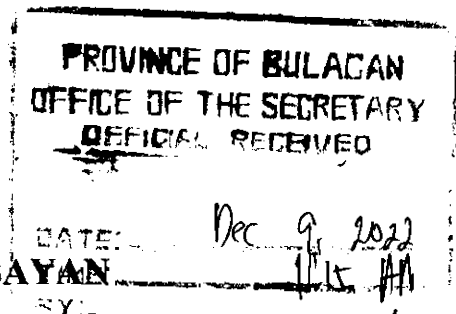




Republic of the Philippines
Province of Bulacan
Municipality of Bulakan



OFFICE OF THE SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 21ST REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN, HELD LAST NOVEMBER 21, 2022 AT THE GEN. GREGORIO DEL PILAR HALL, MUNICIPALITY OF BULAKAN, BULACAN.

PRESENT:

Hon. Atty. Reina Rica C. Sanchez ----- Municipal Vice Mayor
Presiding Officer

Municipal Councilors

Hon. Aubrhie Cindyrelle D. Carpio	Hon. Bienvenido M. Cruz Jr.
Hon. Jose Antonio V. Lava	Hon. Atty. Ana Marie V. Pagsibigan
Hon. Aron Ronald R. Cruz	Hon. Richie E. San Jose
Hon. Marbin J. Garcia	Hon. Michael M. Ramos (ABC)
Hon. Christopher Aron C. Del Rosario	Hon. Miguel Leonardo (SK)

ALL PRESENT

MUNICIPAL ORDINANCE NO. 2022 - 330

"AN ORDINANCE PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN IN SITUATIONS OF ARMED CONFLICT ACT"

Authored By: Hon. Atty. Ana Marie V. Pagsibigan

Be it ordained by the Sangguniang Bayan of the Municipality of Bulakan in Session assembled, that:

SECTION 1. Short Title. – This Act shall be known as "*Special Protection of Children in Situations of Armed Conflict Act*"

SECTION 2. Declaration of Policy. - It shall be the policy of the Municipal Government to provide special protection to children in situations of armed conflict from all forms of abuse, violence, neglect, cruelty, discrimination and other conditions prejudicial to their development, taking into consideration their gender, cultural, ethnic and religious background. For this purpose, the Municipal Government shall:

- (a) Respect the human rights of children at all times. It shall be recognized that children are entitled to dignity and respect as human beings in need of protection from degradation, humiliation, maltreatment, exploitation and assault;
- (b) Consider as paramount the best interests of children, and treat all children involved in, affected by or displaced by armed conflict as victims;
- (c) Take all feasible measures to prevent the recruitment and use of children in armed conflict;

- (d) Take all the necessary measures to address the root causes of armed conflict including, but not limited to, poor governance, issues of injustice and widespread poverty and economic inequity that result in involving, affecting or displacing children;
- (e) Continue to recognize its primary role in providing-effective protection and relief to all children in situations of armed conflict;
- (f) Continue to fulfill its responsibilities to end impunity and to prosecute those responsible especially for grave child rights violations in armed conflict; and
- (g) Ensure the right to participation of children affected by armed conflict in all its policies, actions, and decisions concerning their rescue, rehabilitation and reintegration.

SECTION 3. Scope of Application. - This Ordinance shall apply to all children involved in, affected by or displaced by armed conflict.

SECTION 4. Definition of Terms. - As used in this Act:

