



Republic of the Philippines
Province of Bulacan
Municipality of Bulakan

PROVINCE OF BULACAN
OFFICE OF THE SECRETARY
OFFICIAL RECEIPT

DATE: 12-15-22
TIME: 4:07 PM
BY: EMD

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 - 327

"AN ORDINANCE PROVIDING FOR THE ADOPTION AND IMPLEMENTATION BY THE MUNICIPAL GOVERNMENT OF BULAKAN OF REPUBLIC ACT NO. 9344, "JUVENILE JUSTICE AND WELFARE ACT OF 2006, AS AMENDED BY REPUBLIC ACT NO. 10630" AND PROVIDING FOR FUNDS THERE FOR AND FOR OTHER PURPOSES"

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 "Juvenile Justice and Welfare Act of 2006", as amended."

SECTION 2. Declaration of Policy. –The following policies shall be observed at all times:

- (a) The Municipal Government 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.
- (b) The Municipal Government 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.

- (c) The Municipal Government likewise recognizes the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty and exploitation, and other conditions prejudicial to their development.
- (d) Pursuant to Article 40 of the United Nations Convention on the Rights of the Child, the Municipal Government recognizes the right of every child alleged as, accused of, adjudged, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, taking into account the child's age and desirability of promoting his/her reintegration. Whenever appropriate and desirable, the Municipal Government shall adopt measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. It shall ensure that children are dealt with in a manner appropriate to their well-being by providing for, among others, a variety of disposition measures such as care, guidance and supervision orders, counseling, probation, foster care, education and vocational training programs and other alternatives to institutional care.
- (e) The administration of the juvenile justice and welfare system shall take into consideration the cultural and religious perspectives of the Filipino people, particularly the indigenous peoples and the Muslims, consistent with the protection of the rights of children belonging to these communities.
- (f) The Municipal Government shall apply the principles of restorative justice in all its laws, policies and programs applicable to children in conflict with the law.

SECTION 3. Definition of Terms. - The following terms as used in this Act shall be defined as follows:

- (a) "Best Interest of the Child" refers to the totality of the circumstances and conditions which are most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.
- (b) "Child" refers to a person under the age of eighteen (18) years.
- (c) "Child at Risk" refers to a child who is vulnerable to and at the risk of committing criminal offenses because of personal, family and social circumstances, such as, but not limited to, the following:
 - (1) being abused by any person through sexual, physical, psychological, mental, economic or any other means and the parents or guardian refuse, are unwilling, or unable to provide protection for the child;
 - (2) being exploited including sexually or economically;
 - (3) being abandoned or neglected, and after diligent search and inquiry, the parent or guardian cannot be found;

- (4) coming from a dysfunctional or broken family or without a parent or guardian;
 - (5) being out of school;
 - (6) being a street child;
 - (7) being a member of a gang;
 - (8) living in a community with a high level of criminality or drug abuse; and
 - (9) living in situations of armed conflict.
- (d) "Child in Conflict with the Law" refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws.
- (e) "Community-based Programs" refers to the programs provided in a community setting developed for purposes of intervention and diversion, as well as rehabilitation of the child in conflict with the law, for reintegration into his/her family and/or community.
- (f) "Diversion" refers to an alternative, child-appropriate process of determining the responsibility and treatment of a child in conflict with the law on the basis of his/her social, cultural, economic, psychological or educational background without resorting to formal court proceedings.
- (g) "Diversion Program" refers to the program that the child in conflict with the law is required to undergo after he/she is found responsible for an offense without resorting to formal court proceedings.
- (h) "Initial Contact With-the Child" refers to the apprehension or taking into custody of a child in conflict with the law by law enforcement officers or private citizens. It includes the time when the child alleged to be in conflict with the law receives a subpoena under Section 3(b) of Rule 112 of the Revised Rules of Criminal Procedure or summons under Section 6(a) or Section 9(b) of the same Rule in cases that do not require preliminary investigation or where there is no necessity to place the child alleged to be in conflict with the law under immediate custody.
- (i) "Intervention" refers to a series of activities which are designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance his/her psychological, emotional and psycho-social well-being.
- (j) "Law Enforcement Officer" refers to the person in authority or his/her agent as defined in Article 152 of the Revised Penal Code, including a barangay tanod.
- (k) "Offense" refers to any act or omission whether punishable under special laws or the Revised Penal Code, as amended.
- (l) "Recognizance" refers to an undertaking in lieu of a bond assumed by a parent or custodian who shall be responsible for the appearance in court of the child in conflict with the law, when required.

