



Republic of the Philippines
City of Angeles
15th SANGGUNIANG PANLUNGSOD

Ordinance No. 303, Series of 2011

(PO-669-12-11)

AN ORDINANCE ENACTING THE GENDER AND DEVELOPMENT CODE OF ANGELES CITY, AND FOR OTHER PURPOSES.

WHEREAS, International Conferences like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child gave recognition and protection for women and children's rights; (1979)

WHEREAS, the Philippines is one of the signatories to the treaties adopted in these conventions, and as such has adopted numerous measures to abide by the provisions of the said treaties;

WHEREAS, Article II, Section 14 of the 1987 Constitution states that, "The State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men"; (1987)

WHEREAS, Article XIII, Section 14 of the 1987 Constitution states that, "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation"; (1987)

WHEREAS, the Women in Development and Nation Building Act (RA 7192) mandates the mainstreaming gender equality and women's empowerment as part of government policies and services; (Feb. 12, 1992)

WHEREAS, Republic Act 7610, Provides For Strong Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for other purposes, (June 17, 1992);

WHEREAS, Republic Act 7877 also known as Anti-Sexual Harassment Law states that Sexual harassment is Unlawful in the Employment, Education or Training Environment; (Act of 1995)

WHEREAS, Republic Act 8353 Expands the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, Amending for the Purpose Act No. 3815, as amended, Otherwise known as the Revised Penal Code, and for other purposes. (September 30, 1997)

WHEREAS, Section 28 of the 1998 General Appropriations Act (RA 8522) and the Local Budget Memorandum No. 28 dated June 15, 1997 likewise directs all departments, bureaus, offices, agencies, instrumentalities, and the local government unit to set aside a minimum of five (5) percent out of their Annual and Supplemental Appropriation to be used for programs, projects and activities designed to address gender issues in accordance with RA 7192; (March 6, 1998)

WHEREAS, the Philippines is also one of the signatories to the Millennium Declaration signed in September 2000 during the United Nations' Millennium Summit where the Millennium Development Goals was adopted; (September 6-8, 2000)

WHEREAS, in support of the State policy, the city government shall adhere to R.A. 8972, otherwise known as the Solo Parents' Welfare Act of 2000, to develop a comprehensive program for social development and welfare services for solo parents and their children;

WHEREAS, Republic Act 9208 Institutes 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 Violations, and for Other Purposes; (May 26, 2003)

WHEREAS, Republic Act 9262 Defines Violence Against Women and Their Children, Providing for protective Measures for Victims, Prescribing Penalties Therefore and for other purposes; (March 8, 2004)

WHEREAS, Republic Act 9344 also known as Juvenile Justice and Welfare Act of 2006, states: The State shall protect the best interests of the child through measures that will ensure the observance of international standards of child protection, especially those to which the Philippines is a party. Proceedings before any authority shall be conducted in the best interest of the child and in a manner which allows the child to participate and to express himself/herself freely. The participation of children in the program and policy formulation and implementation related to juvenile justice and welfare shall be ensured by the concerned government agency. (March 22, 2006)

WHEREAS, the Philippines is committed to promote gender equality and the empowerment of women, as part of the overall efforts to combat poverty and hunger to stimulate sustainable development as provided for in R.A 9710 otherwise known as Magna Carta of Women; (August 14, 2009)

WHEREAS, Joint Memorandum Circular No. 2010-2 dated December 9, 2010 states the Guidelines in the Establishment of a Violence Against Women and Children (VAWC) Desk in Every Barangay in accordance to Section 12 D, Rules and Regulations implementing the Magna Carta of Women provides for the establishment of a VAW Desk in Every Barangay to ensure that violence against women are fully addressed in a gender responsive manner;

WHEREAS, the City Government of Angeles is one of the first cities to adopt a Gender and Development Program and officially organized the Gender and Development Council and Gender and Development Office through the passage of Ordinance No. 82 S-98 as amended by Ordinance No. 90 S-99;

WHEREAS, City Government of Angeles is committed to support the policies and program defined in the Philippine Plan for Gender-Responsive Development 1995-2025 (E.O. 273);

WHEREAS, in recognition of the initiatives and concerted efforts of NGOs with services and programs for women and children such as Angeles City Women Coordinating Council (ACWCC), a development framework and plan for the women of Angeles City has been formulated thus resulting in the passage of this Ordinance;

WHEREAS, there is a need to formulate a Gender and Development Code for the City of Angeles in order to promote gender-responsive governance, institutionalize the protection of the democratic rights of women and children; and pursue women's economic empowerment;

NOW, THEREFORE, be it ordained by the Sangguniang Panlungsod of Angeles City in session assembled:

CHAPTER I

GENERAL PROVISIONS

Article A. Title and Policies.

Section 1.01. Title. - This Ordinance shall be known as “**The 2011 Gender and Development Code of Angeles City**”.

Section 1.02. Statement of Policies. –

- a. The City Government of Angeles recognizes the role of women as full and equal partners in development and nation building and as such undertakes to enhance women’s full potentials, uplift their status and lead to the improvement of their quality of lives. Corollary, the City Government shall pursue and implement gender-responsive development policies and programs, and work for the elimination of all forms of discrimination of women and children;
- b. The City Government of Angeles shall undertake gender mainstreaming at all levels, thereby assuring the promotion of women empowerment to enable the local women including the women of indigenous cultural communities become active agents and participants of development, and not just mere beneficiaries; further enabling them to make independent decisions based on their own views and perspectives; and, furthermore allowing them to fully and equally make use of available information, technology, goods, and services;
- c. The City Government of Angeles shall continue to work towards the strengthening of partnership with Non-Government Organizations (NGOs), People’s Organizations (POs), Private Sector (PS) as well as charitable institutions and foundations that advocate Gender Equality, Sexuality, and Reproductive Health;
- d. The City Government of Angeles affirms its commitment to promote and protect the following rights of women and children:
 - d.1. Right to be protected against all forms of violence and coercion against their person, their freedom, their sexuality, and their individuality;
 - d.2. Right to freely and fully participate individually or collectively in the political processes of their communities, the city and the nation;
 - d.3. Right to economic welfare and security;
 - d.4. Right to acquire the necessary knowledge and the means to fully exercise their respective choices according to their beliefs and preferences;
 - d.5. Right to choose a spouse in accordance with their values and preferences, maintain equality in marriage or its dissolution, and obtain adequate support for rearing and caring of their children;
 - d.6. Right to an adequate, relevant and gender fair education from childhood to adulthood;
 - d.7. Right to proper nutrition and health care;

- d.8. Right to humane living condition;
- d.9. Right to nurture their personhood, to secure an image of themselves as whole and valuable human beings, to build relationships based on respect, trust and mutual respect;
- d.10. Right to equality before the law in theory as well as in practice.

Section 1.03. Policy Directions. - To accomplish the aforementioned policies, the City Government of Angeles shall formulate programs, projects and strategies that will:

- a. Strengthen the implementation of all international and national, special statutes, rules and regulations, memoranda, circulars, and other issuances promoting gender equality, sexuality, reproductive health and rights;
- b. Mainstream gender concerns in the formulation of development plans, programs, policies and activities;
- c. Step-up gender-sensitivity awareness campaigns and programs on gender issues and concerns;
- d. Reinforce GO-PO-NGO-PS cooperation to maximize the effectiveness of programs and services addressing Gender and Development concerns;
- e. Support and increase the participation of grassroots women including the women of indigenous cultural communities in planning, implementation, monitoring and evaluation of development programs;
- f. Recommend appropriate programs that are gender-sensitive at all academic levels;
- g. Ensure gender responsive relief and rehabilitation programs with special focus on women's and children's needs;
- h. Involve men in family planning programs, health and child care and nutrition concerns and engage them in projects that will enhance the well-being of the family;
- i. Orient and educate the manpower resources of commercial establishments, schools, other government agencies and the local mass media and advertising agencies and encourage them to promote gender development in their respective fields of endeavor;
- j. Set up crisis intervention centers and shelters in the City of Angeles for victims of violence against men, women and their children and other social conflicts especially the survivors of violence against women and children;
- k. Institutionalize capability-building programs among women in the barangay level so as to enable them to gain confidence to participate in the community projects and in making their opinions heard by the decision-making bodies;
- l. Create the necessary mechanisms to enable indigenous women to participate in development programs and gain access to non-traditional sources of livelihood, credit financing, productive skills and technologies.

Section 1.04. Definition of Terms. – The definition of terms and phrases shall be reflected in the different ordinances comprising this Code.

CHAPTER 2

GENDER AND DEVELOPMENT

Article A. CREATING THE CITY GENDER AND DEVELOPMENT (GAD) COUNCIL OF ANGELES CITY, DEFINING ITS POWERS AND DUTIES.

Section 2A.01 . Definition of Terms. For purposes of this Ordinance, the following shall mean:

- a. Sex – is the genetic and physical or biological identities of a person which indicates whether one is male or female;
- b. Gender – refers to socially learned behavior and expectations associated with the two sexes. Thus, whereas maleness and femaleness are biological facts - masculinity and femininity are culturally constructed attributes. It also refers to the socially differentiated roles and characteristics attributed by a given culture to women and women. In short, all differences besides the strictly biological;
- c. Gender and Development - refers to a development approach that recognizes the unequal status between men and how this is generated and reflected in all aspects of our socio-economic, political, cultural and personal lives. The process of integrating gender at the level of policy making, planning and program development, implementation and management is aimed towards gender equality, gender equity ultimately to achieve women's empowerment.
- d. Gender Issues / Concerns – issues, concerns and problems arising from the different roles and played by women and men, as well as those that arise from a questioning of the relationship between them;
- e. Gender-Responsive Planning / Gender Responsive Development Planning – it is simply the use and integration of the Gender and Development (GAD) framework into the entire development planning cycle. It rests on the premise that introducing gender considerations makes development planning / programming more “people oriented”;
- f. Gender Responsive Programs / Projects – these are programs and projects that systematically incorporate or address gender concerns.
- g. Gender and Development Plan – is a systematically designed set of programs, projects and activities carried out by the Gender and Development Council over a given period of time to address issues and concerns particularly those that revolves in the women sector;
- h. Practical Gender Needs – these have to do with what people need to perform their current role, more easily, effectively, or efficiently and they can usually be identified by people themselves; i.e. lack of resources, like health and education services etc.;

- i. Strategic Gender Needs – these are concerned with changing the subordinate (disadvantaged) position of women in society; i.e. improving educational opportunities (adult literacy classes, female teachers provided as role models etc), allowing women to take part in decision making (local committee membership, participation in election etc), allowing equal opportunities for employment (equal pay for comparative jobs even if there is a gender division of labor);
- j. Women in Development – a development framework or approach which gives recognition to the distinct needs and capacities of women with considerable focus on developing strategies and action programs that will facilitate participation in the productive sector;
- k. Gender-Responsive Medium Term Plan - articulates the vision, mission, goals and strategies for gender equality and women’s empowerment of an agency or LGU for the medium term plan, usually covering six years.
- l. Mainstreaming Gender Concerns – integration of gender concerns in the development agenda in order to address gender inequalities.
- m. Gender Women with Disability Comprehensive Plans – these are programs/projects and activities that are systematically attainable based on the prevailing grievances of women with disability towards self-development, self-reliance and full participation into the mainstream of society.

Section 2A-02. Creation of the Gender and Development (GAD) Council . There is hereby created a Gender and Development (GAD) Council in the City of Angeles at the City level only;

Section 2A-02.A. Composition of the GAD Council. The City Gender and Development Council shall be headed by the City Mayor as the Chairperson and co-chaired by an elected Chairperson from the representative of women NGOs in the city who must not be a government employee either appointed or elected. The Co-Chairperson shall have the authority to preside in the absence of the Chairperson and submit for approval any and all recommendations of the members of the Council to the Chairperson. The Council shall be composed of the following members:

- a. The Chairperson of the Committee on Women;
- b. The representative of the Pederasyon Ng Mga Sangguniang Kabataan;
- c. The City Social Welfare and Development Officer (CSWDO);
- d. The City Health Officer;
- e. The City Population Officer;
- f. The City Planning Officer;
- g. The Gender and Development (GAD) Officer;
- h. Representative of the Association of Barangay Captains;
- i. One representative from the government sector to be appointed by the City Mayor
- j. Representative of the Women Non-Government Organizations operating in the city, who shall constitute fifty percent (50%) of the member of a fully organized GAD Council in the first year of implementation. On the second year of implementation, equal number of representation from GO and NGO will compose the fully organized GAD Council.

Section 2A.03. Representation of Women Non-Governmental Organization. Within a period of sixty (60) days from the start of the organization of the GAD Council, the women non-governmental organizations (WNGO's) shall choose from among themselves their representation in the said council. (Sec.2A.04a)

Section 2A.04. Eligibility/Criteria for the accreditation of Women's Non-Governmental Organizations. The local sanggunian and city.

- a. At least six (6) months of existence on the first year of the first year of implementation of this ordinance, with vision, mission, goal and three years plan;
- b. On the second year of implementation of this ordinance, at least two (2) years of operation with vision, mission, goal and three years plan;
- c. Submit the latest financial report;
- d. Their existence must be certified by any of the following:
 - d.1. City mayor or city council through a city resolution;
 - d.2. Affiliation to city, provincial, regional or national registrations;
 - d.3. CDA or SEC registration;

Section 2A.05. Secretariat. – There is hereby constituted for Gender and Development Council a secretariat which shall be responsible for providing technical support, documentation of proceedings, preparation of reports and other assistance as may be required in the discharge of its functions. The GAD Council may avail of the services of any non-governmental organization or educational or research institution for this purpose; (Sec. 6a) The City GAD Council shall in coordination and consultation with the different agencies of the government particularly the National Commission on the Role of Filipino Women and the National Economic and Development Authority formulate its own Gender and Development Programs/Projects;

Section 2A.06. Powers and Duties of the GAD Council. – For the proper implementation of the GAD plans and to ensure the promotion of the welfare of the women sector, the GAD Council shall exercise and perform the following powers and duties:

- a. Formulate long-term, medium term and annual integrated gender and development plans and policies;
- b. Submit or develop a comprehensive developmental program responsive to the needs and situation of the women sector of the city;
- c. Identify the problem confronting the women sector and formulate programs, projects and activities (PPA) that will uplift their condition;
- d. Monitor and evaluate the implementation of national or local programs and projects;
- e. Promote and support the establishment of consultative mechanism which shall provide for a continuing dialogue between the government and the women sector;
- f. Maintain and update a data bank through the conduct of primary and secondary data gathering activities;
- g. Determine the existing gender issues and dimensions and extent of the gender issues within the city;
- h. Prioritize the identified issues and draws up the objectives, targets and strategies address to the GAD Council;
- i. Estimate the resources needed in implementing the GAD Plan;
- j. Conduct seminars on gender sensitivity and gender responsive planning;
- k. Perform such other functions and exercise such other powers as may be provided by law or competent authority.

Section 2A.07. Meetings and Quorum. The GAD Council shall meet once a month or as often as may be necessary. When both chairpersons are present, the City Mayor as matter of protocol shall be given preference to preside over the meeting. Fifty percent (50%) plus one (1) constitutes the quorum of the Council. The chairperson or the co-chairperson may call a special meeting at any time as the exigencies of the program may require.

Section 2A.08. Women's Month. The celebration of the women's month shall be held every 8th day of March. A mandatory non-working holiday shall be declared in public office/s of the city government for the celebration of the women's month, to which an amount shall be appropriated necessary and sufficient to cover the expenses which shall be incurred by reason thereof subject to the existing accounting rules. (Sec 9a)

Section 2A.09. Executive Committee. The GAD Council shall create an executive committee to represent it and act in its behalf when it is not in session. The composition of the executive committee shall be as follows: (Sec. 10a)

- a. The Executive Committee of the City Gender and Development Council shall be composed of the City Mayor and its co-chairperson, Chairman of the Committee on Women, Chairman of the Committee on Appropriations, the City Social Welfare and Development Officer, GAD Officer, the chosen representative of the City Mayor and the chosen representatives of women non-government organization/people's organization represented in the council as members;
- b. The Executive Committee shall exercise the following powers and duties:
 - b.1. Ensure that the decision of the council are faithfully carried out and implemented;
 - b.2. Act on matters requiring immediate attention or action by the council;
 - b.3. Formulate policies, plans and programs based on the general principles laid down by the council;
 - b.4. Act on other matters that may be authorized by the council;
 - b.5. All decisions emanating from the council must be a product of a democratic process;
 - b.6. All decisions on the council should be decided by the majority vote of the members of the executive committee;
 - b.7. Integrate and monitor the GAD Plans;
 - b.8. Points to steer and oversee gender mainstreaming in the GAD Plan;
 - b.9. To exercise such other powers and duties as the law may provide; necessary in the proper implementation of the programs;

Section 2A.10. Relation of GAD Council to the Sanggunian and the Regional Focal Point Agency.

- a. The policies, programs and projects proposed by the GAD Council shall be submitted to the Sanggunian concerned for its approval and/or ratification.
- b. The GAD plans must be integrated with the whole development plan of the city.
- c. The approved GAD Plans will be submitted to NCRFW (National Commission on the Role of Filipino Women) to help them determine the kind of technical assistance they need in implementing GAD plan.