- (a) *Abduction of children* refers to the seizure, apprehension, taking in custody, detention or capture of one or more children either temporarily or permanently by force, threat of force or coercion, or deception for the purpose of any form of exploitation of such children in situations of armed conflict;
- (b) *Acts of gender-based violence* refer to physical or sexual violence other than rape, and psychosocial harm that is committed against a person as a result of power inequities that are based on gender roles. These include, among others battering, sexual slavery and abuse of children, female genital mutilation, prostitution, forced marriage, forced pregnancy or forced sterilization;
- (c) *Armed conflict* refers to armed confrontations occurring between government forces and one or more-armed groups, or between such groups arising in the Philippine territory. These shall include activities which may lead to, or are undertaken in preparation of armed confrontation or armed violence that put children's lives at risk and their rights violated;
- (d) *Armed group* refers to an armed non-State actor or non-State entity engaged in armed violence against the State or its government forces or against other non-State armed groups, actors or non-State entities;
- (e) *Attacks on schools, hospitals, places of worship, child development or day care centers, evacuation centers and other public places such as recreation parks, playgrounds and malls* refer to the occupation, shelling or targeting for propaganda of schools, hospitals or places of worship; causing damage to such places, or harm or injury to their personnel; or causing the total or partial physical destruction of such facilities; or disruption of educational activities and health services. These also refer to attacks of such places which have been temporarily abandoned by the community as a result of armed conflict;
- (f) *Camps* refer to structures or spaces occupied by government forces and armed groups;

(g) *Child* refers to:

- (1) A person below eighteen (18) years of age; or
- (2) A person eighteen (18) years of age or older but who is unable to fully take care of one's self; or protect one's self from abuse, neglect, cruelty, exploitation or discrimination; and unable to act with discernment because of physical or mental disability or condition;

(h) *Child protection* refers to measures, structures and activities that ensure the prevention and response to abuse, neglect, exploitation and violence affecting children. It shall include the promotion of their development and psychosocial well-being;

(i) *Children affected by armed conflict* refer to all children population experiencing or who have experienced armed conflict;

(j) *Children involved in armed conflict (CIAC)* refer to children who are either forcibly, compulsorily recruited, or who voluntarily joined a government force or any armed group in any capacity. They may participate directly in armed hostilities as combatants or fighters; or indirectly through support roles such as scouts, spies, saboteurs, decoys, checkpoint assistants, couriers, messengers, porters, cooks or as sexual objects;

(k) *Children in situations of armed conflict* refer to all children involved in armed conflict, children affected by armed conflict and internally displaced children:

(l) *Extrajudicial killings* refer to all acts and omissions of State actors that constitute violation of the general recognition of the right to life embodied in the Universal Declaration of Human Rights, the United Nations Covenant on Civil and Political Rights, the UNCRC and similar other human rights treaties to which the Philippines is a State party;

(m) *False branding of children or labeling children as children involved in armed conflict* refers to the voluntary and intentional act of referring to, calling, defining, reporting or any other form of communication that incorrectly defines children as children involved in armed conflict, when the status or condition of such children are such that they are not involved in armed conflict;

(n) *False reporting of a child in custody* refers to the voluntary and intentional act of any person of providing false, incorrect or mistaken information in relation to a child in custody in relation to situations of armed conflict;

(o) *Food blockade* refers to an armed conflict tactic of forcibly cutting off entry of food supplies in a particular area where children can be found;

(p) *Government forces* refer to the Armed Forces of the Philippines (AFP), Philippine National Police (PNP), paramilitary and other law enforcement agencies;

(q) *Grave child rights violations* refer to the crimes committed against children that constitute flagrant violations of their human rights and have severe consequences on their lives. These crimes include killing or maiming of children, recruitment or use of CIAC, rape and other forms of sexual violence against children, abduction

of children, attacks against schools or hospitals, or denial of humanitarian access to children;

