



Republic of the Philippines
Province of Bulacan
Municipality of Bulakan

PROVINCE OF BULACAN
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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 Cindyyelle 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 - 329

"AN ORDINANCE ADOPTING REPUBLIC ACT NO. 9231 ENTITLED: "THE SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT" AND PROVIDING PENALTIES THERE FOR"

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 Ordinance shall be known as the "Ordinance Adopting the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act".

SECTION 2. Declaration of State Policy and Principles. - It is hereby declared to be the policy of the Municipal Government to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The Municipal Government shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same.

It shall be the policy of the Municipal Government to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control.

The best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child.

Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life.

SECTION 3. Coverage – These Ordinance shall cover all persons and entities engaging the services of or employing children within the jurisdiction of the Municipality of Bulakan.

SECTION 4. Definition of Terms – As used in this Ordinance, the term:

- (a) “Child” refers to any person under 18 years of age.
- (b) “Child labor” refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental or psychosocial development.
- (c) “Working Child” refers to any child engaged as follows:
 - i. when the child is below eighteen (18) years of age, in work or economic activity that is not child labor as defined in the immediately preceding subparagraph, and
 - ii. when the child below fifteen (15) years of age, (i) in work where he/she is directly under the responsibility of his/her parents or legal guardian and where only members of the child’s family are employed; or (ii) in public entertainment or information.
- (d) “Parent” refers to either the biological or adoptive mother or father.
- (e) “Guardian” refers to any person who exercises substitute parental authority regardless of whether or not such parental authority over a child is bestowed by a court.
- (f) “Members of the family” refers to the child’s parents, guardian, brothers or sisters whether of full or half blood, and other ascendants and descendants or collateral relatives within the fourth civil degree of consanguinity.
- (g) “Employer” refers to any person, whether natural or juridical who, whether for valuable consideration or not, directly or indirectly procures, uses, avails itself of, contracts out or otherwise derive benefit from the work or services of a child in any occupation, undertaking, project or activity, whether for profit or not. It includes any person acting in the interest of the employer.
- (h) “Department” refers to the Department of Labor and Employment.
- (i) “Collective needs of the family” refer to such basic needs as food, shelter, light and water, clothing, education, medical, transportation and other expenditure items necessary for the survival of the family of the child.

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- (j) "Work permit" refers to the permit secured by the employer, parent or guardian from the Department for any child below 15 years of age in any work allowed under Republic Act No. 9231.
- (k) "Hours of work" include (1) all time during which a child is required to be at a prescribed workplace, and (2) all time during which a child is suffered or permitted to work. Rest periods of short duration during working hours shall be counted as hours worked.
- (l) "Workplace" refers to the office, premises or worksite where a child is temporarily or habitually assigned. Where there is no fixed or definite workplace, the term shall include the place where the child actually performs work to render service or to take an assignment, to include households employing children.
- (m) "Public entertainment or information" refers to artistic, literary, and cultural performances for television show, radio program, cinema or film, theater, commercial advertisement, public relations activities or campaigns, print materials, internet, and other media.
- (n) "Formal education" refers to the institutionalized, hierarchically structured and chronologically – guided educational system running from elementary to tertiary levels.
- (o) "Non-formal education" refers to any organized, systematic educational activity conducted outside of the formal education system to provide selected type of learning.
- (p) "Alternative learning system" refers to a parallel and comparable learning system which provides a viable alternative to the existing formal education system.
- (q) "Forced labor and slavery" refers 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.
- (r) "Child pornography" refers to any representation of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.
- (s) "Recovery and reintegration" refer to various interventions and services that facilitate the process of healing and eventual return of the child to the family and community.
- (t) "Normal development of the child" refers to the physical, emotional, mental, and spiritual growth of a child within a safe and nurturing environment where he/she is given adequate nourishment, care and protection and the opportunity to perform tasks appropriate at each stage of development.

SECTION 5. General Prohibition – Except as otherwise provided in this Ordinance, no child below 15 years of age shall be employed, permitted or suffered to work, in any public or private establishment.

SECTION 6. Exception to the General Prohibition- Children below fifteen (15) years of age shall may employed:

- 1) When a child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed: *Provided, however,* That his/her employment neither endangers his/her life, safety, health, and morals, nor impairs his/her normal development: *Provided, further,* That the parent or legal guardian shall provide the said child with the prescribed primary and/or secondary education; or
- 2) Where a child's employment or participation in public entertainment or information through cinema, theater, radio, television or other forms of media is essential: *Provided,* That the employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment: *Provided, further,* That the following requirements in all instances are strictly complied with:
 - (a) The employer shall ensure the protection, health, safety, morals and normal development of the child;
 - (b) The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and
 - (c) The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

In the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.