Section 2A.11. Sectoral and Functional Committee. The GAD Council may form sectoral and functional committees to assist them in the performance of their functions. It can also create and organize a core group of GAD advocates or GAD Focal points to steer and oversee gender mainstreaming in the GAD Plan.

Section 2A.12. GAD Budget.

Section 2A.12.A. The annual GAD Budget shall give priority to the following:

- a. Education and Human Resources Development;
- b. Health, Nutrition and Family Planning;
- d. Social Welfare and Community Development (e.g. Barangay Day Care Centers, Senior Citizens and the Persons with Disability welfare programs);
- e. Labor and Employment;
- f. Special Concerns (e.g. Women and Migration, Prostitution, Violence Against Women, Women and Family, and Indigenous Cultural Communities)

Section 2A.12B. The GAD Budget may be used for the following budget items:

- a. Personal services, for example, the salaries of workers directly engaged in GAD programs, projects and activities;
- b. Maintenance and other operating expenses for the cost of managing women's shelter, a women's health project, training of women in non-traditional occupations, and training of field workers in GAD, among others;
- c. Capital outlay such as building of and providing equipment for women's shelters and training centers for women.

Section 2A.12C. The Accounting/Budget Office shall furnish the various GAD Councils' information on financial resources and budgetary allocations applicable to their respective jurisdictions to guide them in their planning functions. Particularly, 5% of the general appropriation for the year shall be allocated annually for the programs and projects **strictly of the GAD Council** in accordance with the implementing guidelines as stated below.

Section 2A.12D. The minimum of five percent (5%) of the GAD Fund shall be used for The following purpose/s:

- a. GENDER MAINSTREAMING (GM). – It is the integration of gender concerns in the development agenda in order to address gender inequalities. Some indicators of this process are as follows:
 - a.1. Situation analysis which identifies (a) differences or similarities in women's and men's conditions; (b) practical gender needs; (c) strategic gender needs and (d) potential and constraints to women's ability to participate in and benefit from Programs, Projects and Activity (PPA);
 - a.2. Determines gender goals and set targets for women's empowerment towards reducing gender inequality;
 - a.3. Strategies include ways to enhance women's participation in and benefits from PPA's and gender sensitivity training;
 - a.4. Activities aim to include both men and women; and where needed, new activities for women are designed;
 - a.5. Budgets must be allocated for gender-related activities, with respect to priority thrusts in relation to practical gender needs particularly of women and in consideration of the over-all city women development plan;
 - a.6. Conducting seminars or gender sensitivity and gender-responsive planning;

- b. **SETTING UP OF GAD FOCAL POINTS AND INSTITUTIONAL MECHANISM.** Includes the creation and strengthening of agency mechanisms such as Focal Points, Technical Working Groups, and Trainers' Pool tasked to guarantee that GAD concerns are recognized and addressed which should includes the following:
 - b.1. **ADVOCACY and TRAINING.** These are activities that develop awareness and support for GAD, equip development workers with skills required for gender mainstreaming, and sustain interest and concern for gender issues and gender focused undertakings.
 - b.2. **PROGRAM PLANNING.** These are activities provide planners with skills, guidelines and instruments to ensure that gender-responsive programs and projects are drafted and implemented.
 - b.3. **DEVELOPMENT OF A GENDER-RESPONSIVE DATA and INFORMATION SYSTEM.** These are activities make available data and information needed for designing, implementing, monitoring and evaluating GAD efforts. They involve reviewing and reformulating specific indicators to assess how programs and projects address gender issues.
- c. **WOMEN-SPECIFIC (WS) PPA.** These are activities intended to directly benefit women, including those that improve their access to basic services, such as the following:
 - c.1. Women's health and safe motherhood programs and projects;
 - c.2. Skills training for women;
 - c.3. Crisis center for women;
 - c.4. Training women in non-traditional trades;
 - c.5. Provision of technical (i.e. providing gender neutral textbooks) and financial resources for women;
 - c.6. Mobilization and organization of women;
 - c.7. Counseling and therapy for women;

Section 2A.13. GAD OFFICER. The necessity to employ the services of an academically prepared and competent GAD OFFICER is a must. Hence no person shall be appointed as GAD Officer unless he/she is a citizen of the Philippines, a resident of the city government concerned of good moral character, a holder of a college degree from a reputable college or university, and a first grade civil service eligible or its equivalent. The GAD Officer shall be appointed by the mayor based on the aforementioned qualifications and shall receive such remuneration equivalent to a salary grade 20.

The GAD Officer shall:

- a. Manage, organize and administer the affairs of the GAD Council;
- c. Formulate plans, objectives and measure together with the members of the GAD Council particularly those which have to do with the GAD programs/plan management related programs the end results of which would contribute to the accomplishment of the mission or the goals of the program;
- d. Collect data and set information to guide the GAD Council;
- e. Supervise and monitor all GAD activities;
- f. Organize the GAD Secretariat Office;
- g. Appoint qualified individuals to positions that may arise from the creation of the GAD Secretariat Office with the approval of the City Mayor;
- h. Perform such other functions as the Council may provide;

CHAPTER 3

PROTECTING AND PROMOTING WOMEN AND CHILDREN'S HUMAN RIGHTS.

Article A. PROMULGATING POLICIES AND MEASURES FOR THE PREVENTION AND CONTROL OF HIV/AIDS/STI IN ANGELES CITY, STRENGTHENING THE ANGELES CITY AIDS COUNCIL, PROVIDING FOR ITS POWERS AND FUNCTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.

Section 3A.01. Short Title – This Ordinance shall be known as the “Angeles City AIDS Prevention and Control Ordinance.”

Section 3A.02. Declaration of Policies and Principles. Acquired Immune Deficiency Syndrome (AIDS) is a disease/condition that recognizes no territorial, social, political and economic boundaries for which there is no known cure. The gravity of the AIDS threat demands strong state action today, thus, the City Government of Angeles City shall adhere to the following international, national and local policies and principles:

a. ARTICLE 3 of the United Nations Convention of the Elimination of all Forms of Discrimination Against Women (UN-CEDAW) states the obligation of the state to take all appropriate measures to ensure the full development and advancement for women, for the purpose of guaranteeing them the exercise and exercise and enjoyment of human rights and fundamental freedoms on the basis of equality with men;

b. Item C, Women and Health of the Strategic Objectives and Actions of THE BEIJING DECLARATION AND PLATFORM FOR ACTION which was adopted by the United Nations of the Fourth World Conference on Women in Beijing, China, our country, being a signatory, committed to:

b.1. Increase women's access throughout the life cycle to appropriate, affordable and quality health care, information and related services;

b.2. Strengthen preventive programs that promote women's health;

b.3. Undertake gender-sensitive initiatives that address sexually transmitted disease, HIV/AIDS, and sexual and reproductive health issues;

b.4. Promote Research and disseminate information on women's health;

b.5. Increase resources and monitor follow-up for women's health;

c. Item D, Violence Against Women (VAW) of the Strategic Objectives and Actions of the BEIJING DECLARATION AND PLATFORM FOR ACTION our government committed to:

c.1. Study the causes and consequences of violence against women and the effectiveness of preventive measures;

c.2. Eliminate trafficking in women and assist victims of violence due to prostitutions and trafficking;

d. Article 34, United Nations Convention on the Rights of the Child (CRC) provides that the state shall protect children from sexual exploitation and abuse, including prostitution and involved in pornography.

e. ARTICLE II, SECTION 10, OF THE 1987 Philippine Constitution states that “the state values the dignity of every human person and guarantees full respect for human rights.

f. Article II, SECTION 14, of the 1987 Philippine Constitution states that “the states recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men”;

g. SECTION 15 of the 1987 Philippine Constitution states “The state shall and promotes the right to health of the people and instill health consciousness among them”;

h. ARTICLE II, SECTION 18, of the Philippine Constitution states that “the state affirms labor as a primary social economic force. It shall protect the rights of workers and promote their welfare”;

i. ARTICLE II, SECTION 20, of the Philippine Constitution states that “The state recognizes the indispensable role of the private sector, encourage private enterprises, and provides incentives to needed investments”;

j. ARTICLE II, SECTION 23 of the 1987 Philippine Constitution states that “The state encourage non-governmental, community- based ,or sectoral organization that promote the welfare of the nation;

k. ARTICLE II, SECTION 25 of the 1987 Philippine Constitution states that “The state shall ensure the autonomy of local governments.”

l. Republic Act No.8504 known as ‘An Act Promulgating and Preventing Measures for the Prevention and Control of HIV/AIDS in the Philippines’ was entitled declaring the following policies.

1.1. The state shall promote public awareness about the causes, modes of transmission consequences, means of prevention and control of HIV/AIDS through a comprehensive, city wide educational and information campaign organized and conducted by the city. Such campaigns shall promote value formation and employ scientifically proven approaches, focus on the family as a basic social unit, and be carried out in all schools and training centers, work places and communities. This program shall involve individuals and groups who are concern with regulation and prevention of HIV /STI.

1.2. The state shall extend to every person expected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Toward this end,

1.2.a. compulsory HIV testing shall be discouraged unless otherwise provided in this ordinance;

1.2.b. the right to privacy of individual with HIV/shall be guaranteed;

1.2.c. discrimination in all forms and subtleties against individual with HIV or persons perceived or suspected of having HIV shall be considered inimical to individual and national interest ;and

1.2.d. provision of basic health and social services for individuals with HIV/shall be assured.

1.3. The state shall promote utmost safety and universal precautions in practices and procedures that carry the risk of HIV transmission.

1.4. The state shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to poverty, gender, inequality, prostitution, marginalization, drug abuse and ignorance.

- . 1.5. The state shall recognize the potential role of affected individuals in propagating vital information and educational messages about HIV/AIDS and shall utilize their experience to warn the public about the disease;
- m. Presidential Executive Order No. 273, approved and adopted the Philippine Plan for Gender Responsive Development (1995-2025), directs all government agencies at the national, regional and local levels to take appropriate steps to ensure that the policies, programs, projects and strategies outlined thereat;
- n. Item 3, Policies and Strategies, Policy Advocacy and Legal Reforms of the Philippine Plan for Gender Responsive Development (PPGD) states that “women and children should no longer be arrested or fined like criminals” (ESCAP, 1991:57). “Decriminalization of the prostitutes should go hand in hand with the apprehension and prosecution of agents, recruiters, traffickers, pimps, procurers, establishment owners, customers and others who derive sexual gratification, financial gain and advancement, or any other benefit from the prostitution of others, Decriminalization means the abolition of sexist discrimination in general and removing the culpability and criminality which the law places specifically on women prostitutes.”
- o. Angeles City Ordinance No. 9, Series of 1979, prohibits secret or hidden partitions, cubicles or booths in cabarets, dancing halls, and other similar establishments;
- p. Angeles City Ordinance No. 25 Series of 1964, imposes certain requirements on night clubs, bars, dancing halls and similar establishments, and on waitresses and other women similarly employed in such establishments for the control venereal diseases and prescribing penalties for its violation;
- q. Angeles City Ordinance No. 21 Series of 1989, mandating all hotels, motels, apartels, drive-ins, lodging houses or any similar establishments thereof, to provide condoms for use of their guests and providing penalties thereof;
- r. Angeles City Ordinance No. 90, Series of 1999 entitled “An Ordinance Amending Ordinance No. 82, Series of 1998 entitled “An Ordinance Creating the City Gender and Development (GAD) Council of Angeles City, Defining its Powers and Duties”, Section 12 on GAD Budget provides that the annual GAD Budget shall give priority to health nutrition and family planning and other concerns;
- s. City Mayor’s Executive Order No. 28, Series of 1999 provides the implementation of a guideline in the “Policy Development and Advocacy for the prevention of HIV/STI in Angeles City”.
- t. City Mayor’s Executive Order No. 31 and 31-A, Series of 1998 provides for the Creation of the Angeles City AIDS Council (ACAC) and further strengthening its operations;
- u. It is declared policy of the city government to promote the welfare and well-being of the general public,
- v. The city government is responsible to educate the community in preventing the spread of HIV and other sexually transmitted diseases.
- w. It is the responsibility of the city government to provide medical and social assistance to the local individuals and their families that may be affected by STI/HIV/AIDS;
- x. The City of Angeles recognizes the fact that prostitution is a growing social menace in the society;

y. In recognition of the efforts of various non-government organizations who supported and lobbied which lead to the passage of this ordinance which are as follows: (1) Angeles University Foundation – Office of Community Extension Services (2) PATH Foundation Philippines, Inc. (3) AIDS Council members such as LACEM , MALKEA and ALKA (4) Pearl S. Buck, Inc. (5) Reach Out Foundation (6) IMA Foundation (7) member organizations of the Angeles City Women’s Coordinating Council (ACWCC) such as Women Health , KKKA, KAMASA, WEDPRO, NAGKA, NUTRILINC and others;

z. In compliance with the provisions of the Constitution, Republic Act No. 8504 and other existing international, national, and local laws and directives, efforts should be made by the city government to enact policies and measures that will ensure the promotion of the right to health and protection of its constituents from any health and social ills that will hamper their full development.

Section 3A.03. Definition of Terms – As used in this Ordinance, the following terms are defined as follows:

- a. Acquired Immune Deficiency Syndrome (AIDS) shall mean a condition characterized by a combination of signs and symptoms, caused by HIV contracted from another person and which attacks and weakens the body’s immune system, making the afflicted individual susceptible to other life threatening infections.
- b. Condom – shall mean a device used to prevent the transmission of HIV/AIDS/STI
- c. Decriminalize – shall mean to eliminate criminal penalties.
- d. Entertainment Establishment’s policies – shall refer to the statement of provisions of work and benefits of entertainers /employees.
- e. Floor Manager – refers to an individual who supervises the activities of the entertainers.
- f. “Human Immunodeficiency Virus (HIV) “– refers to the virus which causes AIDS.
- g. “HIV/AIDS Prevention and Control” – refers to measures aimed at protecting non-infected persons living with HIV.
- h. “Persons living with HIV” – refers to an individual whose HIV test indicates, directly or indirectly, that he /she is infected with HIV.
- i. Operator – refers to any natural or judicial persons who or which is/are granted permit /license to operate an entertainment establishment.
- j. Lewd - inclines to, characterized by or inciting to lust or lechery, obscene or incident; low or vulgar or shall mean in accordance with the Offenses Against Decency and Good Customs of the Article 201 of the Revised Penal Code.
- k. Manager – refers to an individual who has the direct control and supervision of the employees working within the establishments; their other job descriptions shall be defined by their employer.

- l. Entertainer – shall mean a person who is employed in an entertainment establishment who renders entertainment service to customers, such as GROs, dancer, masseurs, cocktail waitresses and other similar occupations;
- m. Information Dissemination – refers to the process of relaying the policies, manner of prevention, causes and sources of infection of STI/HIV/AIDS to all persons, operators and workers in the entertainment industry.
- n. Illegal Entertainment Establishments – refers to entertainment establishments which operate without a business permit.
- o. Entertainment Establishments – are business establishments which include but not limited to the following: bars, night clubs, disco houses, beer houses, cocktail lounges, massage clinics, karaoke bars, sing-along pub houses and other similar establishments which secured a permit to operate within the Angeles City.
- p. Information Material – shall mean any written and/or printed material which educates the public.
- q. Medical Practitioners – licensed Doctor of Medicine engaged in health work in hospitals, clinics, sanitarium, health stations, barangay health centers and the like.
- r. Employees – includes any person in the employ of an employer.
- s. Minor – a person who is below eighteen (18) year of age or those but are unable to fully take care of themselves or protect themselves because of a physical or mental disability or condition.
- t. Reproductive Health – As defined in the Cairo International Conference on Population and Development and World Health Organization and affirmed during the Beijing Conference of the United Nations, reproductive health is a state of complete physical mental and social well-being and not merely the absence of disease and infirmity in all matters relating to the reproductive system and its functions and processes, i. e. people are able to have a satisfying and safe sex life and have the capability to reproduce and the freedom to decide it, when and how to do so.

COMPOSITION, POWERS AND FUNCTIONS OF THE ANGELES CITY AIDS COUNCIL

Section 3A.04. Composition of the Angeles City AIDS Council (ACAC). The Angeles City AIDS Council shall be composed of multi sectoral/ heads from the city government:

Chair: City Mayor

Co-Chair: City Health Officer]

Members:

- Chairman, Com. On Women, Sangguniang Panlungsod
- Chairman, Com. On Health, Sangguniang Panlungsod
- City Director, Angeles City Police Office
- City Social Welfare & Development Officer
- City Tourism Officer
- Gender and Development Officer
- Director, Rafael Lazatin Memorial Medical Center
- Civ. Of City Schools Superintendent, DepEd
- Person Living with HIV
- Two (2) NGOs working on HIV/STI prevention, to be designated
By the City Mayor
- Head, Reproductive Health & Wellness Center
- Chairman, Sangguniang Kabataan
- President, Liga ng mga Barangay

Section 3A.05. Powers and Functions of the Council – The Angeles City AIDS Council shall have the following powers and functions:

- a. Formulate policies and strategies for the prevention and control of HIV/AIDS/STI within Angeles City.
- b. Prepare short term, medium term and long term plans for the prevention and control of HIV/AIDS/STI;
- c. Identify and prepare remedies to problems in program implementation, program coordination, gaps in policy guidelines and enhance local multi-sectoral response to HIV/AIDS/STI concerns;
- d. Develops skills training, advocacy programs, and strategies to benefit the people with high-risk sexual behavior, to STI;
- e. Recommend to the Sangguniang Panlungsod enactment of laws that shall control and prevent the spread of HIV/ STI/AIDS;
- f. Conduct studies as to the causes of HIV/STI/AIDS incidence in Angeles City.
- g. Shall ensure that education and information activities on Reproductive Health, HIV/AIDS/STI prevention shall reach the different communities;
- h. The AIDS Council shall recommend the closure of any establishment found violating the prohibited acts as mentioned under Article VII (Section 3A.022) of this ordinance.