- (r) *Hamleting* refers to an armed conflict strategy used by one party involved in armed conflict that isolates a community of importance to the other party which is inhabited by children, including relocating a community away from crucial zones and could be used to control the activities of the people in said areas;
- (s) *Hospitals or health facilities* refer to any structure including diagnostic clinics or multispecialty clinics recognized and known by the community as a facility where the sick and wounded are provided with medical or health care services;
- (t) *Humanitarian access* refers to the right of vulnerable populations to receive international protection and assistance from an impartial humanitarian relief operation to complement efforts of national authorities. Such action is subject to the consent of the State or parties concerned and does not prescribe coercive measures in the event of refusal, however unwarranted;
- (u) *Humanitarian assistance* refers to any aid that seeks to save lives and alleviate suffering of a crisis-affected population. Humanitarian assistance must be provided in accordance with the basic humanitarian principles of humanity, impartiality, independence and neutrality. Assistance may be divided into three (3) categories: direct assistance, indirect assistance, and infrastructure support, which have diminishing degrees of contact with the affected population;
- (v) *Internally displaced children* refer to children or group of children, whether separated or together with their families, who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular, as a result of or in order to avoid the effect of armed conflict and situations of generalized violence;
- (w) *Killing of children* refers to acts of all kinds in the context of armed conflict that result in the death of one or more children. They include the death of children as a result of direct targeting and indirect actions, such as cross fire, use of landmines and improvised explosive devices (IED), cluster munitions, biological weapons of destruction, all other forms and types of explosives; or house demolitions, search and arrest campaigns, suicide attacks and torture; they also include murder, homicide and such other similar crimes as defined in the Revised Penal Code, as amended, and other special laws;
- (x) *Maiming of children* refers to acts of all kinds in the context of armed conflict that result in serious or permanent or disabling injury, scarring or defacing, or mutilation of children. It shall cover intentional maiming of children where they are directly targeted, and causal maiming of children which result from indirect actions, such as cross fire, use of landmines, IED, cluster munitions, biological weapons of destruction, all forms and types of explosives; or in the context of house demolitions, search and arrest campaigns, suicide attacks and torture;
- (y) *Parents* refer to any of the following:
 - (1) Biological parents of the child;
 - (2) Adoptive parents of the child

- (3) Individuals who have custody of the child; or
- (4) A duly licensed foster parent, pursuant to Republic Act No. 10165, otherwise known as the "Foster Care Act of 2012";
- (z) *Rape* refers to a sexual assault that violates a person's right to personal security and bodily integrity with the essential lack of consent and shall include those enumerated in Section 2 of Republic Act No. 8353, otherwise known as "The Anti-Rape Law of 1997";
- (aa) *Recruitment* refers to compulsory, forced or voluntary conscription or enlistment of children into the governmental armed force or forced or voluntary membership into the armed group;
- (bb) *Release of children* refers to the process of formal and controlled disarmament and demobilization of children and their release from a government force or armed group as well as informal ways in which children leave by escaping, being captured or by other means. It entails a disassociation from the government force or armed group and the beginning of transition from military to civilian life. Release can take place during a situation of armed conflict; it is not dependent on the temporary or permanent cessation of hostilities; and it is not dependent on children having weapons to forfeit;
- (cc) *School* refers to any structure or space, with or without marked visible boundaries, which is either recognized by the government or known by the community as a learning space for children; and
- (dd) *Zone of peace* refers to a site with sacred, religious, historic, educational, cultural, geographical or environmental importance, which is protected and preserved by its own community. It is not merely a "Demilitarized Zone", but a sanctuary that operates within ethical principles of nonviolence, free from weapons, acts of violence, injustice and environmental degradation. The recognition of the Zone of Peace expresses commitments on the part of its community, governmental authority and, if appropriate, religious leadership to preserve the peaceful integrity of the designated site. Its custodians, members, participants and visitors exemplify mutual respect and nonviolent behavior while on the site, and share their resources for furthering peace and cooperation.

SECTION 5. Children as Zones of Peace. - Children are hereby declared as Zones of Peace. Treatment of children as Zones of Peace shall extend beyond territorial or geographical boundaries and shall focus on the person of the child whose rights shall be promoted and protected at all times, especially in situations of armed conflict or violence. The State and all sectors concerned shall have the responsibility to resolve armed conflict in order to promote the goal of children as Zones of Peace. As such, the community, governmental authority and, if appropriate, religious leadership shall preserve the peaceful integrity of children, exemplify mutual respect and nonviolent behavior in the presence of children, and share their resources to further peace and cooperation.

