

**[PASIG CITY ORDINANCE NO. 03 SERIES OF
2015, February 26, 2015]**

SANGGUNIANG PANLUNGSOD

**AN ORDINANCE PRESCRIBING PROTECTION AND RESCUE
ASSISTANCE AND DEVELOPMENT OF A CHILD, DEFINING THEIR
RIGHTS AND RESPONSIBILITIES TO INCLUDE THE DUTIES AND
LIABILITIES OF PARENTS, AND FOR OTHER PURPOSES**

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WHEREAS, Section 13, Article II of the Philippine Constitution provides that:

"The State recognizes the vital role of the 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, despite of the said constitutional provision, the children, particularly the minors, appear to be neglected of their proper care and guidance, education, and moral development, which led them into exploitation, drug addiction, and become vulnerable to and at the risk of committing criminal offenses;

WHEREAS, under Section 458 (a) (1) (ii) of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, the City Council is mandated to maintain peace and order by enacting measures to prevent and suppress lawlessness, disorder, riot, violence, and impose penalties for the violation of the ordinance;

WHEREAS, minor children are oftentimes victims of notorious gangs who stay, roam around or meander in public or private roads, streets or other public places, whether singly or in groups who encourage or deceive children to commit nefarious activities;

WHEREAS, misguided minor children prefer to converge or flock together during the night time until the wee hours of the morning resorting to drinking on the streets and other public places, illegal drug use and sometimes result to troubles;

WHEREAS, reports of barangay officials and law enforcement agencies reveal that minor children roaming around, loitering or wandering in the evening are the frequent personalities being victimized by criminals and/or influenced by syndicates;

WHEREAS, it is necessary, in the interest of public order and safety to regulate the movement of minors during night time to protect them from neglect, abuse, cruelty and exploitation, and other conditions prejudicial or detrimental to their development;

WHEREAS, to achieve the herein above purposes and objectives, there is a need to protect and rescue minors from these criminal elements and wean them away from bad nocturnal habits and occurrences, all are detrimental or prejudicial to their development.

NOW, THEREFORE, BE IT ORDAINED BY THE SANGGUNIANG PANLUNGSOD OF PASIG IN REGULAR SESSION DULYASSEMBLED;

SECTION 1. **TITLE** - This Ordinance shall be known as the Pasig City Child Protection and Reach-out Assistance and Development Ordinance".

SECTION 2. **DEFINITIONS** - The following words and phrases, whenever used in this Ordinance, shall be construed as defined in this section:

- a. **RESTRICTED HOURS** - means the hours from 12:00 midnight up to 5:00 A.M. or at anytime where there is an eminent risk.
- b. **DEVELOPMENT** - 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.
- c. **MINOR** - means any person under eighteen (18) years of age.
- d. **PARENT** - refers to both biological and adoptive parent who has actual custody of or living together with the minor child/children.
- e. **GUARDIAN** - means:
 1. A person who, under court order, is the guardian of the person of a minor.
 2. A public or private agency with whom a minor has been placed for custody by a court;
 3. A person of legal age in charge of the custody or who is taking care of a minor, whether relative or not;
- f. **PUBLIC PLACE** - a place located within the juridical boundaries of Pasig City, where the general public, or substantial group of people, have access, including but not limited to, streets, highways, sidewalks, parking lots, vacant lots, churches, hospitals, schools, shops and places of entertainment such as

movie theaters and similar places or establishments.

- g. **REMAIN** - means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, a Batas Ciudad Enforcement Officer, a Barangay Official, any law enforcement officer or agent, or the owner of the concerned establishment himself or herself.
- h. **EMERGENCY** - means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, a vehicular accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
- i. **RESIDENCE** - means the house or home wherein the minor and his/her parents or guardian/s actually lives.
- j. **BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC)** - refers to the Barangay Council directed to implement the implementing rules of this ordinance and in charge of counseling the minor, its parents or guardian/s; and responsible for coordinating with proper government institution/s or agency for the general welfare of the minor found in violation of this ordinance.
- k. **CITY SOCIAL WELFARE AND DEVELOPMENT** - refers to proper government institution/s or agency committed to formulate and implement the said ordinance.
- l. **COURT** - refers to a Trial Court with the authority to adjudicate legal disputes and carry out or dispose of the administration of penalty provided in the herein ordinance with the existing rule of law.
- m. **LAW ENFORCEMENT OFFICER** - pertains to a police officer.
- n. **MINOR AT RISK** - a minor who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances such as: abuse, exploitation, abandonment, being out of school, being street children or gang-groupings.
- o. **CUSTODY** - care or safekeeping of a child.
- p. **COUNSELLING** - is the most basic set of activities from guidance in an effort to help the counsel/ client face-to face with the aim that the client can take responsibility for themselves on various issues or special problems.

SECTION 3. 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.

- (1) Every child is endowed with the dignity and worth of a human being from the moment of his conception, as generally accepted in medical parlance, and has, therefore, the right to be born well.
- (2) Every child has the right to a wholesome family life that will provide

him with love, care and understanding, guidance and counseling, and moral and material security.

The dependent or abandoned child shall be provided with the nearest substitute for a home.

- (3) 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.

- (4) 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.
- (5) 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.
- (6) 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.
- (7) Every child has the right to full opportunities for safe and wholesome recreation and activities, individual as well as social, for the wholesome use of his leisure hours.
- (8) 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.
- (9) Every child has the right to live in a community and a 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.
- (10) Every child has the right to the 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.
- (11) Every child has the right to an efficient and honest government that