Section 3A.06. Secretariat of the Angeles City AIDS Council. The Secretariat shall be the Reproductive Health and Wellness Center (RHWC) which can jointly work in partnership with an accredited NGO or institution.

Section 3A.07. Declaration of AIDS Awareness Month. The month of May is hereby declared as the month of AIDS awareness month to coincide with commemoration day for person living with HIV/AIDS and the International Day of Action on Women’s Health likewise AIDS awareness should culminate on the month of December being the World AIDS prevention month.

Section 3A.08. Advocacy Programs for the AIDS Awareness Month. There shall be a advocacy program for the whole month of May for the dissemination for the prevention and control of AIDS.

FUNCTIONS OF THE REPRODUCTIVE HEALTH AND WELLNESS CENTER (RHWC)

Section 3A.09. Renaming of the Social Hygiene Clinic to Reproductive Health and Wellness Center (RHWC) and providing its functions. The RHWC shall function but not limited to the following:

- a. Shall provide reproductive health care services;
- b. Section 9.b. Shall provide education and information dissemination activities the promotion of reproductive health, prevention and control of HIV/AIDS and STD;
- c. Case management of clientele for various necessary information;
- d. Shall provide reintegration and renewal program for entertainers and other person who have practiced high risk sexual behavior, livelihood programs, counseling and crisis intervention, training, organizing and other needs of their clientele;

- e. Monitoring and evaluation of cases handled;
- f. Shall coordinate with other agencies of the city government for referral of cases and provision of other health care services and other needs of its clientele like livelihood projects, alternative home, scholarship and other agencies;
- g. Minors shall be referred to concerned agencies (GOs and NGOs) for further assistance.
- h. Shall conduct HIV counseling and t4esting for entertainers, most at risk population, vulnerable group (youth) and with similar occupation in a voluntary, regular basis. Further, pre and post test counseling shall likewise be administered before any examination may be considered.

Section 3A. 10. Renaming of Pro-Book. The pro-book is likewise hereby renamed as “Health Card.”

RULES AND REGULATION FOR THE PREVENTION OF HIV/STI/AIDS

Section 3A.11. Rules regarding compulsory AIDS/STI education. It shall be mandatory/compulsory for all operators, managers and entertainers of entertainment establishment to attend seminars on AIDS/HIV/STI prevention conducted semi-annually by the RHWC, no permit to operate shall be granted to said registered entertainment establishment for violation thereof.

Section 3A.12. Requirements for the issuance of permit to operate. No establishment shall be allowed to operate unless a certificate of attendance to all its employees has been issued in compliance with Section 3A.11.

Section 3A.13. Availability of condoms and other information materials for the prevention of HIV/STI/AIDS shall be available in entertainment establishments including hotels, motels, lodging houses, sauna and others.

- a. **The availability of condoms.** It shall be required that all Entertainment Establishments, hotels, motels, lodging houses, sauna and others to make condoms available within their establishments and provide guidance on the correct and consistent use of the same.
- b. **Information materials.** It shall be required for all Registered Entertainment Establishments, hotels, motels, lodging houses, sauna and others to make information materials on HIV/AIDS and STI prevention and control available within the establishments and to provide such information materials when requested by customers especially on the guidance on the correct and consistent use of condom.
- c. **The visibility of posters and other information materials.** All entertainment establishments, hotels, motels, lodging houses, sauna, and others are required to make their posters visible within their premises particularly located in comfort rooms and dressing rooms.

Section 3A.14. Conduct of medical examination of entertainers and others with similar occupation. All entertainers and others with similar occupation shall undergo a weekly medical examination (gram staining) to be conducted in a regular basis by the RHWC or a private clinic duly accredited by the Sangguniang Panlungsod, and approved by the city mayor.

- a. **Attendance to seminars.** No entertainment establishments shall be given a license or permit to operate unless the operator and entertainer shall have attended the seminar as required by the ordinance and an approved module to this effect shall be approved by the AIDS Council and RHWC for uniformity of implementation.
- b. **Newly registered entertainment establishments.** It shall further be mandatory to all operators, managers and supervisors of newly entertainment establishments to attend seminars and to secure a Certificate of Attendance before it can be issued a license to operate.

Section 3A.15. Elimination of Social Stigma. All the activities to be undertaken for the prevention and control of HIV/AIDS should be addressed towards both men and women. Women's and children vulnerability to HIV/AIDS infection based on their reproductive and physiological attributes should be highlighted.

Section 3A.16. Submission of Policies. It shall be compulsory for all owners and managers of entertainment establishments to provide the city government and the entertainers' copies of the entertainment establishment policies in accordance with labor laws and other related national and local policies.

Section 3A.17. Concerning Birth Certificates and other legal documents. All applicants seeking employment in entertainment establishments must be of legal age, shall present to the employer an authenticated Birth Certificate issued by the National Statistics Office (NSO), SSS ID, Police Clearance and NBI Clearance, after which the employer will endorse the same to the City Health Office for the issuance of health certificates.

Section A3.18. Compilation of roster of entertainers/employees. The RHWC shall maintain regular compilation of all entertainers and employees (master list) particularly indicating their ages and the respective establishment where they are employed.

PROHIBITED ACTS

Section 3A.19. Prohibited Acts in the entertainment establishments. No entertainment establishment shall practice any of the following prohibited acts:

- a. Offering entertainment that appeals exclusively to the prurient interests of people and must be in accordance with the entertainment for public and general patronage as provided by the Revised Penal Code;
- b. Allowing presentation of lewd shows and other entertainment activities that violates gender sensitive accepted standards that are offensive to morals, decency, and obscenity;

- c. Provides facilities such as private entertainment rooms with locks from the inside and outside glass, partition/ walls that are non-transparent or with any form of obstruction from public view that facilitates the practice of illegal activities such as prostitution, use of illegal drugs, acts of lasciviousness and other illegal acts that violates women's rights, said establishment are allowed to put a three (3) feet based for glass partition, six (6) months to comply upon passage of this ordinance;
- d. Tolerating the activities of pimps or any person soliciting money for Sexual favors;
- e. Any patron, pimp, manager or operator, government officials/employee or any person caught watching or participating in anyway during the conduct or allows of a lewd show shall be likewise penalized;
- f. Any operators/managers of entertainment establishments found violating any labor law shall be penalized;
- g. No public official or any government enforcement officers shall be allowed to apprehend the women and children found within an entertainment establishment, otherwise, such act shall be penalized in this ordinance;
- h. No operator/owner/manager can dismiss or penalize an entertainer by reason of rejection of a client;
- i. Any person who shall insists to stay in an entertainment when he has been requested to leave by reason of existing behavior contrary to public norms may be penalized under this ordinance;
- j. No entertainment establishment can refuse entry to an unescorted lady/ woman.
- k. Any person who shall falsify the certificate of attendance shall be penalized in this ordinance.
- l. No person shall make any monetary/ financial collection or other form with material value except for payment of duly authorized membership dues of accredited organizations.
- m. No police officer or any officer in charge in the enforcement of any law can arrest any minor or women on mere suspicion that they engage in solicitation of money for sexual favors or vagrancy unless they have proven otherwise.

Section 3A.20. Prohibition against medical malpractice. No medical practitioners or other staff assisting or directly providing medical services/exams to clientele shall be insensitive and/or inhumane in their treatment of said patients. Clientele should be made aware of their rights to file charges for abuses committed against them.

Section 3A.21. Prohibition against hiring of minors. No entertainment establishment shall be allowed to hire any minor.

Section 3A.22. Regulation concerning minor within and near the vicinity of an entertainment establishment.

- a. No minor shall be allowed to enter an entertainment establishment, and when a minor is found violating this provision, his/her parent shall be held liable for such offense.
- b. All minors shall be prohibited within five (5) meters away from an entertainment establishment, unless accompanied by a parent, relative or a person of the age of majority.
- c. Any parent found neglecting his/her parental authority and as consequence, a minor is found violating this ordinance, the parent shall be charged and not he minor.

Section 3A.23. Prohibition against divulging of confidential information of persons living with HIV/AIDS/STI. Any person working in the government or any NGO who shall have access to confidential information acquired by reason of his/her position in the implementation of this ordinance, and who shall divulge the same to the public shall be prohibited.

Section 3A.24. Prohibition against illegally operating entertainment establishments. All illegally operating entertainment establishments who have not acquired business permit/license to operate shall be prohibited.

Section 3A.25. Penalty. Any person found guilty of violating all the provisions of Sections 3A.22, 3A. 24 and 3A.27 of this ordinance shall be meted with the following penalties:

- a. First Offense – to pay a fine P 2,000.00 and/ or an imprisonment of one (1) month
- b. Second offense – to pay a fine of P 3,000.00 and or/ an imprisonment of three (3) months.
- c. Third offense – to pay a fine of P 5,000.00 and or/ an imprisonment of six (6) months and/ or permanent closure of establishments.

Section 3A.26. Any person found guilty violating Section 3A.11, 3A.20, 3A.22 and 3A.23 of this ordinance shall be meted with the following penalties:

- a. First offense – to pay a fine of P 2,000.00
- b. Second offense – to pay a fine of P 3,000.00
- c. Third offense – to pay a fine of P 5,000.00

Section 3A.27. Any government officer found guilty violating Section 3A.19d, f, k, and l shall be charged administratively against graft and corruption practices and shall pay a fine of P 5,000.00 and imprisonment of one year.

IMPLEMENTATION AND MONITORING

Section 3A.28. Implementing and Monitoring Agencies. The following city government offices and private agencies are tasked coordinated in the strict compliance and enforcement of this ordinance:

1. RHWC
2. License and Permit Division
3. AIDS Council
4. Angeles City Police Office- Women's Desk
5. Gender and Development Office/ Council
6. Social Welfare and Development Office
7. Accredited NGOs
8. City Health Office

Section 3A.29. . Police Women's Desk.. The PNP Women's Desk is tasked to file all corresponding violation on the prohibited acts of this ordinance.

APPROPRIATION

Section 3A.30. Appropriation. An amount equivalent to 10% of the GAD fund (which is 5% of the General Fund of the City) shall be appropriated to fund the projects mentioned in this ordinance, provided further that at least 30% thereof shall be used to purchase medicines for the treatment of STI/HIV/AIDS.. All budgets for program designs shall be approved by the AIDS Council.

Article B. CREATING THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE AND FOR OTHER PURPOSES

DECLARATION OF POLICIES

SECTION 3B.01. This ordinance shall be known as the **ORDINANCE CREATING THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE OF 2004**

SECTION 3B.02. It is hereby declared that the City values the dignity of women and their children and guarantees full respect for human rights. The City also recognizes the need to protect the family and its members particularly women and their children, from violence and threats to their personal safety and security.

SECTION 3B.03. Definition of terms. As used in this Act, (a) *Violence against women* refers to any act or a series of acts committed by any person against a woman with whom the person has or had a sexual or dating relationship or with whom he has a common child, or against her child whether legitimate or illegitimate, which result in or is likely to result in physical, sexual psychological harm or suffering. It includes, but is not limited to, the following acts:

- a. *“Physical Violence”* refers to acts which would result to bodily or physical harm;
- b. *“Sexual violence”* refers to an act which is sexual in nature, committed by any person against a woman or her child. It Includes, but is not limited to:
 - b.1. Rape, sexual harassment, acts of lasciviousness, treating woman or her child as a sex object, making demeaning and sexually suggestive remarks, forcing her/him to watch obscene publications and indecent acts and/or make films thereof, forcing the wife and mistress/lover to live in the conjugal home or sleep together in the same room.
 - b.2. Acts causing or attempting to cause the victim to engage in any sexual activity by force, threat of force, physical or other harm or threat of physical or other harm or coercion;
 - b.3. Woman or child trafficking
- c.. *“Psychological violence”* refers to acts or omissions causing or likely to cause mental emotional suffering of the victim such as but not limited to intimidation, harassment, stalking, damage to property, public ridicule or humiliation, repeated verbal abuse and mental infidelity. It includes causing or allowing the victim to witness the physical, sexual or psychological abuse of a member of the family to which the victim belongs unlawful or unwanted deprivation of the rights to custody and or visitation of common children.
- d. *“Economic abuse”* refers to acts that make or attempt to make a woman financially dependent which includes but is not limited to the following:
 - d.1. Withdrawal of financial support or preventing the victim from engaging in any legitimate profession, occupation, business or activity, except in cases wherein the other spouse/partner objects on valid, serious and moral grounds as defined in Article 73 of the Family Code;
 - d.2. Deprivation or threat of deprivation of financial resources and the right to the use and enjoyment of the conjugal, community or property owned in common;
 - d.3. Destroying household property
 - d.4. Controlling the victims’ own money or properties or solely controlling the conjugal money or properties.

- e. “Battery” refers to an act inflicting physical harm upon the woman or her child resulting to the physical and psychological or emotional distress.
- f. “Battered Woman Syndrome” refers to a scientifically defined pattern of psychological and behavioral symptoms found in woman living in battering relationship as a result of cumulative abuse.
- g. “Stalking” refers to an intentional act committed by a person who, without lawful justification follows the women or her child or places the woman or her child under surveillance directly or indirectly.
- h. “Dating Relationship” refers to a situation wherein the parties live as husband and wife without the benefit of marriage or are romantically involved over time and on a continuing basis during the course of the relationship.
- i. “Sexual Relations” refers to a single sexual act which may or may not result in the bearing of a common child.
- j. “Safe place or shelter” refers to any home or institution maintained or managed by the Department of Social Welfare and Development (DSWD) or by any other agency or voluntary organization accredited by the DSWD for the purpose of this Act or any other suitable place the resident of which is willing temporarily to receive the victim.
- k. “Children” refers to those below eighteen (18) years of age or older but are incapable of taking care of themselves as defined under Republic Act No. 7610. As used in this Act, it includes the biological children of the victim and other children under her care.

SECTION 3B.04. ACTS OF ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN. The crime of violence against women and their children is committed through any of the following acts;

- a. Causing physical harm to the woman or her child;
- b. Threatening or attempting to cause the woman or her child physical harm;
- c. Placing the woman or her child in fear of imminent physical harm;
- d. Attempting to restrict or restricting the woman’s or her child’s freedom or conduct by force or threat of force, physical or other threat of physical or other harm, or intimidation directed against the woman or child. This shall include, but not limited to the following acts.
 - d.1. Threatening to deprive or actually depriving the woman custody of her child;
 - d.2. Depriving or threatening to deprive the woman or her children of financial support legally due her or her family.
 - d.3. Depriving or threatening to deprive the woman or her child of a legal right;
 - d.4. Preventing the woman in engaging in any legitimate profession, occupation, business or activity or controlling the victim’s own money or properties, or controlling the common money or conjugal properties;
- e. Inflicting or threatening to inflict physical harm on oneself for the purpose of controlling her actions or decisions;
- f. Causing or attempting to cause the woman or her child to engage in any sexual activity, by force or threat of force, physical harm, or through intimidation directed against the woman or her child or her/his immediate family;
- g. Engaging in purposeful, knowing, or reckless conduct, personally or through another, that causes substantial emotional or psychological distress to the woman or her child. This shall include, but not limited to, the following acts:

- g.1. Stalking or following the woman or her child in public or private places;
- g.2. Peeping in the window or lingering outside the residence of the woman or her child;
- g.3. Entering or remaining in the dwelling or on the property of the woman or her child against her/his will;
- g.4. Destroying the property and personal belongings or inflicting harm to animals or pets of the woman or her child; and
- g.5. Engaging in any form of harassment or violence;

h. Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children or access to the woman's child/children.

SECTION 3B.05. Protection Orders.- A protection order is an order issued under this Act for the purpose of preventing further acts of violence against a woman or her child and granting other necessary relief. The relief granted under a protection order serves the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim's daily life and facilitating the opportunity and ability of the victim to independently regain control over her life. The provisions of the protection order shall be enforced by law enforcement agencies. The protection orders that may be issued under this Act are the following:

a. Barangay Protection Orders (BPOs). Barangay Protection Orders (BPOs) refer to the protection order issued by the *Punong Barangay* ordering the perpetrator to desist from committing acts under **Section IV** of this Act. A *Punong Barangay* who receives applications for a BPO shall issue the protection order to the applicant on the date of filing after *ex parte* determination of the basis of the application. If the *Punong Barangay* is unavailable to act on the application for the BPO, the application shall be acted upon by any available *Barangay Kagawad*. If the BPO is issued by a *Barangay Kagawad* the order must be accompanied by an attestation by the *Barangay Kagawad* that the *Punong Barangay* was unavailable at the time for the issuance of the BPO. BPOs shall be effective for fifteen (15) days. Immediately after the issuance of an *ex parte* BPO, the *Punong Barangay* or *Punong Kagawad* shall personally serve a copy of the same on the respondent, or direct any barangay official to effect personal service. The parties may be accompanied by a non-lawyer advocate in any proceeding before the *Punong Barangay*.

b. Temporary Protection Orders. Temporary Protection Orders (TPOs) refer to the protection order issued by the court on the date of filing of the application after *ex parte* determination that such order should be issued. The TPO shall include notice of the date of the hearing on the merits of the issuance of a PPO.

c. Permanent Protection Orders. Permanent Protection Order (PPO) refers to protection order issued by the court after notice and hearing. Respondent's non-appearance despite proper notice, or his lack of a lawyer, or the non-availability of his lawyer shall not be a ground for rescheduling or postponing the hearing on the merits of the issuance of a PPO. If the respondents appear without counsel on the date of the hearing on the PPO, the court shall appoint a lawyer for the respondent and immediately proceed with the hearing. In case the respondent fails to appear despite proper notice, the court shall allow *ex parte* presentation of the evidence by the applicant and render judgment on the basis of the evidence presented. The court shall allow the introduction of any history of abusive conduct of a respondent even if the same was not directed against the applicant or the person or whom the applicant is made.