SECTION 6. Rights of Children in Situations of Armed Conflict. - Children in situations of armed conflict shall have the following rights:

- (a) The right to life, survival and development;

- (b) The right of special respect and protection against any form of abuse, neglect, exploitation and violation, especially in the context of armed conflict;
- (c) The right to be treated as victims. They shall be treated in accordance with this Act and other applicable laws, consistent with the State obligations under international law, within the framework of restorative justice, social rehabilitation and promotion of their protection;
- (d) The right to be accorded with special respect and to be protected from any form of direct or indiscriminate attacks and acts of violence, especially protection from the grave child rights violations as enumerated in Section 9 of this Act;
- (e) The right to be protected from recruitment into government forces or armed groups and from participation in armed conflict including the right to be protected from torture or any cruel, inhuman or degrading practices that compel compliance or punish noncompliance with recruitment or participation in armed conflict;
- (f) The right to be protected from maiming, torture, abduction, rape and killing, especially extrajudicial killing;
- (g) The right to be immediately provided and have safe access to essential, adequate and culturally appropriate food and nutrition; basic shelter and housing; culturally appropriate clothing; water, sanitation and hygiene; basic health services including essential drugs, medicines and vaccines, minimum initial service package for reproductive health, and health professional evaluation and appropriate intervention; education, including religious and moral education; early childhood care and development programs, psychosocial support and social services. All services provided for them must be child-specific and gender sensitive and responsive;
- (h) The right to enjoy their freedom of thought, conscience, religion or belief, opinion and expression; to associate freely and participate equally in legitimate community affairs; to communicate in a language they understand even in situations of armed conflict and whether or not they have been internally displaced or are living in evacuation centers or settlements;
- (i) The right to be treated humanely in all circumstances, without any adverse distinction founded on race, color, religion or faith. Sexual Orientation, Gender Identity and Expression (SOGIE), birth, wealth or any other similar criteria;
- (j) The right not to be interned or confined in camp;
- (k) The right of the injured, the wounded and the sick, those with disabilities, those who are separated and unaccompanied, expectant and lactating mothers, to care, protection and assistance required by their condition and treatment which takes into account their special needs such as their health needs, reproductive health care, appropriate counseling, prevention of infectious diseases and Mental Health Psychosocial Support Services;
- (l) The right to be with their families, especially with their mothers, during evacuations and in evacuation centers;

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- (m) The right to be reunited with their families in case of separation due to armed conflict;
- (n) The right to privacy and confidentiality in all proceedings;
- (o) The right to nondiscrimination;
- (p) The right to liberty of movement and freedom to choose their residence; in particular, internally displaced children and their families have the right to move freely in and out of evacuation centers or other settlements, subject to existing rules and regulations in those centers or settlements and to other government regulations and directives;
- (q) The right especially of internally displaced children and their families to: leave the country; seek safety in another part of the country; seek other service providers; seek asylum in another country; and be protected against forcible return to resettlement in any place where their life, safety, liberty or health would be at risk;
- (r) The right to obtain necessary documents to enjoy their legal rights. The State shall have the duty to expedite services in the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions and without discrimination against female child and male child, who shall have equal rights to obtain and to be issued the same in their own names;
- (s) The right of access to justice including free legal aid when filing cases against the perpetrators;
- (t) The right to the protection of their family's properties and possessions in all circumstances; and
- (u) The right to be consulted and to participate in all matters affecting them. Whenever feasible, views of children, as well as families and the communities to which these children return, should be sought in all stages of assessment, planning, implementation and evaluation activities aimed at preventing the association of children with government forces and armed groups; as well as in the development and design of policies, programs and services for the rescue, rehabilitation, and reintegration of children involved in armed conflict.

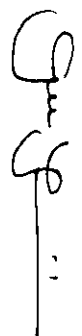
The rights enumerated in this section shall not hinder the application of other rights recognized and guaranteed in the Constitution and other existing laws in keeping with the best interests of the child.

