shall use their power to protect the rights of children by delivering consistent message through a balanced approach and to provide protection to victims from undue publicity in consonance with Section 22 of RA 7610

SECTION 12. *Judicial Institutions.* - In the administration of justice, Judicial Institutions such as courts, prosecutors, Public Attorney's Office, Integrated Bar of the Philippines and the like, shall ensure that the rights of children are protected and promoted at all times.

SECTION 13. *SangguniangKabataan.* - In addition to its powers and functions, the Sangguniang Kabataan shall actively involve in the formulation and implementation of programs for the protection and promotion of children's welfare and shall appropriate funds therefore.

SECTION 14. *Non-government Organizations.* - All existing and operating NGOs in the Province of Nueva Ecija shall also encourage to streamline their programs and projects on the protection of children in collaboration with government and child-focused agencies and institutions.

ARTICLE III

PROGRAMS AND SERVICES FOR CHILDREN

A. SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

SECTION 15. *UNDER SIX PROGRAMME FRAMEWORK.* - The Provincial Government shall ensure to the maximum extent possible the survival and development of the child. The Early Childhood Care and Development Program coupled with Parent's Effectiveness Service Program on Child Survival and Development shall include the following among others;

15.1. DAY CARE SERVICE PROGRAM. The Provincial Government shall develop, implement and sustain its Day Care Service Program which is population and community based. The Day-Care Centers shall be set-up in every barangay to cater children 3 to 4 years of age. Number of which shall be based on the population level of the community. A Manual of Day Care Service Program developed for the Province of Nueva Ecija shall form part of the rules and regulations and implementing guidelines of the Day Care Service Program of the provincial government.

15.2. CHILD MINDING SERVICE PROGRAM. The provincial government shall develop, implement and sustain a Child Minding Service Program for the care of children 0 to 2 years of age of working parents during the day, provided that the Child Minding Service Program need not take care of the children in particular places and develop networks of homes where child minding workers/DCWs/Social Workers of the Provincial Social Welfare and Development Office may take care of children; provided further, that where young children are left to the care of paid domestic, elderly relatives, or older children without adequate and competent adult supervision, the Provincial Social Welfare and Development Office shall furnish such training and adult supervision until the children's needs are met adequately; whereby the children under their care will develop to be normal, healthy, happy and loved children even in the absence of their parents during working hours. The Provincial Social Welfare and Development Office, in coordination with institution dealing with under five-year-old children, shall develop a manual for this service.

SECTION 16. PRIMARY HEALTH CARE PROGRAM FRAMEWORK. The provincial government shall implement and sustain the Primary Health Care Program to primarily cater to children. To further ensure the implementation of this section, the province shall take appropriate measures to support the program on health under the framework of primary health preventive care.

16.1. MATERNAL AND CHILD CARE PROGRAM. The provincial government shall continue to implement and support its maternal and child care services program which shall cater to the health of the mother which affects the child in the womb with the end view of delivering a healthy baby.

16.2. MOTHER AND CHILD IMMUNIZATION PROGRAM. The program on preventive child care and health services shall include among others the monitoring and registration of births and completion of the immunization series of prevention of tuberculosis, diphtheria, pertussis, neonatal tetanus, measles, poliomyelitis, hepatitis B, and such other diseases for which vaccines have been developed for administration to children up to five years of age.

16.3. CHILD-PATIENT OF INDIGENT PARENTS. The provincial government shall ensure the availment of the hospital's indigent fund by a child-patient of indigent parents needing the professional services of a private doctor/specialist to be cured of his/her ailments, subject to recommendation of the PSWDO after ensuring the availability of funds for such purposes.

SECTION 17. FAMILY AND COMMUNITY WELFARE SUPPORT. The provincial government shall implement and sustain a Family and Community Welfare Support System for children. To further ensure the implementation of this section, the province shall take appropriate measures to support the family and community welfare and development framework programs. There shall be an established comprehensive program which shall include courses and services on reproductive health, child health and child rearing practices, parent effectiveness, pre-marriage and marriage counselling, and responsible parenthood, in the context of Filipino psychology. This shall also include courses and services in community organizing such as social preparation for peoples' participation, community volunteer, resource development and social welfare, and structure development, among others. The following program shall form part of this comprehensive family and Community Welfare Program which this government shall zealously support;

17.1. CHILD AND YOUTH WELFARE PROGRAM. The provincial government shall establish and support a Comprehensive Child and Youth Welfare and Development Program which shall include services such as peer group services, community-based services for street children, community-based services for delinquent youth and youthful offenders (after care services), and services for children in especially difficult circumstances, among others.

17.2. WOMEN WELFARE PROGRAM. The provincial government shall recognize the role of women in the formation of the society as well as the child. It shall establish and support women welfare development programs through the GAD Council and shall include courses and services such as self enhancement skills development, maternal and child care and skills training for employment and livelihood, among others.

17.3. NUTRITION PROGRAM. The provincial government shall establish and sustain a growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake of children at home and in school. This program shall be under the administration and supervision of the Provincial Health Office and the Nutritional Council in the supervision of the Provincial Social Welfare and Development Office. Monitoring and evaluation system shall be established by said office.

17.4. THE PAG-ASA YOUTH ASSOCIATION. There shall be an Annual Youth Summit within the province of Nueva Ecija to be participated by students, youth and young professionals in coordination with the Provincial Council for the Protection of Children.

