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Item No.: 15
Date: 06 2024 FEB

Republic of the Philippines
PROVINCE OF LEYTE
Palo, Leyte

SANGGUNIANG PANLALAWIGAN
PROVINCIAL LEGAL OFFICE
FEB 01 2024
PROVINCE OF LEYTE

2nd INDORSEMENT
January 29, 2024

Province of Leyte
Legal Office
Released: [Signature]
Time: [Signature]
Date: 1.29.24

Respectfully returned to the Sangguniang Panlalawigan of Leyte, through the SP Secretary, the attached Ordinance No. 2023-08 of the Sangguniang Bayan of Palo, Leyte, recommending for the declaration of its validity, pursuant to its power under Section 56 (C) of R.A. 7160, to the opinion of the Provincial Legal Office (PLO), an exercise of the power authorized under Section 16ⁱ in relation to Section 447(5)(xiv)ⁱⁱ.

Furthermore, the opinions rendered herein are without prejudice to opinions rendered by higher authorities.

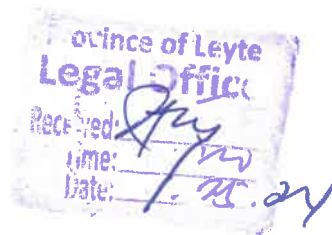
ATTY. JOSE RAYMUND A. ACOL
Asst. Provincial Legal Officer

ⁱ Section 16. *General Welfare.* - Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

ⁱⁱ (xiv) Provide for the care of paupers, the aged, the sick, persons of unsound mind, disabled persons, abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons;

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OFFICE OF THE SANGGUNIANG PANLALAWIGAN



1ST INDORSEMENT
25 January 2024

The Provincial Legal Office is respectfully requested to review and submit recommendations on the herein enclosed **MUNICIPAL ORDINANCE NO. 2023-08** of the **MUNICIPALITY OF PALO, LEYTE**, entitled: **The New Local Code for the Welfare and Protection of Children** in the Municipality of Palo, Leyte.


FLORINDA JILL S. UYVICO
Secretary to the Sanggunian





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Municipality of Palo

SANGGUNIANG BAYAN

EXCERPTS FROM THE MINUTES OF THE 68TH REGULAR SESSION OF THE 2022 SANGGUNIANG BAYAN OF THE MUNICIPALITY OF PALO, PROVINCE OF LEYTE, HELD ON NOVEMBER 21, 2023, AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

SB Member Oriell D. Chiquillo – SK Federation President – Temporary Presiding Officer
SB Member Andres Ian R. Sevilla
SB Member Casimero P. Villas, Jr.
SB Member Chiqui Ruth C. Uy
SB Member Aaron H. Roca
SB Member Felipe T. Ygrubay, Jr.
SB Member Antonino C. Hernit
SB Member Jan Michelle L. Dolina
SB Member Casimero B. Parado II
SB Member Roel D. Baldevia – LIGA President

Absent:

Vice-Mayor Jonathan P. Chiquillo – on Official Travel

MUNICIPAL ORDINANCE NO. 2023-08

THE NEW LOCAL CODE FOR THE WELFARE AND PROTECTION OF CHILDREN IN THE MUNICIPALITY OF PALO, LEYTE

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. TITLE. This Ordinance shall be known as Children's Code of Palo, Leyte.

SECTION 2. DECLARATION OF POLICY AND PRINCIPLES

The Municipality of Palo recognizes the vital role of youth/children in the development of this municipality and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It recognizes that children have rights as provided in the United Nations Convention on the Rights of the Child and Other Laws. It recognizes the importance of effectively promoting fully enhancing and institutionalizing the survival, development, protection and participation rights of children. The Local Government Unit shall respect the responsibilities, rights and duties of parents or where applicable, the members of the extended family or community as provided by Local Customs, legal guardians and other child care givers responsible to provide guidance. The Local Government Unit shall render appropriate assistance to parents and legal guardians in the performance of their child rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

SECTION 3. PURPOSE. This code is enacted with the following purposes:

- a. To ensure the protection of children against all forms of abuse and exploitation;



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- b. To advocate for children's rights and promote their welfare and development;
- c. To ensure that children's rights are given priority attention both in government and civil society;
- d. To ensure that the Municipality of Palo be transformed into a Child Friendly community;
- e. To improve the quality of life of the children of Palo enabling them to fully develop their potentials and participate in community life and nation building.

SECTION 4. DEFINITIONS OF TERMS. As used in this Code:

- a. **Anti-Social Related Activities** – are those acts against property, chastity and person which include but not limited to the following:
 1. Petty crimes such as snatching, shoplifting, and misrepresentation;
 2. Using and pushing prohibited drugs, selling illegal or bad reading materials ;
 3. Pimping for young and old prostitutes doing or participating in obscene show's;
 4. Gambling of any form;
 5. Rape and incest;
 6. Unjust and inhumane manner of eviction and demolition;
 7. Any other circumstances as defined in the existing laws.
- b. **Children** – refers to persons below 18 years of age, or those over but are unable to fully take care of themselves, or protect themselves from abuse, neglect cruelty and exploitation or discrimination because of physical or mental disability or condition.
- c. **Child Abuse (RA 7610 & 9262, PD 603)**– refers to the maltreatment, whether habitual or not of the child that includes any of the following:
 1. Physical and psychological abuse, neglect, cruelty, sexual and emotional;
 2. Any act by deeds or words which degrades the dignity of a child as a human being;
 3. Unreasonable deprivation of his/her basic needs such as food, shelter and clothing;
 4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of growth and development of permanent incapacity or death.
- d. **Child Development Center** – is a facility where Day Care Services are provided by an accredited Child Development Worker particularly on the 3-5-years age bracket.
- e. **Child in Conflict with the Law (CICL)** - refers to a child who is alleged, accused of, or adjudged as, having committed an offense under Philippine Laws.

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Parents

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- f. **Comprehensive Program Against Child Abuse, Exploitation and Discrimination** – refers to the coordinated program of services and facilities to protect children against:
1. Child prostitution and other child abuse;
 2. Child trafficking;
 3. Obscene publication and indecent shows;
 4. Other acts of abuse; and
 5. Circumstances which threatens or endanger the survival and normal development of child.
- g. **Day Care** – is the provision of substitute parental care and stimulating activities for the total development children zero to five (0-5) years when their parent is unable to take care of them during part of the day because of work and some other situation.
- h. **Development Rights** – refers to access education which includes the following:
1. Right to education opportunity;
 2. Right to access to appropriate information;
 3. Right to leisure, recreation and cultural and artistic activities;
 4. Right to develop the child's physical and mental abilities.
- i. **Early Child Care Development (ECCD)** – refers to the full range of health, nutrition, early education and social services programs that provide for the basic holistic needs of young children from birth to age six (6), to promote their optimum growth and development.
- j. **Exploitation (RA 9208)** – means hiring, employment, persuasion, inducement or coercion of a child to perform in obscene exhibitions and indecent shows, whether live or in video or film or the pose or act as a model in obscene publication or pornographic materials or to sell or distribute materials.
- k. **Participation Rights** – refers to right of children to participate, give opinion and be heard, which includes the following:
1. Right to express his/her opinion freely and to have that opinion taken into account;
 2. Right to obtain information, make ideas and information known;
 3. Freedom of thought, conscience and religion subject to appropriate parental guidance;
 4. Freedom to join association and peaceful assemblies;
 5. Right to be heard in judicial and administrative proceedings; and
 6. Right to privacy.
- l. **Pre-School Education** –refers to the age from birth up to six years of age (0-6) known to be critical phase of child's psychomotor development. It is the phase when 90% of

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the human brain is developed. It is the phase when activities for developmental; situation must be provided, hence, the need for early childhood care and development program.

m. **Protection Rights** - covers those rights, protecting the child from all forms of abuse, exploitation and discrimination which includes the following:

1. Protection of the child from all forms of physical and mental abuse;
2. Right of the child to be protected from injury, neglect and maltreatment;
3. Protection from exploitation, sexual and economic abuse, including prostitution and involvement in pornography;
4. Protection from sale, trafficking and abduction;
5. Right to special protection and assistance if without a family;
6. Right to treatment for necessary and reintegration of abused or exploited;
7. Right to periodic review if placed under care, protection or treatment;
8. Right of protection in situation of armed conflict;
9. Right of children in conflict with the law;
10. Right of freedom from torture, death, penalty, life imprisonment and deprivation of liberty;
11. Right to protection from child labor;
12. Right to be protected from the use of narcotics, psychotropic drugs and from being involved in the production or distribution.

n. **Survival Rights**— refers to inherent rights to life and needs that are basic to existence which include the following:

1. Right to life;
2. Right from birth to a name;
3. Right to acquire a nationality;
4. Right to know his/her parents and be cared for by them;
5. Right to adequate and decent standard of living;
6. Right to access to basic health care and services.

o. **Special Concerns** – are circumstances which gravely threatens or endanger the survival and normal development of children including but not limited to the following:

1. Being in a community where there is armed conflict or being affected by armed conflict related activities;
2. Working under conditions hazardous to life safety and morals which unduly interfere with their normal development;
3. Living in or fending for themselves in the streets without the care of parents and guardians or any adult supervision needed for their welfare;



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4. Being a member of indigenous cultural community and/or hiring under conditions of extreme poverty or in an area which is underdeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;
5. Being a victim of man-made or natural disaster calamity;
6. Circumstances analogous to those above stated which endanger life, safety or normal development of children.

**ARTICLE II
RIGHTS AND OBLIGATIONS OF THE CHILD**

SECTION 1. RIGHTS OF THE CHILD

- a. Every child shall be entitled to the rights herein set forth without distinction as to legitimacy, sex, social status, religion, political antecedents, and other factors.
- b. Every child shall possess the following rights which are classified into survival, development, protection and participation rights:
 1. **"Survival rights"** ensure the child's inherent right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identify and those dealing with parental and governmental duties and obligations, adequate and decent standard of living, access to basic health care and medical services, social security, and rehabilitation. The following are the survival rights:
 - I. Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception;
 - II. Every child has the right to a wholesome family life that will provide him or her 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 of a home;
 - III. Every child has the right to balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
 2. **"Development Rights"** refer to the rights of a child to education to develop her or his personality, talents and mental and physical abilities to the fullest extent. These also include participation in cultural activities, access to appropriate and relevant information, and opportunities for rest, play and leisure. The following are the development rights:

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- I. Every child has the right to a well-rounded development of her or his personality to the end that she or he may become a happy, useful, and active member of society specifically:
 - i. The gifted child shall be given the opportunity and encouragement to develop her or his special talents;
 - ii. The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care;
 - iii. The physically or mentally disabled child shall be given treatment, education and care required by her or his particular condition.
- II. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
- III. Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of better world;
- IV. Every child has the right to education. Primary education must be compulsory and higher education must be available and accessible to all on the basis of capacity by every appropriate means.

The education of the child shall be directed to:

 - i. The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 - ii. The preparation of the child for responsible adult life in a free society;
 - iii. The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of others;
 - iv. The development of respect for the natural environment;
- V. 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 her or his leisure hours.
- VI. Every child has the right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.



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3. **“Protection rights”** cover those rights protecting the child from all forms of abuses and discrimination such as protection from cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse, and exploitation.
4. **“Participation rights”** refer to the child’s right to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, involvement in decision-making and a consultative process, freedom of association and peaceful assembly.

The following are the participation rights:

- I. Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceeding affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
- II. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
- III. 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;
- IV. Every child has the right to express his or her opinions freely and to have these opinions taken into account in any matter or procedure affecting him or her;
- V. Every child has the right to privacy and shall be protected against unlawful interference, and to unlawful attacks against his or her honor and reputation.

SECTION 2. RESPONSIBILITIES OF THE CHILD. Every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors shall:

- a. Strive to lead an upright and virtues life in accordance with the tenets of his or her religion, the teaching of his or her elders and mentors, and the bidding of clean conscience;
- b. Love, respect and obey his or her parents, and cooperate with them in strengthening of the family;
- c. Extend to his or her brothers and sisters love, thoughtfulness, and endeavor with them to keep the family harmonious and united;
- d. Exert his or her outmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society;



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- e. Respect not only his or her elders but also the custom and traditions of his or her people, the memory of his or her people heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;
- f. Actively participate in civic affairs and in the promotion of the general welfare, recognizing that it is 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 aspiration for unity and prosperity, and the furtherance of world peace.

**ARTICLE III
SURVIVAL RIGHTS OF CHILDREN**

SECTION 1. PRIMARY HEALTH CARE.

The Local Government Unit of Palo shall implement and sustain the Primary Health Care Program. To ensure the implementation of this Section, it shall take appropriate measure to support the program on health under the following frameworks of primary health and preventive care.

SECTION 1A. MATERNAL AND CHILD CARE PROGRAM

The Local Government Unit of Palo shall continue to implement and support its maternal and child-care services program. The program on preventive child care and health services shall include the following:

- a. Regular pre-natal consultation of pregnant women at least once every trimester;
- b. Monitoring and registration of birth, to ensure that all births must be attended by trained personnel's such as midwives, nurses or physicians
- c. Completion of immunization series for prevention of tuberculosis, diphtheria, pertussis, neonatal, tetanus, measles, poliomyelitis, hepatitis B, Haemophilus Influenza B and such other diseases for which vaccine have been developed for administration to children up to six (6) years of age;
- d. Pregnant and lactating mothers must be given get vitamins A and iron and iodine or iodized salt ;
- e. Children are given 1 dose of Vitamin A starting 6-11 months at 100,000 I.U and 1-5 years old are given Vitamin A at 200,000 I.U. capsules twice a year;
- f. Pregnancies are spaced at least three (3) years apart;
- g. To ensured that all neonates must undergo newborn screening at birth;
- h. Encourage COVID 19 Vaccination among children aged 5 years old to 17 years old;

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- i. Growth and nutritional monitoring with supplementary nutritional feeding and supervision of nutritional intake at home;
- j. Materials and network of surrogate mothers – teachers who will provide intellectual and mental stimulation to the children, as well a supervised wholesome recreation, with a balanced program of supervised play, mental stimulation activities, and group activities with peers;
- k. A sanctuary for abused, neglected or exploited children either in one child institution in the barangay and/or network of sanctuary- homes which will take in children in urgent need of protection due to a situation which endangers the child or which has exposed the child to cruelty and abuse; provided, that the Day Care Center, with the help and support of the barangay Chairman and their barangay-level support system, may call upon law enforcement agencies when the child needs to be rescued from an unbearable home situation;
- l. A referral and support system for pregnant mothers for pre-natal and neonatal care and in the proper case, for delivery of the infant under conditions which will remove or minimize risk to mother and child. Provided, that the high-risk mothers shall be referred to secondary or tertiary health care facilities/hospital, and children who are at risk from any condition or illness will be brought for care; Provided, that Day Care Centers shall be alert of illegal abortions, incompetent and untrained “hilots” so that this untrained hilots will be provided with the basic skills through trainings to handle normal deliveries and will be equipped with the proper knowledge to recognize high risk pregnancies which should be referred to competent health care services.

SECTION 1B. DENTAL HYGENE AND ORAL HEALTH PROGRAM

The Local Government Unit of Palo shall continue to implement and support its Dental Hygiene and Oral Health Program Services like oral exam, oral health education, supervised tooth brushing, drill of preschool children, fluoride varnish application of preschool children, oral prophylaxis, fit and fissures, sealant application, temporary and permanent filling and extraction under the supervision of the Municipal Dentist/s.

