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CERTIFICATION

TO WHOM IT MAY CONCERN:

***THIS IS TO CERTIFY** that at the regular session duly constituted of the Sangguniang Panlalawigan, Province of Pangasinan, held on November 24, 2006, at Lingayen, Pangasinan, the following provincial ordinance was approved:*

Authored by Vice Governor Oscar B. Lambino and SP Member Marlyn L. Primicias-Agabas and co-authored by SP Member Von Mark R. Mendoza

PROVINCIAL ORDINANCE NO 124, s. 2006

AN ORDINANCE ADOPTING A COMPREHENSIVE WELFARE CODE FOR CHILDREN IN THE PROVINCE OF PANGASINAN

BE IT ORDAINED BY THE SANGGUNIANG PANLALAWIGAN OF PANGASINAN IN SESSION ASSEMBLED:

Article I

Title, Policy, Principles and Definition of Terms

Section 1. **Title.** This ordinance shall be known as the "*Pangasinan Children's Code.*"

Section 2. **Declaration of Policy and Principles of the Government of Pangasinan.** (a). It is hereby declared to be the policy of the Province of Pangasinan that the rights of children to their survival, protection, development and participation be effectively promoted, fully enhanced and institutionalized, within the framework of advancing general welfare in furtherance of integrated, sustainable and equitable development.

(b) It is also the policy of the Province of Pangasinan to serve the welfare of children which shall be the paramount consideration in all actions concerning them consistent with local autonomy and in adherence to the principle of "*Best Interest of the Child*" as enunciated in the United Nations Convention on the Rights of a Child.



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- (c) It is also the policy of the Province of Pangasinan to adhere to the generally accepted principles of international law.
- (d) It is likewise the policy of the Province of Pangasinan to undertake the holistic protection and development of all children together with national government agencies and non-governmental organizations concerned.
- (e) The Province of Pangasinan shall ensure that the programs aimed at the achievement of goals for the survival, development, protection and participation of children must be given priority when resources are allocated. Every effort shall be made by the local government of Pangasinan to ensure that such programs are advanced and allocations therefore sufficient, even in times of economic austerity and structural adjustments.

Section 3. Definition of Terms.

- (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, misrepresentation;
 2. Using and pushing prohibited drugs, selling illegal or lewd reading materials;
 3. Pimping for prostitutes and sexual perversions, doing or participating in obscene shows;
 4. Gambling of any form;
 5. Rape and incest; and
 6. Any other circumstances as defined in the existing laws.
- (b) "CHILDREN" refers to persons below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from the abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- (c) "CHILD ABUSE" refers to the maltreatment of the child, whether habitual or not, which includes any of the following:
1. Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
 2. Any act by deed or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;
 3. Deliberate deprivation of his/her basic needs such as food, clothing, shelter, and education; or



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4. Failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or permanent incapacity or death.
- (d) CHILD TRAFFICKING shall refer to the recruitment, transfer or deployment of a child, and/or harboring or receipt of a child with or without the victim's consent or knowledge, through legal or illegal means, fraud or deceit, violence, coercion, intimidation, abuse of position or authority, within or across national borders for purposes of prostitution, work, services, marriage or adoption and other similar arrangements characterized by forced labor, slavery-like practices of sexual exploitation.
- (e) CHILDREN IN NEED OF SPECIAL PROTECTION refer to children living under circumstances which gravely threaten or endanger their survival and normal development as defined to include children in worst forms of child labor, neglected and abandoned children, street children, girl children, victims of commercial and sexual exploitation, victims of child abuse, children in situations of armed conflict, children in conflict with the law, children with various forms of disabilities, and children of indigenous peoples.
- (f) DIVERSION refers to an alternative child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological, or educational background without resorting to formal court adjudication.
- (g) "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 morals which unduly interfere with their normal development or working without provision for their education;
 3. Living in or fending for themselves in the streets of urban and rural areas without the care of parents or guardian or any adult supervision needed for their welfare;
 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 lack or has inadequate access to basic services needed for a good quality of life;



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5. Being with family members or guardians having psychological problems grave enough for them to commit incest, siblings rape, lascivious acts and other forms of physical and mental abuse;
6. Being a victim of man-made or natural disaster or calamity;
7. Being a victim of an illegal transnational union; or child trafficking;
8. Circumstances analogous to those above stated which endanger the life, safety or normal development of children.