SECTION 7. Prevention. - The Municipal Government shall take all feasible measures to prevent the recruitment, re-recruitment, use, displacement of, or grave child rights violations against children involved in armed conflict. It shall take all necessary measures to ensure the effective implementation and enforcement of the provisions of this Ordinance. Towards this end, the Municipal Government shall:

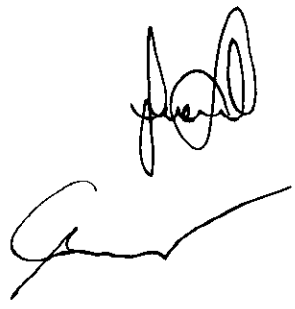
- (a) Prioritize children's issues in the peace program of the government and include children's concerns, specifically the effects of armed, conflicts, in peace negotiations.

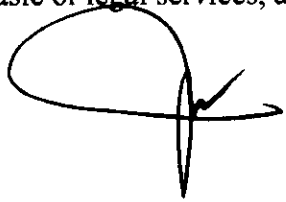
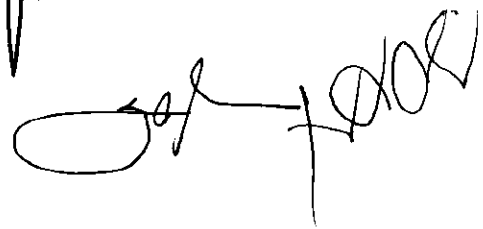
- (b) Pursue in both formal and nonformal settings the mainstreaming of peace education programs and the promotion of the culture of peace and nonviolence;
- (c) Provide educational assistance, whether formal or alternative learning system, that is child and culturally sensitive. Girls should have an equal right to education irrespective of their status as mothers or wives;
- (d) Develop and implement training programs and campaign towards promoting a culture of peace and respect for human rights and international humanitarian law in collaboration with civil society organizations;
- (e) Provide capacity building on Municipal Governance and Community Development, and ensure the participation of the Municipal Council for the Protection of Children, various organizations, especially of children's and people's organizations at the community level. These organizations shall be involved in consultation and decision-making processes and in the development and implementation of programs, projects and activities established for them;
- (f) Establish livelihood programs which shall be made available to communities in all affected areas in order to alleviate the living conditions of the people;
- (g) Make available basic health services in health facilities in all affected areas. Culturally-sensitive nutrition programs and activities including supplementary feeding shall also be made available. Efforts to support traditional health practices in indigenous peoples' area shall also be initiated;
- (h) Establish basic facilities and infrastructure needed;
- (i) Ensure that child protection mechanisms are present and functional; and
- (j) Establish a comprehensive, effective and efficient system for monitoring and reporting and response for violations as provided in Section 9 of this Act.

 **SECTION 8. Immunity from Suit for Persons Providing Assistance.** - Any person who shall take custody of children involved in armed conflict to ensure their safety or provide them any form of assistance shall be exempt from any civil, criminal and administrative liability: *Provided*, That the person taking custody shall report it to the Municipal Social Welfare and Development Office (MSWDO), the PNP or to the barangay office within forty-eight (48) hours from custody.

 **SECTION 9. Rescue, Rehabilitation and Reintegration.** - The Municipal Government shall institute policies, programs and services for the rescue, rehabilitation and reintegration of children in situations of armed conflict. The programs, which shall be provided by civilian local and national government agencies, in partnership with nongovernment organizations shall aim at providing services for children while involving their families, communities and other entities to facilitate the children's reintegration process.

These services shall include psychosocial support, health and nutrition, education, livelihood for families and other basic or legal services, as may be necessary.




Any program intervention shall be designed with due respect to the culture of each child, family and community. The child shall, at all times, be provided with legal assistance and physical security upon rescue.

Regardless of the perceived association of the children to one of the sides of the conflict, they shall benefit from all available medical, psychosocial, legal, shelter and educational response mechanism services for the victims of armed conflict.

