



Republic of the Philippines  
Province of Davao Oriental  
**OFFICE OF THE SANGGUNIANG PANLALAWIGAN**  
SP Complex, Government Center, Dahican  
**CITY OF MATI**



EXCERPTS FROM THE MINUTES OF THE 52<sup>ND</sup> REGULAR SESSION OF THE 17<sup>TH</sup> SANGGUNIANG PANLALAWIGAN OF DAVAO ORIENTAL HELD ON TUESDAY, JUNE 27, 2023 AT THE CITY OF MATI, THIS PROVINCE.

**PRESENT:**

Hon. Nelson R. Dayanghirang, Jr.                      SP Member, District I – Acting Vice  
Governor  
Temporary Presiding Officer

**Regular Members:**

**District I**

Hon. Anna Cheryl N. Castro  
Hon. Art Benjie C. Bulaong  
Hon. Marietta D. Palmera  
Hon. Andy A. Monday

**District II**

Hon. Harold A. Montes  
Hon. Rotchie M. Ravelo  
Hon. Daud V. Linsag  
Hon. Stephen Paul L. Uy

**Ex-Officio Members:**

Hon. Joselito B. Villademosa	President, Philippine Councilors League (PCL) - Davao Oriental Chapter
Hon. Eleuterio C. Manaytay	Indigenous Peoples Mandatory Representative (IPMR)
Hon. Ronald T. Lara, Jr.	Sangguniang Kabataan Provincial Federation President (SKPPF)

**ABSENT:**

Hon. Niño Sotero L. Uy, Jr.	Vice Governor – Acting Governor
Hon. Shella Marie S. Go	SP Member, District II – Sick Leave
Hon. Rustan R. Castellones	President, Liga Ng Mga Barangay (LNB) - Davao Oriental Chapter

**PROVINCIAL ORDINANCE NO. 17-20-06-2023**

Author : Hon. Anna Cheryl N. Castro  
Sponsor : Hon. Anna Cheryl N. Castro

**AN ORDINANCE REVISING THE PROVINCIAL CHILDREN’S WELFARE CODE IN THE PROVINCE OF DAVAO ORIENTAL FOR A COMPREHENSIVE CHILDREN AND FAMILY SUPPORT SYSTEM AND FOR OTHER PURPOSES, OTHERWISE KNOWN AS THE “2023 REVISED DAVAO ORIENTAL CHILDREN’S WELFARE CODE”.**

After a careful and thorough deliberation, on motion of SP Member Anna Cheryl N. Castro, duly and jointly seconded by SP Members Rotchie M. Ravelo, Harold A. Montes, Stephen Paul L. Uy, Eleuterio C. Manaytay, Marietta D. Palmera, Andy A. Monday, Ronald T. Lara, Jr., and Art Benjie C. Bulaong, it was

Be it ordained by the 17<sup>th</sup> Sangguniang Panlalawaigan of Davao Oriental, by virtue of the powers vested in it by law, in session assembled, that:

## ARTICLE I

### TITLE, POLICY, DEFINITION OF TERMS AND LEGAL BASIS

**Section 1. Title** – This Ordinance shall be known and cited as “**2023 REVISED DAVAO ORIENTAL CHILDREN’S WELFARE CODE**”

**Section 2. Declaration of Policy.** Reiterate its adherence to the general principles provided for in the 1987 Constitution that lays out in broad strokes the State’s responsibility to the rights and welfare of children in favor of their development, and as such, the local Government of Davao Oriental shall give utmost priority for its local execution in terms of program and projects for that purpose;

Recognizes the primary role of parents or legal guardians in child rearing, and as such, the Local Government of Davao Oriental shall only provide assistance to the development of children in cases where it is not possible for the parents and legal guardians to rear their children. In this case, they shall be referred to private and public welfare institution;

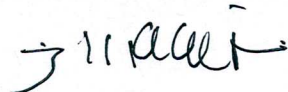
**ARTICLE XV, SECTION 3 (2):** The State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their developments.

**ARTICLE II, SECTION 13:** The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs.

Adheres to the general framework of the 1989 UN Convention on the Rights of the child which provides, among others, four general principles as follows:

- (1) “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration”;
- (2) “state parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given weight in accordance with the age of maturity of the child”;
- (3) The third principle is that of the survival and development of the child. “Survival” is an amplification of the right of life. The term “development” relates to the individual child and should be interpreted in broad sense. It adds a qualitative aspect to the right to life and implies that laws, policy, and administrative action must look beyond the physical, social, and cultural development;
- (4) The fourth is the right of children to non-discrimination.

It is hereby declared as the policy of the Province of Davao Oriental to promote the rights of children to survival, protection, participation and development. It must be given utmost priority and effectively institutionalize the comprehensive framework, integration, and equitable development for children. It is likewise the policy of the Provincial Government of Davao Oriental to work for the respect on the role of family in nurturing children and will support the efforts of parents, other child care and





development workers, civil society organizations, national government agencies and communities to develop and care for children from infancy, the early stages of childhood to adolescence and to ensure that the program aimed at the achievement and goals towards a healthy Filipino children.

**Section 3. Definition of Terms.** – for the purpose of this Ordinance, the following terms shall mean:

1. **Children** – refer to person below eighteen (18) years old or those over but are unable to fully take care of themselves, or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition.
2. **Child Participation** – is the right of all children to be listened to, to freely express their views on all matters that affect them, and to freely express themselves and their thoughts, to associate with others, and to access information.
3. **Child Abuse** – refers to the maltreatment of the child, whether habitual or not, which includes any of the following:
  - a. Psychological and physical abuse, neglect, abandonment, cruelty, sexual abuse and emotional maltreatment;
  - b. Any act by deeds or words which debase, degrades or devalues the intrinsic worth and dignity of a child as a human being;
  - c. Unreasonable deprivation of his/her basic needs of survival such as food, education, and shelter, or
  - d. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development of permanent incapacity or death.
4. **Child Labor** – refers to the employment of children under 15 years old which is prohibited unless under the direct supervision of parents and under certain requirements and in non-hazardous occupation, pursuant to Sec. 12 of RA 7658 "An act prohibiting the employment of children below 15 year of age in public and private undertakings.
5. **Child Trafficking** – any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money or any other consideration, or barter;
6. **Child 21** – other name for the Philippine National Strategic Framework for Plan Development for children adopted through Executive Order No. 2013 which provide the road map towards the progressive realization of children's rights and lead the foundation for a rights-based approach to planning and programming woven across the child's stage of development;
7. **United Nations Convention of the Rights of the Child (UNCRC)** – adopted in November 30, 1989 by the United Nations General Assembly, stresses the right of children on survival, protection, development and participation in governance. The Philippine became the 31<sup>st</sup> state to ratify the Convention on July 26, 1990 by virtue of Senate Resolution No. 109.