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

- (m) "Restorative Justice" refers to a principle which requires a process of resolving conflicts with the maximum involvement of the victim, the offender and the community. It seeks to obtain reparation for the victim; reconciliation of the offender, the offended and the community; and reassurance to the offender that he/she can be reintegrated into society. It also enhances public safety by activating the offender, the victim and the community in prevention strategies.
- (n) "Youth Rehabilitation Center" refers to a 24-hour residential care facility managed by the Department of Social Welfare and Development (DSWD), LGUs, licensed and/or accredited NGOs monitored by the DSWD,
- (o) "Victimless Crimes" refers to offenses where there is no private offended party.

SECTION 4. *Rights of the Child in Conflict with the Law.* - Every child in conflict with the law shall have the following rights, including but not limited to:

- (a) the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- (b) the right not to be imposed a sentence of capital punishment or life imprisonment, without the possibility of release;
- (c) the right not to be deprived, unlawfully or arbitrarily, of his/her liberty; detention or imprisonment being a disposition of last resort, and which shall be for the shortest appropriate period of time;
- (d) the right to be treated with humanity and respect, for the inherent dignity of the person, and in a manner which takes into account the needs of a person of his/her age. In particular, a child deprived of liberty shall be separated from adult offenders at all times. No child shall be detained together with adult offenders. He/She shall be conveyed separately to or from court. He/She shall await hearing of his/her own case in a separate holding area. A child in conflict with the law shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;
- (e) the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his/her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on such action;
- (f) the right to bail and recognizance, in appropriate cases;
- (g) the right to testify as a witness in his/her own behalf under the rule on examination of a child witness;
- (h) the right to have his/her privacy respected fully at all stages of the proceedings;
- (i) the right to diversion if he/she is qualified and voluntarily avails of the same;
- (j) the right to be imposed a judgment in proportion to the gravity of the offense where his/her best interest, the rights of the victim and the needs of society are all taken into consideration by the court, under the principle of restorative justice;

- (k) the right to have restrictions on his/her personal liberty limited to the minimum, and where discretion is given by law to the judge to determine whether to impose fine or imprisonment, the imposition of fine being preferred as the more appropriate penalty;
- (l) in general, the right to automatic suspension of sentence;
- (m) the right to probation as an alternative to imprisonment, if qualified under the Probation Law;
- (n) the right to be free from liability for perjury, concealment or misrepresentation; and
- (o) other rights as provided for under existing laws, rules and regulations.

The Municipal Government further adopts the provisions of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or "Beijing Rules", United Nations Guidelines for the Prevention of Juvenile Delinquency or the "Riyadh Guidelines", and the United Nations Rules for the Protection of Juveniles Deprived of Liberty.

SECTION 5. *Minimum Age of Criminal Responsibility.* – A child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability. However, the child shall be subjected to an intervention program pursuant to Republic Act 9344 as amended by Republic Act No. 10630.

A child is deemed to be fifteen (15) years of age on the day of the fifteenth anniversary of his/her birthdate.

A child above fifteen (15) years but below eighteen (18) years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings in accordance with this Republic Act 9344 as amended by Republic Act No. 10630.

The exemption from criminal liability herein established does not include exemption from civil liability, which shall be enforced in accordance with existing laws.

SECTION 6. *Determination of Age.* - The child in conflict with the law shall enjoy the presumption of minority. He/She shall enjoy all the rights of a child in conflict with the law until he/she is proven to be eighteen (18) years old or older. The age of a child may be determined from the child's birth certificate, baptismal certificate or any other pertinent documents. In the absence of these documents, age may be based on information from the child himself/herself, testimonies of other persons, the physical appearance of the child and other relevant evidence. In case of doubt as to the age of the child, it shall be resolved in his/her favor.

Any person contesting the age of the child in conflict with the law prior to the filing of the information in any appropriate court may file a case in a summary proceeding for the determination of age before the Family Court which shall decide the case within twenty-four (24) hours from receipt of the appropriate pleadings of all interested parties.