(h) "COMPREHENSIVE CHILDREN'S SUPPORT SYSTEM 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 incident shows;
4. Other acts of abuse;
5. Circumstances which threaten or endanger the survival and normal development of children or as prescribed in the UN Convention on the Rights of the Child.

(i) "COMPREHENSIVE SUPPORT SYSTEM FOR THE DEVELOPMENT OF CHILDREN" also refers to the coordinated program of services and facilities outlined in Sec. 3 of RA 6972 and as prescribed by the UN Convention on the Rights of the Child.

(j) "JUNK FOODS" are foodstuffs which are processed with artificial flavors, coloring and preservatives and which have been found to contain carcinogenic elements harmful for the body or those sold beyond their expiry period.

(k) "JUVENILE JUSTICE" refers to the legal procedure applied to children in conflict with the law starting from initial contact of the child up to the reintegration of the child to the family and community.

(l) "JUVENILE JUSTICE SYSTEM" refers to all proceedings starting from initial contact, including diversion proceedings, court proceedings and after the filing of the proper information and until disposition of the case involving children in conflict with the law.

(m) "BENEFIT DANCE" refers to a dance in the locality where young girls and boys in the process are being commodified for fund raising purposes.

Section 4. Rights of the Child. (a) All children shall be entitled to the rights herein set forth without discrimination as to legitimacy or illegitimacy, sex, social status, religion, political antecedent, and other factors.



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(b) All children shall possess rights as classified into:

1. "Survival Rights" deal with the provision in relation to parental and governmental duties and liabilities, adequate living standard and access to basic health and services and social security.
2. "Development Rights" pertain to the access of a child to educational opportunities, access to relevant information, play leisure, cultural activities and the right to freedom of thought, conscience and religion.
3. "Protection Rights" cover those which guard children against all forms of child abuse, exploitation and discrimination in the major areas where a child is considered in an extremely difficult circumstance.
4. "Participation Rights" include the Childs freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and to freedom of association.



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ARTICLE II

Survival and Development Rights of Children

Section 5. **Maternal and Primary Health Care Program.** The Province of Pangasinan, in coordination with the Local Council for the Protection of children, shall implement and sustain the following programs on maternal and primary health care which shall cater to the health of the conceiving mother and child in her womb with the end view of safely delivering a healthy baby and to ultimately ensure the survival and development of children. For this purpose,

- (a) "Hilots" and Barangay Health Workers are to be provided the needed basic training for normal delivery and are to be further trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care for the mother and child who are at risk. The trainings herein provided shall be spearheaded by municipal health officers under the supervision of the Provincial Health Office.
- (b) The Provincial Government shall ensure that pregnant mothers
 1. are given Vitamin A starting on the fourth month of pregnancy until delivery;
 2. are immunized against tetanus;
 3. undergo at least four (4) complete pre-natal check-ups.
- (c) The Provincial Government shall also monitor and promote an immunization program which shall require parents, guardians and caregivers of children under one-year old to subject said children to immunization against tuberculosis, diphtheria, pertussis, tetanus, polio, measles, and Hepatitis B; provided that parents, guardians and caregivers of new born babies shall subject said children to New-born Screening;
- (d) The Provincial Government, in coordination with government health care institutions/hospitals and health workers, shall promote exclusive breastfeeding for infants up to six (6) months, and further promote breastfeeding for children up to twenty four (24) months.
- (e) The Provincial Government, shall ensure that provisions for comfortable working conditions be arranged for pregnant workers and that necessary space in the workplace to be designated as "nursing rooms" be provided for nursing mothers to fully implement the provisions of this Code.