CREATION OF THE ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE.

SECTION 3B.06. The City further reaffirms its commitment to address women issues and concerns, particularly violence-related issues, and hereby creates the ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE which will provide legal assistance to women and their children who are victims of violence as defined in this Ordinance. *All barangays are required to form an Anti-VAWC Desk.*

The Paralegal Office shall adapt initiatives and measures to protect women and their children;

- a. The Paralegal Office shall implement the Anti-VAWC Law of 2004 and other related law in the City.
- b. The Paralegal Office shall organize women based NGO in the City to address cases of VAWC.
- c. The Paralegal Office shall advocate on educating women on their basic rights and the provisions contained in Republic Act 9262 and other related laws in the City;
- d. The Paralegal Office shall coordinate with other government agencies such the DSWD, NCRFW, CSC, CHR, CWC, DOJ, DILG, PNP, DOH, DepEd, DOLE and NBI for the attainment of its vision;
- e. The Paralegal Office shall monitor the implementation of the Protection Orders issued by the Barangay Captains;
- f. The Paralegal Office shall provide rehabilitative counseling and treatment for victims;
- g. The Paralegal Office shall recommend programs, projects and activities that will minimize VAWC cases in the City and submit the same to the City Mayor;
- h. The Paralegal Office shall directly coordinate with the National Commission on the Role of Filipino Women (NCRFW) a regards to the implementation of its PPAs;
- i. The Paralegal Office shall act as Secretariat and provide the necessary administrative skills to the City Anti-Violence Against Women and their Children Council;
- j. The Paralegal Office shall equip itself with qualified and trained staff that will be tasked to respond to Violence Against Women and their Children cases.

SECTION 3B.07. Duties and Responsibilities of the Anti-Violence Against Women and their Children Paralegal Office.

- a. The Office shall, further provide training of persons involved in responding to violence against women and their children cases. All agencies involved in responding to violence against women and their children cases shall be required to undergo education and training to acquaint them with:
 - a.1. The nature, extend and causes of violence against women and their children
 - a.2. The legal rights of, and remedies available to, victims of violence against women and their children;
 - a.3. The services and facilities available to, victims or survivors;
 - a.4. The legal duties imposed on police officers to make arrest and to offer protection and assistance; and
 - a.5. Techniques for handling incidents of violence against women and their children that minimize the likelihood of injury to the officer and promote the safety of the victim or survivor.
- b. The PNP in coordination with LGU's shall establish an education and training program for police offers and barangays officials to enable them to properly handle cases of violence against women and their children.

SECTION 3B.08. The ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE shall be composed of qualified and trained personnel who will be tasked adapt measures and initiatives to protect women and children on their basic rights and provisions contained in Republic Act 9262. Specifically,

- (a) Para-legal Officer
- (b) Legal Consultant
- (c) Community Educators
- (d) Administrative Staff

SECTION 3B.09. The ANTI-VIOLENCE AGAINST WOMEN PARALEGAL OFFICE shall conduct and initiate trainings and seminars to different barangays to install awareness to concerned women constituents regarding the nature and consequences of the ordinance. It aims to define their rights and protection that the law may provide the trading, also aims to educate barangay officials the extent of their obligation and responsibility in extending such protection.

SECTION 3B.10. The ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE shall report directly to the Angeles City Mayor and City Violence Against Women and their Children Council for the implementation of all projects, programs and activities.

SECTION 3B.11. For the attainment of its vision, the ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE shall be funded and be included in the annual Executive Budget of the City. A minimum of ten percent (10%) of the Gender and Development Fund shall be used for the implementation of its objectives.

SECTION 3B.12. The ANTI-VIOLENCE AGAINST WOMEN AND THEIR CHILDREN PARALEGAL OFFICE shall be used, but not limited, for the following purpose/s:

- a. Personal services, for example, the salaries of workers directly engaged in the program;
- b. Maintenance and other operating expenses of the office;
- c. Trainings and seminars on Republic Act 9262 and other related laws; for government agencies involved directly or indirectly with the provisions contained therein;
- d. Trainings and seminars on Republic Act 9262 and other related laws for all barangays leaders and other non-government agencies;
- e. Training of persons involved in responding to Violence Against Women and their Children cases;
- f. Temporary shelters for Violence Against Women and their Children victims;
- g. Financial assistance to Violence Against Women and their Children victims;
- h. Medical expenses, to include hospitalization and medicines, of Violence Against Women and their Children victims;
- i. Legal expenses to be incurred for filling of VAWC cases;
- j. Livelihood assistance to VAWC victims;
- k. Information materials.

Article C. IMPLEMENTING AND ENFORCING THE PROVISIONS OF RA 9208, OTHERWISE KNOWN AS THE ANTI-TRAFFICKING ACT OF 2003 AND ITS IMPLEMENTING RULES AND REGULATIONS AND FOR OTHER PURPOSES.

SECTION 3C.01. Title – This Ordinance shall be known as the “**Anti-Trafficking in Persons Ordinance.**”

SECTION 3C.02. Definition of Terms – As used in this Ordinance: (as defined in RA 9208)

- a. Trafficking in Persons – refers to the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other form of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.

a.1. Acts Constituting the Promotion of Trafficking

- aa. Knowingly leasing or subleasing property for trafficking purposes;
- bb. Producing, printing, issuing or distributing unissued, tampered or fake counseling certificates, registration stickers and other certificates of government used for regulatory and pre-departure requirements for the purpose of promoting trafficking;
- cc. Advertising, publishing, printing, broadcasting or distributing, by any means, any brochure, flyer, or any propaganda material that promotes trafficking;
- dd. Assisting in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and exit documents for the purpose of promoting trafficking;
- ee. Facilitating, assisting or helping in the exit and entry of persons from/to the country at international or domestic airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking; or
- ff. Knowingly benefiting from, financial or otherwise, or making use of, the labor or services of a person held to a condition of involuntary servitude, forced labor or slavery.

a.2. Acts Constituting Qualified Trafficking

Qualified trafficking in persons is committed when:

- aa. The trafficked person is below 18 years of age;
- bb. The adoption is through the Inter Country Adoption Law and the adoption is for prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- cc. The act is committed by a syndicate or on a large scale;
- dd. The offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person, or when the offense is committed by a public officer or employee;

- ee. The trafficked person is recruited to engage in prostitution for any member of the military or law enforcement agencies;
 - ff. The offender is a member of the military or law enforcement agencies; or
 - gg. By reason or on occasion of the act of trafficking, the offended party dies, becomes insane, suffers mutilation or is afflicted with HIV or AIDS.
- a.3. The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as “trafficking in persons” even if it does not involve any of the means set forth in the preceding paragraph.
- b. Child – refers to a person below eighteen (18) years of age or one who is over eighteen (18) but is unable to fully take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition.
 - c. Prostitution – refers to any act, transaction, scheme or design involving the use of a person by another, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration.
 - d. Forced Labor and Slavery – refer to the extraction of work or services from any person by means of enticement, violence, intimidation or threat use of force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception.
 - e. Sex Tourism – refers to a program organized by travel and tourism-related establishments and individuals which consists of tourism packages or activities utilizing and offering escort and sexual services as enticement for tourists. This includes sexual services and practices offered during rest and recreation periods for members of the military.
 - f. Sexual Exploitation – refers to participation by a person in prostitution or the production of pornographic materials as a result of being subjected to a threat, deception, coercion, abduction, force, abuse of authority debt bondage, fraud or through abuse of a victim’s vulnerability.
 - g. Debt Bondage – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonable assessed is not applied toward the liquidation of the debt.
 - h. Pornography – refers to any representation, through publication, exhibition, cinematography indecent shows, information technology or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes.

SECTION 3C.03. Support Services and Programs that Address Trafficking in Persons –
The (LGU) shall undertake the following programs and activities:

- a. Implement the mandatory services enumerated in Section 23 of RA 9208;
- b. Develop and disseminate information materials on anti-trafficking in persons;
- c. Train (LGU) personnel involve in programs against trafficking in persons;
- d. Institute or strengthen support services and programs;

- e. Develop and sustain the Migrant Advisory and Information Network (MAIN);
- f. Establish a system of referral, monitoring and reporting of trafficking cases using the prescribed standard reporting form;
- g. Conduct inspection, in coordination with proper authorities, of houses, buildings or establishments suspected of being used for trafficking activities;
- h. Institute a reward scheme for those who have provided any information that led to the suppression/prevention of trafficking activities and apprehension of persons involved therein;
- i. Undertake other related activities at the local level.

SECTION 3C.04. Local Committees on Anti-Trafficking –

- a. A local committee on Anti-Trafficking shall be created with the following composition:

Chairperson: City Mayor
 Co-Chairperson: Chair of the Committee on Women
 Members:
 Chair Committee on Labor
 Chair, Committee on Social Services
 ABC President
 SK Federation President
 DILG City Director
 City Legal Officer
 Local Civil Registrar
 City Information Officer
 Chief of Police
 PNP – Women’s Desk
 Public Employment Service Office (PESO)
 City Social Welfare and Development Office (CSWDO)
 City Prosecutor’s Office

- b. The committee shall also be composed of the local counterparts, whenever available, of the national government agencies, where applicable, which are members of the Inter Agency Council Against Trafficking (IACAT) enumerated in Section 20 of RA 9208:

Department of Justice (DOJ)
 Department of Social Welfare and Development (DSWD)
 Department of Foreign Affairs (DFA)
 Department of Labor and Employment (DOLE)
 Philippine Overseas and Employment Administration (POEA)
 Bureau of Immigration (BI)
 Philippine National Police (PNP)
 National Commission on the Role of Filipino Women (NCRFW)

- c. The following, who shall be appointed by the Local Chief executive for a term of three years, from among the nominees of the Sanggunian, shall also be members of the Local Committee:

Representative of accredited NGOs/POs; and
 Representative from the Barangay Human Rights Action Centers

- d. The City Social welfare and Development Office shall act as the Secretariat for the Local Committee on Anti-Trafficking.

SECTION 3C.05. Functions of the Local Committee on Anti-trafficking – The Committee shall:

- a. Coordinate (LGU) programs and activities related to the campaign against trafficking;
- b. Propose and recommend policies and regulations on anti-trafficking to the Sanggunian;
- c. Monitor and review policies, programs, projects and activities on anti-trafficking;

SECTION 3C.06. Coordination with Local Offices of National Agencies Involved in the Anti-Trafficking in Person Campaign – The Local Committee shall coordinate with the local offices of the national agencies enumerated below or their local offices to ensure that they perform their responsibilities provided under Section 16 of RA 9208.

- a. Department of Foreign Affairs (DFA) – shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs. The DFA shall take necessary measures for the efficient implementation of the Machine Readable Passports to protect the integrity of Philippine passports, visas and other travel documents to seduce the incidence of trafficking through the use of fraudulent identification documents. It shall establish and implement a pre-marriage, on-site and pre-departure counseling program on intermarriages.
- b. Department of Social Welfare and Development (DSWD) shall implement rehabilitative and protective program for trafficked persons.
- c. Department of the Interior and Local Government (DILG) – shall institute systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.
- d. Department of Labor and Employment (DOLE) – shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
- e. Department of Justice (DOJ) – shall ensure the prostitution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGOs and volunteer groups.
- f. Bureau of Immigration (BI) – shall strictly administer and enforce immigration and alien administration laws. It shall adopt measures for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino fiancés/fiancées and spouses of foreign nationals with the guidance and counseling requirement as provided for in this Act.
- g. Philippine National Police (PNP) – shall be the primary law enforcement agency to undertake surveillance. Investigation and arrest of individuals or persons suspected to be engaged in trafficking. It shall closely coordinate with various law enforcement agencies to secure concerted efforts for effective investigation and apprehension of suspected traffickers. It shall also establish a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.

- h. Philippine Overseas Employment Administration (POEA) – shall implement an effective pre-employment orientation seminars and pre-departure counseling program to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.
- i. National Commission on the Role of Filipino Women (NCRFW) – shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons especially women and children in both its local and international advocacy for women’s issues.
- j. Commission of Filipino Overseas (CFO) – shall assist in the establishment and implementation of a pre-marriage, on-site and pre-departure counseling program on inter-marriages. For this purpose; it shall establish a network of service providers from the national government, local government units, civic and private organization, and other community workers for purposes of providing accessible pre-marriage counseling services to the public. This network shall be developed and operationalized and shall be carried out in the context of complimenting the efforts of various stakeholders. It shall establish the necessary guidelines, rules and regulations for this purpose. The CFO shall continue to conduct guidance and counseling services as a pre-departure requirement, and as a pre-requisite to the issuance of passports to Filipino fiancées and spouses of foreign nationals for their settlement and integration overseas and extend necessary intervention to Filipinos in intermarriages in times of distress.
- k. Philippine Center for Transnational Crime (PCTC) – shall establish a concerted, synchronized and focused effort from all law enforcement, intelligence and other concerned agencies of the government for the prevention and control of trafficking in persons. It shall also establish shared database of information criminals, methodologies, arrests and convictions on this transnational crime. The PCTC shall step-up coordination and cooperation with the International Police Organization (Interpol) in the suppression of transnational trafficking.
- l. Overseas Workers Welfare Administration (OWWA) – shall assist in the information and advocacy campaign among Overseas Filipino Workers (OFWs) to prevent trafficking in persons. It shall likewise assist in the documentation of cases of trafficking and ensure the provision of its program and services to OFWs and their families.
- m. National Police Commission (NAPOLCOM) – shall formulate rules and guidelines relative to the role of the PNP in illegal trafficking of women and children, and shall formulate memoranda, circulars and resolutions regarding the administrative liability of the uniformed personnel of the PNP who will be found guilty under this law.
- n. Department of Education (DepEd) and Commission on Higher Education (CHED) – shall integrate in the subject on social studies core messages on immigration and trafficking in elementary, secondary and tertiary levels with emphasis on their implications and social costs to persons and country.
- o. Technical Education and Skills Development Authority (TESDA) - shall provide skills and entrepreneurial training to trafficked victims and formulate a special program to ensure the provision of appropriate skills training for trafficked victims.

SECTION 3C.07. Coordination with Other Government Agencies, NGOs and POs – The (LGU) shall coordinate with Other Government Agencies, Non-Government Organizations and People’s Organization engaged in anti-trafficking activities.

SECTION 3C.08. Appropriations – For the effective implementation of this Ordinance, an initial appropriation of One Hundred Thousand Pesos (P 100,000.00) is hereby appropriated. Thereafter ten percent (10%) from the Gender and Development (GAD) Funds of the IRA and a minimum of 10% of the GAD Funds from any Official Development Assistance (ODA) shall form part of the annual appropriations.

Article D. ESTABLISHING A MATERNAL & CHILD HEALTH CARE AND BIRTHING FACILITY THAT SHALL BE NAMED JUANITA L. NEPOMUCENO BIRTHING CENTER AT THE FORMER EPZA RESETTLEMENT HOSPITAL OF BARANGAY PULUNG CACUTUD, ANGELES CITY, AS PUBLIC-PRIVATE SOCIAL ENTERPRISE FOR DELIVERY OF QUALITY MATERNAL AND CHILD HEALTH PROGRAMS AND SERVICES, DEFINING ITS FUNCTIONS, AND FOR OTHER PURPOSES THEREOF.

Section 3D.01. Title. This ordinance shall be otherwise known as the AN ORDINANCE ESTABLISHING A MATERNAL & CHILD HEALTH CARE AND BIRTHING FACILITY THAT SHALL BE NAMED JUANITA L. NEPOMUCENO BIRTHING CENTER AT THE FORMER EPZA RESETTLEMENT HOSPITAL OF BARANGAY PULUNG CACUTUD, ANGELES CITY.

Section 3D.02. Declaration of Policies. The Local government recognizes the significance of a public-private partnership in the development of quality and responsive maternal and child health care system and adhering to the following principles and policies:

- a. Public and private partnerships contribute significantly and more effective in addressing the MDGs and the national Health goals than working as a separate sector alone;
- b. Local government shall foster increased political will to reduce regulatory and legislative barriers that prevent midwives from entering private practice, and to provide better interface for them with the local and national health system;
- c. The establishment and the development of coordinating mechanisms between the public and the private sector through a social enterprise shall spur both sectors to share information, data, and resources to sustain delivery of quality MCH services.