If a case has been filed against the child in conflict with the law and is pending in the appropriate court, the person shall file a motion to determine the age of the child in the same court where the case is pending. Pending hearing on the said motion, proceedings on the main case shall be suspended.

SECTION 13. *Development of a Comprehensive Juvenile Intervention Program.* - A comprehensive juvenile intervention program covering at least a 3-year period shall be instituted in the Municipal Government and the barangay level.

An amount necessary to implement their respective juvenile intervention programs shall be set aside by the Municipal Government and the Sangguniang Barangay in their respective annual budget.

The MCPC shall call on all sectors concerned, particularly the child-focused institutions, NGOs, people's organizations, educational institutions and government agencies involved in delinquency prevention to participate in the planning process and implementation of juvenile intervention programs. Such programs shall be implemented consistent with the national program formulated and designed by the Juvenile Justice and Welfare Council (JJWC). The implementation of the comprehensive juvenile intervention program shall be reviewed and assessed annually by the BCPC in coordination with the MCPC. Results of the assessment shall be submitted to the provincial governments not later than March 1 of every year.

SECTION 14. *Community-based Programs on Juvenile Justice and Welfare.* - Community-based programs on juvenile justice and welfare shall be instituted by the MCPC, BCPC, school, youth organizations and other concerned agencies. The Municipal Government shall provide community-based services which respond to the special needs, problems, interests and concerns of children and which offer appropriate counseling and guidance to them and their families. These programs shall consist of three levels:

- (a) Primary intervention includes general measures to promote social justice and equal opportunity, which tackle perceived root causes of offending;
- (b) Secondary intervention includes measures to assist children at risk; and
- (c) Tertiary intervention includes measures to avoid unnecessary contact with the formal justice system and other measures to prevent re-offending.

SECTION 15. *Children Below the Age of Criminal Responsibility.* - If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child, in consultation with the Municipal Social Welfare and Development Officer, has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. The child shall be subjected to a community-based intervention program supervised by the Municipal Social Welfare and Development Officer, unless the best interest of the child requires the referral of the child to a youth care facility or 'Bahay Pag-asa' managed by Municipal Government or licensed and/or accredited NGOs monitored by the DSWD.

The Municipal Social Welfare and Development Officer shall determine the appropriate programs for the child who has been released, in consultation with the child and the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following:

- (a) A duly registered nongovernmental or religious organization;
- (b) A barangay official or a member of the Barangay Council for the Protection of Children (BCPC);

- (c) A local social welfare and development officer; or, when and where appropriate, the DSWD.

If the child has been found by the Municipal Social Welfare and Development Officer to be dependent, abandoned, neglected or abused by his/her parents and the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: *Provided*, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the Municipal Social Welfare and Development Office (MSWDO) pursuant to Presidential Decree No. 603, as amended, otherwise known as 'The Child and Youth Welfare Code' and the Supreme Court rule on commitment of children: *Provided, further*, That the minimum age for children committed to a youth care facility or 'Bahay Pag-asa' shall be twelve (12) years old.

SECTION. 16. *Serious Crimes Committed by Children Who Are Exempt From Criminal Responsibility.* – A child who is above twelve (12) years of age up to fifteen (15) years of age and who commits parricide, murder, infanticide, kidnapping and serious illegal detention where the victim is killed or raped, robbery, with homicide or rape, destructive arson, rape, or carnapping where the driver or occupant is killed or raped or offenses under Republic Act No. 9165 (Comprehensive Dangerous Drugs Act of 2002) punishable by more than twelve (12) years of imprisonment, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall be mandatorily placed in a special facility within the youth care facility or 'Bahay Pag-asa' called the Intensive Juvenile Intervention and Support Center (IJISC).

In accordance with existing laws, rules, procedures and guidelines, the proper petition for involuntary commitment and placement under the IJISC shall be filed by the local social welfare and development officer of the Municipal Government where the offense was committed, or by the social worker in the Municipal Social Welfare and Development Officer's absence, within twenty-four (24) hours from the time of the receipt of a report on the alleged commission of said child. The court, where the petition for involuntary commitment has been filed shall decide on the petition within seventy-two (72) hours from the time the said petition has been filed by the MSWDO.