Section 6. **Under Six Program Framework.** The Provincial government of Pangasinan shall ensure that the total development and protection of children for the day care center shall be provided for children up to six years of age with the consent of parents;



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Provided, however that, in case of abused, neglected or exploited children, such consent shall not be required. The program shall include:

- a) Monitoring of registration of births;
- b) Growth and nutritional monitoring with nutritional feeding and supervision of nutritional intake and food preparation at home;
- c) Care for children of working parents during the day and, where feasible, care for children up to six (6) years of age when parents are working at night: Provided, That the day care center needs to take care of the children in a particular place but shall develop network of homes where adults may take care of the children up six (6) years of age of working parents during work hours, with adequate supervision from the MSWDO: Provided, further, that where young children are left to the care of a paid domestic, an elderly relative or older children without adequate and competent adult supervision, the Supervising Social Welfare Officer shall provide such training and adult supervision until the children's care meets adequate standards whereby the children under their care will develop normally as healthy, happy and loved children, even in the absence of their parents during working hours;
- d) Materials and network of surrogate parents-teachers who will provide intellectual and mental stimulation to the children, as well as supervised wholesome recreation, with a balanced program of supervised play, mental stimulation activities, and group activities with peers;
- e) A sanctuary for abused, neglected or exploited children 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 center, with the help and support systems, may call upon law enforcement agencies when the child needs to be rescued from an unbearable home situation.
- f) A Barangay Council for the Protection of Children shall be organized to ensure total development and protection of children in the barangay level; provided that in barangays where there are existing Barangay Councils for the Protection of Children, said councils shall ensure that the provisions of this Code be fully implemented.
- g) Unstructured combined with structured learning exercise for children under the early childhood education shall be instituted in the children centers or day care centers respecting the participation rights of the child.
- h) A pool of trained day care or child development workers with an upgrade salary scheme commensurate to the tasks assigned.

Section 7. Early Childhood Care and Development Program. The Provincial Government of Pangasinan shall adopt and fully implement the provisions of Republic Act 8980 otherwise known as the Early Childhood Care and Development Act;.



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Section 8. Promotion of Primary Health Care Program. To further ensure the implementation of this Ordinance, the local government of Pangasinan, in particular shall take appropriate measures:

- a) To combat disease and malnutrition within the framework of primary health care, through inter alia the application of readily available technology and through the provision of adequate nutrition foods and potable drinking water, taking into consideration the dangers and risk of environmental pollution.
- b) To establish a comprehensive Parents Orientation Development Program which include courses on reproductive health, child health and child rearing practices in the context of the Filipino psychology.
- c) To conduct massive information and education on breast-feeding. Utilizing existing reference materials for effective breasts feeding education program. And that students in all levels are required to take up breast-feeding course which shall be an integral part of all curricula.
- d) To strictly implement Republic Act 8172 otherwise known as “An Act promoting the Salt Iodization Nationwide”.
- e) To strictly implement Republic Act 8976 otherwise known as “Food Fortification Law”.

Section 9. Comprehensive Training Course on Child Health. All health practitioners dealing with child health in government shall be required to complete a Comprehensive Training Course on Child Health which shall be designed and regularly updated with the help of the Provincial Health Office.

Section 10. Child-Friendly Hospital in Pangasinan. All hospitals in Pangasinan shall set-up child-friendly units to include rooming-in facilities and pediatric-appropriate mechanism and gadgets.

Section 11. Survey and Active Program for Differently-Able Children. The Provincial Government of Pangasinan shall make a periodic comprehensive survey on the differently-abled children in the Province, which should be child-focused and specific. It is basic to achieve a more systematic coordination of services (health, nutrition and education) for children with special needs.

Section 12. Training of Educators and Health Professional for Special Program with Differently-Abled Children. Training program for educators and health professionals handling differently-abled children shall form part of the priority of the local government of Pangasinan.



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Section 13. Recreational and Cultural Facilities and Program. The Local Government of Pangasinan shall allocate space for recreation and provide recreational facilities appropriate for children's gender and age. A regular cultural program appropriate for each children's age group and gender shall be designed with due respect to cultural diversity. The province shall also undertake the revival of indigenous games reflective of the cultural diversity in Pangasinan. The implementation of this provision shall be made in coordination with the Department of Education.

Section 14. Local Children's Literature. In support to the socio-cultural development of children in Pangasinan, the local government of Pangasinan shall invest in the production of local literature for children or other relevant materials.



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Article III

Protection Rights of Children

Section 15. Program on Child Abuse, Exploitation and Discrimination. There shall be a comprehensive program to protect children against child prostitutions, child trafficking, obscene publications, indecent shows and other abuses which endanger child survival and normal development which shall be formulated by a multi-sectoral group convened for the purpose, within six (6) months from the effectivity of this ordinance. The group shall include but not limited to the Pangasinan Social Welfare and Development Office and the Pangasinan Council for the Protection of Children, Philippine National Police, concerned NGOs, and the private sector.

