



Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL NORTE
Municipality of Siayan



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE REGULAR SESSION OF THE SANGGUNIANG BAYAN OF SIAYAN, ZAMBOANGA DEL NORTE HELD AT THE MUNICIPAL SESSION HALL ON THE 18TH DAY OF NOVEMBER, 2013.

PRESENT:

Hon. Daisy A. Limbang, Presiding Officer,

Hon. Nilo T. Pollescas, Floor Leader,

Hon. Norma R. Labastida,

Hon. Primitivo D. Castillo,

Hon. Oliver A. Romero,

Hon. Felizardo I. Gayapa, Sr.,

Hon. Raul P. Dominise,

Hon. Rico V. Jamisola,

Hon. Ma. Roselyn G. Secretario,

Hon. Alberto J. Bongcawel, ABC President,

Hon. Jazel G. Limbang, SK Fed. President,

Municipal Vice Mayor

Sangguniang Bayan Member

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ABSENT:

None

"MUNICIPAL ORDINANCE NO. 13-17
Series of 2013

PREFATORY STATEMENT

WHEREAS, in harmony with the policy of strengthening family solidarity and recognition of the parents' rights to rear their children in accordance with the demands of responsible parenthood, the 1987 Constitution mandates that 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 development.

WHEREAS, Republic Act of No. 7610, otherwise known as Special Protection of Children Against Abuse, Exploitation and Discrimination Act, declares that the State shall intervene on behalf of the child to protect him or her against abuse, exploitation and discrimination when such acts against the child are committed by his or her parent, guardian, teacher or person having care custody of the same.

WHEREAS, the State, by virtue of its commitment as a party to the United Nations Convention on the Rights of a child, undertakes to ensure the child such protection and care as is necessary for his or her well-being, with due regard to the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and to this end shall take all appropriate legislative and administrative measures.

WHEREAS, the Local Government Unit of Siayan, Z.N. is mandated to safeguard the foregoing rights of the child as member of the society under the general welfare clause of the Local Government Code.

WHEREFORE, it is hereby declared as the policy of the Local Government Unit of Siayan, Z.N. to guarantee unto our children an environment where he or she may grow up in an atmosphere of love, respect and understanding and to protect the child against circumstances and conditions that threatens and full development of his or her well-being while with persons entrusted with his or her care and custody, taking into consideration that every child has the right to be equally protected under the law.

BE IT ORDAINED by the Sangguniang Bayan of the Siayan, Zamboanga del Norte that:

SECTION 1. TITLE.- This Ordinance shall be known as the "AN ORDINANCE PROMOTING POSITIVE AND NON-VIOLENT FORMS OF DISCIPLINE OF CHILDREN, PROHIBITING CORPORAL PUNISHMENT AND ALL FORMS OF DEGRADING AND HUMILIATING PUNISHMENT OF CHILDREN AND PROVIDING PENALTIES THEREOF".

SECTION 2. PURPOSE.- This Ordinance is enacted to impose upon parents, teachers, guardians, children and all persons legally responsible for the care and custody of the child the preservation of his or her dignity and the protection of his or her welfare at all times to the end that the child becomes a useful and active member of the society.

SECTION 3. DEFINITION OF TERMS.- The following terms as used in this act shall be defined as follows:

a) Child refers to a person who is 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) Corporal punishment refers to punishment or penalty for an offense or imagined offense, and/or acts carried out to discipline, train or control a child, inflicted by an adult or by another child, which result in or likely to result to physical maltreatment or psychological harm or suffering to the child.

b.1) Physical maltreatment refers to punishment or penalty which causes bodily harm, including but not limited to the following:

1. Blows to any part of a child's body, with or without the use of an instrument such as a cane, shoes, broom, stick, whip or belt, through acts such as not limited to, (1) beating, (2) kicking, (3) hitting, (4) slapping, or (5) lashing;

2. Acts perpetrated as a form of punishment for an offense committed by the child, such as but not limited to (1) pinching, (2) pulling ears or hair, (3) shaking, (4) twisting joints, (5) cutting and shaving hair, or (6) dragging or throwing a child;

3. Forcing a child, through the use of power, authority or threats, to perform physically painful or damaging acts, such as but not limited to (1) holding a weight or weights for an extended period, (2) kneeling on salt, seeds, stones or pebbles, (3) squatting, or (4) standing or sitting in a contorted position;

4. Bringing the child in contact with or exposure to, as punishment or for the purpose of discipline, external substances, such as burning or freezing materials, water, smoke, pepper, alcohol, excrement, urine or other dangerous or unhygienic substances causing certain degree of suffering, however light;

5. Asking a child to do tasks such as sweeping, digging, and standing under extreme weather conditions such as heat and rain, as punishment for an infraction or misdeed, or unprotected cleaning of toilets; the usual cleaning and beautification of school surroundings shall not be considered as punishment to students;

6. Confinement, including being shut in a confined space or material, tied up, hung in a sack or forced to remain in one position for an extended period of time;