Section 3D.03. Juanita L. Nepomuceno (JLN) Birthing Center shall be hereby established as a social enterprise and shall be developed to provide the interface mechanism between the public and private health providers and the communities. The birthing center shall also offer the following MCH services:

- a. Pre and Post Natal Services;
- b. Normal Child Birth Delivery
- c. Immunization;
- d. Development of Birthing Plan;
- e. Maternal Nutrition;
- f. Post partum Family Planning Counseling;
- g. Breastfeeding Counseling and Management;
- h. Newborn Screening;
- i. Control of Diarrheal Services;
- j. Other reproductive Health services i.e. HIV testing, management of sexually transmitted infections;
- k. Health Referral Services;

Section 3D.04. The Advisory Board and Management. The JLN Birthing Center shall have an Advisory Board as its policy making body and shall recommend policies to the Sangguniang Panlungsod as well as to the Local Chief Executive who is also the Advisory Board and Management Chairman (Local Health Board Chairman) for the Clinic's further development and improvement. The Advisory Board shall be composed of the following:

- a. City Health Officer – Co-Chair (Local Health Board Co-Chair);
- b. Rural Health Physician of Pulung Cacutud RHU – Member;
- c. City Council Chairman, Committee on Health – Member,
- d. Head of the OB-Gyne Department of Ospital Ning Angeles – Member;
- e. Barangay Captain – Member;
- f. President/Head of Women's Organization in the Community – Member;
- g. City Social Welfare and Development Office – Member;
- h. Representative from Women's Organizations – Member;
- i. Representative from Community Youth Organizations – Member;
- j. Representative from Business Organizations – Member;
- k. Representative from 2 Non Government Organizations – Member;
- l. President of the Angeles City Medical Society – Member;
- m. Representative from DOH – CHD3 – Member;
- n. Representative from Philhealth – Member;
- o. Representative from USAID – PRISM – Member;

The JLN Birthing Center shall be managed by an Over-all Clinic Manager Coordinator who shall be a Doctor of Medicine or a Registered Midwife, with five (5) years experience and will be selected by the Personal Selection Board (PSB), duly authorized and accredited by the Advisory Board to manage and oversee the operations of the clinic through the recommendation of the City Health Officer. She shall be under the supervision of the Rural Health Physician. The duties and responsibilities of the Overall Clinic Manager Coordinator shall be as follows:

- a. Ensures the viability and sustainability of clinic operations for 24 hours;
- b. Promotes the MCH services offered by the clinic;
- c. Undergoes process of Philhealth accreditation as service provider if necessary;
- d. Ensures that the clinic's Philhealth accredited status is maintained;
- e. Provides MCH services to the clinic's clients;
- f. Recommends policies to the Advisory Board to address development concerns;
- g. Submits technical and financial report to the Advisory Board on a quarterly basis;
- h. Performs other tasks as may be designated by the City Health Officer when deemed necessary and related to the operations of the facility.

Section 3D.05. Creation of the Maternal and Child Health (MCH) Trust Fund. All revenues, sale of medicines and other commodities, and user fees derived from JLN Birthing Center, as well as donations accrued from public and private individuals, corporations, organizations, and local, national and international agencies made to the birthing center shall be allocated to the MCH Trust Fund. The Philhealth Maternal Package and Reproductive Health Package shall also be accrued to the MCH Trust Fund.

Section 3D.06. Use of MCH Trust Fund. In augmentation for the local health fund appropriated for the birthing facilities under the MCH Program of the City Health Office, shall be only used to support and / or subsidize the cost of center operations and maintenance such as honorariums and allowances for the Clinic Managers and Staff, repair and / or renovation of the center, cost of medicines and supplies, staff development and Advisory Board meetings and consultations. Provided, the Maternal Package and Reproductive Health Package shall be utilized in accordance to existing guidelines of Philhealth. Provided further the Advisory Board shall be made accountable in the use of the management of MCH Trust Fund and shall be made to submit and present the technical and financial report to the Sanggunian Panlungsod on an annual basis.

Section 3D.07. Implementing Rules and Regulations. The Advisory Board shall be required to formulate and develop the rules and regulations of this Ordinance one week after its effectivity.

Article E. THE IMPLEMENTING RULES AND REGULATIONS OF “ORDINANCE ESTABLISHING A MATERNAL AND CHILD HEALTH CARE AND BIRTHING FACILITY THAT SHALL BE NAMED JUANITA L. NEPOMUCENO BIRTHING CENTER AT THE FORMER EPZA RESETTLEMENT HOSPITAL OF BARANGAY PULUNG CACUTUD, ANGELES CITY AS PUBLIC/PRIVATE SOCIAL ENTERPRISE FOR DELIVERY OF QUALITY MATERNAL AND CHILD HEALTH PROGRAMS AND SERVICES, DEFINING ITS FUNCTIONS AND FOR OTHER PURPOSES THEREOF.”

Section 3E.01. RATIONALE. The partnership between the local government with the private sector in the operations and maintenance of an economically and financially viable and socially responsive birthing center for the delivery of quality and affordable maternal and child healthcare services in publicly owned health facilities will generate self-sustaining revenues for the local government. These generated revenues can be used to widen the access to health services that are critically needed at the local level. Hence, the need to formulate and implement the necessary Implementing Rules and Regulations (IRRs) that will guide the operations and maintenance of the abovementioned birthing center. The IRRs were thoroughly evaluated by the Members of the Advisory Board of the Juanita L. Nepomuceno Birthing Center, taking into consideration the various concerns and issues raised by various parties affected by these IRRs. After the conduct of meticulous assessments and consultations these IRRs are hereby issued accordingly.

Section 3E.02. AUTHORITY. These IRRs are issued to implement the provisions of the preceding ordinance (Article D) that specifically aims to effectively and efficiently operate and maintain the Juanita L. Nepomuceno Birthing Center as a Public-Private Social Enterprise.

Section 3E.03. PURPOSES. These IRRs are promulgated to promote the delivery of quality maternal and child health programs and services.

Section 3E.04. SCOPE. The IRRs embodied herein shall apply to all similar duly accredited birthing home centers that will be established in the City of Angeles – City Health Office under the Public/Private Partnership development milieu.

Section 3E.05. REGULATORY ENTITY. The City Government of Angeles, through the City Health Office shall be the principal regulatory entity that will oversee the implementation, monitoring and evaluation of these IRRs.

Section 3E.06. DECLARATION OF PRINCIPLES. The local government recognizes significance of public-private partnerships in the development and promotion of quality and responsive maternal and child healthcare program and services and adheres to the following principles:

- a. Public and private partnerships contribute significantly to the achievement of national health goals than working separately;
- b. The local government shall foster increased political will to reduce regulatory and legislative barriers that prevent midwives from entering private practice, and shall provide appropriate coordination support to the said midwives as they interfere with local and national health initiatives; and
- c. The establishment and development of coordinating mechanism between the public and private sectors via social enterprise shall encourage both sectors to share information and resources to sustain the delivery or quality maternal and child healthcare programs and services.

Section 3E.07. DEFINITION OF TERMS. For the purpose of these IRRs the terms below shall be defined as follows:

- a. Accreditation – A process whereby the qualifications and capabilities of health care providers are verified in accordance with the guidelines, standards and procedures set by the PhilHealth for the purpose of conferring upon them the privilege of participating in the National Health Insurance Program and assuring the health care services rendered by them are of the desired and expected quality.
- b. Birthing Center – A maternal and child healthcare service facility.
- c. Medical Staff – Personnel in the center that provide the actual medical and allied medical services to the patients like doctors, nurses, midwives, medical technologists and the like;
- d. Non-medical Staff – Personnel in the center that provide actual non-medical administrative and center support services;
- e. Public-Private Partnership – A partnership between the Local Government Unit (LGU) and stakeholders from the private sector whose aim is to operate an economically feasible and a socially responsive birthing home enterprise;
- f. Resource Mobilization – The ability to obtain technical and financial resources for the long-term sustainability of the birthing center, and
- g. Social Enterprise – The birthing home facility established using the public-private partnership investment modality whose aim is to generate sustainable revenue streams while promoting the delivery of quality maternal and child healthcare program and services.

Section 3E.08. SERVICES OF THE SOCIAL ENTERPRISE. The Birthing Center shall provide the following maternal and child healthcare services:

- a. Pre and Post Natal Services
- b. Normal Childbirth Delivery
- c. Immunization
- d. Development of Birthing Plan
- e. Maternal Nutrition
- f. Post partum Family Planning Counseling
- g. Breastfeeding Counseling and Management
- h. Newborn Screening
- i. Control of Diarrhea Diseases
- j. AIDS-HIV and STD Counseling and
- k. Health Referral Services

Section 3E.09. ADVISORY BOARD AND MANAGEMENT. The Birthing Center shall have an Advisory Board as its policy-making body. The Advisory Board shall recommend appropriate policies for the effective and efficient operations and maintenance of the facility to the Local Legislative Council (LLC) as well as to the Local Chief Executive (LCE) who is the advisory Board and Management Chairman (Local Health Board Chairman). It shall conduct a quarterly meeting for the assessment and effective management and operations of the birthing centers.

The Advisory Board shall be composed of the following:

- a. City Mayor – Chair (Local Health Board Chair)
- b. City Health Officer – Co-Chair (Local Health Board Co-Chair)
- c. Rural Health Physical (Rural Health Unit) – Member
- d. City Council Chairman of the Committee on Health – Member
- e. Head of the OB-GYNE Department of the Ospital Ning Angeles – Member
- f. Barangay Captain where the birthing center is situated – Member
- g. President/Head of the Women’s Organization in the Community – Member
- h. City Social Welfare and Development Officer – Member
- i. Representative from Sangguniang Kabataan where the birthing center is situated – Member
- j. Representative from Supporting Business Organizations – Member
- k. Representatives from two (2) Non-Government Organizations – Member
- l. President of the Angeles City Medical Society – Member
- m. Representative from DOH – CHD 3 – Member, and
- n. Representative from PhilHealth – Member

Section 3E.10. OVER-ALL CLINIC MANAGER-COORDINATOR. The Over-all Clinic Manager Coordinator must be a Doctor of Medicine or a Registered Midwife with five (5) years of experience in maternal and child healthcare programs and services. Preference shall be given to those with actual experience in health facility management. Familiarity with PhilHealth guidelines and the possession of resource mobilization skills would be added advantages in the selection and hiring/designating of the Over-All Clinic Manager-Coordinator. The City Health Officer may act as the concurrent Over-All Clinic Manager-Coordinator of the Juanita L. Nepomuceno Birthing Center of the City, who shall be authorized by the Chair of the Advisory Board to manage and oversee the effective and efficient operations and maintenance of the birthing center. He or she may designate the Rural Health Physician (RHP) as a Clinic Manager.

The Over-All Clinic Manager-Coordinator will be assisted by the RHP and/or the Rural Health Midwife Provider, an Administrative and a Finance Officer in the dispensation of executive duties and responsibilities. The following are the duties and responsibilities of the Over-All Clinic-Manager Coordinator:

- a. Ensures the economic and financial viability and social responsiveness of the birthing center's operation;
- b. Ensures the promotion and delivery of quality maternal and child healthcare services offered by the birthing center;
- c. Undergoes the process of PhilHealth accreditation as a service provider;
- d. Ensures that the Center's PhilHealth accredited status maintained;
- e. Oversees and/or provides maternal and child healthcare services to the Center's patients;
- f. Develops and enforces a quality assurance monitoring and evaluation plan that places focus on, among other indicators, the lowering of maternal and infant mortalities;
- g. Develops, implements, monitors and evaluates a results-based marketing plan that includes the following marketing or rationalized portfolio offerings; adoption of market-sensitive pricing schemes; and the use of appropriate promotional and market linkages tactics and strategies;
- h. Ensures the availability of quality / technical linkages;
- i. Synchronizes the deployment of public and private medical professionals in order to ensure the availability of quality services in the birthing center;
- j. Plans and organizes human resource development programs;
- k. Mobilizes alternative revenue and funding sources and diversities investment portfolios;
- l. Recommends policies, plans and strategies to the Advisory Board to address institutional development concerns;
- m. Submits technical and financial reports to the Advisory Board on a quarterly basis; and
- n. Performs other tasks as may be assigned by the City Mayor/City Health Officer when deemed necessary and related to the operations and maintenance of the facility.

Section 3E.11. EXPANDED COVERAGE OF THE PHILHEALTH MATERNITY CARE PACKAGE. This package covers the following services: prenatal care, delivery, postpartum care and family planning. The following are the inclusions and exclusions of the said coverage:

- a. Inclusions:
 - a.1. Coverage of normal spontaneous deliveries to the first four (4) births;
 - a.2. Coverage applies only to normal and uncomplicated vaginal deliveries;
 - a.3. The first prenatal visits of patients must not exceed the sixteen (16) weeks age of gestation. Patients who do not satisfy this criterion should be referred to accredited hospitals to qualify for the normal spontaneous delivery package; and
 - a.4. Normal birth is characterized by the following: spontaneous onset of labor, low risk at the start of labor, throughout labor and delivery; infant in vertex position, and thirty-seven (37) to forty-two (42) weeks of completed pregnancy.

b. Exclusions:

- b.1. Deliveries of the 5th and subsequent births;
- b.2. Pregnancies resulting to abortions;
- b.3. Maternal age under nineteen (19) years old;
- b.4. First pregnancy of patients aged thirty-five (35) years and older;
- b.5. Multiple pregnancies
- b.6. Ovarian abnormality (i.e., ovarian cyst);
- b.7. Uterine abnormality (i.e., myoma uteri);
- b.8. Placental abnormality (i.e., placenta previa);
- b.9. Abnormal fetal presentations (i.e., breech);
- b.10. History of three (3) or more miscarriages/abortions;
- b.11. History of one (1) stillbirth;
- b.12. History of major obstetric and/or gynecologic operations' (i.e. Cesarean births and uterine myomectomy);
- b.13. History of medical conditions (i.e., hypertension, pre-eclampsia, eclampsia, heart disease, diabetes, thyroid disorder, morbid obesity, moderate to severe asthma, epilepsy, renal disease and bleeding disorders); and
- b.14. Other risk factors that may arise during pregnancy (i.e., premature contractions and vaginal bleeding) that warrant referrals to further management.

Section 3E.12. NEWBORN CARE PACKAGE. This package can be availed by any qualified PhilHealth dependent from any PhilHealth certified newborn screening facility. Qualified dependents include babies delivered via Cesarean section, breech extraction or vaginal deliveries. The PhilHealth claim for this package is independent from the mother's claim for delivery. Babies of 5th and subsequent premium for dependents of employed and individually paying members is three (3) months of contribution within the immediate six (6) months prior to delivery. Newborn screening test, BCG and Hepatitis B immunization may be given on an outpatient basis since normal newborn babies can be sent home as soon as possible.

Section 3E.13. MATERNAL AND CHILD HEALTH CARE TRUST FUND.

All revenues, sale of medicines and commodities and user fees derived from the operations of the center, as well as donations obtained from public and private individuals, organizations and corporations, both foreign and domestic, shall be placed in the Maternal and Child Healthcare Trust Fund. The claims from PhilHealth's maternal and child healthcare package and all applicable packages shall also be placed in the said trust fund. Said fund is a special account in the Local Treasury that has its own and distinct book of accounts and/or ledger to facilitate effective and efficient collection, placement and disbursement of revenues, claims, donations and similar financial resources based on generally accepted accounting principles and auditing policies and practices of local governments and that of the Commission on Audit for the exclusive benefit of the Center's operations and maintenance. The said fund shall be deposited in a reputable and accredited government depository bank under a special trust account whose authorized signatories are the Chair and Co-Chair of the Advisory Board. Said signatories shall be authorized to deposit, to withdraw from and/or invest the said fund based on the work and financial plans approved by the Advisory Board. The allocation, disbursements and uses of the said trust fund, in addition to the local health fund that will be appropriated for birthing home center under the maternal and child healthcare programs of the City Health Office, shall be based on the following:

- a. Improvement of the Center and its Service Offerings – About sixty percent (60%) of the said trust fund shall be used to improve the center and its service offerings. This will included among others, the following: repair, maintenance and/or upgrading of facilities and equipment; purchase of medicines and related commodities, purchase of supplies, articles and related operating requirements; and provision of human resource development and manpower support; and

- b. Remuneration of the Advisory Board Members, Over-All Clinic Managerial Coordinator, Medical and Non-Medical Staff, about forty percent (40%) of the said trust fund shall be used to remunerate the board members officers, medical and non-medical staff of the center based on the following rates:
 - b.1. Five percent (5%) of the said amount shall be used to provide the honoraria of the members of the Advisory Board that will be distributed equally among the said members as recommended by the Co-Chair and approved by the Chair;
 - b.2. Five percent (5%) of the said amount shall be used to remunerate the Over-All Clinic Manager Coordinator;
 - b.3. Thirty-five percent (35%) of the said amount shall be used to provide the professional fee of the doctor, nurse or midwife who actually acted as the main provider of the health services;
 - b.4. Fifteen percent (15%) of the said amount shall be used to provide professional fees of the medical personnel who assisted in the delivery of health services;
 - b.5. Thirty percent (30%) of the said amount shall be used to provide the professional fees of the backroom medical and non-medical support staff of the center; and
 - b.6. Ten percent (10%) of the said amount shall be treated as retained surplus whose amount can be invested in relatively safe investment instruments such as bonds, money market funds and similar less speculative investment vehicles.

