

[**MUNTINLUPA CITY ORDINANCE NO. 16-172,
June 21, 2016**]

**AN ORDINANCE ENACTING THE MUNTINLUPA CITY WELFARE
CODE FOR CHILDREN**

Sponsored by: *Hon. Coun. Margarita Amythyst Labios, MD*
Hon. Coun. Atty. Patricia L. Boncayao, Jr.
Hon. Coun. Bal Niefes
Hon. Coun. Stephanie G. Teves
Hon. Coun. Louisito A. Arciaga
Hon. Coun. Ringo A. Teves
Hon. Coun. Alexander Diaz
Hon. Coun. Ma. Dhesiree G. Arevalo
Hon. Coun. Luvi P. Constantino
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Robert A. Abas
Hon. Coun. Robert P. Baes

WHEREAS, on **9th** day of **June, 2014**, the **7th Sangguniang Panlungsod** approved Ordinance No. 14-056, "otherwise known as ordinance providing for comprehensive children and family support system in Muntinlupa City, and for other purposes;

WHEREAS, on March 21, 2016 the City Mayor Hon. Atty. Jaime R. Fresnedi, endorsed to the City Council the proposed Muntinlupa City Welfare Code for Children.

WHEREAS, the abovesited ordinances although complementing each other, are basically distinct and separate as Ordinance No. 14-056 deals with the support of the family is general, and Ordinance No. 16-172 amplified the basic rights of children as a distinct personality in the community.

NOW THEREFORE, ORDAIN, AS IT IS HEREBY ORDAINED, by the **7th Sangguniang Panglungsod ng Muntinlupa**, in a Session Assembled that:

ARTICLE I

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 1. Title – This Ordinance shall be known as the "Muntinlupa City Welfare Code for Children."

SECTION 2. Declaration of Policy and Principles. – It is hereby declared that the policy of Muntinlupa City to develop a community that is safe, peaceful, progressive, sustainable and anchored on respect for the rights of all its citizens, foremost among which are children.

The City of Muntinlupa recognizes the inherent rights of the child as enshrined in the 1987 Philippine Constitution, other existing laws and international instruments. It is committed to adhere to the following core principles in all its endeavors for the survival, development, protection and participation of children in the city.

- a. **Non-Discrimination** – Government shall ensure that all children are able to enjoy their rights irrespective of their or their parent's or legal guardian's race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability, birth or other status.
- b. **Best interests of the Child** – All decision and actions of governments through their courts of law, administrative authorities, legislative bodies and both public and private social organizations must be done with the best interests of child as paramount consideration.
- c. **Right to Life, Survival and Development** – Every child has the inherent right to life, survival and development that includes the physical, mental, emotional, social and cultural aspects of the child's well-being.
- d. **Respect for the Views of the Child** – Children have the right to be heard and participate on all matters that affect them. The child's views shall be given due weight in accordance with age and maturity.

SECTION 3. Legal Bases – This Code is based and anchored on the laws and international instrumentals referred to in Annex A hereof,.

SECTION 4. Definition of Terms – As used in this Code, the following terms shall mean:

- a. *Abandoned child* – refers to a child who has no proper parental care or guardianship, or whose parents have deserted him/her for a period of at least three (3) continuous months, which includes a founding.
- b. *Best Interest of the Child* – refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- c. *Children* – as defined under Republic Act No. 7610, As Amended, refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- d. *Child abuse* – as defined in the same law, refers to the maltreatment, whether habitual or not, of the child which includes any of the following:

(1) Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

- (2) Any act by deeds or wrong which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;**
- (3) Unreasonable deprivation of his basic needs for survival, such as food and shelter; or**
- (4) Failure to immediately give medical treatment to an injured child resulting in section implement of his growth and development or in his permanent incapacity or death.**

e. *Child at risk* – refers to a child who is vulnerable to, and at risk of, committing criminal offenses because of personal, family and social circumstances, such as but not limited to, the following:

- (1) Being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or the guardian refuse, are unwilling, or unable to provide protection for the child;**
- (2) Being exploited including sexually or economically;**
- (3) Being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;**
- (4) Coming from a dysfunctional or broken family;**
- (5) Being out of school;**
- (6) Being a member of a gang;**
- (7) Living in a community with a high level of criminality or drug abuse; and**
- (8) Living in situations of armed conflict.**

f. *Child labor* – refers to any work or economic activity performed by a child that subjects the child to any form of exploitation or is harmful to the child's health and safety or physical, mental or psychosocial development.