Section 16. Child Prostitution and Other Sexual Abuse. 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, engage in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse.

The penalty as prescribed in Section 5 of Republic Act No. 7610 (Child Protection Act) shall be imposed upon the following:

- a. Those who engage in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:
 1. Acting as a procurer of a child prostitute by means of written or oral advertisements or other similar means;
 2. Inducing a person to be a client of a child prostitute by means of written or oral advertisement or other similar means;
 3. Entering into a relationship with, or taking advantage of a child as a prostitute;
 4. Threatening or using violence towards a child to engage him/her
- b. Those other persons who commit the acts as stated in Article III of Republic Act No. 7610 and shall be penalized accordingly as prescribed in the same manner;

Section 17. Obscene Publications and Indecent Shows. Any person who shall hire, employ, use, persuade or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose or model in obscene publications or pornographic materials shall suffer the penalty as prescribed in R.A. 7610 .

Section 18. Sanctions for Establishments or Enterprises which Promote, facilitate or Conduct Activities constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent shows. All establishments or enterprises which promote or facilitate child prostitution and sexual abuse, child



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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. A sign with words: "CHILD RIGHTS VIOLATOR" shall be conspicuously displayed outside the establishments or enterprises by a special Task Force to be created for the purpose, for such period as the task force shall determine.

Section 19. Child Trafficking. Any person who shall engage in trafficking and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty as prescribed in Article IV of Republic Act No. 7610.

Section 20. Attempt to Commit Child Trafficking. There is an attempt to commit child trafficking under section 19 of this ordinance.

- a. When a child below 15 years old travels alone to or from Pangasinan without valid reason therefore and without clearance issued by the Pangasinan Special Office for Children's Concerns or written permit from the child's parents or legal guardians;
- b. When a pregnant mother, father or guardian executes an affidavit of consent for adoption for a consideration; or consent to, participates or in any manner causes the registration of the birth of such child in the name of another with or without consideration.
- c. When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;
- d. When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth or assists in the process for the purpose of child trafficking;
- e. When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day care centers or other child caring institutions who can be offered for the purpose of child trafficking; or
- f. When any person, authority, agency or institution who are witnesses to and fails to report transactions related to circumstances in child trafficking.

The penalty prescribed in Article IV of Republic Act No. 7610 shall be imposed upon the principals of the attempt to commit child trafficking under this Ordinance.

Section 21. Other Act and/or Condition Prejudicial to Child's Development. It shall be unlawful for any person to sell liquor, cigarette, illegal drugs and other items detrimental to the development of the child.

For purposes of this Ordinance, the penalty for the commission of such act as prescribed in Article VI of Republic Act. No. 7610 shall be imposed. The victim of the



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act committed under this section shall be entrusted to the care of the Pangasinan Social Welfare and Development Office.

Section 22. Control on Children's Exposure to Commercial Video Games. Commercial establishments catering rental of electronic video games to children during school days 7:00 o'clock in the morning to 5:00 o'clock in the afternoon shall be subjected to suspension of business permits for fifteen (15) days during the first offense and, one (1) month suspension of the same for the second offense.

Confiscation of all video units of said establishments and cancellation of business permits shall constitute the penalty for the third offense.

Section 23. Control on Children's Exposure to Video-Karaoke System. Commercial establishments catering rental of electronic video-karaoke systems whose video display screens are accessible to children shall make sure that the video display screen shows only wholesome visual effects and shall not in any way show indecent or violent scenes. Violators of this Section shall be imposed a penalty of P 2,000.00 fine for the first offense, P3,000.00 fine and a warning for the cancellation of business permit on the second offense, and P5,000.00 fine for the third offense, including cancellation of business permit and imprisonment of not more than six (6) months, as determined by the Courts. *Provided* that the same penalty as imposed in Section 22 hereof shall be imposed upon establishments who cater to children during school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon.

Section 24. Control on Children's Access to Internet Facilities. Establishments offering services for access to the world wide web through the internet shall ensure that children shall have no access to websites which contain materials which are violent and sexual in nature. These establishments are enjoined to refuse entry of children into their establishments during regular school hours, except when there is proof shown by the children that the use of the internet facility is for the purpose of completing a school requirement.