JULIA F.



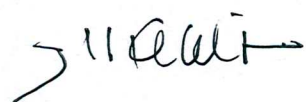
8. **Development Rights** – pertain to the access of a child to educational opportunities, relevant information, play, leisure, cultural activities and the rights to freedom of thought, conscience and religion.
9. **Survival Rights** – include the interest right to life, the right to a name and nationality, the right to identify and those dealing with parental and governmental duties and obligation, adequate and descent standard of living, access to basic health care and services and social security and rehabilitation.
10. **Protection Rights** – cover those rights which guard children against all forms of abuse, exploitation and discrimination, and areas where a child is considered to be in extremely difficult circumstances.
11. **Participation Rights** – pertaining to the rights of freedom top expression and to have one's views taken into account, involvement in decision making in matters affecting his/her life as part of preparation for responsible citizen and consultative process, freedom of association and assembly.
12. **Differently – Abled Children** – refers to the rights who have visual, hearing and speech impairments, specific learning disabilities, behavioural problems, mental retardation, autism, globally delayed syndrome and/or orthopaedic handicaps ages 5 to 15 years old.
13. **Child in Conflict with the Law (CICL)** – is a child alleged as, accused of, or recognized as having committed an act or omission defined and punished as a crime or offense under the laws, including of Local Government Units (LGUs).
14. **Local Council for the Protection of Children (LCPC)** – is a council organized at the provincial/city/municipal and barangay levels that serve as the umbrella organization for all; children's concerns. It is a council fully dedicated to be an efficient and effective advocate of child's right, and that implements all children's programs at the local levels.
15. **Early Childhood Care and Development (ECCD)** – shall refer to the full range of health, nutrition, early education and services development programs that provides for the basic holistic needs of young children from zero (0) to four (4) years; and to promote their optimum growth and development.
16. **Bullying** – refer to any serves, or repeated use by one or more students of a written, verbal or electronic expression, or a physical act or gesture, or any combination thereof, directed at another student that has the effect of actually causing or placing the latter in reasonable fear of physical or emotional harm or damage to his property.
17. **Child Pornography** – refer to any representation, whether visual, audio, or written combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means of child engaged or involved in real or simulated explicit sexual activities.

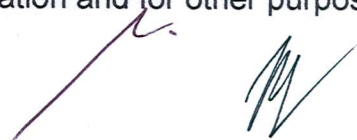
Signature

Signature

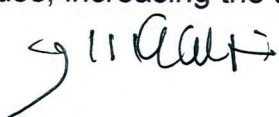
#### Section 4. Legal Basis.

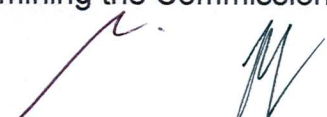
- **Republic Act No. 8980**, otherwise known as the ECCD Act of 2000 – defines the right of children to survival, development and special protection with full recognition of the nature of childhood and its special needs; and to support parents in their roles as primary caregivers and as their children’s first teachers.
- **Republic Act 10410** otherwise known as the Early Years Act (EYA) of 2013. An Act recognizing the age from zero (0) to eight (8) years as the first crucial stage of education development and strengthening the Early Childhood Care and Development System, appropriate funds thereof and for other purposes.
- **Republic Act 7160**, otherwise known as the Local Government Code of 1991, under section 391 (a)(19), providing for the delivery of basic services and the functions of the Sangguniang Barangay such as to provide for the proper development and welfare of children in the barangay level by promoting and supporting activities for the protection and total development of children, particularly those below seven (7) years of age.
- **Republic Act 6972 of 1990** – an Act Establishing a Day Care Center in every Barangay, Institution for the total Development and Protection of Children for Day Care Center shall be provided for children up to 6 years of age with the consent of parents.
- **Republic Act No. 10661** – an Act declaring November of every year as national Children’s Month.
- **Republic Act 10157** – known as the Kindergarten Education Act of 2011 – An Act institutionalizing kindergarten education into the basic education system and appropriating funds therefor.
- **Republic Act No. 7610** (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) requires: strict confidentiality” on the identity of child abuse victims and to all records pertaining to the case.
- **Republic Act No. 8369** (Family Courts Act of 1997) provides that all hearings and conciliation of the child and family cases shall be treated in a manner consistent with the promotion of the child’s and family’s dignity and worth, and shall respect their privacy at all stages of the proceedings. It further provides for the confidentiality of all records of cases and the identity of the parties involved therein unless necessary and with court authority.
- **Republic Act No. 9165** (Comprehensive Drugs Act of 2002) provide for the confidentiality of records of children under both the voluntary and compulsory submission program of those of children discharged after compliance with conditions of suspended sentence. It further provides for confidentiality of records of probation and community service of the child.
- **Republic Act No. 9208** (Anti-Trafficking in Persons Act of 2003) An ACT to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violation and for other purposes.