- c. As a general rule, the collection, placement, allocation, disbursement and use of the said fund shall follow the generally accepted accounting and auditing policies and practices of local governments and that of the Commission on Audit. Since the actual financial conditions of the center may vary from time to time and that since the backroom medical and non-medical support staff of the center personnel have varying skills sets and compensation packages, the actual apportionment and distribution of the said amounts mentioned above can be determined and re-adjusted by the Fund Management Committee (FMC) of the Advisory Board on the annual basis based on the work and financial plans of the center and issue the applicable memorandum or circulars on the same. Said work and financial plans are formulated by the Advisory Board Management and Unit Heads of the center on an annual basis. The said committee shall oversee the effective and efficient collection, placement, allocation, disbursement, use and management of the said fund and shall submit the necessary financial reports to the Advisory Board. Said reports will be submitted by the Board to the Local Legislative Council on an annual basis.

Section 3E.14. MANPOWER REQUIREMENTS. In addition to the appointment of the Over-All Clinic Manager-Coordinator, the Advisory Board, through its Personnel Selection Committee shall appoint the other medical and non-medical personnel needed by the center. The medical staff will include, among others the following medical doctors, registered nurses, registered midwives, center attendants, medical technologists and similar medical professionals. The non-medical staff will include among others, the following: administrative and finance officer, bookkeeper, cash clerk, records clerk, social worker, driver, janitors and similar non-medical professionals. The appointments and compensation of regular, casual and/or outsourced personnel shall be governed by applicable provisions of the Civil Service law, Local Government Code and pertinent guidelines on government hiring, procurement and compensation policies and programs.

Section 3E.15. BUDGET. The budget for the operations and maintenance of the center shall come from the following: local health fund that will be appropriated for birthing home center under the maternal and child healthcare programs of the City Health Office and similar appropriations provided for the Annual Budget of the Local Government subject to the approval of the Local Legislative Council. The financial resources that can be obtained from the trust fund shall augment the financial requirements needed for the operations and maintenance of the said center.

Section 3E.16. ALTERNATIVE FINANCING SOURCES. In addition to the budget appropriated by the local government and the financial resources from the trust fund to support the operation and maintenance of the center, the following options shall be explored and undertaken:

- a. Obtain technical and financial grant assistance from international organizations through Official Development Assistance (ODA) facilities;
- b. Enter into working relations with non-government and private volunteer development organizations for the purpose of accessing and obtaining financial donations that will subsidize the cost of the center's operations and maintenance;
- c. Enter into management contracting arrangements with private sector companies where the operations and maintenance costs of the centers are at the account of the said companies, and where said partnership shall benefit from profit-sharing arrangements;
- d. Charge and collect a Maternity Care Packages Series rendered to the clients and patients of the facility according to duly prescribed and approved guidelines for the following categories:
 - d.1. Private Paying Clients/Patients with PhilHealth Members
 - d.2. Private Paying Clients/Non-PhilHealth Members
 - d.3. Duly Certified Indigent Patients without PhilHealth
 - d.4. Duly Certified Indigent Patients with PhilHealth
 - d.5. Other categories as will be specified and recommended by the Advisory Board

Article F. ESTABLISHING AN INTEGRATED AND SUSTAINABLE ANGELES CITY FAMILY PLANNING, TUBERCULOSIS (TB) PREVENTION AND CONTROL, VITAMIN A SUPPLEMENTATION, AND HIV/AIDS PREVENTION AND CONTROL PROGRAM CREATING THE IMPLEMENTING MECHANISMS THEREFORE, AND PROVIDING FUNDS FOR THE PURPOSE.

Section 3F.01. TITLE – This Ordinance shall be known as the “**Sustainable Angeles City Integrated Health Program on Family Planning, TB Control, Vitamin A Supplementation, and HIV/AIDS Prevention and Control.**”

Section 3F.02. OBJECTIVES – In order to respond to the health care needs of the people of Angeles City and as provided for by the LGC of 1991 and other laws enacted, the following objectives are being sought:

- a. That the City Government shall ensure availability of contraceptive supplies and become the local guarantor of overall contraceptive availability, assure sufficient supply of free contraceptive for all especially the indigent users and promote expansion of commercial sources of contraceptives.
- b. That the City Government under this program shall provide for the TB medications of patients under Category III and those with adverse reactions under Category I and II.
- c. That the City Government shall purchase Vitamin A capsules for use routinely on sick children, pregnant and lactating mothers and children aged 6 months to 71 months in the event that the Department of Health ceases to provide for the universal Vitamin A Supplementation Program.
- d. That the City Government shall provide prevention, education and surveillance services among the most-at-risk groups regarding prevention and control of HIV/AIDS.

Section 3F.03. DEFINITION OF TERMS – As used in this ordinance, the following terms shall mean:

- a. Sustainable – refers to a condition of the health service delivery system that will enable people to enjoy long, health and productive lives, affording them to gain continuous access to health services and information;
- b. Integrated Health Programs – refers to the condition when all health programs are viewed as parts of the total and comprehensive health program of the government and not as unique and independent health programs.
- c. Unmet needs for Family Planning – refers to women and men of reproductive age who want to limit or space their number of children but have no access to family planning services or information.
- d. Family Planning – a means or a health intervention to help couples and individuals to decide freely and responsibility the number and spacing of their children,; it also includes the array of safe and effective methods, techniques and devices (excluding abortion) which couples and individuals can choose from to achieve their desired fertility;
- e. Tuberculosis – an infectious disease caused by bacteria (mycobacterium tuberculosis) that is transmitted through the air when a TB patient coughs or sneezes.

- f. Vitamin A - a fat soluble vitamin which is given to high risk children and which helps re-establish body reserves drained by chronic or repeated infections disease and to pregnant and lactating women to elevate concentration of Vitamin A in breast milk needed by the breastfed child.
- g. AIDS – is an acronym that means “Acquired Immune Deficiency Syndrome”; it is a condition characterized by a combination of signs and symptoms, caused by Human Immunodeficiency Virus (HIV) contracted from another person and which attacks and weakens the body immune system, making the afflicted individual susceptible to other life threatening infections.
- h. HIV – is an acronym that means Human Immunodeficiency Virus; it is the virus, which causes AIDS
- i. Category I – refers to TB patients who are new smear positive, new seriously ill smear negative but with X-Ray findings consistent with TB and seriously ill extra-pulmonary TB.
- j. Category II – refers to TB patients categorized as relapse, treatment failure or treatment after default. This is also known as “re-treatment regimen.”
- k. Category III – refers to TB patients who are new smear negative but with minimal pulmonary TB on radiography and new extra-pulmonary TB with less extensive lesions;
- l. Category I and II with Adverse Reactions – TB patients under Category I and II who developed reactions to the Fixed Dose Combination (FDC) which is what is given to these categories and which must be provided therefore with Single Drug Formulation (SDF).

Section 3F.04. FAMILY PLANNING PROGRAM – It is a health program of the government that enables couples and individuals to decide freely and responsibly the number and spacing of their children; to have the information and means to carry out their decisions; and to have informed choice and access to a full range of safe and effective family planning methods, techniques and devices excluding abortion.

Family Planning Program of the City Government shall seek to contribute to the reduction of unmet needs for family planning by making available and accessible all the information and services including commodities on the natural and artificial methods of family planning to women and men of reproductive age, especially the indigents. It shall also make available and accessible all the information and services on voluntary surgical sterilization for men and women who decide on limiting the size of their families in pursuit of a better life.

The Family Planning Program shall be implemented in all the health facilities of the city which include the Rural Health Units and Barangay Health Stations in all barangays, and the Ospital Ning Angeles (ONA).

Section 3F.05. THE FAMILY PLANNING COORDINATOR – The Program shall be coordinated by a Family Planning Coordinator who shall be designated and supervised by the City Health Officer. The FP Coordinator shall perform the following duties and responsibilities:

- a. Coordinates, plans, monitors, and evaluates the family planning program activities of the City.
- b. Mobilizes available resources for the family planning activities.
- c. Supervises respective health workers to ensure the proper implementation of the family planning policies, programs and activities.
- d. Ensures the availability of contraceptive supplies in all the health facilities for the access of family planning users and new acceptors.

- e. Ensures the provision of continuous capability building activities for the health service providers to enhance their knowledge and skills on family planning.
- f. Maintains an operational health information system such as the Community Based Information System (CBMIS) for effective program management, supervision, monitoring and evaluation.
- g. Gathers, consolidates, prepares and submits reports on family planning to the concerned local officials, and government agencies.

Section 3F.06. THE TB PREVENTION AND CONTROL PROGRAM – The TB Prevention and Control Program shall ensure that the diagnostic treatment and information services are efficiently delivered to the people of Angeles City through:

- a. Provision of sufficient supplies such as laboratory reagents, sputum cups, and slides for diagnosis; recording and reporting forms for monitoring and inventory of supplies and medicines; and IEC materials for health education campaigns.
- b. Provision of capability building activities for microscopists and other personnel concerned with case finding and detections.
- c. Procurement of anti-TB drugs especially for Category III patients and Category I and II with adverse reactions.
- d. Maintenance of an operational health information system such as CBMIS, TB Registry and FHSIS for effective program management, supervision, monitoring and evaluation.

Section 3F.07. THE NATIONAL TB PROGRAM (NTP) COORDINATOR – The Program shall be coordinated by a Medical NTP Coordinator who shall be designated and supervised by the City Health Officer: The Medical NTP Coordinator, assisted by a Nurse TB Coordinator, shall perform the following duties and responsibilities:

- a. Coordinates all NTP-related activities of the City;
- b. Organizes, plans, monitors and evaluates the implementation of the NTP;
- c. Utilizes available resources in the area for TB control activities;
- d. Supervises respective health workers to ensure the proper implementation of NTP policies such as:
 - d.1. Identification and examination of TB cases
 - d.2. Implementation of case holding mechanism such as Directly Observed Treatment Short Course (DOTS) or “Tutok Gamutan”
 - d.3. Submission of the quarterly and annual reports to the City Health Officer and analyze them for future planning
 - d.4. Referral of TB cases to the other health facilities
 - d.5. Ensures availability of NTP drugs and supplies
 - d.6. Ensures continuous health education on the NTP Program and encourage family and community participation in TB control.
- e. Attend to all referred TB patients with adverse reactions and multi-drug resistance for clinical assessment, prescription of appropriate treatment regimen and management.

Section 3F.08. THE VITAMIN A SUPPLEMENTATION PROGRAM – The Vitamin A Supplementation Program shall provide the following services and Vitamin A capsules (VAC) to the children, pregnant and lactating mothers of Angeles City:

- a. The bi-annual universal provision of VAC to children aged 6 to 71 months in the event that supply from DOH is no longer available.
- b. The routine provision of VAC in appropriate dosages to sick children seen in the RHUs (sick of measles, chronic diarrhea, malnutrition and pneumonia).
- c. The provision of VAC to pregnant and lactating mothers in the appropriate dosages.
- d. Provisions of records of above using the new forms developed by Angeles City and inventory of supplies.

Section 3F.09. THE VITAMIN A SUPPLEMENTATION COORDINATOR – the program shall be coordinated by a Nutrition Program Coordinator who shall be designated by the Local Chief Executive and who is under the supervision of the City Health Officer II. The Nutrition Program Coordinator shall perform the following duties:

- a. Organizes, plans and evaluates the Vitamin A Supplementation Program
- b. Utilizes available resources in the area for Vitamin A supplementation activities.
- c. Supervises respective health workers to ensure the proper implementation of Vitamin A policies such as:
 - c.1. Giving appropriate doses to the target clients;
 - c.2. Keeping record of Vitamin A capsules dispensed according to age and disease;
 - c.3. Submission of quarterly and annual reports to the CHO and analysis for future planning;
 - c.4. Ensuring availability of Vitamin A capsules;
- d. Ensures that all diagnosed cases of Vitamin A deficiencies are referred for clinical assessment and appropriate treatment;
- e. Ensures continuous health education to all regarding Vitamin A deficiency and encourage family and community participation in the prevention of this deficiency;
- f. Coordinates with the Rural Health Physicians and Public Health Nurses regarding monitoring and evaluation of the program

Section 3F.10. HIV/AIDS PROGRAM – this includes for the purpose of completeness but this program will follow the provisions in the existing Angeles City HIV/AIDS Ordinance including funding provisions.

Section 3F.11. INSTITUTIONALIZATION OF A COMMUNITY BASED MONITORING AND INFORMATION SYSTEM (CBMIS) – The Community-Based Monitoring and Information System (CBMIS) is a system that allows the health service providers to track down women and children with unmet needs for family planning, TB, and Vitamin A supplementation services or those who do not avail or access appropriate health services. It also allows health service providers to undertake appropriate measures to respond to the needs of these clients. It is also a useful tool for planning health programs.

The network of volunteer health workers composed of the Barangay Health Workers and Barangay Service Point Officers shall be mobilized to update regularly on a quarterly basis the CBMIS under supervision of their respective Rural Health Midwives and City Population Workers. The Family Planning Coordinator shall be responsible for the over-all coordination of the CBMIS and the submission of respective reports to the family Planning, NTP and Nutrition Programs Coordinators.

Section 3F.12. COMMODITIES PROCUREMENT – It shall be the responsibility of the City to follow the existing procurement procedures pursuant to Republic Act 9184.

Section 3F.13. BARANGAY PARTICIPATION – The Barangay shall encourage to participate in the implementation of Family Planning, TB Prevention and Control and Vitamin A Supplementation Programs by:

- a. Involving them in the planning and implementation of Family Planning, TB prevention and Control, Vitamin A Supplementation and HIV/AIDS Programs;
- b. Encouraging them to appropriate to the necessary funding requirements for FP commodities, TB drugs and Vitamin A capsules and for other related health activities.

Section 3F.14. CIVIL SOCIETY PARTICIPATION – The City Government shall encourage the participation of People's Organizations, Non-government Organizations and the Private Sectors in the implementation and maintenance of the Family Planning, TB Prevention and Control, Vitamin A Supplementation and HIV/AIDS Programs.

Section 3F.15. FUNDING RESOURCES – For the attainment of the objectives of this ordinance, the Angeles City Government shall appropriate at least twenty percent (20%) of its annual Gender and Development Fund and Supplementation Budgets for the implementation of the provisions hereof.

Section 3F.16. IMPLEMENTING RULES AND REGULATIONS – The Implementing Rules and Regulations (IRR) Committee shall promulgate the rules and regulations to carry out the provisions of this Ordinance in consultation with the Local Chief Executive and Sangguniang Panlungsod. It shall be composed of the Members of the Technical Working Group involved in the process of drafting the Ordinances and led by the following Offices: City Health, Budget, Accounting, Treasurer, Legal, Planning and General Services.

CHAPTER 4

CHILD WELFARE CODE

Article A. AN ORDINANCE PROVIDING FOR CHILD SURVIVAL DEVELOPMENT, PROTECTION AND PARTICIPATION, AND ESTABLISHING A COMPREHENSIVE CHILDREN SUPPORT SYSTEM IN ANGELES CITY AND FOR OTHER PURPOSES.

TITLE, POLICY, PRINCIPLES AND DEFINITION OF TERMS

SECTION 4A.01. This ordinance shall be known as “Child Welfare Code of Angeles City.”

SECTION 4A.02. DECLARATION OF PRINCIPLES AND POLICIES. Angeles City is hereby declared a Child Friendly City. As such, it is the policy of the City Government that the rights of development of their potentials must be given priority. It shall support the role of the family providing for children and promote the efforts of parents, other child care and development workers, Pos and NGOs and communities to nurture and care for children, from infancy, especially during the earliest stages of childhood, up to adolescence. Consistent herewith the City Government shall endeavor to strengthen the establishment of comprehensive children family support system in the entire city and enjoin all the efforts of both the public. The POs and NGOs and the private sector to achieve the goals for the protection, participation and development of children.

Furthermore, it shall ensure that all programs aimed at achieving the goals for the survival, protection, participation and development of children are given priority when resources are allocated, thus exerting all efforts to ascertain that these programs are protected in times of economic austerity and structural adjustments.

SECTION 4A.03. DEFINITION OF TERMS

- a. *Children* – refer to persons below eighteen (18) years of age; or these 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;
- b. *Survival Rights*- refers to dealing with provision in relation to parental and government duties and liabilities, adequate living standard and access to basic health and health services and social security.
- c. *Development Rights*- pertains to the access of a child to education, opportunities, access to relevant information, play leisure, cultural activities and the right to freedom of thought conscience and religion;
- d. *Protection Rights* – covers those which guard children against all forms of child abuse, exploitation and discrimination in major areas where a child is considered in an extremely difficult circumstances;
- e. *Participation Rights* – includes the child’s freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and to freedom of association;

- f. *Circumstances which gravely threaten or endanger the survival and normal development of children which include, but are not limited to the following:*
 - f.1. Working under conditions hazardous to life, safety and morals, which unduly interfere with their normal development or working without provision for their education;
 - f.2. Living in or finding for themselves in the streets of urban and rural areas without the care of parents or guardians or any adult supervision needed for their welfare;
 - f.3. Being a member of indigenous cultural community and/or living under conditions of extreme poverty or in an area which is undeveloped and/or lack or has inadequate access to basic services needed for a good quality of life;
 - f.4. 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;
 - f.5. Being a victim of man-made or natural disasters or calamity;
 - f.6. Being a victim of an illegal transnational organization; or child trafficking;
 - f.7. Circumstances analogous to those above stated which endanger the life, safety or normal development of children;

- g. *Anti-Social Related Activities* – refers to those acts against property, chastity and person which include but not limited to the following:
 - g.1. Petty crimes such as snatching, shoplifting, misrepresentation;
 - g.2. Using and pushing prohibited drugs, selling illegal or lewd reading materials;
 - g.3. Pimping for young and old prostitutes, doing or participating in obscene shows;
 - g.4. Gambling of any form;
 - g.5. Rape and incest;
 - g.6. Unjust and inhumane manner of eviction and demolition; and
 - g.7. Any other circumstances as defined in the existing laws.