SECTION 2. NUTRITION PROGRAM

The Local Government Unit of Palo shall establish and sustain a growth and nutritional monitoring with nutrition feeding and supervision of nutritional intake of children in home and in school by:

- a. Encouraging mothers to exclusively breastfeed their babies by stressing the importance and benefits of breastmilk during the 6 months of life and must be continued with appropriate complementary feeding up to 2 years and beyond.
- b. To ensure that safe and adequate nutrition for all infants is provided, Executive Order No. 51 entitled: “Adopting a National Code of Marketing of Breastmilk Substitute,

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- Breastmilk Supplement and Related Products, Penalizing Violation thereof and for Other Purpose” shall be strictly implemented.
- c. Enforcement of RA 10028 or the Expanded Exclusive Breastfeeding in the Workplace Law.
 - d. Implementation of RA 8172 otherwise known as “An Act Promoting the Salt Iodization Nationwide”. This program on Nutrition shall be under the administration and supervision of the MHO (Municipal Health Office) and MNAO (Municipal Nutrition Action Office).
 - e. Enactment of a municipal ordinance regulating ambulant vendors of junk foods on school vicinities for sanitation purposes and establishing monitoring system.
 - f. The program on Nutrition shall include a monitoring and evaluation system which shall be established by MNAO (Municipal Nutrition Action Officer) that operation timbang is conducted every first quarter followed by every quarter thereof regulating the hazardous plastic toys in the canteen and stores in school vicinities for health purposes and establishing monitoring system.
 - g. Full implementation of the Supplemental and Milk feeding Program in all Child Development Centers of Palo under the management and supervision of accredited and trained Child Development Workers.

SECTION 3. COMPREHENSIVE PARENT ORIENTATION PROGRAM. Local Government Unit of Palo shall establish a Comprehensive Parent Orientation Development Program which includes gender responsive courses on:

- a. Reproductive health;
- b. Child health and child rearing practice;
- c. Parent effectiveness service;
- d. Pre-marriage and marriage counseling;
- e. Responsible parenthood in the context of Filipino Psychology;
- f. Mental Health especially among children and adolescents;
- g. Teenage Pregnancy that impacts family dynamics.

SECTION 4. CHILDREN OF INDEGENOUSE PEOPLES. The Municipality shall develop a policy which shall provide a program for development and assistance of any nomadic member/s of Indigenous Peoples of Indigenous Peoples Communities and their children ensuring that they are protected from abuse as defined in this ordinance and other relevant laws.

SECTION 5. CHILDREN AND GENDER. This ordinance shall likewise respect the child’s choice of gender identity. No child shall be subjected to humiliation, abuse, punishment, or discrimination by reason of their choice of gender identity. The municipality shall likewise develop a program which shall ensure protection children who have chosen a gender identity that is different from the gender of their birth.

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SECTION 6. CHILDREN WITH SPECIAL NEEDS. Pursuant to the provisions of this ordinance, the Municipality shall develop a program that shall ensure the protection of children with special needs. It shall develop a protocol that will ensure that children with special needs who are victims or declared in conflict with the law, shall be properly assessed, and their needs addressed. The Municipality shall likewise ensure that children with special needs who are accused of a crime or are in conflict with the law are detained separately from regular offenders.

**ARTICLE IV
DEVELOPMENT RIGHTS OF CHILDREN**

SECTION 1. EARLY CHILDHOOD CARE AND DEVELOPMENT, or RA 10410 - also known as the Early Years Act, include the following:

SECTION 1A. DAY CARE SERVICE. The Local Government Unit of Palo shall develop, implement and sustain its Day Care Service Program which is center- based and community based.

The Importance of Day Care Service. Day Care Service Program addresses the needs in the crucial stage of a child's growth. By the age of five (5) a child brain has already grown to 90 percent of its adult weight and much of the way he/she envisions and interacts with the world has been shaped. Thus, the formative years and the care that he/she gets during this period would significantly affect the learning capacity, personal and social interaction into adulthood.

SECTION 1B. DAY CARE CENTERS - Which shall serve 3-5 years old children be set up in every barangay, the number of which shall depend on the population level of the community. Day Care Centers aims to help the child:

- a. Become physically fit through proper care and nutrition;
- b. Develop self-confidence, self-statement and self-discipline;
- c. Relate well with others;
- d. Develop strong spiritual, socio-cultural and nationalistic values as well as positive attitudes toward the family.

SECTION 1C. DAY CARE WORKERS AND SUPPORT GROUP

- a. The Local Government Unit/Barangay shall implement Provincial Ordinance No. 79 s. Of 2001, which provides incentives and benefits to Day Care Workers. The MSWD Office shall provide a continuing number of technical assistance to the Day Care Service Providers thru trainings and seminars necessary for accreditation as indicator in the Seal of Good Local Governance under the Social Protection and Sensitivity aspect of governance.
- b. A Day Care Service Parents Group (DCSPG), shall be organized to be an effective support group to the center. The volunteer group shall help mobilize resources for

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the improvement of the center, acquisition of more learning materials and play equipment and other support activities.

SECTION 1D. SETTING UP OF DAY CARE CENTERS BY COMMUNITY BASED ORGANIZATIONS

Community based organizations can help mobilize resources to complement the effort of the Municipal Government in establishing day care centers in their communities. In this way more children needing attention can be reached.

SECTION 2. RECREATIONAL AND CULTURAL PROGRAMS

- a. Every barangay in the Municipality of Palo shall allocate space for recreational facilities appropriate for different age groups.
- b. A year- round cultural program appropriate to age groups shall be designed with due respect to cultural.
- c. Indigenous game shall be encouraged in various athletic and sports programs of the LGU.

SECTION 3. LOCAL CHILDREN LITERATURE

In support for the threat for the socio-cultural development of children in the Province of Leyte, the Municipal Government of Palo shall invest in the promotion and production of local literature for children and other relevant materials.

SECTION 4. OTHER CHILD FRIENDLY FACILITIES.

Local Government Unit of Palo in partnership with NGO and Civic organizations are encourage to put up and maintain child-friendly facilities such as but not limited to libraries, museums, parks and playgrounds.

SECTION 5. SPIRITUAL DEVELOPMENTS

The spiritual and moral upliftment of children shall be the responsibility of the parents, schools, teachers, different churches and religious groups in the municipality. Every family shall admonish their children to heed the teachings of their church, attend actively and get involved in their respective religious church activities such as Mass, catechism, worship, bible studies, retreats, seminars, family day, prayer meeting and the like to ensure a strong family relationship and God fearing community. Religious education of children in all public and private schools is a legitimate concern of the church to which the student belongs, all churches may offer religious instructions in public and private elementary and secondary schools subject to the requirements of the Constitution and existing laws.

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**ARTICLE V
PROTECTION RIGHTS OF CHILDREN**

SECTION 1. The Local Government Unit of Palo shall ensure the adoption and implementation of the following National Laws concerning the Children in Need of Special Protection (CNSP) and other existing laws protecting children but not limited to:

- a. R.A. 7610 – Special Protection of Children against child abuse, exploitation and discrimination Act of 1994
- b. R.A. 7658 - Act Prohibiting the Employment of Children Below 15 years of Age in Public and Private Undertakings of 1994
- c. R.A. 8353 – Anti-Rape (1997)
- d. R.A. 8505 – Rape Victim Assistance and Protection Act of 1998
- e. R.A. 7877 – Anti-Sexual Harassment Act of 1995
- f. R.A. 9262 – Anti- violence against women and their children act of 2006
- g. R.A. 9344 - Juvenile Justice and Welfare Act of 2006
- h. R.A. 9208 – Anti- trafficking in persons especially woman and children
- i. R.A. 9165 – Comprehensive Dangerous Drug Act
- j. R.A. 8980 – The Early Childhood Care and Development Act of 2000
- k. R.A. 9231 – prohibits the employment of children below 15 years of age
- l. R.A. 9211 – Regulating the use & distribution of Tobacco Products
- m. R.A. 6972 – Barangay-Level Total Development and Protection Act
- n. R.A. 9775 – Anti- Child Pornography Act of 2009
- o. R.A. 10410 – Early Years Act of 2013
- p. R.A. 10821 – Children’s Emergency Relief and Protection Act
- q. R.A. 11037 – Masustansyang Pagkain para sa Batang Pilipino
- r. R.A. 11188 – Special Protection of Children in Situation of Armed Conflict Act.
- s. R.A. 11222 – Simulated Birth Rectification Act
- t. R.A. 10364 – Expanded Anti- Trafficking in Person Act of 2012
- u. R.A. 4881 – Creating a Council for the Protection of children in every city and Municipality of the Philippines