- **Republic Act No. 9262** (Anti-Violence Against Women and Their Children Act of 2004) a protection order issued for the purpose of preventing further acts of violence against a woman or her child and granting other necessary relief.
- **Republic Act No. 9344** (Juvenile Justice and Welfare Act of 2006) mandates that all records and proceedings involving children in conflict with the law from initial contact until final disposition the case shall be considered privilege and confidential.
- **Republic Act No. 9775** An Act Defining the Crime of Child Pornography, Prescribing Penalties, therefor and for other Purposes.
- **Republic Act No. 10627** otherwise known as the Anti-Bullying Act of 2013 – An Act requiring all elementary and secondary schools to adopt policies to prevent and address the acts of bullying in their institutions.
- **Republic Act No. 9231** - An Act providing for the elimination of the worst forms of child labor and affording, stronger protection for the working child amending for this purpose RA 7610.
- **Republic Act 10821** - Children's Emergency Relief and Protection Act. An Act mandating the provision of emergency relief and protection of children before, during and after disasters and other emergency situations.
- **RA 7610 Sec. 25 – Rights of Children Arrested for Reasons Related to Armed Conflict.** Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights: a) separate detention from adults except where families are accommodated as family units; b) immediate free legal assistance; c) immediate notice of such arrest to the parents or guardians of the child; and d) release of the child on recognizance within twenty four (24) hours to the custody of the Department of Social Welfare and Development or any responsible member of the community as determine by the court.
- **DILG MC No. 2009-37** - Support for Community Based Program for Children with Disabilities (CWDs).
- **Executive Order 51.** - Adopting a National Code for Marketing of Breast milk substitutes, Breast milk supplements and related products, penalizing violations thereof, and for other purposes. It aims to contribute to the provision of safe and adequate nutrition for infants by the protection and promotion of breastfeeding and by ensuring the proper use of breast milk substitutes and breast milk supplements when these are necessary, on the basis of adequate information and through appropriate marketing and distribution.
- **DILG MC No. 2012-120** - Allocation of 1% Internal Revenue Allotment (IRA) for the strengthening and implementation the programs, projects and activities of the Local Council for the Protection of Children (LCPC) per Sec 15 of RA 9344.
- **RA 11648** – An Act Providing for Stronger Protection Against Rape and Sexual Exploitation and Abuse, increasing the age for determining the Commission of





Statutory Rape, amending for the purpose Act no. 3815, as Amended, otherwise known as "The Revised Penal Code, "Republic Act No. 8353, Also known as "The Anti-Rape Law of 1997," and Republic Act No. 7610, as Amended, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act."

- **RA 11188** – An Act Providing for the Special Protection of Children Situation of Armed Conflict and Providing Penalties for Violations thereof.
- **RA 11596** – An Act Prohibiting the Practice of Child Marriage and Imposing Penalties for Violations thereof

## ARTICLE II

### SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

**Section 1. Program Framework** – The Province of Davao Oriental shall ensure that children and their parents have a better quality of life. These children can avail quality health services, proper nutrition, education, shelter and security.

#### **Section 2. Poverty Reduction and Hunger Mitigation among Children.**

Child poverty has multiple dimensions; it is more than income poverty and manifests itself in deprivations that have consequence on a child's over all well-being and development, there are three main determination of child poverty: a) Children living in poor households. b) Deprivation of basic amenities such as electricity, potable water and sanitary toilets facilities; c) A child development index which is a composite of health, education and quality of life indicators.

Hunger among children, as a major manifestation of child poverty is measured by nutrition indicators, such as, underweight, wasted, stunting and children experiencing food insecurity. In addition, the other and more sensitive discussion of child poverty is the issue in need of special protection.

#### **A. Programs and Strategies:**

1. Poverty reduction strategies and social protection measures to address child poverty and its multiple dimensions towards ensuring equality for all children will be guided by the following fundamentals.
  - a.) Political will, leadership and governance
  - b.) Adequacy of resources and their allocation to marginalized children
  - c.) Safety measures/mechanism in the administration, management and monitoring of social safety nets
  - d.) Sustainability
  - e.) Outcome monitoring
2. Pantawid Pamilyang Pilipino Program (4Ps) is a poverty reduction strategy that provides conditional cash grants to poor household with children 0-14 years of age and with pregnant and lactating mothers, to build human capital through investments in health and education.

*J. Garcia*

*[Signature]*

3. Sustainable Livelihood Program (SLP) or other Income Generating Projects – is a community- based program which provides capacity building to improve the program participants’ socio-economic status. It supports microenterprises to become organizationally and economically viable and provide employment opportunities.
4. National Health Insurance Program (NHIP) – aims to provide adequate and effective social health insurance for all Filipino covering health prevention and curative measures.
5. Infant and Young Child Feeding (IYCF) - Pro-active measures will be undertaken to strengthen the enforcement of EO 51 – The Milk Code of the Philippines and IYCF laws.
6. Nutrition Program - proper preparation of low cost but nutritious food for young children at home and in community learning institutions.
7. Food Sufficiency and Security - farms and rural enterprises shall be the producers of basic food commodities for the consumption of families especially the basic need of children.
8. Supplementary Feeding Program (SFP) - is the provision of food in addition to the regular meals. The food supplementation will be in a form of hot meals to be served during snack/meal time to children five (5) days a week for 120 days in the Child Development Centers (CDCs) in the barangays funded by the DSWD, at elementary levels of the DepEd and other initiatives done by the Local Government Units to minimize malnutrition in the communities.
9. Operation Timbang and Child Growth Monitoring - is done at the barangay levels for 0-59 months old by the personnel of Barangay Health Station (BHS) for the tracking of nutritional status of children and immediate referrals for severe malnutrition for appropriate treatment and other interventions.
10. Monitoring of registration of births and the completion of immunization and vaccination of children aging 0-6 years old for the prevention of polio, measles, tuberculosis, tetanus and other diseases that may affect the health condition of children.

### **Section 3. Achieving Quality Education.**

- A. Children aging 3-4 years old are trained and socially prepared to enter into formal education in the public and private schools.

#### **Program and Strategies:**

1. Early Childhood Care and Development (ECCD) - it is the holistic development of children including physical, cognitive, language, social and emotional development from conception to age five (5).
2. Establishment of National Child Development Centers (NCDC) and other Alternative Child Development Centers for children aging 0-4 years of age enrolled in a learning center where values formation, physical exercises, structured games and other forms of learning stimulation.

