



Republic of the Philippines
Province of Sorsogon
CITY OF SORSOGON



Office of the Sangguniang Panlungsod

**EXCERPTS FROM THE MINUTES OF THE REGULAR SESSION OF THE SIXTH CITY COUNCIL
HELD AT THE SESSION HALL ON SEPTEMBER 27, 2016.**

PRESENT:

ATTY. JONATHAN G. BALINTONG
City Vice Mayor/Presiding Officer

EAST DISTRICT

City Councilor Florencio J. Jamisola, Jr.
City Councilor Mary Ellen D. Jamisola
City Councilor Ralph Walter R. Lubiano
City Councilor Joven G. Laura

WEST DISTRICT

City Councilor Fernando David H. Duran, III
City Councilor Nestor J. Baldon
City Councilor Jonas Oliver E. Duran

BACON DISTRICT

City Councilor Hilario D. Dioneda
City Councilor Melchor P. Atutubo
City Councilor Emmanuel D. Diolata
City Councilor Iñigo D. Destacamento

EX-OFFICIO MEMBER

City Councilor Edwin A. Divina

ABSENT: City Councilor Aldin V. Ayo

Resolution No. 097, Series of 2016

(Author: City Councilor Nestor J. Baldon)

**RESOLUTION ENACTING THE SORSOGON CITY CODE OF PARENTAL RESPONSIBILITY FOR
THE PROTECTION OF CHILDREN'S RIGHTS.**

WHEREAS, pursuant to the UN Declaration of the Rights of the Child, the best interest of the child shall be the paramount consideration in the enactment of laws that would enable the child to enjoy special protection, including protection from all forms of neglect, cruelty and exploitation;

WHEREAS, the State recognizes the vital role of children and youth in nation building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs;

WHEREAS, the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development;

WHEREAS, the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character shall receive the support of the Government,

WHEREAS, the Family Code provides that the father and mother shall jointly exercise parental authority and responsibility over the persons of their common children (Article 211, FC);

WHEREAS, in case of absence or death of either parent, the parent present shall continue exercising parental authority and responsibility. The remarriage of the surviving parent shall not affect the parental authority and responsibility over the children, unless the court appoints another person to be the guardian of the person or property of the children (Art. 212, FC);

WHEREAS, in case of death, absence or unsuitability of the parents, substitute parental authority and responsibility shall be exercised by the surviving grandparent. In case several survive, the one designated by the court (Art.214, FC);

WHEREAS, in default of parents or a judicially appointed guardian, the following person shall exercise substitute parental authority over the child in the order indicated:

1. The surviving grandparent
2. The oldest brother or sister, over twenty-one years of age, unless unfit or disqualified; and
3. The child's actual custodian, over twenty-one years of age, unless unfit or disqualified (art. 216, FC)

WHEREAS, in case of foundlings, abandoned neglected or abused children and other children similarly situated, parental authority shall be entrusted in summary judicial proceedings to heads of children's homes, orphanages and similar institutions duly accredited by the proper government agency (Art. 217, FC);

WHEREAS, the school, its administrators and teachers, or the individual, entity or institution shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody. Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution (Art.218, FC);

WHEREAS, parental authority and responsibility may not be renounced or transferred except in the cases authorized by law (Article 210, FC);

WHEREAS, the Sorsogon City Government has on-going efforts to ensure the safety and well-being of its children;

WHEREAS, it is the policy of the Sorsogon City Government to protect the interest of child from reckless, careless and negligent parents and to shield them from dangerous or predatory situations arising from such irresponsibility;

NOW THEREFORE, on motion of **City Councilor Nestor J. Baldon**, duly seconded by the **City Councilor Edwin A. Divina**, resolve as it is hereby resolved to enact:

City Ordinance No. 04, Series of 2016

THE SORSOGON CITY CODE OF PARENTAL RESPONSIBILITY FOR THE PROTECTION OF CHILDREN'S RIGHTS

BE IT ORDAINED by The Sangguniang Panlungsod in session that:

ARTICLE I PRELIMINARY PROVISIONS

SECTION 1 TITLE

This Ordinance shall be known as the **Sorsogon City's "Code of Parental Responsibility (CPR)"**.