SECTION. 17. *Repetition of Offenses.* – A child who is above twelve (12) years of age up to fifteen (15) years of age and who commits an offense for the second time or oftener: *Provided*, That the child was previously subjected to a community-based intervention program, shall be deemed a neglected child under Presidential Decree No. 603, as amended, and shall undergo an intensive intervention program supervised by the local social welfare and development officer: *Provided, further*, That, if the best interest of the child requires that he/she be placed in a youth care facility or 'Bahay Pag-asa', the child's parents or guardians shall execute a written authorization for the voluntary commitment of the child: *Provided, finally*, That if the child has no parents or guardians or if they refuse or fail to execute the written authorization for voluntary commitment, the proper petition for involuntary commitment shall be immediately filed by the DSWD or the MSWDO pursuant to Presidential Decree No. 603, as amended."

SECTION. 18. *Exploitation of Children for Commission of Crimes.* – Any person who, in the commission of a crime, makes use, takes advantage of, or profits from the use of children, including any person who abuses his/her authority over the child or who, with abuse of confidence, takes advantage of the vulnerabilities of the child and shall induce, threaten or

instigate the commission of the crime, shall be imposed the penalty prescribed under Republic Act No. 9344 as amended by 10630.

SECTION. 19. *Joint Parental Responsibility.* – The MSWDO may recommend to the court to require the parents of a child in conflict with the law to undergo counseling or any other intervention that, in the opinion of the court, would advance the welfare and best interest of the child.

As used in this Act, 'parents' shall mean any of the following:

- (a) Biological parents of the child; or
- (b) Adoptive parents of the child; or
- (c) Individuals who have custody of the child.

The parents shall be liable for damages unless they prove, to the satisfaction of the court, that they were exercising reasonable supervision over the child at the time the child committed the offense and exerted reasonable effort and utmost diligence to prevent or discourage the child from committing another offense.

SECTION. 20. *Assistance to Victims of Offenses Committed by Children.* – The victim of the offense committed by a child and the victim's family shall be provided the appropriate assistance and psychological intervention by the MSWDO, the DSWD and other concerned agencies.

SECTION. 21. *Procedure for Taking the Child into Custody.* - From the moment a child is taken into custody, the law enforcement officer shall:

- (a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;
- (b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;
- (c) Properly identify himself/herself and present proper identification to the child;
- (d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;
- (e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;
- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of this Act;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of

Notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's

act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;

- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:

1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and

- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same sex.

SECTION 22. Duties During Initial Investigation. – The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

The taking of the statement of the child shall be conducted in the presence of the following: (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office; (2) the child's parents, guardian, or nearest relative, as the case may be; and (3) the Municipal Social Welfare and Development Officer. In the absence of the child's parents, guardian, or nearest relative, and the Municipal Social Welfare and Development Officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

The social worker shall conduct an initial assessment to determine the appropriate interventions and whether the child acted with discernment, using the discernment assessment tools developed by the DSWD. The initial assessment shall be without prejudice to the preparation of a more comprehensive case study report. The local social worker shall do either of the following:

[Handwritten signatures and initials are present in the bottom section of the page, including a large signature on the left and several initials on the right.]

Failure to comply with the terms and conditions of the contract of diversion, as certified by the local social welfare and development officer, shall give the offended party the option to institute the appropriate legal action.

The period of prescription of the offense shall be suspended during the effectivity of the diversion program, but not exceeding a period of two (2) years.

SECTION 27. Duty of the Punong Barangay When There is No Diversion. - If the offense does not fall under Section 27(a) and (b), or if the child, his/her parents or guardian does not consent to a diversion, the Punong Barangay handling the case shall, within three (3) days from determination of the absence of jurisdiction over the case or termination of the diversion proceedings, as the case may be, forward the records of the case of the child to the law enforcement officer, prosecutor or the appropriate court, as the case may be. Upon the issuance of the corresponding document, certifying to the fact that no agreement has been reached by the parties, the case shall be filed according to the regular process.

SECTION 28. Duty of the Law Enforcement Officer When There is No Diversion. - If the offense does not fall under Section 27(a) and (b), or if the child, his/her parents or guardian does not consent to a diversion, the Women and Children Protection Desk of the Philippine National Police (PNP), or other law enforcement officer handling the case of the child under custody, to the prosecutor or judge concerned for the conduct of inquest and/or preliminary investigation to determine whether or not the child should remain under custody and correspondingly charged in court. The document transmitting said records shall display the word "CHILD" in bold letters.