*J. Garcia*

*[Signature]*

*[Signature]*



3. **Community Child Caring Centers** - an establishment at the local levels where working mothers could safely leave their child aging 0-2 years old and be taken after working hours due to unavailability and difficulty to hire nannies.
  4. **Standardization of Child Development Workers/Teachers** - upgrading the knowledge, skills, attitudes and teaching capacities to be more effective and efficient service providers to children.
  5. **Accreditation of Child Development Workers/Teachers** - monitoring on the conduct of New Learning Curriculum and attained the Standard Operation set by the National level on ECCD implementation.
  6. **Effective Parenting Education** - regular conduct of family or parent education sessions to promote the rights and responsibilities of children to strengthen family relationships.
- B. **School-Age Children** aging 5-17 years old attend formal classes regularly and able to achieve their desired learning outcome.
1. **School Building Program** - the government shall establish school buildings for children especially those in the Geographically Isolated Disadvantaged Areas (GIDA) particularly the Indigenous People (IPs).
  2. **Special Education** - children who are in special needs shall be the utmost priority of the government to provide appropriate learning facilities especially for children with disabilities.
  3. **Strengthening Madrasah Education** - the Moro children shall be provided schools appropriate for their culture and religion.
  4. **Library Hub Program** - Davao Oriental has a conducive learning environment for children to provide information and conduct research with sufficient availability of books and new Communication Technology (IT) equipments in a certain local facility.
  5. **K-12 Education Program** - The **K to 12 Program** covers Kindergarten and **12 years of basic education** (six years of primary **education**, four years of Junior High School, and two years of Senior High School [SHS]) to provide sufficient time for mastery of concepts and skills, develop lifelong learners, and prepare graduates for tertiary **education**, ...
- C. **Out-of-school children** - school age children who are dropped outs from school due to poverty and circumstances affecting the level of education. This may be reduced for the following interventions:
1. **Alternative Learning System (ALS)** - It is a parallel learning system that provides a practical option to the existing formal instruction. When one does not have or cannot access formal education in schools, ALS is an alternate or substitute. Alternative learning system includes both the non-formal and informal sources of knowledge and skills.

*J. Alcantara*

*[Signature]*

2. **Drop-Out Reduction Program** - it is an intervention program to reduce the high dropout rate and improve learning outcomes in public and private schools of the country, using formal, non-formal and informal approaches. Effective dropout prevention, intervention, and recovery must be seen as an adaptable and on-going process. Significantly reducing the number of students who drop out of school takes a combination of systemic efforts at the community, district, school, classroom, and individual student levels.

#### **Section 4. Gender Equality for Children.**

1. **Education For All (EFA)** - goal intervention shall focus on bringing all children back to school and no one shall be left behind in education.
2. **Child-Friendly Schools** - aim to develop a learning environment in which **children** are motivated and able to learn. It provides a safe, clean, healthy and protective facility and operates for the best interest of the child.
3. **Gender Responsive Curriculum.** The DepEd commits to integrate the principles of gender equality, gender equity, gender sensitivity, non-discrimination and human rights, in the provision and governance of basic education.

**Section 5. Child Mortality Reduction.** With series of health interventions to minimize mortality rates of children in the province, it shall be done on appropriate programs and strategies:

- a) **Maternal and Child Care** - during pregnancy regular prenatal checkups and breastfeeding upon delivery of child.
- b) **Essential Intrapartum Newborn Care** - The EINC practices are evidenced-based standards for safe and quality care of birthing mothers and their newborns, within the 48 hours of Intrapartum period (labor and delivery) and a week of life for the newborn.
- c) **Newborn Screening** - identifies conditions that can affect a child's long-term health or survival. Early detection, diagnosis, and intervention can prevent death or disability and enable children to reach their full potential. Every hospital of the province shall undergo newborn screening after delivery of the child.
- d) **Infant and Young Child Feeding** - it can improve child survival and promote healthy growth and development. Breastfeeding shall be imposed to protect infants from illnesses.
- e) **Expanded Program on Immunization** - it will ensure that infants/children and mothers have access to routinely recommended infant/childhood vaccines. Six vaccine-preventable diseases were initially included in the EPI: tuberculosis, poliomyelitis, diphtheria, tetanus, pertussis and measles.
- f) **Integrated Management of Childhood Illness (IMCI)** - IMCI is a major strategy for child survival, healthy growth and development and is based on the combined delivery of essential interventions at community, health facility and health systems levels. IMCI includes elements of prevention as well as curative and addresses the most common conditions that affect young children. Every health

→ 11/11/23




service providers in a community shall provide proper health services that will fully develop the growth of a child.

- g) **Micronutrient Supplementation** - Deficiencies of micronutrients such as vitamin A, iron, iodine and folate are particularly common among during pregnancy, due to increased nutrient requirements of the mother and developing fetus. These deficiencies can negatively impact the health of the mother, her pregnancy, as well as the health of the newborn baby. Thus, the Local Health Office shall see to it that pregnant mothers shall be adequately provided with needed micronutrients to deter the health problems of newly born babies and to protect mothers for any complications during delivery.
- h) **Garantisadong Pambata Program** - it offers only two services; deworming and Vitamin A supplementation. The program has expanded its services, now offering an integrated package of services and information on health, nutrition, and environment for children that are made available every day in homes, schools, health facilities, and communities, by government and non-government organizations. Regular monitoring of the health workers in the communities and providing vitamin A supplementation and proper information may reduce blindness to children.
- i) **Promotion of Primary Health Care Program** - The Barangay Health Station is tasked to monitor the health status of children on nutrition, provision of vitamins and immunization. Upgraded honorarium shall be given to commensurate the task assigned to the Barangay Health Worker and Barangay Nutrition Scholar. They shall promote the breastfeeding for the full implementation of Milk Code of the Philippines, monthly weighing of 0-59 months old, immunization and other health related activities for children.

**Section 6. Improved Maternal Health Care Program** - It encompasses the health care dimensions of family planning, preconception, prenatal, and postnatal care in order to ensure a positive and fulfilling experience, in most cases, and reduce maternal morbidity and mortality cases. It shall be the role of the health workers in the barangays to encourage pregnant women to undergo regular health check-ups and vaccination to reduce any complications during deliveries.