17.5. NUEVA ECIJA EDUCATIONAL FINANCIAL ASSISTANCE PROGRAM. The provincial government shall see to it that no child is refused admission in public schools and shall appropriate funds therefore. Acting upon BP 232 dated September 11, 1982 also known as “Education Act of 1982”, on Chapter 5, Letter D, Section 51 states that “The government shall provide financial assistance to financially disadvantaged and deserving students. Such assistance may be in the form of State scholarships, grants-in-aid, assistance from the Educational Loan Fund, or Subsidized tuition rates in State colleges and universities”.

SECTION 18. INSTITUTIONALIZATION OF FOSTER FAMILIES/HOMES FOR CHILDREN IN ESPECIALLY DIFFICULT CIRCUMSTANCES. The provincial government in its effort to establish a community-based strategy for the protection of children shall endeavor to institutionalize the foster families/homes for children with the technical assistance and supervision of the DSWD-Field Office. In coordination with the technical assistance of PSWDO who shall promulgate the implementing rules and regulations of this section as soon as this Ordinance has been approved.

SECTION 19. PROVISION FOR THE STRICT IMPLEMENTATION OF ASIN LAW IN NUEVA ECIJA. The provincial government shall ensure the strict implementation of RA 8172 otherwise known as “An Act promoting the Salt Iodization Nationwide”. A committee created by the Provincial Council for the Protection of Children (PCPC) shall be tasked to supervise the implementation of said law in coordination with the Provincial Health Officer and Provincial Nutrition Action Officer. Said Committees shall check and monitor the quality of salt sold to all food establishments within the province. Any person who is either salt producer, manufacturer, importer or trader found to have violated this provision shall be penalized in the following manner, after due process by a court having jurisdiction on such offense:

- FIRST OFFENSE:** A fine of One Thousand (P1,000.00) Pesos plus three-month imprisonment.
- SECOND OFFENSE:** A fine of Three Thousand (P3,000.00) Pesos plus six-month imprisonment.
- THIRD OFFENSE:** A Fine of Five Thousand (P5,000.00) Pesos plus one-year imprisonment, provided that the penalty for third offense shall be in addition to the revocation of the offender’s license to operate provided further that in all cases where subject matter of the offense is a prohibited product, the court shall order the recall and/or withdrawal of the product from the market. The PHO and Permit & License Office shall ensure the strict implementation of the ASIN LAW.

SECTION 20. MOTHER AND BABY FRIENDLY HOSPITAL IN THE PROVINCE. All hospitals in the Province of Nueva Ecija shall comply with the requirements of the Department of Health for a Mother-Baby Friendly Hospital. The Provincial Council for the Protection of Children (PCPC)_shall establish a committee to monitor and ensure the compliance of all hospitals in Nueva Ecija to the implementation of this provision. Any hospitals that is found deliberately violating this mandate shall be recommended by the committee for appropriate sanctions of the Department of Health/Provincial Health Office.

SECTION 21. CHILD FRIENDLY BUILDING. In the approval of the proposed building plans of commercial building in Nueva Ecija by the Office of the Provincial/City/Municipal Engineer, said office shall ensure the inclusion of child-friendly facilities therein. And to avoid any incidence involving a child, the proposed plans of commercial building must observe the hereunder specifications:

- a. Baluster in staircases must be placed in a manner that their distance from each other would not exceed six (6) inches to avoid children from accidentally falling through;
- b. In case of building having more than one storey, railings or baluster acting as horizontal or vertical barriers must be likewise spaced in a manner that their distance from each other must not exceed six (6) inches and said railings or balusters must have a height of not less than five (5) feet;
- c. Lavatories exclusively for children's use must be installed in the proposed plans of commercial buildings to accommodate the personal necessities of children entering said building;
- d. There must be a secured and private area designed for breast feeding mothers.

SECTION 22. PROVISION OF PAGING BOOTH COMPLETE WITH PAGING SYSTEM IN ALL SHOPPING MALLS IN NUEVA ECIJA. For the purpose of catering to the problems of lost children inside the shopping mall and safeguarding their welfare, and for other purposes appurtenant to the welfare of the public, all shopping malls in Nueva Ecija are hereby ordered to provide paging booths complete with paging system inside their stores. Failure to comply with this provision shall subject the offender of a fine of Five Thousand Pesos (P5,000.00) in addition to the suspension of permit to operate business for one (1) year.

SECTION 23. PROVISION FOR STRICT IMPLEMENTATION OF EXECUTIVE ORDER NO. 51. To ensure that the safe and adequate nutrition for all infants in Nueva Ecija is provided, it is hereby ordered that Executive Order 51 entitled, "Adopting a National Code of Marketing of Breast milk substitutes, Breast milk supplements and related products, penalizing violations thereof, and for other purposes" shall be strictly implemented, any person who has been found to have violated the said code shall be penalized in accordance with the provisions of Section 13 thereof.

SECTION 24. SURVEY AND ACTIVE PROGRAM FOR DIFFERENTLY-ABLED CHILDREN. The provincial government shall make a periodic comprehensive survey and situational analysis on the differently-abled children in the province. The Provincial Social Welfare and Development Office together with the Offices of the Provincial Schools Division Superintendent and Provincial Health Office shall spearhead the conduct of this situational analysis on differently-abled children in the province. The result of this situational analysis shall be the basis for planning by the Provincial Council for the Protection of Children (PCPC) and other concerned agencies for programs and projects for children under this category.