For purposes of this Article, the term "child" shall apply to all persons under eighteen (18) years of age.

SECTION 7. Hours of Work of a Working Child. - Under the exceptions provided in Section 6 of this Ordinance:

- (1) A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week: *Provided,* That the work shall not be more than four (4) hours at any given day;
- (2) A child fifteen (15) years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week;
- (3) No child below fifteen (15) years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child fifteen (15) years of age but below eighteen (18) shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.

SECTION 8. *Conditions for Employment*– Employment for children below fifteen (15) years old shall be done strictly under the following conditions:

- i. The total number of hours worked shall be in accordance with Section 7 of this Ordinance;
- ii. The employment does not endanger the child's life, safety, health and morals, nor impair the child's normal development;
- iii. The child is provided with at least the mandatory elementary or secondary education; and
- iv. The employer secures a work permit for the child in accordance with the Implementing Rules and Regulations of Department Order No. 65-04 of DOLE, which shall state the validity based on the employment contract of the child, but in no case shall it exceed one year.

SECTION 9. *Employment of Spot Extras*. - In public entertainment or information, the requirements for the issuance of work permit from DOLE shall not be applicable to the employment of spot extras or those being cast outright on the day of the filming or taping. Instead, the employer shall file a notice with the Regional Office of the DOLE where the work is to be performed that it will undertake activities involving child work.

SECTION 10. *Ownership, Usage and Administration of the Working Child's Income*. - The wages, salaries, earnings and other income of the working child shall belong to him/her in ownership and shall be set aside primarily for his/her support, education or skills acquisition and secondarily to the collective needs of the family: *Provided*, That not more than twenty percent (20%) of the child's income may be used for the collective needs of the family.

The income of the working child and/or the property acquired through the work of the child shall be administered by both parents. In the absence or incapacity of either of the parents, the other parent shall administer the same. In case both parents are absent or incapacitated, the order of preference on parental authority as provided for under the Family Code shall apply.

SECTION 11. *Trust Fund to Preserve Part of the Working Child's Income*. - The parent or legal guardian of a working child below eighteen (18) years of age shall set up a trust fund for at least thirty percent (30%) of the earnings of the child whose wages and salaries from work and other income amount to at least two hundred thousand pesos (P200,000.00) annually, for which he/she shall render a semi-annual accounting of the fund to the Department of Labor and Employment, in compliance with the provisions of Republic Act No. 9231. The child shall have full control over the trust fund upon reaching the age of majority.

SECTION 12. *Prohibition on the Employment of Children in Worst Forms of Child Labor* – No child shall be engaged in the worst forms of child labor. The phrase “worst forms of child labor” shall refer to any of the following:

- (a) All forms of slavery or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment children for use in armed conflict.

- (b) The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances;
- (c) The use, procuring or offering of a child for illegal or illicit activities, including the production or trafficking of dangerous drugs or volatile substances prohibited under existing laws; or
- (d) Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:
 - i. Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; or
 - ii. Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or
 - iii. Is performed underground, underwater or at dangerous heights; or
 - iv. Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or
 - v. Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or
 - vi. Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels or vibrations; or
 - vii. Is performed under particularly difficult conditions; or
 - viii. Exposes the child to biological agents such as bacteria, fungi, viruses, protozoa, nematodes and other parasites; or
 - ix. Involves the manufacture or handling of explosives and other pyrotechnic products.

- (e) Any person who shall use, coerce, force or intimidate a street child or any other child to beg or use begging as a means of living.

SECTION 13. *Prohibition on the Employment of Children in Certain Advertisements* – No child below 18 years of age shall be employed as a model in any advertisement directly or indirectly promoting alcoholic beverages, intoxicating drinks, tobacco and its byproducts, gambling or any form of violence or pornography.

SECTION 14. *Access to Education and Training for Working Children* – No child shall be deprived of formal or non-formal education. In all cases of employment allowed in this Ordinance, the employer shall provide a working child with access to at least primary and secondary education.

SECTION 15. *Duty of Employer to Submit Report.* - The employer shall submit to the DOLE a report of all children employed by him/her. A separate report shall be made of all such children who are found to be handicapped after medical examination.

SECTION 16. *Register of Children.* - Every employer in any commercial, industrial or agricultural establishment or enterprise shall keep:

1. A register of all children employed by him, indicating the dates of their birth;
2. A separate file for the written consent to their employment given by their parents or guardians;
3. A separate file for their educational and medical certificates; and
4. A separate file for special work permits issued by the Secretary of Labor in accordance with existing laws.

SECTION 17. *Penal Provisions* – Any person who violates any provision of this Ordinance shall be imprisoned for six (6) months, and/or be fined for Two Thousand Five Hundred (Php2,500.00), at the discretion of the Court.