- a) **Maternal, Newborn and Child Health and Nutrition** - A reproductive health care center even at the barangay levels for pregnant mothers for prenatal, and neonatal care for proper delivery of infants that may reduce the risk to mother and child. High risk mothers shall be referred to the proper tertiary or secondary hospitals. Children who are at risk from any condition or illnesses shall be brought immediately to proper health care facilities.
- b) **Child Friendly Hospital** - The Davao Oriental Provincial Medical Center (DOPMC) and other district hospitals in the province of Davao Oriental shall establish upgraded child friendly units with complete pediatric facilities and healthy environment.
- c) **Community Birthing Facilities (PAANAKAN)** - The Local Government Units shall prioritize for the establishment of birthing facilities in the locality to save lives of infants and mothers particularly those in the far flung areas. It shall be a 24 hour operation to monitor the status of delivery of mothers and health condition of infants. Referral to hospital shall be done if found condition is at high risk for mother or child.

3/11/2023



- d) **Comprehensive Maternity Package** - Davao Oriental Provincial Medical Center (DOPMC) and other district hospitals of Davao Oriental have offered free membership to Philhealth for those non-members admitted in a government hospital thru Point of Care/Service for one (1) year membership. Pregnant women can avail of this maternity package.
- e) **Family Planning in Hospitals and other Health Facilities**
- o Establishment of FP service package in hospitals
  - o Organization of FP Itinerant team for outreach missions
  - o Delivery of FP services by hospitals to the poor communities especially Geographically Isolated and Disadvantaged Areas (GIDAs):
  - o Provision of budget support to operations by the itinerant teams including logistics and medical supplies needed for voluntary surgical sterilization services
  - o FP services as part of medical and surgical missions of the hospital
  - o Partnership with LGU hospitals for the FP outreach missions

**Section 7. Reduction In HIV and AIDS, Malaria and Other Diseases Affecting Children.**

- a) Children who are affected by and living with people with HIV and AIDS can avail treatment, care and support services. The Davao Oriental Provincial Medical Center (DOPMC) and the City Health Office of Mati City have a testing center for HIV and AIDS and can access treatment if found positive. There shall be a functional city/municipal AIDS Council in every LGU to assess and assist adolescent and youth vulnerable to HIV and AIDS. All cases on this aspect are treated with confidentiality.
- b) It shall be the mandate of the government that all children shall be fully immunized at the Barangay Health Station (BHS) or other health facilities to minimize any diseases such as polio and eliminating measles and neonatal tetanus that may affect the growth and development of children.
- c) Preventive measures shall be done to control malaria and dengue by early detection and prompt treatment of cases through training of healthcare personnel. Implementing improved outbreak prediction and detection through coordinated epidemiological and entomological surveillance; promoting the principles of integrated vector management and deploying locally-adapted vector control measures including effective urban and household water management. Effective communication can achieve behavioural outcomes that augment prevention programs.

**Section 8. Ensuring Child Healthy Environment.**

- a) Children drink safe and potable water that prevent them from acquiring water-borne diseases and have sanitary toilet and proper hygiene.

All schools and facilities for children and youth provide adequate and safe source of drinking water and have sanitary toilets, separation for girls and boys. Hygienic practices such as proper hand washing are continuously being promoted to prevent the spread of water borne and related infectious diseases such as influenza A (H1N1).

*g. Macali*

*[Signature]*

*[Signature]*

- b) Strict compliance of “no junk food” selling at school premises that can contribute malnutrition among school children.
- c) Recreational facilities for children shall be established in every barangay of the province to divert the activities of children for indigenous games, sports, and other physical wellness rather that involving in other odd activities.
- d) A regular cultural program appropriate for children’s age group and gender shall be designed with respect to cultural diversity.

**Section 9. Strengthening Local & National Partnership for Child Development.**

Local Government Units (LGUs) shall prioritize children in the formulation of Local Comprehensive Development Plan that address child rights and protection concerns. The Local Council for the Protection of Children (LCPC) at all levels shall be functional.

**ARTICLE III**

**PROTECTION RIGHTS OF CHILDREN**

**Section 1. Program Framework** – Children are safe and free from violence, neglect, exploitation, discrimination, bullying and other forms of abuse. There shall be a formulated Comprehensive Plan for Children in the province of Davao Oriental participated by other concerned agencies thru the Local Council for the Protection of Children (LCPC) to protect children against child prostitution, sexual abuse, child trafficking, obscene publications and other acts of abuse and exploitation that may endanger child survival and development.

**Section 2. Children are born with a name and nationality.** Registration of children within a month of their birth shall be registered at the City/Municipal Civil Registrar’s Office. All hospitals in the province and other birthing facilities shall be responsible for the registration of newly born children admitted to their facilities.

**Section 3. Orphaned and other abandoned and neglected children.**

- a) Orphaned, abandoned, foundling, neglected and surrendered children are provided temporary shelter in a provincial residential care facility or non-government institutions in coordination with the Department of Social Welfare and Development (DSWD) for eventual child placement to licensed foster parents and legal guardians. It is the utmost desire of the local government that these children shall be provided with a happy and healthy family environment.
- b) Children of Overseas Filipino Workers (OFWs) and imprisoned parents are provided with psychosocial interventions. The national and local agencies have formulated programs and services for children whose parents are working abroad and those parents committing crimes that need appropriate assistance that incur immediate social protection.

*Handwritten signature*

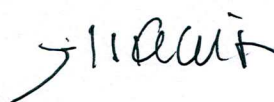
*Handwritten signature*

**Section 4. Differently- Abled Children.**

- a) Newborn infants are screened and diagnosed for the early detection and prevention of disabilities and referred to proper health care professionals for proper medical interventions.
- b) School age children with disabilities are provided special schools appropriate for their needs established by the Department of Education (DepEd) and other private institutions. There shall be Special Education (SPED) with complete facilities in every Local Government Unit (LGU) with adequate trained teaching personnel.
- c) Children with disabilities that need assistive devices for their mobility, improved hearing and vision shall be provided by the national agencies, Local Government Units (LGU) and other donor organizations.
- d) Issuance of Persons with Disability Identification Card shall be enjoyed by children with disabilities.
- e) The Local Government Unit shall legislate policies for the provision of local subsidy for indigent persons with disability especially for children.
- f) Parents with differently abled children shall be organized in the community and have trainings, seminars, for better understanding in handling their children with special needs.
- g) The Local Government Unit (LGU) shall appropriate funds to provide assistance to children with special needs.