SECTION 2. CHILD PROSTITUTION AND OTHER SEXUAL ABUSE-

- a. Children whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.
- b. The Following prohibited acts shall be penalized:

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1. Those who engage in or promote, facilitate or induce child prostitution which include, but not limited to, the following:
 - I. Acting as a procurer of a child prostitute;
 - II. Including a person to be the client of a child prostitute by means of written or oral advertisement or other similar means;
 - III. Taking advantage of influence or relationship procure a child as a prostitute.
 - IV. Threatening or using violence towards a child to engage him/her as a prostitute; or
 - V. Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution.
- c. Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco bar, resorts, place of entertainment or establishment serving as a cover or which engages in prostitutions in addition to the activity for which the license has been issued to said establishment.
- d. There is an attempt to commit child prostitution which shall likewise be penalized in the following instances, to wit:
 - I. when a person who, not being relative of a child, is found alone with the said child inside a room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishment, vessel, vehicle or any other hidden or secluded area under circumstances which would lead reasonable person to believe that the child is about to be exploited prostitution and other sexual abuse; and
 - II. when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments.

SECTION 3. CHILD TRAFFICKING

- a. Any person who shall engage in trading and dealing with children including but not limited to the act of buying and selling of child for money, or for any consideration, or barter, shall be penalized.
- b. There is an attempt to commit child trafficking which is likewise penalized:
 1. When a child travels alone to a foreign country without valid reason and without clearance issued by the Department of Social Welfare and Development (DSWD) or written permit or justification from the child's parents or legal guardian;

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2. When a person, agency, establishment or child-caring institution recruits' women or couples to bear a child for the purpose of child trafficking;
3. When a person engages in the act of fending children among low-income families, hospitals, clinic, nurseries, day-care centers, or other child- bearing institutions who ca be offered for the purpose of child trafficking.

SECTION 4. OBSCENE PUBLICATIONS AND INDECENT SHOWS –

- a. Any person who shall hire, employ, use, persuade, include or coerce a child to perform in obscene publication or pornographic materials or to sell or distribute the said materials shall be penalized.
- b. Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and / or allow such to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by the section shall likewise be penalized.

SECTION 5. OTHER ACTS OF NEGLECTED, ABUSE, CRUELTY OR EXPLOITATION AND OTHER CONDITIONS TO THE CHILDS DEVELOPMENT-

Any persons including the parents of a child who shall use, coerce, force or intimidate a child or any other child under the following circumstance shall be penalized:

- a. Conceals or abandons the child with the intent to make such child lose his civil status;
- b. Abandons the child under such circumstances as to deprive him of the love, care and protection he/she needs;
- c. Sells or abandons the child to another person for valuable consideration;
- d. Neglects the child by not giving him the education which the Family's status in life and financial conditions permits;
- e. Fails or refuses, without justifiable grounds, to provide for the education of the child as required by the law;
- f. Causes, abates or permits the truancy of the child from the school where he is enrolled. Truancy as used in this ordinance shall mean absences without cause for more than twenty school days, not necessarily consecutive;
- g. Exploits the child by using him, directly or indirectly, such as for purposes of begging and other acts which are inimical to his interest and welfare;
- h. Inflicts cruel and unusual punishment upon the child or deliberately subject to indignation and other excessive chastisement that embarrass or humiliate him/her;
- i. Causes or encourages the child to lead an immoral or dissolute life;
- j. Permits the child to possess, handle or carry a deadly weapon regardless of the ownership;

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- k. Allows or requires the child to drive without a license or with license which the parent knows to have been illegally procured;
- l. Causes or allows child to act as conduit or middleman in Drug Trafficking or pushing, and
- m. Causes, participate, directs a child in the conduct of illegal activities, shall be penalized.

SECTION 6 – OTHER PROHIBITED ACTS

In addition to all acts defined and penalized under Republic Acts enumerated above, and other pertinent laws, the following acts shall likewise be punishable:

- a. Illegal Recruitment – any person who recruits other person to work shall be required to register with and secure a permit from the office of the Barangay Captain in the place of recruitment. Recruiting children without barangay permit is illegal.
- b. 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:
 - 1. Working in agricultural industries like rice & corn plantations or farms;
 - 2. Working as housekeeper.
- c. Pre-arrangement for Marriage – pre-arrangement made by parents or guardians to marry off their children or wards.
- d. Using Girls as Commodities in Benefit Dances – minor girls shall not be allowed to be used as dancing partners in benefit dances for payment or free. The organizers or persons anchoring such benefit dances shall be penalized under this section.
- e. Discrimination of Girl Children – Discrimination of girl children by prohibiting and depriving them of formal education.
- f. Discrimination of Non-Marriage Children - For schools to discriminate non-marriage children as follows but not limited to the following:
 - 1. Refusal to accept enrolment of illegitimate children in the school by reason of ones' illegitimacy;
 - 2. Requiring the marriage contract of parents as a requirement for enrolment of the child.
- g. Expulsion or Dropping by Reason of Pregnancy and/or CICL - for schools to impose a penalty of expulsion against a child (minor) who while able to comply or has complied with all academic requirements, by reason of her pregnancy or status as child in conflict with the law. Schools may impose any other penalty which shall be made applicable based from existing laws rules and regulations of the government to both the pregnant girl and her partner if he is also enrolled in the same school. Provided that under existing laws, a child status as child in conflict with the law (CICL) is strictly

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- confidential, any efforts by any person to obtain such information for the purpose of discrimination as stated in this and succeeding provision shall likewise be prohibited.
- h. Refusal to Graduate by Reason of Pregnancy/CICL – for schools to refuse a child to graduate by reason of pregnancy or status as child in conflict with the law if he/she has complied with all academic requirements for graduation.
 - i. Refusal to Issue Clearances by Reason of Pregnancy/CICL – for schools to refuse issuances of clearance to children by reason of pregnancy or status as child in conflict with the law.
 - j. Refusal to issue clearances/documents by reason of defects in the birth records or similar civil registration documents of the child and/or parents of the child – it shall be unlawful for any institution to refuse the issuance or release of any document pertaining to the education of the child by reason of the defect in the birth records or similar civil registration documents of the child and/or parents of the child. Provided, that the agency concerned may require documents from the child or their parent undertaking the correction of said defects in the birth records or similar civil registration documents of the child and/or parents of the child.
 - k. Physical and Degrading Forms of Punishment “Corporal punishment”- refers to punishment or penalty for an offense, real or imagined, and/or acts carried out for the purpose of discipline, training or control, inflicted by an adult or older children, who has been given or has assumed authority or responsibility for punishment or discipline. It includes physical and humiliating or degrading punishment, such as but not limited to:
 1. Blows to any part of a child's body, such as beating; kicking; hitting; slapping; lashing; with or without the use of an instrument such as a cane, shoes, broom, stick, whip or belt;
 2. Pinching; pulling ears or hair; shaking; twisting joints; cutting and shaving hair; cutting or piercing skin; carrying, dragging or throwing a child;
 3. Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as holding a weight or weights for an extended period; kneeling on stones, salt or pebbles; squatting; standing or sitting in a contorted position;
 4. Deliberately neglecting a child's physical needs, where it is intended as punishment;
 5. Using external substances, such as burning or freezing materials, water, smoke, pepper, alcohol, excrement or urine;
 6. Forcing a child to perform hazardous tasks as punishment or for the purpose of discipline, including those that are beyond a child's strength or bringing him or her into contact with dangerous or unhygienic substances; such tasks include sweeping or digging in the hot sun or rain; using bleach or insecticides; unprotected cleaning of toilets;



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7. Confining a child in a contained or enclosed space, confinement, including being shut in a confined space or material, tied up, or forced to remain in one place for an extended period of time;
 8. Any threat of physical punishment;
 9. Humiliating haircuts;
 10. Any other physical act perpetrated on a child's body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light;
 11. Verbally assaulting, threatening or intimidating a child;
 12. Verbally abusing, scolding, yelling, swearing, ridiculing or denigrating;
 13. Making a child look or feel foolish in front of one's peers or the public; and
 14. Other acts or words belittling, humiliating, blaming, ignoring or isolating the child.
- l. Pushing/Enticing Minors to Live-in Arrangements - it shall be unlawful to parents to entice encourage and/or push their children to live together with any person as husband and wife in exchange for money or any other consideration.

