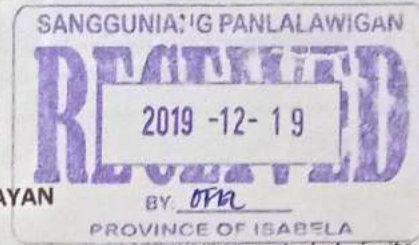




Republic of the Philippines
Province of Isabela
MUNICIPALITY OF PALANAN

OFFICE OF THE SANGGUNIANG BAYAN



Literal Copy of *Municipal Ordinance No. 2019-28* approved by the Sangguniang Bayan of Palanan, Isabela in its *Regular Session on December 9, 2019* held at the Legislative Session Hall, this Municipality.

Sponsored by: HON. PACITA MONA Q. ATANACIO, Sangguniang Bayan Member

MUNICIPAL ORDINANCE NO. 2019 -28

AN ORDINANCE PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES

Be it ordained by the Sangguniang Bayan of Palanan in Session Assembled:

SECTION 1. TITLE. - This Ordinance shall be known as the "*Special Protection of Children Against Abuse, Exploitation and Discrimination Ordinance.*"

SECTION 2. SCOPE AND COVERAGE. This Ordinance mandates the adoption and implementation of R.A. 7610 within the jurisdiction of Palanan, Isabela.

SECTION 3. DEFINITION OF TERMS.

- (a) "Children" refers to 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;
- (b) "Child abuse" 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 words 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 serious impairment of his growth and development or in his permanent incapacity or death.
- (c) "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 armed conflict or being affected by 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 a 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 above-stated which endanger the life, safety or normal development of children.
- (d) "Comprehensive program against child abuse, exploitation and discrimination" refers to the coordinated program of services and facilities to protected children against:
 - (1) Child Prostitution and other sexual abuse;
 - (2) Child trafficking;
 - (3) Obscene publications and indecent shows;
 - (4) Other acts of abuses; and
 - (5) Circumstances, which threaten or endanger the survival and normal development of children.

ANGELINA S. BERNARDO
LNB PRESIDENT

JUSTIN KEVIN S. BERNARDO
SK FEDERATION PRESIDENT

GABRIELA D. CAJULAN
SB MEMBER

CRISEL D.S. DELA PENA
SB MEMBER

THEO ANGELO A. GARCIA
SB MEMBER

EARL JOHN ANGELO S. BERNARDO
SB MEMBER

MICHAEL JOHN D. BERNARDO
SB MEMBER

ROBERT B. NERI
SB MEMBER

PACITA MONA Q. ATANACIO
SB MEMBER

RONNIE ATIENZA
SB MEMBER

SECTION 4. COMPLIANCE.

Sec. 11. *Sanctions of Establishments or Enterprises which Promote, Facilitate, or Conduct Activities Constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent Shows, and Other Acts of Abuse.* - All establishments and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under this Ordinance and/or the Revised Penal Code, as amended, or special laws. A sign with the words "off limits" shall be conspicuously displayed outside the establishments or enterprises by the Department of Social Welfare and Development for such period, which shall not be less than one (1) year, as the Department may determine. The unauthorized removal of such sign shall be punishable by *prision correccional*.

An establishment shall be deemed to promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse if the acts constituting the same occur in the premises of said establishment under this Ordinance or in violation of the Revised Penal Code, as amended. An enterprise such as a sauna, travel agency, or recruitment agency which; promotes the aforementioned acts as part of a tour for foreign tourists; exhibits children in a lewd or indecent show; provides child masseurs for adults of the same or opposite sex and said services include any lascivious conduct with the customers; or solicits children or activities constituting the aforementioned acts shall be deemed to have committed the acts penalized herein.

SECTION 5. IMPLEMENTING MECHANISM. The Municipal Government of Palanan, Isabela through the Municipal Social Welfare and Development shall adhere and actively implement the provisions of this Ordinance as:

Sec. 12. *Employment of Children.* - Children below fifteen (15) years of age may be employed except:

(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 employment neither endangers his life, safety and health and morals, 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) When a child's employment or participation in public & entertainment or information through cinema, theater, radio or television is essential: Provided, The employment contract concluded by the child's parent or guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: Provided, That the following requirements in all instances are strictly complied with:

- (a) The employer shall ensure the protection, health, safety and morals of the child;
- (b) The employer 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
- (c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skill acquisition of the child. 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, which shall ensure observance of the above requirement.

Sec. 13. *Non-formal Education for Working Children.* - The Department of Education, Culture and Sports 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 most effective under given circumstances.

Sec. 14. *Prohibition on the Employment of Children in Certain Advertisements.* - No person shall employ child models in all commercials or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by-products and violence.

Sec. 15. *Duty of Employer.* - Every employer shall comply with the duties provided for in Articles 108 and 109 of Presidential Decree No. 603.

ANGELINA A. BERNARDO
LNB PRESIDENT

JUSTIN KENY S. BERNARDO
SK FEDERATION PRESIDENT

GIOMIA D. CAULLAN
SB MEMBER

CRISLEIDA S. DELA PENA
SB MEMBER

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SECTION 6. OTHER PROVISIONS. All other sections and provisions of R.A. 7610 otherwise known as "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" is hereby adopted as an integral part of this ordinance.

SECTION 7. PENALTY CLAUSE. Any person who violates the provisions of this Ordinance shall be punished by a fine of One Thousand Five Hundred (P 1,500.00) Pesos for the **1st Offense**; Two Thousand (P2,000.00) Pesos for the **2nd Offense**; and Two Thousand Five Hundred (P2,500.00) Pesos for the **3rd Offense**.

SECTION 8. APPROPRIATIONS. - The amount necessary to cover the initial implementation of this Ordinance shall be charged against the 1% LCPC Fund of the Annual Budget. Thereafter, the amount necessary for its continued implementation shall be included in the budgets of the concerned departments of this Local Government Unit.

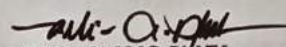
SECTION 9. SEPARABILITY CLAUSE. - If any provision of this Ordinance found to be inconsistent with any law, other provisions or part/s thereof not so affected shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE. - All Ordinances, Rules and Regulations or parts thereof, in conflict with, or contrary to, the Provisions of this Ordinance not so affected herewith is hereby repealed or modified accordingly.

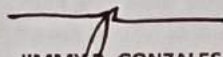
SECTION 11. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon its approval.

Enacted, December 9, 2019.


I hereby certify to the correctness of the foregoing Ordinance.



NELIA ALAMO-PLATA
Secretary to the Sanggunian

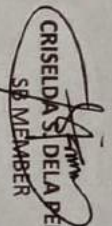
ATTESTED AND CERTIFIED
TO BE DULY ADOPTED:


JIMMY B. GONZALES
Municipal Vice Mayor/Presiding Officer

APPROVED:

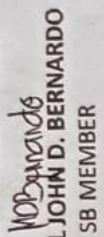

ELIZABETH B. OCHOA
Municipal Mayor
Date: 12-19-19


GLORIA D. CAUILAN
SB MEMBER

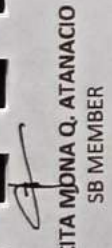

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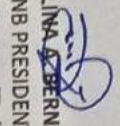

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