SECTION 25. TRAINING PROGRAMS FOR EDUCATORS AND HEALTH PROFESSIONALS HANDLING DIFFERENTLY-ABLED CHILDREN. A training program for educators and health professional handling differently-abled children shall form part of the priority programs of the Provincial Government, hence, funds from the 20% Local Government Development Fund (LGDF) shall be provided thereto.

SECTION 26. SUPPORT TO SPECIAL EDUCATION (SPED) PROGRAM. The provincial government shall support the Special Education Program that is being implemented by the Department of Education and PSWDO and regularly appropriating funds therefore through the Special Education Fund (SEF). The provincial government with the assistance of the Department of Education and PSWDO shall also ensure that the Special Education Center shall be set-up in public schools.

SECTION 27. PROVISION OF FUNDS FOR CHILDREN'S WELFARE AS BASIS OF THE SANGGUNIAN PANLALAWIGAN ON THE REVIEW OF CITY/MUNICIPAL BUDGET. To ensure that the cities and municipalities shall give priority to the welfare of children in their respective city/municipality, the Sangguniang Panlalawigan shall review their budget and give strict attention on allocation of funds for programs, projects and services for the welfare of children.

SECTION 28. CITY/MUNICIPAL LEVEL RECREATIONAL AND CULTURAL FACILITIES PROGRAM. A City/Municipal-level program for the revival of indigenous games reflective of the cultural diversity of Nueva Ecija shall be installed. The provincial government shall allocate the space for recreation and provide recreational facilities appropriate for children's age group and gender which shall be designed with due respect to cultural diversity. This regular cultural program shall be spearheaded by the respective city/municipal councils and DepEd under the leadership of the Chairman on Committee on Social Services. The existing structures in the cities/municipalities shall be tapped to support this program.

SECTION 29. LOCAL CHILDREN'S LITERATURE. In support to socio-cultural development of children, the provincial government shall invest in the production of local literature for children and other relevant materials.

SECTION 30. TRAINING FOR TEACHERS ON THE RIGHTS OF CHILDREN. Teachers, especially those in kindergarten, elementary and high school, are encouraged to undertake continuous training on the rights of the child and sensitivity to children in need of special protection to be able to help them. The training shall be spearheaded by the Provincial Council for the Protection of Children (PCPC) and the Department of Education in coordination with the PSWDO.

B. PROTECTION RIGHTS OF CHILDREN

SECTION 31. PROGRAM ON CHILD ABUSE, EXPLOITATION AND DISCRIMINATION. There shall be a comprehensive program to be formulated by the Provincial Social Welfare and Development Office (PSWDO), Philippine National Police, Provincial Council for the Protection of Children (PCPC), Department of Education and other concerned government agencies, private sector and NGO's within one (1) year from the date of effectivity of this code to combat child prostitution, child trafficking, obscene publications and indecent shows, and other forms of abuse and circumstances which possess danger to the survival and normal development of a child. The program shall cover the strict implementation of the PD 603 otherwise known as "Children and Youth Welfare Code"; RA 7620 as amended also known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for other purposes", and other related laws affording protection against child exploitation.

SECTION 32. SANCTIONS FOR ESTABLISHMENTS OR ENTERPRISES WHICH PROMOTE, FACILITATE, OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATION, AND INDECENT SHOWS. All establishments and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and be fined an amount of Ten Thousand Pesos (P10,000.00) with their authority or license to operate permanently cancelled, without prejudice to the owner or manager thereof being prosecuted under RA 7610 and/or the Revised Penal Code, as amended, or special laws. A sign with the words "off limits" shall be conspicuously displayed outside the establishments or enterprises by the Department of Social Welfare and Development for such period which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by prison correccional.

SECTION 33. 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 which offer similar services shall be required to post notices and information about child protection to serve as determinants to committing child trafficking, prostitution and other acts of sexual abuse. The notices and information to be posted shall be designed by the Provincial Council for the Protection of Children (PCPC) with the

technical assistance of the Provincial Social Welfare and Development Office (PSWDO) and Philippine National Police. To ensure the compliance of the concerned establishments to this section of this ordinance, the Office of the Local Chief Executive through the License Division shall require these establishments to post such information or notices as prerequisite for the renewal or approval of their business permit/license.

SECTION 34. CERTIFIED BIRTH CERTIFICATE AS REQUIREMENT FOR WORKING PERMITS. No working permit shall be issued by the City/Municipal Government without the Birth Certificate of the applicant which is duly certified by the Office of the Local Civil Registrar. In the absence of such document, the applicant may present the following documents which may prove that he/she is of legal age:

- a. Voter's Affidavit
- b. Driver's License
- c. Court Records attesting to the applicant's true age
- d. School Records
- e. M/CSWDO Certification

Any act of falsification committed by any person or government employee in violation of this provision shall subject the latter to appropriate criminal and/or administrative liabilities and if proven guilty thereof, shall suffer the maximum penalty provided for by law.

SECTION 35. CREATION OF SPECIAL SERVICES FOR CHILDREN IN NEED OF SPECIAL PROTECTION AND LEGAL SERVICES. The provincial government shall create special program for the protection of children who are victims of sexual abuse. It shall also solicit the support of the private sector more particularly the local chapter of the Integrated Bar and the academe, to provide legal and protective services to children who are in need of such services.