SECTION 29. Factors in Determining Diversion Program. - In determining whether diversion is appropriate and desirable, the following factors shall be taken into consideration:

- (a) The nature and circumstances of the offense charged;
- (b) The frequency and the severity of the act;
- (c) The circumstances of the child (e.g. age, maturity, intelligence, etc.);
- (d) The influence of the family and environment on the growth of the child;
- (e) The reparation of injury to the victim;
- (f) The weight of the evidence against the child;
- (g) The safety of the community; and
- (h) The best interest of the child.

SECTION 30. Formulation of the Diversion Program. - In formulating a diversion program, the individual characteristics and the peculiar circumstances of the child in conflict with the law shall be used to formulate an individualized treatment.

The following factors shall be considered in formulating a diversion program for the child:

- (a) The child's feelings of remorse for the offense he/she committed;

- (2) Written or oral reprimand or citation;
- (3) Fine;
- (4) Payment of the cost of the proceedings; or
- (5) Institutional care and custody.

SECTION 37. Detention of the Child Pending Trial. - Children detained pending trial may be released on bail or recognizance. In all other cases and whenever possible, detention pending trial may be replaced by alternative measures, such as close supervision, intensive care or placement with a family or in an educational setting or home. Institutionalization or detention of the child pending trial shall be used only as a measure of last resort and for the shortest possible period of time.

Whenever detention is necessary, a child will always be detained in youth detention homes established by the Municipal Government, if any, if the child resides in the Municipality of Bulakan.

In the absence of a youth detention home, the child in conflict with the law may be committed to the care of the DSWD or a local rehabilitation center recognized by the government in the province, city or municipality within the jurisdiction of the court. The center or agency concerned shall be responsible for the child's appearance in court whenever required.

SECTION 38. Objective of Rehabilitation and Reintegration. - The objective of rehabilitation and reintegration of children in conflict with the law is to provide them with interventions, approaches and strategies that will enable them to improve their social functioning with the end goal of reintegration to their families and as productive members of their communities.

SECTION 39 . Bahay Pag-asa. - Subject to availability of funds, there shall be established in the Municipality of Bulakan a “Bahay Pag-Asa” which provides care, treatment and rehabilitation services for children in conflict with the law.

(a) “Bahay Pag-asa” refers to a 24-hour child-caring institution established, funded and managed by the Municipal Government, and licensed and/or accredited nongovernment organizations (NGOs) 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.

(b) Part of the features of the ‘Bahay Pag-asa’ is an intensive juvenile intervention and support center. This will cater to children in conflict with the law in accordance with Sections 20, 20-A and 20-B of Republic Act No. 10630.

(c) Rehabilitation services are provided under the guidance of a trained staff where residents are cared for under a structured therapeutic environment with the end view of reintegrating them into their families and communities as socially functioning individuals.

(d) A multi-disciplinary team composed of a social worker, a psychologist/mental health professional, a medical doctor, an educational/guidance counselor 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.

66

1/2/2022

1/2/2022

1/2/2022

2

1/2/2022

1/2/2022

(e) Physical mobility of residents of said centers may be restricted pending court disposition of the charges against them.

(f) It shall be mandatory that children shall be separated from adults unless they are members of the same family. Under no other circumstance shall a child in conflict with the law be placed in the same confinement as adults.

(g) A home environment shall be provided for the children in conflict with the law with quality counseling and treatment.

(h) Female children in conflict with the law placed in the Bahay Pag-Asa shall be given special attention as to their personal needs and problems. They shall be handled by female doctors, correction officers and social workers, and shall be accommodated separately from male children in conflict with the law.

(i) No personnel of rehabilitation and training facilities shall handle children in conflict with the law without having undergone gender sensitivity training.

(j) The Municipal Council for the Protection of Children shall promulgate the implementing rules and regulations in the operations of the Bahay Pag-Asa.

SECTION 40. Confidentiality of Records and Proceedings. - All records and proceedings involving children in conflict with the law from initial contact until final disposition of the case shall be considered privileged and confidential. The public shall be excluded during the proceedings and the records shall not be disclosed directly or indirectly to anyone by any of the parties or the participants in the proceedings for any purpose whatsoever, except to determine if the child in conflict with the law may have his/her sentence suspended or if he/she may be granted probation under the Probation Law, or to enforce the civil liability imposed in the criminal action.