SECTION 2 DECLARATION OF POLICY

The grant of the rights and privileges for parents and their children shall be guided by the following principles:

1. The child is an important asset of our nation. Every effort should be exerted to The parents shall have the primary right and obligation to provide for their children's upbringing.
2. The parents have the right to discipline the child as may be necessary for the formation of his good character and may require from him obedience to just and reasonable rules, suggestions and admonitions.
3. Promote his welfare and enhances his opportunities for a useful and happy life.
4. The child shall enjoy special protection and shall be given opportunities and facilities, by law and by other means, to ensure and enable his fullest development physically, mentally, emotionally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity appropriate to the corresponding developmental stage.
5. The child shall be brought up in an atmosphere of universal understanding, tolerance, friendship and helpfulness and in full consciousness of his responsibilities as a member of society.
6. In all questions regarding the care, custody, education and property of the child, his welfare shall be the paramount consideration.
7. The child's individual traits and aptitudes should be cultivated to the utmost.
8. The formation of the child's character begins at home. Consequently, every member of the family must make the home a place that will positively influence the child's development.
9. Other institutions, like the school, the church, the guild, and the community in general, should assist the home and the State in preparing the child for the responsibilities of adulthood.

SECTION 3 COVERAGE

This Ordinance shall cover all persons exercising parental authority and responsibility over their minor children in Sorsogon City, the barangays, and, to the extent herein provided, communities, institutions, departments, offices and agencies under the supervision and jurisdiction of the Sorsogon City Government.

SECTION 4 DEFINITION OF TERMS

For purposes of this Act, these terms are defined as follows:

- a) **“Children”** refer to those below the age of eighteen (18) years old.
- b) **“Parents”** shall include the mother, father, guardian, and those exercising substitute parental authorities over the child, as defined under Article 216 and Article 217 of the Family Code.
- c) **“Parental Authority and Responsibility”** shall include the caring for and rearing them for civic consciousness and efficiency and the development of their moral, mental and physical character and well-being.
- d) **“Special parental authority and responsibility”** shall be exercised by the school, its administrators and teachers, or the individual, entity or institution engaged in child care while the child is under their supervision, instruction or custody.
- e) **“Neglect”** is a failure by the parents to adequately perform parental duties.
- f) **“Best interest of the child”** means the primary consideration in all actions, either by public or private bodies, of the welfare, protection, survival and normal development of the child.
- g) **“Motorcycle”** shall mean private motorcycles and scooters of two or three wheels and bicycles with motor attachments.
- h) **“Hazing”** is an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization by placing the recruit, neophyte or applicant in some embarrassing or humiliating situations such as forcing him to do menial, silly foolish and other similar tasks or activities or otherwise subjecting him to physical or psychological suffering or injury.
- i) **“Truancy”** means absence without cause for more than twenty (20) school days, not necessarily consecutive. It shall be the duty of the teacher in charge to report to the parents the absences of the child the moment these exceed five (5) school days.
- j) **“Newborn Screening”** means the process of collecting a few drops of blood from the newborn onto an appropriate collection card and performing biochemical testing for determining if the newborn has a heritable condition.
- k) **“Bahay Pag-asa”** refers to a 24-hour child-caring institution established, funded and managed by Local Government Units (LGU's) and licensed and/or accredited non-government organizations (NGO's) providing short-term residential care for children in conflict with the law who are above fifteen (15) but below eighteen (18) years of age who are awaiting court disposition of their cases or transfer to other agencies or jurisdiction.

“Bahay Pag-asa” is an intensive juvenile intervention and support center that will cater to children in conflict with the law.

A multi-disciplinary team composed of a social worker, a psychologist/mental health professional, a medical doctor, an educational/guidance counsellor and a barangay Council for the Protection of Children (BCPC) member shall operate the “Bahay Pag-asa”. The team will work on the individualized intervention plan with the child and the child’s family.