- h. *Benefit Dance* – refers to an exploitative dance promoted in the locality wherein young girls and boys who are tagged as benefit dances with any partner upon payment of certain price.

- i. *Culturally Relevant Activities* – refers to activities showcasing the Filipino Culture and tradition such as but not limited to the following:
 - 1. Ethnic dances;
 - 2. Historical drama;
 - 3. Folk dances
 - 4. Others

- j. *Pre-school education* – refers to the age from birth up to six years of age (0-6) and known to be the critical phases of the child’s psychomotor development. It is the phase when ninety percent (90%) of the human brain is developed. It is therefore the phase when activities for developmental stimulation for children must be provided, hence, the need for early childhood care and development program.

SURVIVAL AND DEVELOPMENT RIGHTS OF CHILDREN

Section 4A.04. UNDER FIVE PROGRAM FRAMEWORK. The City Government shall ensure to the maximum extent possible the survival and development of the child. The early Childhood Care and Development Program coupled with Parents Effectiveness Service Program on child survival and development shall include the following, among others:

a. DAY CARE SERVICE PROGRAM. The City Government shall develop, implement, and sustain its Day Care Service Program, which is population and community based. The day care centers, which shall serve 4 to 5 years old children, shall be set-up in every barangay, the number of which shall depend on the population level of the community. The Manual on Day Care Service Program developed for the City of Angeles shall form part of the rules and regulations and implementing guidelines of the Day Care Service Program of the City Government.

b. CHILD MINDING SERVICE PROGRAM. the City Government shall develop, implement and sustain a Child Minding Service Program for the care of 0 to 2 years old children of working parents during the day, provide, the child minding service program need not take care of the children in a particular place but shall develop network of homes where adults may take care of the children with adequate supervision of a Social Welfare Officer of the City Social Welfare and Development Office; provided further, that where young children are left to the care of paid domestic, an elderly relative or older children without adequate and competent adult supervision, the City Social Welfare and Development Office shall furnish such training and adult supervision until the children care meets adequate standards whereby the children under their care will develop normally healthy, happy and loved children even in the absence of their parents during working hours. The City Social Welfare and Development Office, in coordination with institutions dealing with under six years-old children, shall develop an manual for this service to augment the manual development for the Day Care Service Program.

Section 4A.05: PRIMARY HEALTH CARE PROGRAM FRAMEWORK. The City Government shall implement and sustain the Primary Health Care Program to primarily cater to children. To further ensure the implementation of this Section it shall act appropriately to support the program on under the framework of primary health and preventive care:

a. MATERNAL AND CHILD PROGRAM. The City Government shall continue to implement and support its maternal and childcare service program shall cater to the health of the mother, which affects the child in the womb with the end in view of delivering a healthy baby. The program on preventive child care and health services will include, among others, the monitoring and registration of births and the completion of the immunization series for prevention of tuberculosis, diphtheria, pertussis, neonatal tetanus, measles, poliomyelitis, hepatitis B and hepatitis C and such other diseases for which vaccines have been developed for administration to children up to five years of age.

b. CHILD PATIENT OF INDIGENT PARENTS. The City Government shall ensure the availment of the hospital's indigent fund by a child patient of indigent parents needing the professional services of a private doctor/specialist to be cured of his ailments, subject to the recommendation of the Department of Social Welfare (DSWD) after ensuring the availability of funds for such purpose. The City Government shall allocate Php 1,000,000.00 to Ospital Ning Angeles, exclusively for this purpose.

Section 4A.06. FAMILY AND COMMUNITY WELFARE AND SUPPORT SYSTEM. The City Government shall implement and sustain a Family and Community Support System for children. To further ensure the implementation of this Section, it shall act appropriately o support the program on family and community welfare and development framework.

There shall be an established Comprehensive Family and Community Welfare and Development Program which shall include courses and services on reproductive health, child health and child rearing practices, parent effectiveness, pre-marriage and marriage counseling, responsible parenthood, among others, in the context of Filipino psychology. This shall also include courses and services in community organizing such as the social preparation for people's participation, community volunteer resource development and social welfare structure development, among others. The following programs shall form part of this comprehensive Family and Community Welfare Program, which this Government shall zealously support:

- a. *CHILD AND YOUTH WELFARE PROGRAM.* The City Government shall establish and support a Comprehensive Child and Youth Welfare and Development Program, which shall include the services such as peer group service, community based services for street children, community based services for delinquent youth, and services for children in especially difficult circumstances, among others.
- b. *WOMEN WELFARE PROGRAM.* The City Government shall recognize the role of women in the formation of the society as well as the child; hence, it shall establish and support the Women Welfare and Development Program which shall include courses and services such as self-enhancement skills development, maternal and child care, skills training for employment and livelihood support, among others.
- c. *NUTRITION PROGRAM.* The City Government shall establish and sustain a growth and nutritional monitoring with nutritional feeding supervision of nutritional intake of children at home and in school. This program shall be under the administration and supervision of the City Nutrition office. The program on nutrition shall include monitoring and evaluation system which shall be established by the said office.

Section 4A.07. COMMUNITY SUPPORT SYSTEM. There shall be established a comprehensive community support system for the survival and development, protection, security and participation of children in Angeles City. The community support system and structures shall be the Angeles City Child Welfare Council, the Barangay Council for the Protection of Children, among others.

- a. *THE ANGELES CITY CHILD WELFARE COUNCIL, ITS MEMBERSHIP AND FUNCTIONS.* The Angeles City Child Welfare Council is hereby institutionalized. The Angeles City Council for the Welfare of Children shall become the Consultative Assembly of Angeles City for its periodic planning and programming, assessment and evaluation. It shall act as a regulatory body for operations of all existing programs and projects designed for children.
- b. *MEMBERSHIP OF THE ANGELES CITY CHILD WELFARE COUNCIL.* In consonance with the revised guidelines issued by the National Child Welfare Council, the Angeles City Children Welfare Council shall be composed of the following:
 1. Mayor
 2. Chairman, Sangguniang Committee on Social Services and Commission on Rights of Children
 3. City Planning and Development Coordinator
 4. City Civil Registrar
 5. City Social Welfare and Development Officer
 6. City Health Officer
 7. City Agriculturist
 8. City School Division Superintendent
 9. City Prosecutor
 10. Six (6) NGO Representatives that Advocate Children's Rights and Welfare

11. City Federation of SK Presidents- SK Representative to SP
12. ABC President
13. A Member of the Local Finance Committee
14. City Local Government Operations Officer
15. People's Organization Representative
16. Department Head of City Population and Management Office
17. Department of Labor and Employment
18. Philippine National Police and Children Protection Desk
19. City Engineer's Office
20. City Nutrition Office
21. Director, Ospital Ning Angeles

c. *FUNCTIONS OF THE ANGELES CITY CHILD WELFARE COUNCIL.* The following shall be the functions of the Angeles City Child Welfare Council:

1. Formulate city plan of action for children; incorporating projects and programs needing assistance by the barangays; and ensure its integration into the city development plan,
2. Monitor and evaluate the implementation of the city and barangay action plan for children;
3. Submit quarterly status report on the plan implementation to the Regional Child Welfare Council through the City Planning and Development Office;
4. Promptly address issues and concerns affecting children and youth;
5. Advocate for the passage of relevant child youth protective ordinances;
6. Advocate for the increased support and resource allocation for the children's program and projects;
7. Provide technical assistance to the community-based front-line workers through conduct of capability building and human resources development activities, and ;
8. Prepare contingency measures to protect children and their families in crisis situation brought about by natural man-made calamities;
9. Ensure the proper implementation of this Ordinance

d. *CREATION OF COMMUNITIES BY THE COUNCIL.* The Council shall create Committees which it may deem appropriate and necessary whose leadership shall be held by the regular mandated members of the Council for the purpose of furthering its functions.

e. *SECRETARIAT SUPPORT.* The Secretariat support shall be lodged in the City Social Welfare and Development Office and shall be responsible for the documentation of proceedings and meetings and preparation of reports and other necessary documents needed by the Committee and the Angeles City Child Welfare Council. There shall be an Officer-in-Charge/Executive Director and Staffs that ensure the monitoring and implementation of this ordinance.

f. *HONORARIUM FOR SECRETARIAT.* The Council members shall be authorized to receive honoraria in connection with respective functions. The rates for their honoraria shall be based and in consonance with the present guidelines issued by the Commission on Audit and/or the Government Accounting and Auditing Manual.

g. *HONORARIUM FOR SECRETARIAT.* The Council members shall be authorized to receive honoraria in connection with respective functions. The rates for their honoraria shall be based and in consonance with the pertinent guidelines issued by the Commission on Audit and/ or the Government Accounting and Auditing Manual.

- h. *THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN, ITS COMPOSITION, MEMBERS AND FUNCTIONS.* These shall be created a Barangay Council for the Protection of Children (BCPC) in every barangay in Angeles City. The Barangay Captains of the respective barangays are hereby mandated to spearhead the creation and strengthening of the said Council with the support of the Angeles City Welfare Council, City Social Welfare and Development Office and the Department of Interior and Local Government and other concerned government and non- government agencies in the area.
- i. *COMPOSITON OF BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN.* The membership if the respective BCPC's shall be taken from the responsible members of the community including a representative of the youth, as well as the representatives of government and private agencies concerned with the welfare of children and youth whose area of assignment includes the particular barangay. The membership shall be on purely voluntary basis.
- j. *POWERS AND FUNCTIONS OF THE BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN.* The following shall be the functions of the Barangay Council for the Protection of Children in each respective barangay;
1. Foster education of every child in the barangay;
 2. Encourage the proper performance of parents, and provide learning opportunities on the adequate rearing of children and on positive parent- child relationships;
 3. Protect and assist abandoned, maltreated and abused children and monitor cases filed against child abuser and report the same;
 4. Protect working children from abuse and exploitation;
 5. Take steps to prevent juvenile delinquency and assist parents and children with behavioral problems so that they can get expert advice;
 6. Adopt measures for the promotion of good health and nutrition status of children;
 7. Promote the opening and maintenance of playground and day care centers and other services that are necessary for child and youth welfare;
 8. Coordinate the activities of organization devoted for the welfare of children and secure their cooperation;
 9. Promote wholesome entertainment in the community especially in the moving houses;
 10. Assist parents whenever necessary in securing expert guidance counseling from proper governmental or private agencies;
 11. Advocate for the passage of barangay and city plan of actions for children which addresses the needs of children in the community and ensure its integration into the Barangay Development Plan and implementation by the barangay;
 12. Submit quarterly barangay accomplishment report of the implementation of the plan to the Angeles City Child Welfare Council; and
 13. Arrest any individual who is actually committing, about the committed an offence against the person of any minor.
- k. *BARANGAY APPROPRIATION FOR B.C.P.C.* Each Barangay shall regularly appropriate funds of not less than 3% from its annual and/or supplemental budgets to support the administrative and operational needs of the Barangay Council for the Protection of Children.

Section 4A.08. INSTITUTIONALIZATION OF FOSTER HOMES FOR CHILDREN. The City Government, in its effort to establish a community-based strategy for the protection of children, shall endeavor to institutionalize the foster homes for children with the technical assistance and supervision of the Department of Social Welfare and Development Field Office. In coordination with and technical assistance of the Department of Social Welfare and Development, the City Social Welfare and Development (CSWD). The CSWD shall promulgate the implementing rules and regulations of this section as soon as this ordinance has been approved.

Section 4A.09. PROVISION FOR THE STRICT IMPLEMENTATION OF ASIN LAW IN ANGELES CITY. The City Government shall ensure the strict implementation of RA 8172, otherwise known as “An Act Promoting Salt Iodination Nationwide” A Committee created by the Angeles City Child Welfare Council shall be tasked to supervise the implementation of the said law. Any person who is found to have violated this provision shall be penalized in the following manner after due proceeding by the court of justice having jurisdiction of such offence:

FIRST OFFENSE: a fine of One Thousand Pesos (PhP 1,000.00) plus Three (3) Months Imprisonment;

SECOND OFFENSE: a fine of Three Thousand Pesos (PhP 3,000.00) plus Six (6) Months Imprisonment;

THIRD OFFENSE: a fine of Five Thousand Pesos (PhP 5,000.00) plus One (1) Year Imprisonment provided that the penalty for the third offence shall be in addition to the revocation of the offender’s license to operate and provided further that in all cases where the subject matter of the offense is a prohibited product the courts shall order the recall and or withdrawal of the product from the market.

Section 4A.10. MOTHER AND BABY FRIENDLY HOSPITALS IN ANGELES CITY. All hospitals an Angeles city shall comply with the requirements of the Department of Health for a Mother-baby Friendly Hospital. The Angeles City Child Welfare Council shall establish a committee tasked to monitor and ensure the compliance of all hospitals in Angeles City to the mandate of this provision. A hospital found to have deliberately violated this mandate should be recommended for appropriate sanctions by the Department of Health (DOH).

Section 4A.11. CHILD FRIENDLY BUILDINGS. In the approval of the proposed building plans commercial buildings in Angeles City by the Office of the City Engineer, such Office shall ensure the inclusion of child-friendly facilities therein. And to avoid any happening of child accidents, the proposed plans of commercial buildings must observe the hereunder specifications:

- a. Balusters in staircases must be spaced in a manner that their distance from each other would not exceed six (6) inches to avoid children accidentally falling through.
- b. In case of buildings having more than one story, railings, or balusters acting, as horizontal or vertical barriers must likewise spaced in a manner that their distance from each other must not exceed six (6) inches and railings or balusters must have a height of not less than five (5) feet.
- c. Lavatories exclusively for children’s use must be installed in the proposed plans of commercial buildings to accommodate the personal necessities of children entering said buildings.

Section 4A.12. PROVISION OF PAGING BOOTH COMPLETE WITH PAGING SYSTEM IN ALL SHOPPING MALLS IN ANGELES CITY. For the purpose of catering the problems of lost children inside shopping malls and safeguarding their welfare. And for other purposes appurtenant to the welfare of the public, all shopping malls in Angeles City are hereby ordered to provide for a paging booth complete with paging system inside their stores. Failure to comply with this provision shall subject the offender to a fine of Five Thousand Pesos (Php 5,000.00) in addition to the suspension of permit to operate business for One (1) year.

Section 4A.13. SURVEY AND ACTIVE PROGRAM FOR DIFFERENTLY-ABLED CHILDREN.

The City government shall make a periodic comprehensive survey and situational analysis on the differently able children in the city. The CSWD Office together with the Offices of the City Schools Division Superintendent, City Health and Population Management and Development shall be spearhead the conduct of this situational analysis on differently able children in the city. The result of this situational analysis shall be the basis of the planning by the Child Welfare Council and other concerned agencies, for the programs and projects for these children.

Section 4A.14. TRAINING PROGRAM FOR EDUCATORS AND HEALTH PROFESSIONALS HANDLING DIFFERENTLY ABLED CHILDREN. Training program for educators and health professional handling differently – able children shall form part of the priority programs of the City Government of Angeles City, hence, funds that are to be sourced from the 20% Local Government Development Fund (LGDF) shall be provided thereof.

Section 4A.15. SUPPORT TO SPECIAL EDUCATION (SPED) PROGRAM. The City Government shall support the Special Education Program, which is presently implemented by the Department of Education Culture and Sports (DECS) providing regular assistance thereto. The City Government with the assistance of DECS shall be set-up in public schools whenever and wherever necessary to enable the differently-able children to enroll if possible within their respective barangays. The City Government shall regularly provide funds for the SPED program to be taken from the Special Education Fund (SEF).

Section 4A.16. PROVISION OF THE SUPPORT SYSTEM TO THE PRE_SCHOOL EDUCATION PROGRAM FOR EARLY CHILDHOOD CARE AND DEVELOPMENT INITIATED BY THE Pos and NGOs. The City Government shall provide for a support system to the pre-school education program for early childhood care and development initiated by the Pos and NGOs by significantly responding to the gaps of government service in providing for a pre-school education program having an alternative curriculum which is developmentally appropriate and culturally relevant to urban poor communities encouragement of accreditation materials, technical assistance such as enrichment training for facilitators and financial and monitoring activities for community-based Early Childhood Care and Development Program (ECCD) as alternative approach for the continuing basic problem of urban poor children.

Section 4A.17. PROVISION OF FUNDS FOR CHILDREN'S WELFARE AS A BASIS OF THE CITY COUNCIL'S REVIEW OF BARANGAY BUDGET. To ensure that the barangays shall give priority to welfare of children in their respective barangays, the City Council shall review the barangay budget and give strict attention to the allocation of funds for programs, projects and services for the welfare of children.