The component authorities shall undertake all measures to protect this confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving children in conflict with the law and adopting a system of coding to conceal material information which will lead to the child's identity. Records of a child in conflict with the law shall not be used in subsequent proceedings for cases involving the same offender as an adult, except when beneficial for the offender and upon his/her written consent.

A person who has been in conflict with the law as a child shall not be held under any provision of law, to be guilty of perjury or of concealment or misrepresentation by reason of his/her failure to acknowledge the case or recite any fact related thereto in response to any inquiry made to him/her for any purpose.

SECTION 41. Court Order Required. - No child shall be received in any rehabilitation or training facility without a valid order issued by the court after a hearing for the purpose. The details of this order shall be immediately entered in a register exclusively for children in conflict with the law. No child shall be admitted in any facility where there is no such register.

SECTION 42. Rehabilitation of Children in Conflict with the Law. - Children in conflict with the law, whose sentences are suspended may, upon order of the court, undergo any or a combination of disposition measures best suited to the rehabilitation and welfare of the child.

If the community-based rehabilitation is availed of by a child in conflict with the law, he/she shall be released to parents, guardians, relatives or any other responsible person in the community. Under the supervision and guidance of the local social welfare and development

Page 16

Municipal Ordinance No. 2022 – 327

x- - - - -x

officer, and in coordination with his/her parents/guardian, the child in conflict with the law shall participate in community-based programs, which shall include, but not limited to:

- (1) Competency and life skills development;
- (2) Socio-cultural and recreational activities;
- (3) Community volunteer projects;
- (4) Leadership training;
- (5) Social services;
- (6) Homelife services;
- (7) Health services;
- (8) Spiritual enrichment; and
- (9) Community and family welfare services.

In accordance therewith, the family of the child in conflict with the law shall endeavor to actively participate in the community-based rehabilitation.

Based on the progress of the youth in the community, a final report will be forwarded by the municipal social welfare and development officer to the court for final disposition of the case.

If the community-based programs are provided as diversion measures, the programs enumerated above shall be made available to the child in conflict with the law.

SECTION 43. Objectives of Community Based Programs. - The objectives of community-based programs are as follows:

- (a) Prevent disruption in the education or means of livelihood of the child in conflict with the law in case he/she is studying, working or attending vocational learning institutions;
- (b) Prevent separation of the child in conflict with the law from his/her parents/guardians to maintain the support system fostered by their relationship and to create greater awareness of their mutual and reciprocal responsibilities;
- (c) Facilitate the rehabilitation and mainstreaming of the child in conflict with the law and encourage community support and involvement; and
- (d) Minimize the stigma that attaches to the child in conflict with the law by preventing jail detention.

SECTION 44. Criteria of Community-Based Programs. –The Municipal Government shall establish community-based programs that will focus on the rehabilitation and reintegration of the child. All programs shall meet the criteria to be established by the JJWC which shall take

Page 17

Municipal Ordinance No. 2022 – 327

x- - - - -x

into account the purpose of the program, the need for the consent of the child and his/her parents or legal guardians, and the participation of the child-centered agencies whether public or private.

SECTION 45. After-Care Support Services for Children in Conflict with the Law. - Children in conflict with the law whose cases have been dismissed by the proper court because of good behavior as per recommendation of the DSWD social worker and/or any accredited NGO youth rehabilitation center shall be provided after-care services by the municipal social welfare and development officer for a period of at least six (6) months. The service includes counseling and other community-based services designed to facilitate social reintegration, prevent re-offending and make the children productive members of the community.

SECTION 46. Status Offenses. – Any conduct not considered an offense or not penalized if committed by an adult shall not be considered an offense and shall not be punished if committed by a child.

SECTION 47. Violations of Local Ordinances. – Ordinances previously enacted by the Municipality of Bulakan concerning juvenile status offenses such as, but not limited to, curfew violations, truancy, parental disobedience, anti-smoking and anti-drinking laws, as well as light offenses and misdemeanors against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, littering, public urination, and trespassing, shall be for the protection of children. No penalty shall be imposed on children for said violations, and they shall instead be brought to their residence or to any barangay official at the barangay hall to be released to the custody of their parents. Appropriate intervention programs shall be provided for in such ordinances. The child shall also be recorded as a ‘child at risk’ and not as a ‘child in conflict with the law’. The ordinance shall also provide for intervention programs, such as counseling, attendance in group activities for children, and for the parents, attendance in parenting education seminars.