SECTION 18. *Trust Fund from Fines and Penalties* - The fine imposed by the court shall be treated as a Trust Fund, administered by the Department of Labor and Employment and disbursed exclusively for the needs, including the costs of rehabilitation and reintegration into the mainstream of society of the working children who are victims of the violations of this Ordinance, and for the programs and projects that will prevent acts of child labor.

SECTION 19. *Who May File a Complaint* - Complaints on cases of unlawful acts committed against children shall be filed in the Prosecutor's Office for criminal cases and the Family Courts for civil cases, both of the Province of Bulacan, by any of the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity;
- (d) Officer, social worker or representative of a licensed child-caring institution;
- (e) Officer or social worker of the Department of Social Welfare and Development;
- (f) Barangay chairman of the place where the violation occurred, where the child is residing or employed; or
- (g) At least three (3) concerned, responsible citizens where the violation occurred.

SECTION 20. *Access to Immediate Legal, Medical and Psycho-Social Services* - The working child shall have the right to free legal, medical and psycho-social services to be provided by the National Government.

SECTION 21. *Actions of the Municipal Mayor* -

(a) In case of violation, the Municipal Mayor shall revoke the Mayor's Permit and issued to the employer and order the immediate closure of the establishment if the violation of any provision of this Ordinance has resulted in the death, insanity or serious physical injury of a child employed in such establishment; or such firm or establishment is employing a child for prostitution or obscene or lewd shows. The employer shall pay all employees affected by the closure their separation pay and other monetary benefits provided for by law.

(b) The Municipal Mayor shall order the immediate and temporary closure of the establishment if there is imminent danger to the life and limb of the child in accordance with the occupational safety and health standards. An imminent danger is a condition or practice that could reasonably be expected to cause death or serious physical harm.

(c) In no case shall the closure be lifted unless the imminent danger has been abated. For the duration of the closure, the employer shall pay the wages of all employees affected. If, after due hearing, the closure is made permanent, the employer shall pay all employees affected their separation benefits, as provided in the immediately preceding subsection.

(d) In both cases, the employer is required to:

- i. Shoulder the transportation cost of the child from the place of work to the DSWD-accredited halfway house and to the child's residence; and
- ii. Shoulder the total actual cost of medical management, recovery and reintegration of the child, or in case of death, the child's funeral expenses;

SECTION 22. Separability Clause. - If any provision of this Ordinance is declared invalid or unconstitutional, the validity of the remaining provisions hereof shall remain in full force and effect.

SECTION 23. Repealing Clause. - All laws, decrees, or rules inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

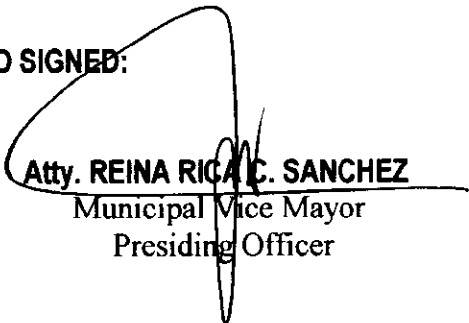
SECTION 24. Effectivity. - This Ordinance shall take effect fifteen (15) days from the date of its complete publication in a newspaper of general circulation in the Municipality of Bulakan.

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.

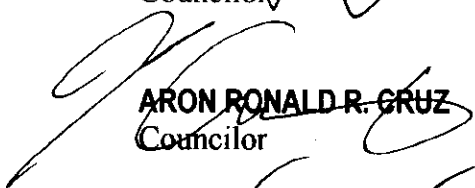

JEFF C. TANSINSIN
Secretary to the Sangguniang Bayan

ATTESTED AND SIGNED:


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

APPROVED BY:

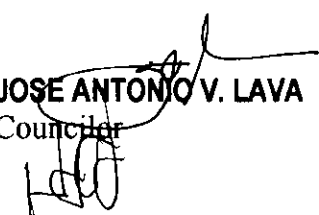

AUBRHIE CINDYRELLE D. CARPIO
Councilor


ARON RONALD R. CRUZ
Councilor


CHRISTOPHER ARON C. DEL ROSARIO
Councilor


Atty. ANA MARIE V. PAGSIBIGAN
Councilor

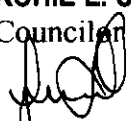

MICHAEL M. RAMOS
Councilor (Ex-Officio-ABC)


JOSE ANTONIO V. LAVA
Councilor


MARBIN J. GARCIA
Councilor


BIENVENIDO M. CRUZ JR.
Councilor


RICHE E. SAN JOSE
Councilor


MIGUEL LEONARDO
Councilor (Ex-Officio-SK)

APPROVED and SIGNED:

VERGEL C. MENESES
Municipal Mayor
12-01-22

JEFF C. TANSINSIN
SANGGUNANG BAYAN SECRETARY