To ensure strict implementation of the provisions of this section, children-customers shall be assigned to computers which are within the plain view of the establishment owner and the other customers.

Section 25. Children in Conflict with the Law. Cases involving Children in Conflict with the Law shall be dealt with in accordance with R A 9344 otherwise known as the Juvenile Justice and Welfare Act.



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For purposes of dissemination of information and formulation of implementation procedures respecting the said law, an inter- agency coordination and consultation meeting shall be

Section 25. conducted within sixty (60) days from the implementation of this Code, between the Regional Trial Court, PNP, BJMP, Pangasinan Council for the Protection of Children and other concerned agencies.

Section 26. **Special Prosecutors, Public and Private Trial Attorneys to handle Children's Cases.** To achieve the purpose of promoting children's access to courts, speedy disposition of cases, and the protection of children's rights, a program shall be formulated by the Pangasinan Council for the Protection of Children to be assisted by the Integrated Bar of the Philippines, Philippine National Police and the Regional Trial Courts. Such program shall ensure that public and private prosecutors and lawyers handling cases involving children have undergone sufficient training seminars pertaining to laws on children .

Section 27. **Children Involvement in Anti-Social Related Activities.** Children who are involved in anti-social or related activities shall be registered in a rehabilitation program that shall assist the children to rebuild themselves and reintegrate in the mainstream of society.

Section 28. **Monitoring of Suspended Cases of Children and Appropriate Assistance.** Application of suspension of sentence of children involved in anti-social activities shall be done by the Pangasinan Council for the Protection of Children. A special team shall be created by the Council which shall monitor closely the cases involving children in court to adequately enforce the suspension of sentences. Appropriate and responsive rehabilitation program shall be afforded to them under the care of the Council. The framework of assistance shall be designed by the Council in close coordination with NGOs and professionals with special interest on rehabilitation.

Section 29. **Appointment of Child and Youth relations Officer and Police Procedures.** Each Police Station in Pangasinan shall have a Child and Youth Relation Officer tasked to handle cases involving children, provided that the requirement in this section pertaining to a Child and Youth Relation Officer has been sufficiently complied with should the police station have a Women and Children's Desk. Child-friendly police procedures shall be implemented as contained in the Police Handbook on the Management of Cases of Children in Especially Difficult Circumstances. Each PNP element shall be provided a copy of the said handbook.



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Section 30. Special Course for PNP Members. A special course for members of the Philippine National Police shall be designed to handle effectively the children involved in anti-social activities.

The course shall be designed and provided by a Team to be created for the purpose, in close coordination with the PNP Provincial Command and other organizations focused on child and youth programs. This program shall be made on a continuing basis every so often as may be determined by authorities concerned

Section 31. Police Brutality. Any brutality committed against children by police authorities shall be subjected to penalty under this Ordinance as determined by the local People's Law Enforcement Board (PLEB) without prejudice to provisions of the Revised Penal Code.

Section 32. Provision for Rehabilitation Center and Support Facilities. Within sixty (60) days from the implementation of this Code, the Pangasinan Council for the Protection Children, in coordination with the PSWDO, PNP, RTC, NGOs and other concerned public and private agencies shall look into the feasibility of establishing a Rehabilitation Center for children in conflict with the law which shall be equipped with the necessary facilities for conducive dwelling, home life services, psycho-social interventions, and other rehabilitation services .

Section 33. Separate Detention Cells for Children. The Provincial Government of Pangasinan shall ensure that detention cells for children and youthful offenders shall be exclusively for them. To be able to safeguard the physical and psycho-social conditions of detained children having pending criminal charges in court, separate detention cells shall be provided to them.

Section 34. Additional Requirements for Issuance of Working Permits. As an additional requirement for the issuance of a working permit to be obtained by an applicant in a local government, a certified true copy of the applicant's birth certificate shall be presented to verify his/her age. In the absence of the above document to prove age, the applicant may present his/her voter's identification card, driver's license, school records, certification from the PSWDO, of an affidavit executed by two credible members of his community/barangay attesting to his/her age.

Section 35. Employment of Children. Children as defined in this Ordinance shall not be employed: Provided, that;

- a. The minimum requirements as stated in Section 12 of Republic Act. No. 7610 shall be present;



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b. The employer shall register the child to the Pangasinan Council for the Protection of Children to enjoy benefits and other special protection as may be provided for by the said Council or any special office to be created by the Council tasked to formulate rules and regulations respecting the matter.