SECTION 7. CONTROL ON CHILDREN'S EXPOSURE TO COMMERCIAL VIDEO MACHINES & INTERNET CAFES

Commercial Video machines and internet cafes catering to children during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon and beyond 9:00 o'clock in the evening, shall be subjected to suspension of business permits for 15 days on the 1st offense and one (1) month suspension of the same for the 2nd offense. Confiscation of the video games & internet machine and cancellation of the business permit of the said establishment shall constitute the penalty for the third offense. Provided, that establishments that provide internet services shall coordinate with any nearby educational institutions, through their respective barangays, for the use of their services by learners who are without access to internet or computer services or machines in their respective households for research and education purposes. Provided further that establishments that provide internet services shall ensure that the use of their machines should only be limited to research and educational purposes should learners be allowed to access their services for the purpose of the same.

SECTION 8. CONTROL OF CHILDREN'S EXPOSURE IN DISCO, BISTRO, VIDEOKE & OTHER NIGHTTIME ENTERTAINMENT

For the protection of children below 18 years of age, the owner or operator of establishment are prohibited to allow minors to enter nighttime entertainment. Violation of this section shall be penalized as follows:

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- 1st offense – 15 days' suspension of business permit
- 2nd offense – 30 days' suspension of business permit
- 3rd offense – cancellation of business permit, Confiscation of machine & filing of case in court

Provided that the limitation of children's access to disco, bistro, videoke and other nighttime entertainment shall likewise apply to activities organized by secular and pastoral organizations and institutions. Organizers of the same shall ensure that no person below the age of majority shall be allowed to access to these activities which shall include but not limited to: concerts, community discos, drinking and barbeque stalls and any similar activities. Provided further, that school-based activities which involve disco and videoke shall be allowed provided it is done according to existing policies of the institution, with prior consent for the parents and or guardians of the minor child.

SECTION 9. EMPLOYMENT OF CHILDREN

a. Children below eighteen (18) years of age shall not be employed excepts:

1. When a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed; Provided, however, that his employments neither endangers his life, safety, health and moral, nor impairs his normal development; Provided, further, that the parent or legal guardian shall provide the said minor child with the prescribed primary and / or secondary education; or
2. Where a child employment or participation in public entertainment of information through cinema, theater, radio television is essential, provided, the employment contract is concluded by the child's parents or legal guardian, with the express agreement of child concerned. If possible and the approval of the Department of Labor and Employment and the Office of the Local Chief Executive, and provided, that the following requirement's in all instances are strictly complied with:
 - I. The Employers shall ensure the protection, health safety, morals and normal development of the child;
 - II. The employee shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and



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- III. The employer shall formulate and implement subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the requirements.

In the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child a work permit from the Department of Labor and Employment and the Office of the Municipal Mayor which shall ensure observance of the child.

- a. No person shall employ child models in all commercials or advertisement promoting alcohol beverages, intoxicating drinks, Tabaco and its by products and violence.

SECTION 10. CHILDREN IN SITUATION OF ARMED CONFLICT.

- a. Children are hereby declared as Zones of Peace.
- b. To attain this objective, the Following policies shall be observed:
1. Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assaults, torture or other cruel, inhumane or degrading treatment;
 2. Children shall not be recruited to become members of the Armed Forces of the Philippines or its own civilian units or other armed groups, not be allowed to take part in the fighting, or used as guides, couriers, or spies;
 3. Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;
 4. The safety and protection of those who provide services including those involved in fact-finding missions from both government and non-government institutions shall be insured. They shall not be subjected to undue harassment in the performance of their work;
 5. Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes as command posts, barracks, detachments, and supply depots; and
 6. All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflicts.
- c. Children shall be given priority during evacuation as a result of armed conflict. Existing community organization shall be tapped to look after the safety and well-being of children during evacuation operation. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.
- d. Any child who had been arrested for reasons related to armed conflict, either as combatant, courier guide or spy is entitle to the following rights:



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1. Separate detention from adults excepts where families are accommodated as family units;
2. Immediate free legal assistance;
3. Immediate notice of such arrest to the parents or guardians of the child; and
4. Release of the child on recognizance within twenty-four hours (24) to the custody of the Department of Social Welfare and Development or any responsible member of the community as determined by the court.

Section 9. RESPONSIBILITIES OF PARENTS/GUARDIANS

The family (parents/guardians) has the primary responsibility and duty to provide protection to their children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall have the right to the company of their children and in relation to all other persons or institutions dealing with children's development, the primary right and obligation to provide for their upbringing.

Parents/guardians shall take special care to prevent the child from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling and other vices or harmful practices.

Section 10. CURFEW HOURS – Curfew hours is hereby imposed on children below eighteen (18) years of age, as recommended by the council and approved by the Sangguniang Bayan. Provided that any child who is outside their homes beyond the hours of curfew may be allowed if he/she is outside for the purpose of conducting research or education and is accompanied by a parent. Parent within the context of this provision shall likewise apply to grandparents and/or elder brother or sister who is no longer a minor.

**ARTICLE VI
ROLES AND RESPONSIBILITIES OF VARIOUS SECTORS**

Section 1. GENERAL DUTIES OF PARENTS/GUARDIANS

Parents shall have the following general duties toward their children:

- a. To give them affection, companionship and understanding;
- b. To extend to them the benefits of moral guidance, self-discipline and religious instructions; send their children to schools offering pre elementary and basic education;
- c. To supervise their activities, including their recreation;
- d. To inculcate in them the value of industry, thrift and self-reliance;
- e. To stimulate their children in civic affairs, teach them the duties of citizenship and develop their commitment to their country;



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- f. To advise them properly on any matter affecting their development and well-being;
- g. To always set a good example;
- h. To provide them with adequate support as defined in Art. 194 of the Family Code.
- i. To administer their property, if any, according to their best interest, subject to the provisions of Art. 225 to 227 of the Family Code.
- j. Whenever a parent or guardian is found to have been unreasonably neglecting in his/her duties toward the child, he/she shall be admonished by the DSWD or by the Local Council for the protection of Children.
- k. To send their children to schools offering pre-elementary and basic education.

SECTION 2. EDUCATIONAL INSTITUTIONS

Institutions shall work together with parents, community organizations and agencies concerned with the activities for children. It is the responsibility of the school administrations to design and provide guidelines for the protection of children within their school premises. School officials, parents and local government officials shall see to it that school children and students are provided with adequate school room instructional materials and facilities including playground, space and facilities for sports and physical development activities. Such officials should see to it that the school environment is free from hazard to the health and safety of the students and that there is adequate safety measures for any emergency such as accessible exits, firefighting equipment's and the like. All children shall have the free access to adequate dental and medical services. School based child protection team shall be established to have a mechanism that would help in the early detection, prevention and solution to abuse committed against children. Parent-Teachers Association all over the municipality shall aid the Municipal and school authorities in the enforcement of juvenile delinquency control measures and in the implementation of programs and activities to promote child welfare and mental health.