ARTICLE II THE DUTIES OF PARENTS AND THE RIGHTS OF THE CHILD

SECTION 5 DUTIES OF PARENTS

The following responsibilities that parents have toward the child:

- a) To give him love, affection, guidance, companionship and understanding;
- b) To extend to him the benefits of moral guidance, self-discipline and religious instruction;
- c) To provide him with proper education in accordance with the means of the family, including monitoring his attendance and performance in school, and attending parent-teacher conferences when required;
- d) To supervise his activities, in and outside of the home, including his recreational activities;
- e) To provide him with proper medical attention and health services as regularly provided by the City Government, including the complete immunization for diseases for which vaccines have been developed for administration to children up to eight (8) years of age, as well as to allow a newborn child to undergo a newborn screening test within the first forty eight (48) hours from birth, but not later than three (3) days from the complete delivery.
- f) To prevent him from becoming addicted to intoxicating drinks, narcotic drugs, smoking, gambling, and other vices or harmful practices;
- g) To avoid situations which endanger his physical safety, expose him to harm and threaten his normal development;
- h) To stimulate his interest in civic affairs, teach him the duties of citizenship, and develop his commitment to his community, which shall include giving him every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities;
- i) To provide him with his basic needs for survival , such as food, shelter and clothing, including adequate support, as defined under the Family Code and;
- j) To encourage breastfeeding for newborn until two years of age.

SECTION 6 RIGHTS OF THE CHILD

All children shall be entitled to the rights herein set forth without distinction as to legitimacy or illegitimacy, sex, social status, religion, political antecedents, and other factors:

- a) Every child is endowed with the dignity and worth of a human being from the moment of his conception, and therefore has the right to be protected from this time.
- b) Every child has the right to a family life that will provide him with love, care and understanding, guidance and material security.
- c) The dependent or abandoned child shall be provided with the nearest substitute for a home.
- d) Every child has the right to a well-rounded development of his personality to the end that he may become a happy, useful and active member of society.

The gifted child shall be given opportunity and encouragement to develop his special talents.

The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care.

The physically or mentally handicapped child shall be given the treatment, education and care required by his particular condition.

- e) Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.
- f) Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of his character.
- g) Every child has the right to an education commensurate with his abilities and to the development of his skills for the improvement of his capacity for service to himself and to his fellowmen.
- h) Every child has the right to full opportunities for safe and wholesome recreation and activities, individuals as well as social, for the wholesome use of his leisure hours.
- i) Every child has the right to protection against exploitation, improper influences, hazards, and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.
- j) Every child has the right to live in a community and society that can offer him an environment free from pernicious influences and conducive to the promotion of his health and the cultivation of his desirable traits and attributes.
- k) Every child has the right to care, assistance, and protection of the State, particularly when his parents or guardians fail or are unable to provide him with his fundamental needs for growth, development and improvement.

- l) Every child has the right to efficient and honest government that will deepen his faith in democracy and inspire him with the morality of the constituted authorities both in their public and private lives.
- m) Every child has the right to grow up as a free individual, in an atmosphere of peace, understanding, tolerance, and universal brotherhood, and with the determination to contribute his share in the building of a better world.
- n) In no case, shall those exercising parental authority, inflict corporal punishment over the child (Art.233, FC).

**ARTICLE III
CONDITIONS PREJUDICIAL TO THE CHILD'S DEVELOPMENT**

SECTION 7 NEGLECT OF THE CHILD

Criminal liability shall attach to any parent having parental authority and responsibility who:

- 1. Abandons the child under such circumstances as to deprive him of the love, care and protection he needs.
- 2. Neglects the child by not giving him the education which the family's station in life and financial conditions permit.
- 3. Fails or refuses, without justifiable grounds, to enrol the child.
- 4. Causes, abates, or permits the truancy of the child from the school where he is enrolled.
- 5. Fails to monitor the child's attendance and performance in school, and to attend, without justifiable grounds, parent-teacher conferences when required by the school.
- 6. Improperly exploits the child by using him, directly or indirectly, such as for begging and other acts which are inimical to his interest and welfare.
- 7. Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignation and other excessive chastisement that embarrasses or humiliates him.
- 8. Causes or encourages the child to lead an immoral or dissolute life.
- 9. Permits the child to possess, handle or carry a deadly weapon, regardless of its ownership.
- 10. Permits the child to possess or use intoxicating drinks, narcotic drugs, cigarettes and to engage in gambling and other vices or harmful practices.
- 11. Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured. If the motor

vehicle driven by the child belongs to the parent, it shall be presumed that he permitted or ordered the child to drive. (P.D. 603)