SECTION 36. MONITORING CRIMINAL CHARGES FILED AGAINST CHILDREN. Appropriate assistance for suspension of sentences of children charged with criminal offenses in connection with or related to any anti-social activities defined herein shall be done by the Department of Social Welfare and Development in coordination with PSWDO. A Special Team from such offices shall be tasked to monitor closely the cases involving children in court to adequately enforce the suspension of sentences. Appropriate and responsive rehabilitation program shall be afforded to them under the care of the DSWD pursuant to PD 603 otherwise known as "Children and Youth Welfare Code"; RA 7620 as amended also known as "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for other purposes", and other related laws for the protection of children. The framework of assistance shall be designed by the Provincial Council for the Protection of Children (PCPC) in close coordination with the NGO's and other groups dedicated in children's rehabilitation.

SECTION 37. SUPPORT TO PROSECUTORS OR COUNSELS WHO HANDLE CASES OF CHILDREN TO OBTAIN SPEEDY DISPOSITION AND PREFERENTIAL SETTLEMENT.

The provincial government in its desire to protect children who may either be the victims or the accused in any crime shall give moral and other necessary support to the prosecutors or counsels handling their cases to ensure speedy disposition and preferential settlement thereof.

SECTION 38. ESTABLISHMENT OF CHILD AND YOUTH RELATIONS SECTIONS FOR THE PURPOSE OF STRENGTHENING THE PILLARS OF THE JUSTICE SYSTEM.

The provincial government shall have a Child and Youth Relations Section tasked to handle cases involving children. Child-friendly police procedures shall be implemented as contained in the Police Handbook on the Management of Cases of Children in Especially Difficult Circumstances. Each PNP element shall be provided a copy of the said handbook. The said section must be administered by a female police officer or in her absence, any police officer who may effectively perform such function to be determined by the Chief of Police.

SECTION 39. SPECIAL COURSE FOR PNP MEMBERS. Continuing Special Course for Members of the Philippine National Police shall be designed to handle effectively the children involved in anti-social activities. All police Officers shall take up the course especially those who are interested to be assigned in the Child and Youth Relations Sections (CYRS) and other CYR Offices in each PNP detachment.

The course shall be designed and provided by the Provincial Council for the Protection of Children (PCPC) in close coordination with the PNP Child Protection Team, NGOs and other civic organizations focused on Child and Youth Programs.

SECTION 40. CUSTODIAL BRUTALITY. The commission of an offense against minor(s) by any person while said minor(s) is being placed under his/her custody for whatever reason shall subject such offender(s) to the maximum penalty provided by law for the offense committed.

SECTION 41. ESTABLISHMENT OF A REHABILITATION CENTER AND PROVISION OF SUPPORT FACILITIES. There shall be established Rehabilitation Center for Children or Youthful Offenders in the Province of Nueva Ecija. It shall be equipped with necessary facilities and develop home life services, psycho-social interventions and other services that would make the center conducive to life and rehabilitation.

SECTION 42. ESTABLISHMENT OF A SEPARATE DETENTION CELL FOR CHILDREN AND YOUTHFUL OFFENDERS. To be able to safeguard the physical and psycho-social conditions of detained children having impending criminal charges, the provincial government shall establish within the Provincial Jail a separate detention cell exclusively for children and youthful offenders.

SECTION 43. ESTABLISHMENT OF RESIDENTIAL CARE FACILITY FOR CHILDREN AND YOUTH AND PROVIDING FUNDS THEREFORE. The provincial government shall establish a RESIDENTIAL CARE FACILITY FOR CHILDREN AND YOUTH to provide protective services to children and youth who are abandoned, victims of rape and incest and other similar cases. This facility shall also provide for the psycho-social needs of the children.

The amount of Two Hundred Fifty Pesos (P250.00) per child shall be provided to sustain the board and lodging wards of the RTCCY, subject to an increase of 50% per year when necessary. This facility shall be strictly a "No Smoking Area".

SECTION 44. CHILDREN AND FAMILY PSYCHO-SOCIAL PROGRAM. The Provincial Social Welfare and Development Office in coordination with other government and non-government agencies shall design a comprehensive psycho-social program for both children and their families especially those affected by armed-conflict.

SECTION 45. CURFEW HOURS FOR THE PROTECTION OF CHILDREN BELOW EIGHTEEN (18) YEARS OF AGE. They shall be prohibited from loitering around or sleeping in public places from ten o'clock (10:00 P.M.) in the evening until four o'clock (4:00 A.M.) in the morning of the following day unless they are accompanied by parents, guardians or responsible adult. Children caught violating this provision shall be immediately turned to the custody of the Provincial Social Welfare and Development Office and shall be returned to their parents after having attended a seminar on the duties and responsibilities of children and parents conducted by the office, provided, that this provision shall not be imposed during Christmas season and any other festivities or celebration where the presence of children in public places during such time are allowed or encouraged.

SECTION 46. REGULATING AMBULANT VENDORS SELLING JUNK FOODS IN SCHOOL VICINITIES FOR SANITATION PURPOSES AND ESTABLISHING MONITORING SYSTEM. The provincial government shall protect the school children from unsanitary and junk foods. In furtherance of this mandate, all vendors within the vicinity of all schools/campuses within the province shall secure Safety and Sanitation Permits from their City/Municipal Government.

SECTION 47. CONTROL ON CHILD'S EXPOSURE TO NEW TECHNOLOGY AND OTHER FORMS OF ENTERTAINMENT THAT IMPEDES THEIR EDUCATIONAL DEVELOPMENT.

1. All establishment operating computerized video games shall be required to secure a separate permit to operate such line of business activity from the City/Municipal Social Welfare and Development Office to ensure that the operation of the same shall be strictly regulated with the end view of protecting the welfare of the children.
2. No students (elementary/high school) will be allowed to play video games in the Internet Cafe's during school hours (8:00A.M. – 5:00P.M.).