SECTION 3. ROLE OF MASS MEDIA.

The Mass Media shall be aware of their extensive social role and responsibility as well as their influence, in communications relating with the children. They should use their power to protect the rights of children by relaying consistent message through a balanced approach. Protect the rights of children by using the Principle of Confidentiality in all cases involving children. Special attention shall also be given to effective anti-drug awareness campaigns and delinquency prevention.

Section 4. ROLE OF PEOPLES ORGANIZATION AND NON-GOVERNMENT ORGANIZATIONS

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To provide support to Government Organizations and other various stakeholders in promoting the Children's Welfare particularly along prevention, protection, rehabilitation and re-integration programs and services through involvement in the following strategic activities:

- a. Advocacy and Social Mobilization
 1. To act as volunteer trainer/speaker in conducting public awareness/community education on children pertinent laws and possible actions for the prevention of child abuse and exploitation.
 2. To act as partner implementer in mobilizing communities into action to prevent child abuse and exploitation at the community level.
 3. To get involved in undertaking and sustaining media campaign and information dissemination.
- b. Capability Building To participate in the trainings/seminars offered/given by concerned GOs/other NGOs in order to continuously upgrade knowledge and skills in handling and responding to child abuse cases and be part of the frontline workers in the implementation of such.
- c. Data Collection and Management. To participate in immediate reporting of child abuse & exploitation cases through coordination to concerned authorities.
- d. Alliance Building and Networking
 1. Establish and maintain collaborative linkages with concerned authorities by joining the Palo Women and Children Quick Response Team's (Aurora-WCQRT) activities particularly periodical meetings
 2. Actively participate in local discussions and initiatives that seek to protect and uphold the rights of children
 3. Foster cooperation and coordination with the law enforcement agencies in the surveillance and rescue of children victims of abuse and exploitation and take part in giving protective custody to the child victim
- e. Research, Policy Studies and Documentation. Cooperate in regular sharing of information with concerned agencies intended for the documentation of best practices and research.
- f. Institutional Mechanism. Get involved in the inter-agency coordinative preventive mechanism on government programs.

SECTION 5. SIGNIFICANT ROLES OF THE PHILIPPINE NATIONAL POLICE

The Philippine National Police based in the municipality shall ensure Police Visibility in places frequented by children especially in the evening to provide protection and immediate assistance in cases of harmful situations. Police officers and force multipliers (Brgy. Officials and Tanods) shall escort minors found loitering in public places beyond 10:00 o'clock in the evening



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to their proper domicile, to ensure their safety. They should also advise their parents and/or guardians to limit the time they allowed their children to stay outside their homes to until 10:00 o'clock in the evening, or when necessary, minors shall be accompanied by his/her adult relative within fourth degree by affinity and consanguinity.

SECTION 6. SIGNIFICANT ROLE OF HOSPITAL/CLINIC

All hospitals, clinics and other institution as well as private physicians providing treatment for any case of maltreated or abused child shall within forty-eight 48 hours from knowledge of the case report in writing to the Provincial Fiscal, or to the LCPC or to the nearest unit of DSWD. Violation of this provision shall subject the hospital, clinic, institution, physician who fails to make such report shall be imposed with a fine of P 2,500, and without prejudice to the filling of an administrative case with the proper office or authority.

SECTION 7. SIGNIFICANT ROLE OF CIVIL REGISTRAR

The Civil Registrar shall ensure the immediate registration of newborn children thru regular coordination with the barangay health workers, midwives, hospital, clinics. The Office shall also issue foundling certificate for those abandoned children in coordination with the Municipal Social Welfare and Development Office.

SECTION 8. ESTABLISHMENT OF BANTAY BATA HOTLINE

A round the clock reporting and monitoring base against child abuse shall be established and anchored by the Municipal Social Welfare and Development Office. Said hotline shall act as the 24-hour vanguard of children in all crime 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 such incident and shall monitor every progress that may occur in relation to the apprehension and prosecution of the criminal.

**ARTICLE VII
PARTICIPATION RIGHTS OF CHILDREN**

SECTION 1. RIGHTS TO OPINION

- a. Opinions of children shall be heard, in the family, school, community or other organization or institutions. Every child has the right to express his opinion freely in so far as such opinion is not contrary to law, morals, good customs, public safety and policy and to have that opinion be taken into account in all matters of procedure affecting the child. It shall be the responsibility of the adults to provide opportunities



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for children to express their views, organized among themselves, obtain information, make ideas or information known regardless of tribe, sex and religious belief.

- b. Children either or through their parents or representative shall be convened and assembles, at least once a year, in order to be consulted and heard. A Status of the implementation of this Code shall be presented therein.

SECTION 2. PARTICIPATION OF CHILDREN IN ACTIVITIES THAT HARNESS THEIR POTENTIALS AND GIFTED TALENTS

Parents are encouraged to allow their children to join and participate in school activities like scouting, school organizations, sports of interest, competitions in Arts, Sciences and other Social and cultural activities that will develop their well- being. Youth Associations – as used in this code, shall refer to any club, organization or association of individuals below 18 years of age which is directly or indirectly involved in carrying out child and youth welfare programs and activities. All youth organizations shall enjoy the same rights and discharge the same responsibilities as civic associations as may be permitted by law.

Students Organizations- All students' organization in public and private schools shall include in their objectives the cultivation of harmonious relations among their members and with the various segments of the community. Likewise, the Municipal Government shall assist and support children with exceptional talents in singing, dancing, sports and academic intelligence to excel in the field.

SECTION 3. CONVENTION OF MINORS FOR PURPOSES OF CONSULTATION

The Local Government Unit of Palo shall encourage Conventions of minors to hear their opinions and views in matters affecting their growth and progress. It is necessary that minors ages 3 to 6 ,7 to 12 and 13 to 17 years old are convened once a year, especially during the Children's Month every October.

SECTION 4. OCTOBER AS "CHILDREN'S MONTH AND OCTOBER 17 OF EVERY YEAR AS NATIONAL CHILDREN'S DAY"

Presidential Proclamation No. 74 dated October 16, 1992 declaring Oct. 17 of every year as National Children's Day to honor Filipino Children and to emphasize the importance of their roles within the family and in society and Res. Proc. No. 267 dated Sept. 30, 1993 declaring the month of October as National Children's Month. The Local Council for the Welfare of Children shall conduct child focused activities for the month and observe Children's Day with programs highlighting the rights, role and responsibilities of children.



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SECTION 5. REP. ACT. NO. 8296 OTHERWISE KNOWN AS "AN ACT DECLARING EVERY 2 ND SUNDAY OF DECEMBER AS NATIONAL CHILDREN'S BROADCASTING DAY"

Every 2nd Sunday of December, television and radio stations nationwide are required to allocate three (3) airtime for children's program. 17 The Local Council for the Welfare of Children in coordination with the different schools and radio station are encouraged to initiate activities/program featuring talented children in broadcasting and hosting.

SECTION 6. CHILDREN AND PARENT'S SUMMIT

This is a family enrichment intervention in which children and parents identify their needs and expectations and come-up with alternative strategies for conflict resolutions. "ADLAW HAN KABATAAN".

The Federation ng Sangguniang Kabataan shall conduct the following activities during the ADLAW HAN KABATAAN.

- a. Commemoration of young Filipino heroes who made significant contribution to the development of the country or the locality;
- b. Recognition and awarding of outstanding youth organizations for their achievement and contributions to development, and
- c. Awareness campaign on environmental issues, conduct sports festivities and competitions, cultural festivals, arts and skills exhibition, volunteer works, tour of historical places and such other youth-oriented activities as may be deemed relevant.