**Section 5. Employment of Children.** Children as defined in this Ordinance shall not be employed provided that the minimum requirements as stated in RA 9231 amending Sec 12 of RA 7610 shall be presented.

- a) Strict prohibition on the employment of children in certain advertisements. No person shall employ a child to model in all forms of commercial or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products.
- b) There is a need for data banking on children working at mining and industrial sites for appropriate interventions that they need. The Department of Labor and Employment (DOLE) is tasked to provide the local data and status of children, if found working in the area.
- c) Law enforcers shall conduct monitoring of all establishments where children have been exploited and abused such as but not limited to karaoke bars, night clubs, and internet cafes.
- d) Children working in the streets and making their abode shall be given interventions by the Local Government Unit (LGU) and provide necessary measures that would deter the proliferation of street children.
- e) The Department of Education shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and







vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed effective under given circumstances. (RA 7610 Sec 13).

**Section 6. Children as Victims of Abuse.** The basic institution for the nurturing of children where they can find love, safety and protection is the family. However, there are cases that children experienced any forms of violence at home and community.

- a) **Child Protection Policy in School and Residential Care Facilities** – It is the utmost goal of the school to provide protection to children from bullying, sexual, physical, psychological and emotional abuses inflicted by students, teachers and other school personnel.

**Residential Care Facilities** - Non-Government Organizations (NGOs) and National/Local Government Units catering children in need of special protection is being monitored and accredited by the Department of Social Welfare and Development (DSWD) especially in the formulation of Child Protection Policy. This is to ensure that no abuses be done by the service providers, otherwise, due process of law shall be strictly imposed.

- b) **Parent Effectiveness Service/Family Development Session (FDS)** - regular conduct of sessions on different laws and programs of the government, responsibilities and liabilities of parents and children. The beneficiaries of Pantawid Pamilyang Pilipino Program (4Ps) are required to attend the sessions as pre requisite of the Conditional Cash Transfer (CCT) policy.
- c) **Women and Children Protection Desk (WCPD)** - The Philippine National Police (PNP) has established in every city/municipality headed by a female police to accept cases on children that are detrimental and can endanger the life of a child. Immediate rescue is necessary if complaint has reached to the police and coordination with the barangay council, social worker and policemen shall be done to save the life of a child. Proper filing of case is executed to attain justice.
- d) **Establishment of Violence Against Women and Children (VAWC) Desk in every barangay.** There is a mandate from the DILG that every barangay shall establish a VAWC Desk to easily facilitate the complaints of women and their children against any forms of abuses. Any cases filed in the barangay shall be dealt with confidentiality.
- e) **Establishment of Teen Center** - Every LGU is required to establish teen center as refuge of teen agers seeking for counselling, reliable friends who are confused of personal situations and lack of family support.
- f) **Street lighting** - There should be street lighting implemented by the barangay to avoid any criminalities that may affect the lives of children such as, rape, abduction, illegal drug sessions, snatching, killing and gang rioting.
- g) **Children as rape victims** - Immediate interventions from LGU shall be done to children found as rape victims, molested, attempted and even acts of lasciviousness to proper authorities. The family and community shall take action to report to the police station for filing of case. Referral to other agencies for further psychosocial interventions is necessary for traumatized children. Avoid media coverage of children as rape victims.

51111111



- h) **Children as exploited for commercial sex.** No children shall be exposed to bars, night clubs, internet cafes and other entertainment establishment for commercial sex. Every LGU shall establish mechanisms on the monitoring of such establishments using children for sex. Families as culprits of their biological children for commercial sex shall be imposed with penalties based on RA 7610.
- i) **Child Pornography** - The LGU shall take precautionary measures on child pornography that exploits children for sexual stimulation. It may be produced with the direct involvement or sexual assault. Abuse of the child occurs during the sexual acts or lascivious exhibitions of genitals or pubic areas which are recorded in the production of child pornography. Variety of media shall be taken into consideration for proper interventions such as but not limited to: film, video, video games, writings, drawing, magazines and others that may exploit the image of child.
- j) **Child Bullying** - Bullying is unwanted, aggressive behaviour among school and children that involves a real or perceived power imbalance. The behaviour is repeated, or has the potential to be repeated over time. Both kids are bullied and who bully others may have serious, lasting problems. Private and public schools at all levels shall adopt policies to address the existence of bullying and shall include provisions on prohibited acts, prevention and intervention programs.
- k) **Children at Risk (CAR) and or Children in Conflict with the Law (CICL)** - The Municipal/Barangay Council for the Protection of Children shall provide community-based interventions or diversion program for children at risks or those children committing crimes. This is giving the chance for minors to reform and transform into a productive citizen in the community. Family involvement is vital as support system for the rehabilitation of the child.

**Section 7. Child Trafficking.** Any person who shall engage in trading and dealing with children including but not limited to the act of buying and selling of a child for money, or for any consideration, or barter, shall suffer penalty as prescribed in Article IV of RA 7610.

- a) When a child below 15 years old travels alone to or from Davao Oriental without valid reason shall be investigated by the law enforcers;
- b) When during disaster or calamities, the Local Government Unit through the City/Municipal Police Station (C/MPS) shall implement strict monitoring of recruiters for employment especially for minors.
- c) Children shall not be recruited as Armed Forces of the Philippines (AFP) of its civilian units or other armed groups nor be allowed to take part in the fighting, or used as guides, couriers or spies (RA 7610 Sec 22).
- d) No government employee or private institution shall simulate birth for the purpose of child trafficking.
- e) No government agencies, personnel or private institutions shall recruit couples or women to bear children for the purpose of selling or child trafficking.

511/2023





- f) The Local Government Unit (LGU) shall institutionalize the functionality of Inter Agency Council Against Trafficking (IACAT) and formulate measures, plans for the protection of children.

**Section 8. Child Friendly Facilities for CICL** - The LGU shall establish a temporary child friendly facility for children in conflict with the law prior to the decision of the court for further rehabilitation. There will be inter-disciplinary approach to help the child for reformation. In absence of the LGU facility, the child may be referred to PAG ASA HOME, Mati City for proper interventions.