3. No Internet Cafe's and other recreational facilities like billiards and pools shall be allowed to operate within 200 meters' distance from the schools/educational institutions both in public and private (elementary/high school). However, students may be allowed to do school related research works and practice billiard games for the purpose of school sports competition provided that a written certification from their teacher is presented prior to admission or when they are accompanied by their parents or guardians.
4. All pornographic, satanic and violent internet sites must not be accessible at any Internet Cafe's or computer establishments.
5. Any person violating this provision will suffer from the following penalties, to wit:

FIRST OFFENSE – A fine of Two Thousand (P2,000.00)Pesos

SECOND OFFENSE – A fine of Four Thousand (P4,000.00)Pesos

THIRD OFFENSE – A fine of Five Thousand (P5,000.00) Pesos, revocation of license to operate business in the Province of Nueva Ecija and confiscation of the video game equipment and computers.

SECTION 48. ESTABLISHMENT OF SAGIP MANGGAGAWA TEAM. The Sagip Manggagawa (SBM) also known as "Inter-Agency Quick Action Team Against Child Labor", shall be established to immediately respond and act upon reported cases involving child labor. The said team shall have the following composition:

- a. Representative from the Department of Labor and Employment (DOLE)
- b. Representative of Public Employment Service Office (PESO)
- c. Representative of DSWD Field Office
- d. Officer of Philippine National Police
- e. Representative of DILG
- f. Representative from three (3) NGOs
- g. Action Office of the M/CSWPC
- h. Action Officer of the Brgy. Council for the Protection of Children (BCPC)
- i. Chairman on Committee on Social Services, Sangguniang Panglungsod/Bayan
- j. Chairman on Committee on Education, Sangguniang Panglungsod/Bayan
- k. P/M/CSWDO Representative
- l. Health Office
- m. Permit and License Office
- n. Local Civil Registrar; and
- o. Other persons or entities as maybe determined by majority of the members

SECTION 49. ESTABLISHMENT OF THE BANTAY-BATA HOTLINE. A round the clock reporting and monitoring base against child abuse shall be established and anchored by the Provincial Social Welfare and Development Office. Said hotlines shall serve as the 24-hour

vanguard of children in all crimes and abuses committed against them by any person. Upon receiving information regarding any crime committed against a child, the Bantay-Bata Hotline shall immediately report to the appropriate authorities and shall monitor any progress on the apprehension and prosecution of the offenders.

C. PARTICIPATION RIGHTS OF CHILDREN

SECTION 50. PARTICIPATION OF CHILDREN IN DECISION MAKING PROCESSES.

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

SECTION 51. CONVENTION OF MINORS FOR PURPOSE OF CONSULTATION. It is important to consult and provide a venue for the expression of children's view in the Provincial Government Policies. Consistent herewith it is necessary that 7 to 12 years old and 13 years old and above but below 18 years of age are convened once a year, specifically during the Children's Month to be heard collectively of their clamors and needs. Every NGO concerned with these group of children shall be instrumental in the process of the preparation and evaluation of the convention.

SECTION 52. NOVEMBER AS CHILDREN'S MONTH. In keeping with the mandate of Republic Act No. 10661 declaring the month of November as National Children's Month, the Local Councils for the Protection of Children shall conduct child-focused activities within the month promoting the rights and responsibilities of Filipino Children as well as the obligations of the people and institutions responsible in ensuring the well-being of Filipino Children.

SECTION 53. THIRD MONDAY OF NOVEMBER OF EVERY YEAR AS CHILDREN'S DAY OF GOVERNANCE/ADMINISTRATION. Under close supervision by those in government positions, the children in the Province of Nueva Ecija shall reign the governance/administration of the entire bureaucracy, including elective positions, except in hospitals, from barangay up to provincial level, and whose official actions shall be binding and enforceable within the law. The Local Councils for the Welfare and Protection of Children in each LGU shall recommend to the Local Sanggunian the names of children who shall be occupying all the positions in the bureaucracy. On this day, governing/administering children shall be compensated according to the position/s they are holding commensurate to one (1) day equivalent to be taken from the regular salary of the holder of such position being taken over.

ARTICLE IV SPECIAL CONCERNS

SECTION 54. *PROHIBITED ACTS.* In addition to all acts defined and penalized under Republic Act 7610 on Child Labor and other pertinent laws, the following acts shall likewise be punishable:

1. **Illegal Recruitment** – Any person who recruits other persons for work shall be required to register with and secure permit from the Office of the Barangay Captain in the place of recruitment with an undertaking not to recruit children.
There is presumption of trafficking when a person is found together with two or more minor not his/her relatives at the pier or port of exit or jeepney terminals for the purpose of transporting the minors to another place without any permit from the Barangay Captain.
2. **Peonage of Children** – Offering a child or the services of a child as payment for a debt or in exchange for a favor, such as but not limited to:
 - a. Working in agricultural industries like rice, corn, banana, tree plantations or farms
 - b. Working as house helpers or store keepers
3. **Children as Sexual Commodities** – Pimping, engaging in sexual activities with children defined under this code whether commercial or with mutual consent. Sexual exploitation of children by any person, foreigner or otherwise, shall at all times prohibited. Consorting with children not related by affinity or consanguinity, with public display of lascivious conduct shall be considered prima facie evidence of sexual exploitation;
4. Admission into movie houses and similar establishment showing pornographic, x-rated or for adults-only films;
5. Admission into cockpits, karaoke or KTV bars, sauna baths and other places intended only for adult patronage;
6. Entry, selling and distribution of pornographic materials – The Local Councils for the Protection of Children, the local law enforcers (PNP) shall monitor and prevent the entry of such pornographic materials;
7. **Pushing/enticing minors to live-in arrangements** – It shall be unlawful for parents/guardians to entice, encourage and/or push their children/wards to live together with any person as husband and wife in exchange for money or any other consideration;