12. Allows the child to ride on a motorcycle (a.) without the standard protective motorcycle helmet, or (b.) even if the child is wearing the standard protective motorcycle helmet, allows the child to ride on an overloaded motorcycle.
13. Allows the child to ride in an overloaded tricycle, whether for hire or otherwise. There is overloading when tricycle exceeds four (4) passengers.
14. Fails to present the child at health centers for free pre-natal and post natal care and Basic Immunization Services, which includes (a) BCG Vaccination against tuberculosis; (b) Inoculation against diphtheria, tetanus, and pertussis; (c) Oral poliomyelitis immunization; (d.) Protection against measles; (e) Immunization against rubella; and (f) such other basic immunization services that the Department of Health (DOH) prescribe under Presidential Decree No.996.
15. Allows to loiter in public places or outside their residence during curfew hours.
16. Allows his or her child to join gangs, fraternities or sororities inside or outside school, and who allows to head, join or, in any other manner participate in hazing and other forms of initiation rites under Republic Act No. 8049;
17. Allows the child to sell, but or smoke cigarettes or other tobacco products under Republic Act No. 9211;
18. Allows the child to participate in any gambling activity or illegal numbers game as defined under Presidential Decree No. 1602 as amended by Republic Act No. 9287;

ARTICLE IV

PENALTIES AND PARENT EFFECTIVENESS SERVICE SESSION

SECTION 8 PENALTIES

The acts mentioned in paragraphs 1 to 18 of Section 7 hereof shall be punishable as follows:

- a) **FIRST OFFENSE** – a fine of P1,000.00 or three (3) months imprisonment, or both, at the discretion of the court.
- b) **SECOND OFFENSE** – a fine of P3,000.00 or six (6) months imprisonment, or both, at the discretion of the court.
- c) **THIRD OFFENSE** – maximum penalty of a fine of P5,000.00 or one (1) year imprisonment, or both, at the discretion of the court.

SECTION 9 NO CONTEST PROVISION

The parents concerned who wish not to contest their liability may pay the fine for the offense with the City Treasurer before the institution of formal charges. In case of inability to pay the fine, the parents concerned shall render community service as follows:

- a) For a penalty of a fine of P1,000.00= eight (8) hours;
- b) For a penalty of a fine of P3,000.00= sixteen (16) hours;
- c) For a penalty of a fine of P5,000.00= twenty-four (24) hours;

Provided that, should the parent concerned already availed of the benefits of this Section three (3) times, he can no longer avail of the same, and the corresponding complaint for violation of the ordinance with the maximum penalty imposed shall be filed against him;

SECTION 10 ATTENDANCE IN PARENT EFFECTIVENESS SERVICE SESSIONS MANDATORY

In all cases of violations under this Ordinance, the parents concerned shall always undergo **Parent Effectiveness Service Sessions** to be conducted in their respective barangays in addition to the penalty imposed.

SECTION 11 ROLE OF THE BARANGAY

In cases of violations of this Ordinance, the Barangay Council for the Protection of Children (BCPC) shall immediately summon the parents concerned of the child.

SECTION 12 ROLE OF THE CITY SOCIAL WELFARE DEVELOPMENT

The well-trained social workers of Sorsogon City Social Welfare Development Office shall conduct the **Parent Effectiveness Service Sessions** in the barangays, and shall teach, train, and develop proper barangay personnel in the conduct of such activities.

ARTICLE V FINAL PROVISIONS

SECTION 13 RULES AND REGULATIONS

Unless otherwise provided in this Ordinance, the City Legal Office in coordination with the Sorsogon City Council for the Welfare of Children and Family shall promulgate rules and regulations for the effective implementation of this Ordinance.

Such implementing rules and regulations shall take effect upon its publication in two (2) local newspapers of general circulation.

SECTION 14 REPEALING CLAUSE

All ordinances, resolutions and regulations, or any part(s) thereof which are inconsistent with any provisions of this ordinance are hereby repealed or modified accordingly.

SECTION 15 SEPARABILITY CLAUSE

If for any reason or reasons, any part or provision of this ordinance shall be held to be unconstitutional or invalid, other parts or provision hereof which are not affected thereby shall continue to be in full force and effect.

SECTION 16 EFFECTIVITY

This ordinance shall take effect immediately upon its approval by the Sangguniang Panlungsod and after compliance with the law on public dissemination and of publication.

DATE APPROVED: **September 27, 2016**

I HEREBY CERTIFY to the correctness of the foregoing resolution and ordinance.


JONATHAN G. BALINTONG
City Vice Mayor/Presiding Officer

Attested:


NOEL G. DREU
Secretary to the Sangguniang Panlungsod

Approved:


SALLY A. LEE
City Mayor