The Municipal Government shall take into account the protocol in the rescue, rehabilitation and reintegration of children specified below:

- (a) Rescue. – The Municipal Government shall provide for adequate measures and mechanisms to facilitate the recovery, either voluntary or involuntary, of children from armed groups or government forces. It shall provide legal and physical security to children involved in armed conflict including services such as family tracing and system of referral or response on various psychosocial services needed by the victims;
- (b) Rehabilitation. – The civilian national or local government agencies and civil society organizations shall facilitate the normal development of children victims in their post-involvement phase. It shall provide services including therapeutic counseling, security and protection, educational assistance and livelihood opportunities to their parents, relatives or guardians or to the victims when they become of age;
- (c) Reintegration. – The civilian national or local government agencies and civil society organizations shall bring children back to their families or communities whenever possible. This shall involve services including the provision of alternative parental care. Trainings aimed to enhance community readiness in the reintegration of these children shall also be undertaken. Processes to facilitate the reintegration, healing and reconciliation of CIAC with their communities shall also be undertaken. Whenever possible, interventions for children shall be done with respect to their opinion. Interventions for indigenous peoples (IPs) children shall be conducted in recognition of the traditional structures and institutions of their communities.

SECTION 10. Release of Children Involved in Armed Conflict (CIAC). - The Municipal Government shall take all feasible measures to ensure that children recruited or used in armed conflict are demobilized, dissociated or otherwise released from the government force or armed group.

For purposes of this Ordinance, release activities shall be initiated independent of any negotiated peace agreements.

The State, through its concerned agencies, in coordination with other stakeholders shall have the following duties:

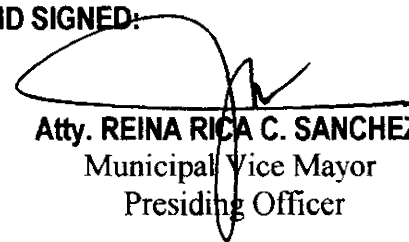
SECTION 11. Effectivity. – This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation in the Municipality of Bulakan.

APPROVED.

I hereby certify that the foregoing Ordinance has been approved by the Sangguniang Bayan of Bulakan in session held for this purpose dated November 21, 2022.

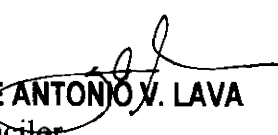

JEFF C. TANSINSIN
Secretary to the Sangguniang Bayan

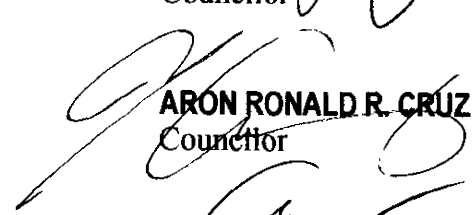
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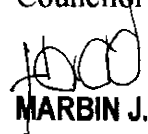

Atty. REINA RICA C. SANCHEZ
Municipal Vice Mayor
Presiding Officer

APPROVED BY:

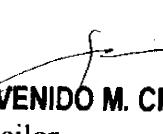

AUBRHIE CINDYRELLE D. CARPIO
Councilor


JOSE ANTONIO V. LAVA
Councilor

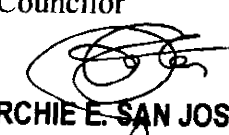

ARON RONALD R. CRUZ
Councilor


MARBIN J. GARCIA
Councilor


CHRISTOPHER ARON C. DEL ROSARIO
Councilor


BIENVENIDO M. CRUZ JR.
Councilor


Atty. ANA MARIE V. PAGSIBIGAN
Councilor

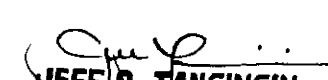

RCHIE E. SAN JOSE
Councilor


MICHAEL M. RAMOS
Councilor (Ex-Officio-ABC)


MIGUEL LEONARDO
Councilor (Ex-Officio-SK)

APPROVED and SIGNED:


VERGEL C. MENESES
Municipal Mayor


JEFF C. TANSINSIN
SANGGUNIANG BAYAN SECRETARY