8. Pre-arranged marriage - Pre-arranged marriage (buya) made by parents or guardians to marry their children or wards against their will;
9. Using infants and those under six (6) years of age as part of stage shows, props in all forms of contests that put the safety of the infant/child in danger;
10. Discrimination of illegitimate children – For schools and religious institutions to discriminate illegitimate children by not limited to the following;
 - a. Refusal to accept enrollment of the child by reason of illegitimacy
 - b. Requiring the marriage contract of the parents as a pre-requisite for enrolment
 - c. Refusal to baptize a child by reason of illegitimacy
11. Expulsion, Suspension from School, Refusal to Graduate or Refusal to Issue Clearance by Reason of Pregnancy – For schools to impose a penalty of expulsion or suspension, refusal to graduate or refusal to issue clearance against a child who has complied with all the requirements by reason of her pregnancy is deemed as an illegal act under this code. Schools may impose any other penalty which shall be made applicable to both the pregnant child and her partner if he is also enrolled in the same school, something which shall not deprive the child of her/his right to be educated;
12. Physical and other Degrading Forms of Punishment – Subjecting the child to extreme physical and other forms of degrading punishment is prohibited under this Code such as but not limited to following;
 - a. Punishing a child to kneel on salt
 - b. Placing a child in a sack and/or hanging him/her
 - c. Shaving a child's head as form of punishment
 - d. Harsh whipping a child using objects that can cause confusions or bleeding on any part of his/her body
 - e. Stripping a child of his/her clothes
 - f. Locking up a child in any enclosed structures
 - g. Tying up a child or otherwise detaining him/her
 - h. Throwing objects at a child resulting in injury
 - i. Pulling the hair, ears and other sensitive parts of a child
 - j. Berating a child in public
 - k. Shoving objects into a child's mouth, nose, ears and other delicate parts of his/her body
 - l. All forms of physical contact as a requisite for initiation rites
13. Selling Liquor, Cigarettes, Rugby and all other addicting substance to a Child. It shall be unlawful for any person, store or establishment to sell to children below 18 years of age liquor, cigarettes, rugby and any other addicting substances.

14. It shall be unlawful for a child below 18 years of age to smoke, drink, intoxicating liquor in any public places like the school campus, places of worship and public conveyances.

The above acts which are likewise punishable under Republic Act 7610 or the Child Abuse Act, RA 7658 on Child Labor, and the Revised Penal Code, or other pertinent National Laws shall be penalized thereunder. Acts or omissions not falling under said laws shall be penalized by imprisonment of one (1) year and a fine of not more than Two Thousand Pesos (2,000.00) or both at the discretion of the Court.

SECTION 55. CHILDREN IN SITUATIONS OF ARMED CONFLICT. Children shall not be used/recruited by any individual or group of individuals in fighting for a cause whether pro or against the duly constituted authority or government. Children in situations of armed conflict shall be considered victims and shall be afforded full protection in accordance with the provisions of RA 7610 or the Anti-Child Abuse Act.

SECTION 56. RIGHTS OF CHILDREN BELONGING TO INDIGENOUS PEOPLE.

1. In addition to the rights guaranteed to children under this Act and other existing laws, children of indigenous cultural communities shall be entitled to protection, survival and development consistent with the customs and traditions of their respective communities.
2. The Department of Education, Culture and Sports shall develop and institute an alternative system of education for children of indigenous cultural communities which culture-specific and relevant to the needs of and the existing situation in their communities. The Department of Education, Culture and Sports shall also accredit and support non-formal but functional indigenous educational programs conducted by non-government organizations in said communities.
3. The delivery of basic social services in health and nutrition to children of indigenous cultural communities shall be given priority by all government agencies concerned. Hospitals and other health institution shall ensure that children of indigenous cultural communities are given equal attention. In the provision of health and nutrition services to children of indigenous cultural communities, indigenous health practices shall be respected and recognized.
4. Children of indigenous cultural communities shall not be subjected to any and all forms of discrimination.

Any person who discriminate against children of indigenous cultural communities shall suffer a penalty of arresto mayor in its maximum period and a fine of not less than Five thousand pesos (P5,000) more than Ten thousand pesos (P10,000).

SECTION 57. RIGHTS OF A JUVENILE. Pursuant to the UNCRC, every child alleged as, accused of, or recognized as having infringed the penal law has at least the following guarantees:

- (a.) To be presumed innocent until proven guilty according to law;
- (b.) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defense;
- (c.) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
- (d.) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
- (e.) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
- (f.) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
- (g.) To have his or her privacy fully respected at all stages of the proceedings.