SECTION 48. Offenses Not Applicable to Children. - Persons below eighteen (18) years of age shall be exempt from prosecution for the crime of vagrancy and prostitution under Section 202 of the Revised Penal Code, of mendicancy under Presidential Decree No. 1563, and sniffing of rugby under Presidential Decree No. 1619, such prosecution being inconsistent with the United Nations Convention on the Rights of the Child: *Provided*, That said persons shall undergo appropriate counseling and treatment program.

SECTION 49. Mandatory Registry of Children in Conflict with the Law. – All duty-bearers, including barangay/BCPC workers, law enforcers, teachers, guidance counselors, social workers and prosecutors who will receive report, handle or refer cases of children in conflict with the law, shall ensure a faithful recordation of all pertinent information, such as age, residence, gender, crime committed or accused of and the details of the intervention or diversion, as the case may be, under which they will undergo or has undergone, of all children in conflict with the law to guarantee the correct application of the provisions of this Act and other laws.

SECTION 50. Prohibition Against Labeling and Shaming. - In the conduct of the proceedings beginning from the initial contact with the child, the competent authorities must refrain from branding or labeling children as young criminals, juvenile delinquents, prostitutes or attaching to them in any manner any other derogatory names. Likewise, no discriminatory

SECTION 55. Appropriations. – The Municipal Government shall appropriate funds for the implementation of this Ordinance.

In addition, the Council may accept donations, grants and contributions from various sources, in cash or in kind, for purposes relevant to its functions, subject to the usual government accounting and auditing rules and regulations.

SECTION 56. Children Who Reach the Age of Eighteen (18) Years Pending Diversion and Court Proceedings. - If a child reaches the age of eighteen (18) years pending diversion and court proceedings, the appropriate diversion authority in consultation with the municipal social welfare and development officer or the Family Court in consultation with the Social Services and Counseling Division (SSCD) of the Supreme Court, as the case may be, shall determine the appropriate disposition. In case the appropriate court executes the judgment of conviction, and unless the child in conflict the law has already availed of probation under Presidential Decree No. 603 or other similar laws, the child may apply for probation if qualified under the provisions of the Probation Law.

SECTION 57. Separability Clause. - If, for any reason, any section or provision of this Ordinance is declared unconstitutional or invalid by the Supreme Court, the other sections or provisions hereof not affected by such declaration shall remain in force and effect.

SECTION 58. Repealing Clause. - All existing ordinances, executive orders, rules and regulations or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 59. Effectivity. – This Act shall take effect after fifteen (15) days from its publication in a newspaper of general circulation in the Municipality of Bulakan.

APPROVED.

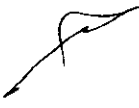
I hereby certify that the foregoing Ordinance has been approved by the Sangguniang Bayan of Bulakan in session held for this purpose dated November 21, 2022.


JEEP C. TANSINSIN

Secretary to the Sangguniang Bayan

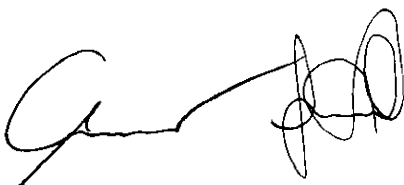
ATTESTED AND SIGNED:


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

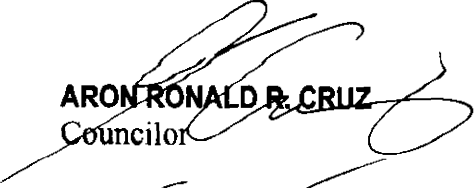

APPROVED BY:

AUBRHIE CINDYRELLE D. CARPIO
Councilor


JOSE ANTONIO V. LAVA
Councilor






ARON RONALD R. CRUZ
Councilor


MARBIN J. GARCIA
Councilor

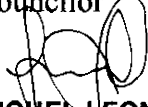

CHRISTOPHER ARON C. DEL ROSARIO
Councilor


BIENVENIDO M. CRUZ JR.
Councilor


Atty. ANA MARIE V. PAGSIBIGAN
Councilor


RICHE 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
12-09-22


JEFF C. TANSINSIN
SANGGUNIAN BAYAN SECRETARY