SECTION 7. MANDATORY CONSULTATION OF NATIONAL PROJECTS AND COORDINATION WITH NATIONAL GOVERNMENT AGENCIES-

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



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**ARTICLE VIII
IMPLEMENTING MECHANISM
SECTION 1. CREATION AND ORGANIZATION OF THE MUNICIPAL (MCPC) AND BARANGAY (BCPC) COUNCIL FOR THE PROTECTION OF CHILDREN LEGAL BASES:**

Republic Act 7610- Special Protection of Children against Child Abuse, Exploitation and Discrimination Act

- a. Article 359 & 360 of the Civil Code of the Philippines provides that “the government shall establish Councils for the Protection of Children.”
- b. Likewise, Art 87 of Presidential Decree (PD 603) Children and Youth Welfare Code – states that “every Barangay council shall encourage the organization of a Local Council for the Protection of Children and shall coordinate with the council for the Welfare of children in drawing and implementing plans for the promotion of child and youth welfare”. There is therefore a need to organize LCPC not only in the barangays but also in all other Local Government Units (LGUs) to ensure synchronization and integration of policies, programs and projects for children.
- c. RA 8980 otherwise known as the “Early Childhood and Care Development (ECCD) Act” promulgates a comprehensive policy and national system for children from 0-6 years old.
- d. The LCPC shall be the umbrella organization for all programs on children and the ECCD Coordinating Committee shall be one of the committees under it.

SECTION 2. THE MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN (MCPC)

Composition: Chairperson
Co-Chairperson
Members

Municipal Mayor
Vice Mayor Members
SB Member, Chairperson, Committee on Women & Family
SB Member, Chairperson, Committee on Education
SB Member, Chairperson, Committee on Social Service
DILG MLGOO
Div. Superintendent/District Supervisor of Dep. Ed
Administrator/s of Local Private Schools
Local Labor & Employment (PESO)
Municipal Health Officer
Municipal Social Welfare & Development Officer
Municipal Civil Registrar
Municipal Nutrition Officer
Chief of Police
Municipal ABC President
Municipal SK Federation President

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Parents-Teacher Association President

Child Representative (District Federation President) At least three (3) representative of NGOs, two (2) of whom are appointed by the Committee handling ECCD Programs and one (1) from the trade/labor union sector

SECTION 3. FUNCTIONS OF MCPC

- a. Formulate plans, programs and policies for children that are gender-fair, culturally relevant and responsive to the needs of diverse groups of children from 0 to below 18 years of age;
- b. Prepare AAFP for children and recommend appropriations to the Sanggunian;
- c. Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
- d. Provide technical assistance and recommend financial support to the BCPC;
- e. Establish and maintain database on children in the municipality;
- f. Foster education of every child;
- g. Advocate for the establishment and maintenance of playgrounds, day care center and other facilities necessary for child and youth development;
- h. Serve as the Oversight Committee in the Monitoring of this Code and as such, it may recommend local legislations promoting child survival protection, participation and development, especially on the quality of television shows, media prints and coverage which are detrimental to children and with appropriate funding support.
- i. Assist children in need of special protection and refer cases filed against child abuses to proper agencies/institutions
- j. Conduct capability building programs to enhance knowledge and skills in handling children's program;
- k. Document barangay best practices on children;
- l. Monitor and evaluate the implementation of the program and submit quarterly status reports to PCPC.
- m. Perform such other functions as provided for in the ECCD and other child related laws.
- n. Act as an Advisory Committee to the Sanggunian with respect to Children's Protection and development and the uses of local Appropriations for this Purposes.
- o. Designate the zones where the selective curfew on children as provided in Section 10 hereof shall be enforced and areas where day-care centers will be set up pursuant to Sec. 21 hereof.
- p. Prepare and undertake education programs for the general public specific sectors and interest groups, special types of children such as but not limited to working, abused, differently-able, indigenous people's children and youth offenders;
- q. Such other functions as the Sanggunian may delegate.



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SECTION 3A. Comprehensive Program – The Council shall within six (6) months from the effectivity of this Code, shall formulate a comprehensive Program for the full and integrated implementation of this Code. This Program shall be incorporated in the Municipal Development Plan.

SECTION 3B. Meeting and Quorum – The Council shall meet at least once a month or as may be necessary. Majority of the members of the council shall constitute a quorum. The Affirmative vote of the Majority of the members shall be necessary to approve resolutions and proposals.

SECTION 4. THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)

Composition:	Chairperson	Punong Barangay
	Co-Chairperson	Barangay Kagawad – Committee on Women and Family
	Members	Barangay Nutrition Scholar
		Barangay Day Care Worker
		Barangay Health Nurse/Midwife
		Barangay Health Worker
		DEp. Ed. Principal/Teacher –in-Charge
		Chief Tanod
		Children’s Representative
		PTA Pres. /his Representative
		NGO/PO Representative

SECTION 5. FUNCTIONS:

- Foster education of every child
- Take steps to prevent juvenile delinquency and assist parents children will behavioral problems so that they can get expert advice;
- Adopt measures for the health of children;
- Conduct capability building projects to increase knowledge and skills in handling children’s programs;
- Encourage the proper performance of the duties and responsibilities of parents and provide learning opportunities on the adequate rearing of children and positive parent-child relationship;
- Promote wholesome entertainment in the community, especially in movie houses;
- Prepare AWWP for children and recommend appropriations to the Sanggunian;
- Provide coordinative linkages with other agencies and institutions in the planning, monitoring and evaluation of plans for children;
- Establish and maintain database on children in the barangay;

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- j. Advocate for the establishment and maintenance of playgrounds, day care centers and other facilities necessary for child and youth development;
- k. Advocate for the passage of barangay resolutions/ordinances responsive to child-related issues and concerns and ensure the inclusion of children's program in the executive agenda;
- l. Protect and assist children in need of special protection (e.g. abandoned, maltreated and dependents) and refer cases filed against child abuses to proper agencies/institutions;
- m. Monitor situational reports on children and prepare quarterly update, and dividing the implementation of children's program and make recommendations to the MCPC for consideration and nationwide application;
- n. Prepare such other functions and other child related laws especially in matters of child and parent educations, health, entertainment, etc.

SECTION 6. ROLE AND DUTY OF LOCAL CHIEF EXECUTIVE

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

SECTION 7. SECRETARIAT

The MSWDO shall be the secretariat of the MCPC

SECTION 8. FUNDING

Upon recommendation of the Municipal Council for the Protection of Children (MCPC) and Barangay Council for the Protection of Children (BCPC), the LGU and Barangay Council,



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respectively shall provide funding for programs/projects/activities on children and ensure that these are implemented.

Section 9. ROLE OF DILG

- a. The DILG shall oversee the organization and functionality of the MCPC and BCPC;
- b. Monitoring the advocacy of the 4 gifts for children in the context of Convention on the Rights of Children (CRC), right based approach and result based management;
- c. Promote functional bodies dealing with children;
- d. Monitoring the integration of children's rights in LGPMS: use of social child rights indicator in performance review;
- e. Monitoring the status of the Local Legislative system and processes to ensure that the system is effectively and efficiently implemented;
- f.

**ARTICLE IX
REMEDIAL MEASURES AND PENAL PROVISIONS**

SECTION 1. PENALTIES

The penalty for any violation of this Code, which is not penalized elsewhere in other section of this Code or in a National Law, shall be:

Imprisonment of 3 to 6 months and/or a fine of ₱2,500.

First time offenders – in case where the offender is the parent or teacher of the child or relative within the 4th degree of consanguinity of the offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child and the following measures imposed instead.

- a. Attendance in a parenting seminar
- b. Community service from 5 to 10 days
- c. Counseling sessions
- d. Family therapy
- e. Participation in appropriate training courses for offense punishable under RA 7160, RA 7658 and other National Laws as well as this code, the offended party/ and or any party so authorized shall file a complaint under the national Law and the penalty in such national law shall be imposed. Failure to comply with pertinent provisions of this Code by the concerned local chief executive, members of legislative bodies and/or head of offices or bodies shall constitute dereliction of duty subject to penalties prescribed under the local Government code and other pertinent laws.