ARTICLE V IMPLEMENTING MECHANISM

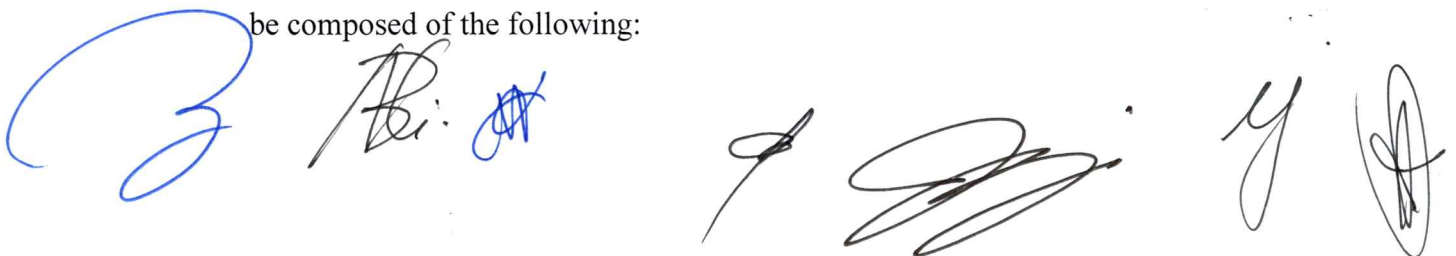
SECTION 58. LOCAL COUNCIL FOR THE PROTECTION OF CHILDREN. Section 15 of RA 9344, the Juvenile Justice and Welfare Act of 2006, provided that all levels of LGUs shall have Local Council for the Protection of Children (LCPCs). In the Province of Nueva Ecija, there shall be an established comprehensive Community Support System for the survival, development, protection, security and participation of children. The primary Community Support System's structure shall be the Provincial Council for the Protection of Children, among others.

58.1. THE PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN.

The Provincial Council for the Protection of Children (PCPC) is hereby institutionalized as a consultative assembly of Nueva Ecija for its periodic planning and programming, assessment and evaluation of welfare and protection of children. It shall act as regulatory body for operations of all existing program and projects designed for children and ensure the implementation of this code.

58.2. MEMBERS OF THE PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN.

The Provincial Council for the Protection of Children (PCPC) shall be composed of the following:



Chairperson: Provincial Governor

Vice Chairman: Chairman, Committee on Women/Children and Family

Sangguniang Panlalawigan Members:

1. Chairman, Sanggunian Committee on Social Services
2. Chairman, Sanggunian Committee on Education
3. Chairman, Sanggunian Committee on Health
4. Provincial Planning and Development Office (PPDO)
5. DSWD/Provincial Social Welfare and Development Office
6. Provincial Health Officer (PHO)
7. Provincial Treasurer
8. Provincial Budget Officer
9. Office of the Provincial Agriculturist (OPA)
10. Provincial Trade and Industry Office
11. Provincial Prosecutor's Office/Department of Justice (DOJ)
12. Department of Labor and Employment (DOLE)-NE
13. Nueva Ecija Provincial Police Office (NEPPO)
14. Department of Trade & Industry (DTI)
15. Philippine Information Agency (PIA)
16. Philippine Statistics Authority (PSA)
17. Department of the Interior and Local Government (DILG)
18. Paulino J. Garcia Memorial Research and Medical Center (PJGMRMC)
19. Commission on Human Rights
20. National Bureau of Investigation (NBI)
21. Provincial Federation of Parents Committee
22. Provincial Federation of Pag-Asa Youth Association of the Philippines (PYAP)
23. Religious Sector
24. ABSNET-MEMBER
25. Division Superintendent of Dep-Ed
26. Liga ng mga Barangay (LnB)
27. SK Federation President
28. President, League of Cities/Municipalities
29. Association of Private Schools
30. Child representative
31. And such other persons and entities as maybe agreed upon by majority of the members.

58.3. FUNCTIONS OF THE PROVINCIAL COUNCIL FOR THE PROTECTION OF CHILDREN.

1. Formulates a Provincial Plan of Action for Children (PPAC) improving projects and programs needing assistance of the municipalities and ensure its integration into the municipal development plan.
2. Monitors and evaluates the implementation of PPAC

3. Submits quarterly status report on plan implementation to the Regional Committee for the Protection of Children through PPDO
4. Promptly address issues and concerns affecting children and youth
5. Advocates for the increased support and service allocation for children's programs and projects
6. Advocates for the passage of relevant child and youth protective ordinances
7. Provide technical assistance to the community-based frontline workers through conduct of capability building and human resource development activities
8. Prepare contingency measures to protect children and their families in crisis situation brought about by natural and man-made calamities.
9. Establish and maintain a database of children in conflict with the law which shall include the children who undergo intervention, diversion and rehabilitation programs and after-care support services.
10. Document best practices on juvenile interventions and preventions.
11. Ensure the proper implementation of this ordinance.
12. Ensure that all member agencies are submitting quarterly accomplishment or status report to come up with consolidated provincial accomplishment report.
13. Performs such other functions as may be required by law.

58.4. CREATION OF COMMITTEES BY THE COUNCIL. The Council shall create committees, which it deems appropriate and necessary, whose chairmanship shall come from the regular mandated members of the council, for the purpose of furthering its functions.

58.5. SECRETARIAT SUPPORT. The Secretariat Support shall be lodged in the Provincial Social Welfare and Development Office which shall be responsible for the documentation of proceedings and meetings and preparation of reports and other necessary documents needed by the committee.

58.6. CREATION OF THE CITY/MUNICIPAL COUNCIL FOR THE WELFARE AND PROTECTION OF CHILDREN. The Sangguniang Panlungsod/Bayan shall create City/Municipal Council for the Protection of Children the functions of which shall be determined by the Sangguniang Panlungsod/Bayan concerned.