g. *Child trafficking* – refers to the recruitment, transportation, transfer or harboring, or receipt of children with or without their consent, within or across national borders for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of children or other forms of sexual exploitation, forced labor or services, slavery, servitude, removal or sale of organs, and engagement in armed activities.

h. *Children in conflict with the law (CICL)* – children who are alleged as, accused of, or adjudicated as, having committed an offense under Philippine Laws.

i. *Children with disabilities* – refers to children who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others.

j. *Circumstances which gravely threaten or endanger the survival and normal development of children* include, but are not limited to, the following:

- (1) Being in a community where there is an armed conflict or being affected by an armed conflict-related activities;**
- (2) Working under conditions hazardous to life, safety and normal which unduly interfere with their normal development;**

- (3) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian or basic services needed for a good quality of life;**
- (4) Being a member of an indigenous cultural community and/or living under conditions of extreme poverty or in an area which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;**
- (5) Being a victim of a man-made or natural disaster or calamity; or**
- (6) Circumstances analogous to those abovestated which endanger the life, safety or normal development of childre.**

k. *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 sexual abuse;**
- (2) Child trafficking;**
- (3) Obscene publications and indecent shows;**
- (4) Other acts of abuse; and**
- (5) Circumstances which threaten or endanger the survival and normal development of childre.**

l. ***Court-appointed special advocates/guardians ad-litem*** – refers to a person appointed by the court to protect the best interests of the child where a case is pending involving a child who is victim of, accused of, or a witness to a crime, of a child who is a witness in non-criminal proceeding.

m. ***Early Childhood Care and Development (ECCD) System*** – 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 zero (0) to age four (4), to promote their optimum growth and development. These programs include:

- (1) Center-based programs, such as the day care service established under Republic Act No. 6972, public and private pre-schools, kindergarden or school-based programs, community or church-based early childhood education programs initiated by non-government organizations or people's organizations, workplace-related child care and education programs, child-minding centers, health centers and stations; and**
- (2) Home-based programs, such as the neighborhood-based play groups, family child care programs, parent education and home visiting programs.**

n. ***Family and Community Support System*** – refers to the various formal and alternative means of providing parents with information, skills, and support systems to assist them in their roles as their children's primary caregivers and educators.

- o. **Gender equality** – refers to the principle asserting the equality of men and women and their right to enjoy equal conditions realizing their full human potentials to contribute to and benefit from the results of developments, and with the State recognizing that all human being are free and equal in dignity and rights.
- p. **Inter-generational responsibility** – refers to the principle of holding the natural resources in trust for future generations such that every generation has a responsibility to the next to preserve the rhythm and harmony of nature for the full enjoyment of a balanced and healthful economy.
- q. **Neglected child** – refers to a child whose basic needs have been deliberately unattended or inadequately attended within a period of three (3) continuous months. Neglect may occur in two (2) ways:
 - (1) **There is physical neglect when the child is malnourished, ill-ciad and without proper shelter. A child is unattended when left by himself or herself without proper provisions and/or without proper supervision.**
 - (2) **There is emotional neglect when the child is maltreated, raped, seduced, exploited, overworked, or made to work under conditions not conducive to good health; or is made to beg in the streets or public places; or when children are in moral danger or exposed to gambling; prostitution and other vices.**
- r. **Pornography** – refers to any representation, through publication, exhibition, cinematography, incedent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.
- s. **Prostitution** – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual, intercourse or lascivious conduct in exchange for money, profit or any other consideration.
- t. **Sexual exploitation** – refers to participation by a child in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority, debt bondage, and fraud or through abuse of the child's vulnerability.
- u. **City Government** – refers to the Local Government of Muntinlupa

SECTION 5. Rules of Construction– Any provision of this Code which may be ambiguous or vague shall be reasonably construed in a manner that gives effect to the purpose for which this Code or the specific provision has been enacted and in accordance with the best interests of the child.

SECTION 6. Rights of Children – All children shall be entitled to the rights herein set for their respective of their parent's or legal guardian's race, color, sex, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability, birth or other status.

(a) Survival and Development Rights – These are rights to the resources, skills and contributions necessary for the survival and full development of children. These rights require not only the