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SECTION 2. APPLICABILITY CLAUSE

This code shall apply to all the people within the territorial jurisdiction of the Municipality of Palo, Leyte and to all persons who may be subject to the provision of this Code.

SECTION 3. SEPARABILITY CLAUSE

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


SECTION 4. REPEALING CLAUSE

All ordinances, resolutions, executive orders and other issuances which are inconsistent with any of the provision of this code are hereby repealed or modified accordingly.

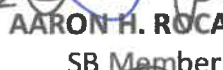
SECTION 5. EFFECTIVITY CLAUSE

This code shall take effect upon its approval and after completion of the necessary posting and publication requirements as provided for under the Local Government Code of 1991.

ATTESTED:


ORIELL D. CHIQUILLO
SB Member / SK Federation President
Presiding Officer



ANDRES IAN R. SEVILLA
SB Member


AARON H. ROCA
SB Member


JAN MICHELLE L. DOLINA
SB Member


CASIMERO P. VILLAS, JR.
SB Member


FELIPE T. YGRUBAY, JR.
SB Member


CASIMERO B. PARADO II
SB Member

CERTIFIED CORRECT:


BRIAN VALENTE P. ELORCHA
Secretary to the Sanggunian


CHIQUI RUTH C. UY
SB Member


ANTONINO C. HERNIT
SB Member


ROEL D. BALDEVIA
SB Member / LIGA President

APPROVED.


REMEDIOS "MATIN" L. PETILLA,
Municipal Mayor

NOV. 29, 2023



Republic of the Philippines
PROVINCE OF LEYTE
Municipality of Palo

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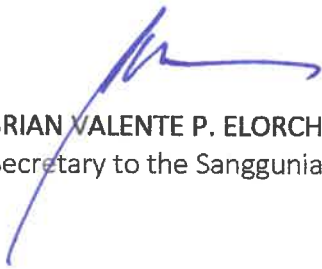
CERTIFICATE OF POSTING

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that pursuant to section 59, Chapter 3, Title Two, Book I, of the Local Government Code of 1991, the undersigned had caused the posting of copies of Municipal Ordinance No. 2023-08 entitled " The New Local Code for the Welfare and Protection of Children in the Municipality of Palo, Leyte. which was enacted by the Sangguniang Bayan on November 21, 2023 and the copies of the said ordinances were actually posted on November 29, 2023 for the period of not less than three (3) weeks therefrom, in the following conspicuous places in the Municipality of Palo.

- 1) One copy in the bulletin board at the entrance of the Palo Municipal Hall.
- 2) One copy in the Bulletin board at the Office of the Market Supervisor.

ISSUED this 25th day of January 2024, at Palo, Leyte.


BRIAN VALENTE P. ELORCHA
Secretary to the Sanggunian

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III. Business for Third and Final Reading.

1. Draft Ordinance, entitled, The New Local Code for the Welfare and Protection of Children in the Municipality of Palo, Sponsor: Hon. Oriell D. Chiquillo.
 - Copies of the final draft were furnished each Sangguniang Bayan Members for their perusal. Thereafter, Hon. Oriell D. Chiquillo moved for the approval of the final draft on third and final reading. The motion was duly seconded by all Sangguniang Bayan Members present. Since there was no objection, the final draft was declared Approved on Third and Final Reading, thus:

MUNICIPAL ORDINANCE NO. 2023-08

(see Annex "A" for the text)

Thereafter, Hon. Ygrubay, Jr. relinquished the Chair back to Hon. Oriell D. Chiquillo, the Temporary Presiding Officer.

IV. Committee Reports.

1. From the Committees on Barangay Affairs and Finance, Hon. Baldevia reported regarding their review of the Annual General Fund Budget of Barangay San Joaquin for Calendar Year 2023. He furnished each Sangguniang Bayan Member copies of their report after which he read its contents. Since there was no comment, the report was declared approved, on his motion. Again, Hon. Baldevia moved for the passage of a resolution approving the above-mentioned annual general fund budget, per review. The motion was duly seconded by all Sangguniang Bayan Members present. Since there was no objection, the motion was declared approved, thus:

MUNICIPAL RESOLUTION NO. 2023-201

APPROVING THE ANNUAL GENERAL FUND BUDGET OF BARANGAY SAN JOAQUIN FOR CALENDAR YEAR 2023, PER REVIEW, IN THE AMOUNT OF ₱4,284,652.00.

NOW, THEREFORE, on motion of Hon. Roel D. Baldevia and duly seconded by all Sangguniang Bayan Members present, be it

RESOLVED, that the Sangguniang Bayan of Palo approve, as it hereby approves the Annual General Fund Budget of Barangay San Joaquin for Calendar Year 2023, per review, in the amount of ₱4,284,652.00;

RESOLVED FINALLY, that copies of this resolution be furnished the Sangguniang Barangay of Brgy. San Joaquin thru Hon. Punong Barangay Gregorio Papoose V. Lantajo, Jr.; and all others concerned for their information and appropriate action.

APPROVED.

Handwritten signatures and initials are present at the bottom of the page, including a large signature on the left, a signature in the center, a signature on the right, and another signature on the far right. There are also some initials and marks scattered around.

Leyte-Samar DAILY EXPRESS, INC.

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Tel. Nos. : 0531 888-0037

Website: www.leytesamaradailynews.com

E-mail Address: lsdnews1985@gmail.com

REPUBLIC OF THE PHILIPPINES)
City of Tacloban) S.S.

AFFIDAVIT OF PUBLICATION

THAT I, **DALMACIO C. GRAFIL** of legal age, married and resident of Tacloban City, Philippines after being duly sworn to in accordance with the provisions of law, depose and say:

THAT- I am the **PUBLISHER** of the **LEYTE SAMAR DAILY EXPRESS, INC** a newspaper edited and printed in the City of Tacloban and regularly circulated in the provinces of Leyte, Southern Leyte, Biliran, Samar, Northern Samar, Eastern Samar and the cities of Tacloban, Ormoc, Baybay, Maasin, Calbayog, Catbalogan and Borongan.

THAT: Republic of the Philippines **PROVINCE OF LEYTE** Municipality of Palo **SANGGUNIANG BAYAN 1) MUNICIPAL ORDINANCE NO. 2023-07 AN ORDINANCE ESTABLISHING A SENIOR CITIZEN HELP DESK IN EVERY BARANGAY IN THE MUNICIPALITY OF PALO, LEYTE. 2) MUNICIPAL ORDINANCE NO. 2023-08 THE NEW LOCAL CODE FOR THE WELFARE AND PROTECTION OF CHILDREN IN THE MUNICIPALITY OF PALO, LEYTE. 3) MUNICIPAL ORDINANCE NO. 2023-09 ORDINANCE REGULATING PARADES, PUBLIC ASSEMBLY, AND SUCH OTHER SIMILAR GROUP ACTIVITIES IN THE MUNICIPALITY OF PALO, LEYTE**

A printed copy of which is attached was published in the said newspaper on January 13 and 20, 2024.

IN WITNESS WHEREOF, I hereunto affix my signature this 22nd day of January 2024, at Tacloban City, Philippines.

DALMACIO C. GRAFIL

Affiant

SUBSCRIBED AND SWORN to before me this 22nd day of January 2024, at Tacloban City. Affiant exhibited to me his Passport No. P8922824A, date of issue 27 September 2018, valid until 26 September 2028, issuing authority DFA, Tacloban.

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Page No. 5
Book No. 59
Series of 2024

ATTY. EDWIN Y. CHUA

Notary Public

Until Dec. 31, 2024

Appointment No. NC-2023-01-75

PTR No. 1440307

Roll No. 35352

IBP Lifetime No. 436783