58.7. THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN. There shall be created a Council for the Protection of Children in every barangay of every city/municipality. The Barangay Chairman of the respective barangay are hereby mandated to spearhead the creation and strengthening of the said council with the support of the City/Municipal Social Welfare and Development Office, the Department of Interior and Local Government, and other concerned government and non-government agencies in the area.

SECTION 59. CREATION OF A DIVISION FOR CHILDREN'S CONCERN. The Division for Children's Concern under the Provincial Welfare and Development Office shall be created to beef up the capacity of this office in realizing the provisions of this ordinance. Said Division shall specially focus on specific programs and projects concerning children. It shall also file necessary complaints on cases of unlawful acts committed against children in the most expeditious process.

59.1 COMPONENTS OF THE DIVISION FOR CHILDREN CONCERN.

The division under the Provincial Welfare and Development Office shall have the following components, among others, to orchestrate the various programs of this Ordinance, Laws and International covenants.

- a. Reception & Study Center for Child and Youth
- b. Psycho-social Rehabilitation Centers for Children in extremely difficult circumstances
- c. Child rights and advocacy and Campaign
- d. Early Childhood Care and Development Program

**ARTICLE VI
FINAL PROVISIONS**

SECTION 60. IMPLEMENTING RULES AND REGULATIONS. Within six (6) months after the approval of the Code, the Local Chief Executive, assisted by the Office of the Provincial Legal Office and Provincial Prosecutor, shall formulate and issue appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Code.

Such Rule and Regulations shall take effect after (15) days following the completion of their full publication in two (2) local newspapers of general circulation within the Province of Nueva Ecija.

SECTION 61. PENALTY FOR REFUSAL OR NEGLECT ON THE PART OF ANY GOVERNMENT OFFICIAL OR EMPLOYEE TO IMPLEMENT THE ORDINANCE. Any government Official or Employee, charged with the duty to implement this ordinance, or who refuses or neglects his duty shall be punished with six (6) months suspension from service without pay, provided that the due process on administrative discipline as established under the Civil Service Law and other pertinent laws shall be strictly observed before said penalty is imposed to such offender.

SECTION 62. PENALTIES OR FEES collected by the Provincial Treasurer's Office from the violators of the provisions of this ordinance shall accrue to the funds of the PSWDO to augment its fund for operation and shall be treated as Trust Fund for the support of the operations of SPED Learning Center for children with Disabilities, Roving Day Care Centers for street children and other institutions/centers caring for disadvantage children.

SECTION 63. FUNDING. For the effective and efficient implementation of this ordinance, the provincial government shall regularly appropriate funds not less than Five (5) million of its Annual Budget, subject to the availability of funds which is exclusive of the appropriation intended for the Council and Special Education Fund and without limitation to an additional appropriation in the Supplemental Budget.

SECTION 64. SEPARABILITY CLAUSE. If for any reason a provision of this ordinance is declared invalid or unconstitutional, all other provisions hereof not affected thereby shall continue to be in full force and effect.

SECTION 65. REPEALING CLAUSE. All Ordinances, Executive Orders, Resolutions and other Local Memoranda or Rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 66. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days following the completion of its full publication in at least two (2) local newspaper of general circulation within the Province of Nueva Ecija.

APPROVED.

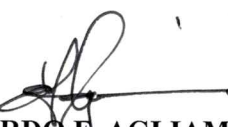

FROILAN C. NAGAÑO, JR.
Board Member


MARIO C. ORTIZ
Board Member

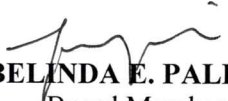

NAPOLEON P. INTERIOR, JR.
Board Member


JOHN CARLO A. PATIAG
Board Member

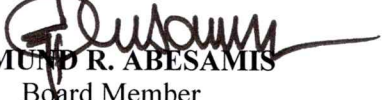

PETER MARCUS A. MATIAS
Board Member


EDGARDO F. AGLIAM
Board Member


EDWARD THOMAS F. JOSON
Board Member

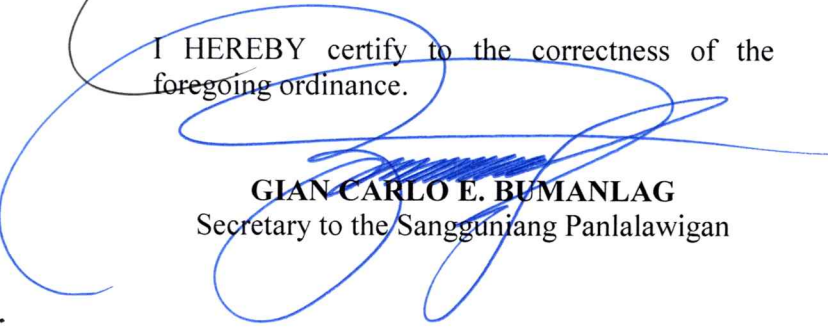

BELINDA E. PALILIO
Board Member


JO-MARIO ANGELO E. MATIAS
Board Member

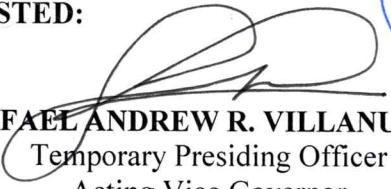

EDMUND R. ABESAMIS
Board Member


ANDREW N. BISCALOG
Board Member

I HEREBY certify to the correctness of the foregoing ordinance.


GIAN CARLO E. BUMANLAG
Secretary to the Sangguniang Panlalawigan

ATTESTED:


RAFAEL ANDREW R. VILLANUEVA
Temporary Presiding Officer
Acting Vice Governor