7. Any other physical act perpetrated on a child's body, for the purpose of punishment or discipline, intended to cause some degree of pain or discomfort, however light;

b.2) Psychological harm or suffering refers to acts or omissions causing mental or emotional suffering to the child, such as but not limited to:

1. Deliberate neglect of a child's mental, emotional, physical, social and spiritual needs when said neglect is intended as punishment;

2. Verbal Abuse which consists of scolding, swearing, yelling, blaming, insulting, ridiculing, demeaning, and criticizing through the use of harsh, angry and derogatory words or remarks;

3. Making a child look or feel foolish in front of one's peers and/or the public;

4. Other acts or omissions which belittle, humiliate, blame, ignore or isolate the child.

c) Foster parents refer to persons duly licensed by the Department of Social Welfare and Development (DSWD) to provide planned, temporary, and substitute parental care to children.

d) Guardians refers to judicially appointed guardians and other persons, including relatives, with physical custody of the child.

e) Parents refer to biological parents, step parents, adoptive parents and the common-law spouse or partner of the parent.

f) Persons legally responsible for the child, including those exercising special or substitute parental authority shall refer to the following, in default of parents or a judicially appointed guardian, and in the order indicated:

1. The surviving grandparent;

2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and

3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified.

g) Positive discipline refers to an approach to parenting that teaches children and guides their behavior, while respecting their rights to healthy development, protection from violence and participation in their learning. The positive and non-violent approach of disciplining a child shall include, but not limited, to the following:

1. Beat-the-Clock which refers to a motivational technique that uses the child's competitive nature to encourage completion of tasks on parent's timetable;

2. Grandma's Rule which refers to a contractual agreement that allows a child to do what the child pleases as soon as what the parent wants has been accomplished;

3. Neutral Time which refers to the taking advantage of time that is free from conflict, such as the time after a tantrum has passed and the child is calm and receptive, to teach new behavior to the child;

4. Praise referring to a verbal recognition of a behavior that a parent wants to reinforce;

5. Reprimand referring to statements that include a command to stop the behavior, a reason why the behavior should stop, and an alternative to the behavior;

6. Rule which refers to a pre-determined behavioral expectation that includes a stated outcome and consequence;

7. Time Out or to take the child out of a situation because of inappropriate behavior, making the child face a blank wall for several minutes or until the child calms down, child will be turned over to the principal or to the prefect of discipline;

8. Responsibility Building which refers to making a child perform age-appropriate simple household chores.

h) Service providers refer to any person who, in a residential or nonresidential setting, provides services to children. These include social workers, center administrators and personnel, house parents, health service providers, day care workers, volunteers, security guards in schools and centers, guards in a youth detention home, law enforcement officers, barangay officials and tanods, and jail officers.

i) Teachers and school officials and administrators refer to persons exercising authority over students, including guidance counselors, perfect of discipline, physical education instructors, school personnel, scout masters and Citizen's Advancement Training (CAT) and Citizen's Military Training (CMT) or Reserved Officer's Training Corps (ROTC) commandants, tactical officers and student officers.

j) Yayas, housemaids and caregivers refer to domestic workers with direct contact to the child

k) Institutions refer to residential and nonresidential child-caring agencies, including youth homes, youth rehabilitation centers, drop-in centers, temporary shelters and orphanages, and churches or religious centers, including places of worship and parish centers.

SECTION 4. PROHIBITION.- Corporal punishment of children as defined in Sec.3 (b) are hereby prohibited:

Parent, yayas, house helpers and caregivers, foster parents, guardians, relatives who have custody of the child, or other persons legally responsible for the child, including those exercising special or substitute parental authority, school teachers, personnel, and officers of both public and private academic and vocational institutions, employers and supervisors, service providers, priests, nuns, pastors and other members of religious congregations or churches, or any other person under whose care the child has been entrusted to and who inflicts corporal punishment on the child shall be liable under Section 6 of this ordinance.

If the act of corporal punishment is committed by another child, the offending child shall undergo the proper procedure under Republic Act 9344.

SECTION 5. PENALTY. (1) Any person found violating Section 3 (b) hereof shall be punished with the following:

First Offense: Reprimand to be given and supervised by the appropriate Barangay Council for the Protection of Children (BCPC);

Second Offense: Payment of a fine of not less than PhP 500.00 but not more than PhP 1,500.00 and/or be required to render community service for not more than 36 hours at the discretion of the court;

Third Offense: Payment of a fine of not less than PhP 1,500.00 but not more than PhP 2,000.00 and/or be required to render community service of not more than 42 hours at the discretion of the court.

The Community Service Program shall be supervised by the BCPC where the offender resides. For this purpose, the MSWDO, in coordination with the BCPC, shall develop guidelines and measures that will effectively implement the penalty of community service. Provided, that, the services will promote and improve the positive parenting skills of the offender and promote the welfare and best interest of the children. Provided, further, that in all instances the offender/violator shall undergo the intervention program with the Municipal Social Welfare and Development Office.