The Pangasinan Council for the Protection of Children shall promulgate rules and regulations necessary for the effective implementation of this section.

Within thirty (30) days from the implementation of this Code, the council shall look into the various industries in Pangasinan, i.e. bagoong industry, commercial fishing, furniture-making, restaurant/recreational businesses, and others, to determine the existence, and to address the problem of child labor in Pangasinan.

Section 36. Prohibition on the Employment of Children in Certain Advertisements. No person shall employ children to model in all forms of commercial or advertisements promoting alcoholic beverages, intoxicating drinks, tobacco and its by products, junk foods, and violence, provided that promotion of food with “Sangkap Pinoy” seals constitutes an exception to the prohibition in this section.

Section 37. Posting of Notices and Information at Entries of Front Desks of Establishments. All establishments including , but not limited to hotels, inns, motels, sauna baths, spas, night clubs, bars, videoke shops, movie houses, internet shops, and other similar establishments rendering similar services shall be required to post notices and information about child protection to serve as determinants to committing child trafficking, prostitution and other sexual abuse. The notices and information to be posted shall be designed by the Provincial Social Welfare and Development Office in coordination with the Sangguniang Panlalawigan Committee on Family Affairs, with the technical assistance of the PNP. Compliance with the requirement shall be a prerequisite for the issuance of a business permit to be granted by the municipality/city where the establishment is operating.

Section 38. Regulation of Ambulant Vendors. To ensure the safety of children, the Provincial Government shall device means by which ambulant vendors, specially those frequenting public elementary and high schools, are regulated. For purposes of this section, the DepEd and the Provincial Health Office shall coordinate with the Pangasinan Council for the Protection of Children to formulate a framework for the regulation.

Section 39. Specialized Team of Educating Indigenous People’s Children. In addition to the rights guaranteed to indigenous children under the RA 7610 and other existing laws,



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the Dep Ed schools divisions of Pangasinan shall create a team of special educators to look into the appropriateness of curriculum for indigenous children in Pangasinan and to design training for teachers assigned to their communities which is culture-specific and relevant to the needs and existing situation of their communities.

Section 40. Children as Social Indicators of Local Condition. Children are hereby declared as Social Indicators of Local Condition. It shall be the responsibility of the Local Government of Pangasinan and all other sectors concerned to resolve armed conflicts in order to idealize the UN Convention on the Rights of the Child.

Section 41. Respect for the International Covenants Relevant to Armed Conflict. The Local Government of Pangasinan undertakes to respect and to ensure respect for rules of international humanitarian law applicable to Philippine political armed-conflict which are relevant to the child. Specifically the following policies shall be observed:

- a. Children shall not be the object of attack and shall be entitled to special respect. They shall be protected from any form of threat, assault, torture or other cruel, inhuman or degrading treatment;
- b. Children shall not be recruited to become members of the Armed Forces of the Philippines or its civilian units or other armed groups, nor be allowed to take part in the fighting, or used as guides, or couriers, or spies.
- c. Delivery of basic social services such as education, primary health and emergency relief services shall be kept unhampered;
- d. The safety and protection of those who provide services including those involved in fact-finding mission from both government and non-government institution shall be ensured. They shall not be subjected to undue harassment in the performance of their work;
- e. Public infrastructure such as schools, hospitals and rural health units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots; and
- f. All appropriate steps shall be taken to facilitate the reunion of families temporarily separated due to armed conflict.

Section 42. Evacuation of Children During Difficult Circumstances. Children shall be given priority during evacuations as a result of difficult circumstances resulting from natural disasters and calamities, armed conflict, or other unexpected unfortunate occurrences. Existing people's organizations shall be tapped to look after the safety and well-being of children during evacuation operations. Measures shall be taken to ensure that children evacuated are accompanied by persons responsible for their safety and well-being.



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Section 43. Family Life and Temporary Shelter. Whenever possible, members of the same family shall be housed in the same premises and given separate accommodation from other evacuees and provided with facilities to lead a normal family life. In places of temporary shelter expectant and nursing mothers and children shall be given additional food in proportion to their physiological needs. Whenever feasible, children shall be given opportunities for physical exercise, sports and outdoor games.