**Section 9. Media Coverage on Cases of Children.** Non-disclosure policy is strictly implemented that may affect the dignity, morale, family and degrade the self-esteem of a child. No coverage from media that may expose the child case thru radio, television, newspaper, social media and other forms of information. Enforce by all means total confidentiality all cases of children. The Provincial Government shall strictly impose the media protocol in dealing with children.

**Section 10. Prohibition of Children to Internet Cafes.** Commercial establishment on internet cafes shall prohibit children to enter the facility during school hours. The LGU shall formulate ordinances on this premise to avoid cutting classes leading to drop outs of school children. Penalties of such establishment for violation of the policies shall be imposed.

**Section 11. Curfew hours for minors.** The Local Government Unit shall formulate policies on the curfew hours of minors to avoid anti-social related activities undertaken by children that may cause damages of properties and persons. They shall be prohibited from loitering around or sleeping in a public place after 10:00 in the evening until 4:00 in the morning unless they are accompanied by their parents or guardians. Children who are involved in odd activities in the communities shall be registered in a rehabilitation program of a certain LGU that will assist to rebuild or transform them to become productive citizens.

**Section 12. Prohibition of children driving without license.** The LGU through the coordination with the Land Transportation Office (LTO), City/Municipal Police Station and Traffic Division shall strictly prohibit minors driving vehicles especially motorcycle without driver's license and helmets. There shall be ordinances to be imposed on this premise at the Local Government Unit (LGU) with corresponding penalties imposed.

**Section 13. Evacuation of Children during armed conflict and natural disasters.**

Children shall be given priority during evacuation as a result of armed conflict or natural calamities. There will be proper coordination with other existing people's organizations, non-government organizations and other government agencies to look into the welfare of children during evacuation operations. Measures shall be taken into consideration that children evacuated are accompanied by persons responsible for their safety and protection.

- a) **Rights of child arrested for reasons related to armed conflict.** Any child who has been arrested for reasons related to armed conflict, either as combatant, courier, guide or spy is entitled to the following rights:
- a.1) separate detention from adults except where families are accompanied as family rights;
  - a.2) Immediate free legal assistance;



- a.3) immediate notice of such arrest to the parents or guardians of the child;
- a.4) release of the child on recognizance within twenty-four (24) hours to the custody of the Local Social Welfare Officer or any responsible member of the community or a half- way house for former rebels as determined by the court.

**b) Child Friendly Space.** Children at the evacuation sites shall not be deprived of learning activities and other psychosocial support activities due to calamities and human induced. The LGU in coordination with other international and national organizations shall establish a child friendly space for children to participate in playing, storytelling and other productive activities so as to minimize the trauma experienced by minors.

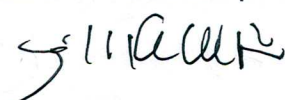
**Section 14. Children of Indigenous People (IP) and Muslims.** The Department of Education has ultimately prioritized for the establishment of Madrasah schools for Muslim children and schools for the IPs at far flung areas. Hiring of teachers based on the ethnicity. The school curriculum shall be culture sensitive. Every LGU shall create a council for Muslim and IP for planning and program implementation so as the monitoring and evaluation of the project affecting children of Muslims and IPs.

**Section 15. Separate Detention Cell for Minors.** Apprehension of minors committing crimes shall have a separate detention cell from the adult inmates. The Provincial Rehabilitation and Reformatory Center shall establish adequate detention cells for minors and provide appropriate interventions while waiting for court decisions on proper rehabilitation placement.

**Section 16. Strengthening the Local Council for the Protection of Children.** There is a mandate from the government that creation of Local Council for the Protection of Children shall be established in all levels of government. It will be at the barangay, city, municipal, provincial and regional. This council shall be functional to formulate plans, projects and activities participated by all national and local agencies directly involved for the welfare of children.

**Section 17. Provincial/City/Municipal Government Offices responding the needs of children.** The different facilities of the province cater the needs of children who need special protection and safety.

- a) **The Provincial Reception Study and Diagnostic Center.** This is a residential care facility that caters abused women and children.
- b) **The PAG-ASA HOME** - A residential care facility of City Government of Mati that caters children in conflict with the law entire the province.
- c) **The KASANAG** - City Government drop-in center for street children in the City of Mati.
- d) **DOPMC Women and Children Protection Unit** - Davao Oriental Provincial Medical Center catering abused women and children that need medical examination and psychosocial interventions.
- e) **Boston Drop In Center** - The municipality of Boston established drop in center for children that need temporary shelter and protective custody



especially during rescue operation. This will be referred to other institutions for further psychosocial interventions.

- f) **Baganga Drop In Center** – The municipality of Baganga has established drop in center for children and women victims of violence that need immediate protective custody and temporary shelter prior to referral to other institutions for further psychosocial interventions.
- g) **House of Joy** - A residential care facility operated by a non-government organization (NGO) situated at the municipality of San Isidro that caters children aging 3-17 years old that need long term interventions and provide basic social services.
- h) **Angel House** - a non- government organization (NGO) situated at the municipality of San Isidro that caters children aging 0-10 years old who are abandoned, neglected, orphaned and ready for child placement for legal adoption international and in local. Accreditation on the Standard Operation and Procedure of the facility is facilitated by the Bureau of Standards – Manila-DSWD.
- i) **SPED School** - The Department of Education has prioritized in every district schools to establish Special Education for children with disabilities.

#### ARTICLE IV

##### PARTICIPATION RIGHTS OF CHILDREN

**Section 1. Program Framework** – In deciding what is a child’s best interests, the child’s own views must be considered where child is able to express these. Thus, this ordinance reiterates the second principles stated in 1989 UN Convention on the Rights of the Child that the State’ assure tot eh child who is capable to forming his or her own views the right to express those views freely in all matters affecting the child, the view of the child being given due weight in accordance with the age and maturity of the child’. This principle tends to be viewed somewhat simplistically, and it will be important for any new legislative pertaining to children to participate meaningfully in decisions affecting them.

**Section 2. Child Participation** – Every child has the right to express his/her opinion regardless of sex, age, ethnicity and religion. Parents who are the primarily source of information, values and skills shall be the appropriate guide for the decision making that children can make for their lives. A responsive, inclusive, participatory and representative decision-making among children according to their age level and evolving capacities.