Section 4A.18. BARANGAY LEVEL RECREATIONAL AND CULTURAL FACILITIES AND PROGRAM. A barangay-level for the revival of indigenous games reflective of the cultural diversity of Angeles City shall be installed. The City Government shall allocate space of recreation and provide recreational facilities appropriate for children's gender and age. A regular cultural program appropriate for children's gender shall be designed with due respect to cultural diversity. This regular cultural program shall be spearheaded by the respective barangay councils under the leadership of the barangay Chairman and the Chairman on Social Services. The existing community structures in the barangay shall be tapped to support this program.

Section 4A.19. LOCAL CHILDREN `S LITERATURE. In support to the socio-cultural development of children of Angeles City, the City Government shall invest in the production of local literature for children and other relevant materials. The barangay government shall also encourage investing in such project.

Section 4A.20. PARENTING ORIENTATION COURSES. Marriage License applicants shall be required to participate to a Parenting orientation Course 1or Pre-marriage Seminar, among other requirements, prior to the issuance of marriage license by the Local Civil Registrar. This course shall become an integral part of existing Family Planning Seminar or Reproductive Health Course in close coordination with the City Health Office, the City Social Welfare and Development Office and City Population Management Office.

Parent-applicants for birth certificates of their children shall also be required to participate to a Parenting Orientation Course before issuance of Certificates of Live Birth by the Civil Registrar without prejudice to the early registration of birth requirement under existing law.

Section 4A.21. INCLUSION OF THE CONVENTION OF RIGHTS OF CHILDREN IN THE SCHOOL CURRICULUM. As part of the advocacy, information and education campaign of the government on the survival and development, protection and security, and participation rights of children, the Convention of the Rights of Children shall be encourage to include as part of the schools in Angeles City, both public and private at all levels.

Section 4A.22. TRAINING FOR TEACHERS ON RIGHTS OF CHILDREN. Teachers, especially those in the kindergarten, elementary, and high school, are encouraged to undertake continuous training on the rights of the child and sensitivity to children in need of special protection to be able to help them. The Angeles City Child Welfare Council and the Department of Education Culture and Sports shall spearhead the training in coordination with the City Social Welfare and Development Office.

PROTECTION RIGHTS OF CHILDREN

Section 4A.23. PROGRAM ON CHILD ABUSE EXPLOITATION AND DISCRIMINATION. There shall be a comprehensive program to be formulated by the Angeles City Social Welfare and Development Office (CSWD) and the Angeles City Council for the Welfare of Children on coordination with other government agencies. The private sector or NGOs concerned within one (1) year from the date of effectivity of this Code to protect children against child prostitution, child trafficking, obscene publications and indecent shows and other acts of abuse; and circumstances which endanger child survival and normal development. The program shall cover the strict implementation of the provision of PD 603, otherwise known as "The Child Welfare Code". RA 7610, as amended, otherwise known as "An Act Providing Penalties for Its Violation, and for Other Purposes" and all other laws affording protection against child exploitation.

Section 4A.24. SANCTIONS FOR ESTABLISHMENTS/PERSONS OR ENTEPRISES THAT PROMOTE, FACILITATE OR CONDUCT ACTIVITIES CONSTITUTING CHILD PROSTITUTION AND OTHER SEXUAL ABUSE, CHILD TRAFFICKING, OBSCENE PUBLICATION AND INDECENT SHOWS. All establishments or enterprises caught promoting or facilitating child prostitution and sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall immediately closed and be fined an amount of Five Thousand Pesos (PhP 5,000.00) with their authority or license to operate permanently be cancelled, without prejudice to the owner, manager and other personnel thereof for being persecute under RA 7160 as amended, otherwise known as "An Act Providing Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes,"

Section 4A.24.1 PROTECTION OF CHILDREN FROM STI/HIV/AIDS. Implement and monitor the provisions of section 24 and 25 of Ordinance No. 106, S-2000, otherwise known as the "Angeles City AIDS prevention and control Ordinance 2000.

Section 4A.25. ESTABLISHMENT TO POST NOTICES AND INFORMATION AT ENTRY OR FRONT DESKS REGARDING CHILD PROTECTION. All hotels, sauna baths, inns, motels, nightclubs, and other establishments of similar services shall be required to post notices and information about child protection to serve as deterrent to committing child trafficking, prostitution and other sexual abuse. The Child Welfare Council shall develop the notices and information to be posted with the concerned establishments to this section of this Ordinance, the Office of the City Mayor through the License Division shall require these establishments to post such information or notices before their respective licenses shall be renewed and/or approved.

Section 4A.26. CERTIFIED AUTHENTICATED BIRTH CERTIFICATE AS A REQUIREMENT FOR WORKING PERMITS. All applicants for working shall be required to submit a duly authenticated birth certificate as embodied by City Ordinance No. 106 Series of 2000, Any violation of this provision by any government official or employee shall be subject such offender to administrative and criminal liabilities and shall be punished with the appropriate penalty as indicated in the said City Ordinance.

Section 4A.27. CREATION OF SPECIAL SERVICES FOR CHILDREN IN NEED OF SPECIAL PROTECTION AND LEGAL SERVICES. The City Government shall create special programs for the protection of children who are victims of incest and rape cases. It shall be endeavoring to muster the support of the private sector more particularly the local chapter of the Integrated Bar of the Philippines and the academe to provide legal and protective services to children who are in need of such services.

Section 4A.28. MONITORING CRIMINAL CHARGES FILED AGAINST CHILDREN AND APPROPRIATE ASSISTANCE. The Department of Social Welfare and Development as defined herein shall do application for suspension of sentences of children charged with criminal offences in connection with or assistance of the City Social Welfare and Development Office. A special team in such offices shall be tasked to 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 City Social Welfare and Development Office pursuant to PD 603 otherwise known as “An Act Providing for Stronger Deterrence and Special Protection Against child Abuse, Exploitation and Discrimination, Providing penalties for its violation, and for other purposes” and other laws affording protection to children in close coordination with the NGOs and other groups having special interest on children’s rehabilitation.

Section 4A.29. SUPPORT TO PROSECUTORS OR COUNSELS WHO HANDLE CASES OF CHILDREN TO OBTAIN SPEEDY DISPOSITION AND PREFERENTIAL SETTLEMENT. The City Government, in its desire to protect the children who may be either the victims or the accused in any support to the prosecutors or counsels handling their cases to ensure the speedy disposition and preferential settlement thereof.

SECTION 4A.30. ESTABLISHMENT OF WOMEN AND CHILDREN PROTECTION DESK FOR THE PURPOSE OF STRENGTHENING THE PILLARS OF THE JUSTICE SYSTEM. Each police station in Angeles city shall have a child and youth relations section tasked to handle cases involving children. 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. The said Section must be administered by a female police officer.

SECTION 4A.31. SPECIAL COURSE FOR PNP MEMBERS. A continuing special course for members of Philippine national police shall be designed to handle effectively the children involved in anti-social activities. All police officers shall take up the course especially those who are interested to be assigned with the Child and Youth Relations Section (CYRs) and other CYR officers in each PNP detachment.

The course shall be designed and provided by that of the child Welfare Council in close coordination with the ONO CHILD Protection Team. NGO's and other Civic Organizations focused on the child and youth programs.

SECTION 4A.32. CUSTODIAL BRUTALITY. The commission of an offense against minor(s) by any person while said minor(s) is being placed under his or her custody for whatever reason shall subject such offender(s) to the maximum penalty provided by law for the offense committed.

SECTION 4A.33. ESTABLISHMENT OF A REHABILITATION CENTER AND PROVISION OF SUPPORT FACILITIES.

There shall be established a rehabilitation center for children offenders for youthful offenders in the City of Angeles. Said Center shall be equipped with necessary facilities for conducive dwelling. The Rehabilitation center shall develop home life services. Psychosocial interventions and other services that will make the center conducive to life and rehabilitation.

SECTION 4A.34. ESTABLISHMENT OF A SEPARATE DETENTION CELL FOR CHILDREN AND YOUTHFUL OFFENDERS. To be able to safeguard the physical and psychosocial conditions of detained children having impending criminal charges. The city Government shall establish within the City Jail a separate detention cell exclusively for the children and youthful offenders.

SECTION 4A.35. ESTABLISHMENT OF RECEPTION AND TRAINING CENTER FOR CHILDREN AND YOUTH WITH COMPLETE FACILITIES AND PROVIDING FUNDS THEREOF. The City Government shall establish a reception and training center for children and youth (RTCCY) to provide protective services to children and youth who are abandoned, victims of rape, incest and other similar cases. This facility shall also include the provision of psychosocial needs of the children. The amount of Php 75.00 per day per child shall be provided to sustain the board and lodging of the wards of the RTCCY, subject to an increase of 5% per year when necessary. The reception and training center shall be strictly a "No Smoking Area".

SECTION 4A.36. CHILDREN AND FAMILY PSYCHOSOCIAL PROGRAM. The City Social welfare and development office in coordination with other government and non-government agencies shall design a comprehensive psychosocial program for children and their families.

SECTION 4A.37. CHILDREN BAN ON BENEFIT DANCE IN THE BARANGAYS. Barangay level fund raising activities shall both include "benefit dance" as defined on this ordinance. Any person caught promoting such "benefit dance" in the barangay shall be punished by one (1) year imprisonment and fined with Five Thousand Pesos (Php 5,000,00) after due proceeding by the court of justice having jurisdiction thereof. Culturally relevant activities shall be promoted instead of utilizing of young women as commodities during "benefit dance".

SECTION 4A.38. REGULATING AMBULANT VENDORS OF JUNK FOOD IN SCHOOL VICINITIES FOR SANITATION PURPOSES AND ESTABLISHING MONITORING SYSTEM THEREOF. The City Government shall protect the school children from unsanitary food and junk food. In furtherance of this mandate, all vendors within the vicinity of all school campuses within the city shall be subject TO SAFETY AND SANITATION STANDARDS.

SECTION 4A.39. SEPARATE PERMIT TO OPERATE COMPUTERIZED VIDEO GAMES. All establishments operating computerized video games shall be required to seek a separate permit to operate said line of business activity in compliance with City Tax Ordinance No.61 Series of 2011.

SECTION 4A.40. ESTABLISHMENT OF THE SAGIP BATANG MANGGAGAWA ACTION TEAM. The Sagip Batang Manggagawa (SBM), also known as the “Inter-agency Quick Action Team against Child Labor”, shall be established to immediately recover and act upon reported cases involving child labor. The said team shall have the following composition:

1. Representative of the Department of Labor and Employment (DOLE)
2. Representative of the Public Employment Services Office (PESO)
3. Representative of the Department of Social Welfare and Development (DSWD) Field Office
4. Office of the Philippine National Police (PNP)
5. Representative of the Department of Interior and Local Government (DILG)
6. Representative from six (6) NGOs
7. Action Officer of the Child Welfare Councilors
8. Action Officer of the Barangay Council for the Protection of Children (BCPC)
9. Chairman of the Committee on Social Services of the Sangguniang Panlungsod
10. Representative of the City Social Welfare and Development Office (CSWDO)
11. Representative from the Sangguniang Kabataang Federation

SECTION 4A.41. ESTABLISHMENT OF THE BANTAY BATA HOTLINE. A round-the-clock reporting and monitoring base against child abuse shall be established and anchored by the City Social Welfare and Development Office. Said hotline shall act as the 24-hour vanguard of children in all crimes and abuses committed against them by any person. Upon receiving information regarding any crime committed against a child, the Bantay-Bata Hotline shall immediately report to the appropriate authorities such incident and shall monitor every progress that may occur in relation to the apprehend and prosecution of the criminal.

PARTICIPATION RIGHTS OF CHILDREN

SECTION 4A.42. PARTICIPATION OF CHILDREN IN DECISION MAKING PROCESS. The interest and welfare of children in the family, school, community or other organization or institution shall be heard. Every child has the right to express his opinion freely in so far as such opinion is not contrary to law, morals, good customs, public safety, and public policy and to have that opinion be taken into account in all matters or procedure affecting the child. It shall be the responsibility of the adults to provide opportunities for children to express their views, organize among themselves, obtain information, and make ideas or information known regardless of tribe, sex and religious beliefs.

SECTION 4A.42.1 PROHIBITING THE SELLING OF CIGARETTES AND LIQUOR TO CHILDREN. The selling of any brand of cigarettes or kind of liquor or intoxicating drinks to person below eighteen years of age is strictly prohibited. Any person whether manufacturer, wholesaler, or retailer found to be in violation of this ordinance shall be penalized with a minimum term of imprisonment of 30 days to a maximum of imprisonment of sixty days and/or a fine of Five Thousand Pesos (P5,000.00), at the discretion of the court.

SECTION 4A.43. CONVENTION OF MINORS FOR THE PURPOSES OF CONSULTATION. It is important to consult and provide venue for expression of children’s views in the City Government’s Policies. Consistent herewith, it is necessary that 7 to 12 years old and 13 to 18 years old are convened once a year, specifically during the children’s month to be heard collectively of their clamors and needs. Every NGOs concerned with this group of children shall be instrumental in the process of the preparation and evaluation of the convention.

IMPLEMENTING MECHANISM

SECTION 4A.44. CREATION OF A DIVISION FOR CHILDREN CONCERNS. The Division for Children's Concern under the Office of the City Social Welfare and Development shall be created to beef-up the capacity of this office in realizing the provisions of this Ordinance. Said division shall specially focus on specific programs and necessary complaints on cases of lawful acts committed against children in the most expeditious process.

SECTION 4A.45. COMPONENTS OF THE DIVISION FOR CHILDREN'S CONCERN. The division under the City Social Welfare and Development Office shall have the following components. Among others, to orchestrate its various program and projects consistent with the provisions of this Ordinance, laws and international Covenants.

- a) Reception and Study Center for Child and Youth.
- b) Psycho-social Rehabilitation Centers for Children in Extremely Difficult Circumstances.
- c) Early Childhood Care and Development Program.
- d) Legal Assistance Program.

Section 4A. 46. IMPLEMENTING RULES AND REGULATIONS. Within six (6) months after the approval of this Code the Local Chief Executive as assisted by the offices if the City Attorney and the City Prosecutor shall formulate and issue the appropriate rules and regulations necessary for the efficient and effective implementation of any and all provisions of this Ordinance.

Such rules and regulations shall take effect after fifteen (15) days following the completion of their full publication in two (2) local newspapers of general circulation in the City of Angeles.

Section 4A.47. PENALTY FOR REFUSAL OR NEGLECT ON THE PART OF ANY GOVERNMENT OFFICIAL OR EMPLOYEE TO IMPLEMENT THIS ORDINANCE. Any Government Official or Employee, charged with the duty to implement this Ordinance, and who refuses or neglect his duty shall be punished with six (6) months suspension from services without pay; provided that due process on administrative discipline as abolished under the Civil Service law and other pertinent laws shall be strictly observed before said penalty is imposed to such offender.

Section 4A.48. FUNDING. For the effective and efficient implementation of this ordinance, the City Government shall regularly appropriate funds not less 3% budget to allocate of its Annual Budget, which is exclusive of the appropriation intended for the City Health and the Special Education Fund and without limitation to an additional appropriation in the Supplemental budget. The amount of One Million Pesos (P 1,000,000.00) shall be appropriated solely for the purposes of SPED for appropriation shall be sourced from the general fund.

CHAPTER 5

MISCELLANEOUS AND FINAL PROVISIONS

Section 5. All agencies and offices of the government and the private sectors shall implement this code in coordination with the GAD Council.

Section 6. Compliance Report – Within six (6) months from the effectivity of this Code and every six (6) months thereafter, all City Government departments and instrumentalities, shall submit a report to the GAD Council/GAD Office on their compliance to the provisions of this Code.

Section 7. Oversight Committee. The GAD Council shall serve as oversight committee to review the GAD Code and prepare or make recommendations to the Sangguniang Panlungsod for possible amendments or revisions thereof after two (2) years from effectivity of this Code. The Sangguniang Panlungsod may introduce amendments to this Code at its own discretion.

Section 8. Separability Clause. If for any reason, any portion or provision of this Code is declared unconstitutional or invalid, the other sections of the provisions hereof which are not affected thereby shall continue to be in force and effect.

Section 9. Supplementary Clause. On matters not provided for in this Code, any existing applicable law and its corresponding implementing rules and regulations, executive orders and relevant issuance issued therefore shall apply in supplementary manner.

Section 10. Repealing Clause. All ordinances, memoranda, executive orders and other issuances which are inconsistent with this Code are hereby repealed or modified accordingly.

Section 11. Effectivity. This Ordinance shall take effect upon approval and publication in any newspaper of local circulation.

Sponsored by Councilor Maricel M. Morales
Co-sponsored by Councilors Willie B. Rivera and Joseph Alfie T. Bonifacio
Seconded by Councilors Jesus S. Sangil and Alexander P. Indiongco

Unanimously Approved by the Members present: Councilors Aguas, Morales, Indiongco, Rivera, Sangil, Bonifacio, E. Pamintuan, Dimapilis and JC Pamintuan, during Special Session No. 6, held on December 29, 2011.

Approved by His Honor, the City Mayor on _____.

APPROVED:

EDGARDO D. PAMINTUAN
City Mayor

MA. VICENTA L. VEGA-CABIGTING
City Vice Mayor
Presiding Officer

ATTESTED:

LEONARDO KIRK I. GALANZA
Executive Assistant V

ATTY. ERIC V. MENDOZA
Department Head II
City Secretary