Section 44. Children and Family Psycho-Social Program. It is important for the children and their families that they shall be part of a psycho-social program. The Pangasinan Council for the Protection of Children shall design a comprehensive psycho-social program for both children and their families affected by the difficult circumstances.

Section 45. Monitoring and Reporting of Children in Difficult Circumstances. The Chairperson or any designated official of the Barangay affected by the difficult situation shall submit the names of children residing in said barangay to the Provincial Social Welfare and Development Officer within twenty-four (24) hours from the occurrence of the difficult circumstance.

Section 46. Selective Ban on Benefit Dance . Barangay level fund-raising activities shall not include "benefit dance" as defined in this Ordinance.

Culturally relevant activities shall be promoted instead of promoting young women as commodities during "benefit dance." A penalty of P3,000.00 Fine and imprisonment of not more than six (6) months shall be imposed to the organizers of the benefit dance by the Court for violation of this provision.

Section 47. Curfew on Minors. For the protection of children below 15 years of age, they shall be prohibited from loitering around or sleeping in public places after 10 o'clock in the evening until 4 o'clock in the morning of the following day unless they are in the company of their parents or guardians, or unless they can produce a written consent from their parents or guardians as to their being outside home premises at such times.

A penalty equivalent of a whole day seminar on duties and responsibilities of children and parents shall be imposed to the parents or guardians of the violators of this provision.

A 15-day community service as determined by the local court shall be imposed as penalty for second-time offenders.



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Article IV

Participation Rights of Children

Section 48. Participation of Children in Decision-making Processes. The children in the family, school, community or other organization or institution shall be heard. Each child regardless of sex, age and tribe has the right to express his or her opinion freely and to have that opinion taken into account in any matter or procedure affecting the child. It shall be the responsibility of the adults to provide opportunities for children to express his or her views, obtain information, make ideas or information known, regardless of tribe, religion, age and sex.

Section 49. Installation of Mechanisms for Participation in Policy and Program Formulation in the Local Government. In recognition of the importance of providing a venue whereby children may be able to express their views, ideas, and concepts relevant to Pangasinan Government Policies and Affairs, there shall be held every October, a Children's Congress to be spearheaded annually by the Sangguniang Kabataan in coordination with the Department of Education. For proper representation, six to twelve (6 to 12) years old and the thirteen to eighteen (13 to 18) years old are convened through their representatives. NGOs and government agencies concerned with these groups of children shall be part of the process in both the preparation and evaluation of the congress. Detailed implementing rules and guidelines shall be drafted by the Sangguniang Kabataan in coordination with Department of Education and the Pangasinan Council for the Protection of Children.



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Article V

Final Provisions

Section 50. Rules and Regulations. Unless otherwise provided in this Ordinance, the Sangguniang Panlalawigan of Pangasinan, in coordination with the various agencies and organizations who are partners in the promotion and protection of the rights of children, shall promulgate rules and regulations for the effective implementation of this Ordinance.

Such rules and regulations shall take effect upon their publication in a newspaper of general circulation.

Section 51. Review of Provisions. This Code shall be subject of regular review by the Sangguniang Panlalawigan in coordination with the various agencies and organizations who are partners in the promotion and protection of the rights of children, once every five (5) years, or more often as may be necessary.

Section 52. Appropriation for Children. There shall be made available annually, in the Annual Appropriations Ordinance of the Province, an amount specifically appropriated to carry out the provisions of this Ordinance, Provided that: funds appropriated by the Provincial School Board from the Special Education Fund shall be distinct and separate from the amount specified in the Annual Appropriations Ordinance and mentioned in this section.

Section 53. Separability Clause. Should any provision of this ordinance be declared invalid or unconstitutional, the remaining provisions not affected thereby shall accordingly be upheld and remain in force.


Section 54. Repealing Clause. All ordinances, local issuances or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.




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Section 55. **Effectivity Clause.** This Ordinance shall take effect upon completion of its publication for three consecutive weeks in a local newspaper of general circulation.


ATTY. VERNA T. NAVA-PEREZ
Secretary to the Sanggunian

ATTESTED:


VICE GOVERNOR OSCAR B. LAMBINO
Presiding Officer

APPROVED:


VICTOR E. AGBAYANI
Governor