- a) Exercise of children’s right to participate in diverse spaces, home, school, immediate community and in society at large
- b) A survey to establish baseline and basis for reporting and monitoring of “meaningful” child participation
- c) Children and youth in school policymaking and governance processes
- d) Conflict-sensitive peace promoting capacity building
- e) Awareness-raising and mobilization
- f) Empowering children to participate in monitoring 3<sup>rd</sup> LPAC implementation.

*gilaat*

*[Handwritten signature]*

**Section 3. Rights of Children** – all children are entitled to rights without distinction as to legitimacy, sex, social status, religion, political background of parents, and other factors. The following are the rights of children.

**1. Children have the right to be born well once they are conceived.**

- Children are endowed with dignity and worth of a human being from the moment of their conception, and therefore, the right to be born well.

**2. Children have the right to a wholesome family life.**

- Children have the right to a wholesome family life will provide them with love, care and understanding, guidance and counselling, moral and material security.

**3. Children have the right to develop into a happy, useful, and active member of society.**

- Children have the right to a well-rounded development of their personality to the end that they may become happy, useful, and active members of society. Gifted children shall have the right to develop their special talents. Children with emotional problems or who have difficulty in getting along with others shall have the right to treatment and competent care. Children with physical and mental handicap shall have the right to the treatment, education, and care they need.

**4. Children have the right to a healthy and vigorous life.**

- Children have the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

**5. Children have the right to enrich and strengthen their character through a moral and upright life.**

- Children have the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of their character.

**6. Children have the right to education and skills development.**

- Children have the right to an education commensurate with their abilities and to the development of their skills for the improvement of their capacity for service to themselves and to their fellowmen.

**7. Children have the right to safe and wholesome recreation and activities.**

- Children have the right to full opportunities to safe and wholesome recreation and activities, individual as well as social, for the wholesome use of their leisure hours.

**8. Children have the right to be protected from anything that will affect negatively his development and growth.**

*g. h. a. u. t.*



- Children have the right to protection against exploitation, improper influences, hazards and other conditions or circumstances prejudicial to their physical, mental, emotional, social and moral development.

**9. Children have the right to live in an environment that will affect positively their growth and development.**

- Children have the right to live in a community and society that can offer them an environment free from harmful elements and conducive to the promotion of their health and the cultivation of their desirable traits and attributes.

**10. Children have the right to the care, assistance, and protection of the state.**

- Particularly when their parents or guardians fail or are unable to provide them with their fundamental needs for growth, development and improvement.

**11. Children have the right to an efficient and honest government.**

- Children have the right to an efficient and honest government that will deepen their faith in democracy and inspire them with the morality of the constituted authorities both in their public and private lives.

**12. Children have the right to grow up as a free and responsible individual.**

- Children have the right to grow up as free individuals in an atmosphere of peace, understanding, tolerance, and universal brotherhood and with the determination to contribute their share in the building of a better world.

**ARTICLE V**

**IMPLEMENTING MECHANISM**

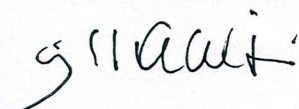
**Section 1. Creation of the Special Unit for Children's Concern.**

A special unit for children's concern shall be created to oversee the implementation of this ordinance. The special unit shall under the Provincial Social Welfare and Development Office with a staff assigned. It shall be the special coordinating and implementing arm of the province to focus on children's specific program and project. Aside from specified functions stated in this ordinance, this unit shall be the Secretariat of the Provincial Council for the Protection of Children.

**Section 2. Role of the Local Council for the Protection of Children.**

The Local Council for the Protection of Children at all levels shall be functional and serves as the umbrella organization of all children's concerns. It is a council fully dedicated to be an efficient and effective advocate to child's rights and implements all children's programs at the local levels. The LCPC is an institutional mechanism in all levels of LGUs that advocates child rights, plans and initiates/recommends interventions and monitor children's programs and project in the locality.

**Section 3. Appropriation** – Section 15 of RA 9344 known as the "Juvenile Justice and Welfare Act of 2006" mandates LGUs to establish their respective Local Council for the Protection of Children (LCPC) at the Provincial/City/Municipal and Barangay levels and



allocate 1% of the Internal Revenue Allotment for its strengthening and implementing of programs, projects and activities for the welfare of children.

## ARTICLE VI

### FINAL PROVISIONS

**Section 1. Separable Clause** – If for any reason, any provision or part of this Ordinance is declared unconstitutional or invalid, other sections on provisions hereof which are not affected thereby shall continue to be in full force and effect.

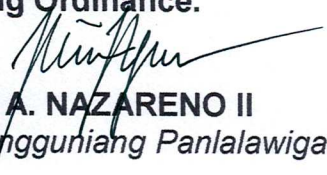
**Section 2. Repealing Clause** – All Provincial Ordinance, Memorandum Circular, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

**Section 3. Effective Clause** – this Code shall take effect upon compliance of the mandatory party and publication requirement prescribed under RA 7160, otherwise known as the Local Government Code of 1991.

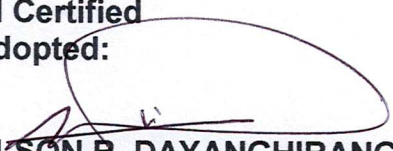
**ENACTED: JUNE 27, 2023**

**CARRIED**, by eleven (11) affirmative votes of SP Members Anna Cheryl N. Castro, Harold A. Montes, Rotchie M. Ravelo, Art Benjie C. Bulaong, Daud V. Linsag, Stephen Paul L. Uy, Marietta D. Palmera, Andy A. Monday, Joselito B. Villademos, Eleuterio C. Manaytay, and Ronald T. Lara, Jr.; negative votes – none; and abstention - none.

\* \* \*  
I hereby Certify to the Correctness  
of the foregoing Ordinance.

  
**MAXIMINO A. NAZARENO II**  
Secretary to the Sangguniang Panlalawigan

Attested and Certified  
to be duly Adopted:

  
**NELSON R. DAYANGHIRANG, JR.**  
Acting Vice Governor  
Temporary Presiding Officer

APPROVED:

  
**NIÑO SOTERO L. UY, JR.**  
Acting Governor

Date approved  
and signed JUN 27 2023