(2) Provided that, if the act defined under Sec. 3 (b) is committed for the first time by a school teacher, school official or administrator, they shall be proceeded under DepEd Administrative Order No. 40-2012 or the DepEd Child Protection Policy. Provided further, if the act is committed for the second or third time, the school teacher, school official or administrator shall be penalized under this ordinance and the penalty for the second and third offense, as herein provided, shall be applied respectively.

(3) However, if the act committed resulted to any of the crime penalized under Act No. 3815 otherwise known as Revised Penal Code, or under Republic Act No. 7610 otherwise known as the Special Protection of Children Against Child Abuse, or under Republic Act No. 9262 otherwise known as the Anti-Violence Women and their Children Act, the same shall be prosecuted therein.

SECTION 6. REPORTING.- All cases of corporal punishment or humiliating or degrading punishment of children brought to the barangay or the police, or a healthcare provider, shall be reported to the local social welfare and development office within eight (8) hours from the time of the complaint, without prejudice to the continuation of the investigation or the filing of the appropriate criminal case. Failure to report within the prescribed period shall be a ground for administrative action against the barangay official or police officer, or healthcare provider.

SECTION 7. WHO MAY FILE A COMPLAINT.- Complaints on acts of corporal punishment against a child may be filed by the following:

- a) Offended party assisted by an adult;
- b) Parents or guardians;
- c) Ascendant or collateral relative within the third degree of consanguinity or affinity;
- d) Officer, social worker or representative of a licensed child-caring institution;
- e) Officer or social worker of the DSWD or the local SWDO;
- f) Police officers, preferably those in charge of the Women and Children's Desk;
- g) Barangay official;
- h) Teacher, non-governmental organization (NGO) worker, health provider, day care worker; or
- i) At least two (2) concerned persons from the place where the act occurred who have personal knowledge of the act.

SECTION 8. EXEMPTION FROM LIABILITY.- Any person who, in good faith, intervenes without using violence or restraint necessary to ensure the safety of the child victim, shall not be liable for any criminal or civil liability resulting there from.

Concerned individuals may also seek assistance from barangay authorities for appropriate action.

SECTION 9. DUTIES OF AGENCIES.- The following agencies shall participate in the implementation and enforcement of this Ordinance:

- a. The Municipal Social Welfare and Development Office (MSWDO) shall:
 1. Undergo training on children's right as framework on positive discipline orientation and adopt and implement programs and services to promote the positive discipline of children and the prevention of the use of corporal punishment and humiliating or degrading forms of punishment of children;
 2. Establish an intervention program which shall include counseling, anger management and referrals to other rehabilitative services for the offender and the victim;
 3. They shall also provide other assistance such as psychological interventions for the child and family, protective custody, temporary placement for the child, medical and legal services and seminars on children's rights to positive and non-violent discipline of children.
 4. A topic on non-violent and positive approaches to child discipline shall be included in the Parent Effectiveness Service (PES) Program of the DSWD.
- b. Siayan Council for the Welfare and Protection of Children (SCWPC) and the Barangay Council for the Protection of Children (BCPC) shall support programs by taking the lead in the conduct of the information dissemination regarding the promotion of positive and non-violent discipline of children, prevention of the use of corporal punishment and humiliating or regarding forms of punishment of children and the formulation of the necessary response to such cases.

c. The Sangguniang Kabataan (SK) shall undergo training on children's rights and other laws pertaining to children and youth and shall adopt and include in its programs and services the prevention of corporal punishment and humiliating or degrading punishment of children.

SECTION 10. FUNDS.- 2% of the mandated budget allotted for SCWPC/BCPC and 2% of the SK Budget per barangay shall go to parenting education sessions, training of service providers (e.g. day care teachers, social workers, barangay tanods) on positive discipline, support services (such as legal aid, medical services, transportation expenses, rehabilitative services, referral systems) for victims of corporal punishment and their families, and maintaining local social workers.

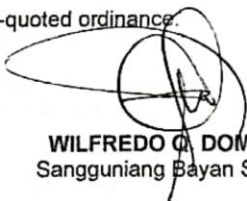
SECTION 11. REPEALING CLAUSE.- Any provision of ordinance, rules and regulations and/or parts thereof inconsistent with the provisions of this ordinance are hereby repealed and/or modified accordingly.

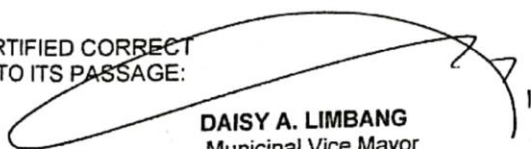
SECTION 12. SEPARABILITY CLAUSE.- Should any portion or provisions of this ordinance be declared unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 13. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days from its publication in a newspaper of general circulation.

APPROVED this 18th day of November, 2013.

I HEREBY CERTIFY to the correctness of the above-quoted ordinance.


WILFREDO Q. DOMPALES
Sangguniang Bayan Secretary


CERTIFIED CORRECT
AS TO ITS PASSAGE:

DAISY A. LIMBANG
Municipal Vice Mayor
(Presiding Officer)

APPROVED:


FLORAT VILLAROSA
Municipal Mayor

Date: _____