



PAMAHALAANG BAYAN NG TAYTAY TANGGAPAN NG SANGGUNIANG BAYAN

EXCERPT FROM THE MINUTES OF THE 78th REGULAR SESSION OF THE 11th
SANGGUNIANG BAYAN, TAYTAY, RIZAL, HELD ON FEBRUARY 23, 2021, 1:18 PM
AT THE SESSION HALL OF THE MUNICIPAL BUILDING, TAYTAY, RIZAL

PRESENT:

Hon. Michell B. Bermundo	-	Vice Mayor/Presiding Officer
Hon. Ma. Jeca B. Villanueva	-	Councilor
Hon. Patrick John P. Alcantara	-	“
Hon. Joanne Marie P. Calderon	-	“
Hon. Ceferino R. Resurreccion Jr.	-	“
Hon. Kyle Georic Y. Gacula	-	“
Hon. Ma. Elaine T. Leonardo	-	“
Hon. Philip Jeison J. Cruz	-	“
Hon. Frank Luster L. Santos	-	LnB President
Hon. Roda May A. Diño	-	SK Federation President

ABSENT:

Hon. Sophia Priscilla L. Cabral - Councilor

Authored & Sponsored by: Coun. Philip Jeison J. Cruz
Co-Sponsored by: Committee on Social Services, Men, Women, Third
Sex & Family
Coun. Joanne Marie P. Calderon
Coun. Ma. Jeca B. Villanueva
Coun. Kyle Georic Y. Gacula
LnB Pres. Frank Luster L. Santos
SK Fed. Pres. Roda May A. Diño

Vice Mayor Michell B. Bermundo
Coun. Sophia Priscilla L. Cabral
Coun. Patrick John P. Alcantara
Coun. Ceferino R. Resurreccion Jr.
Coun. Ma. Elaine T. Leonardo

ORDINANCE NO. 694 series of 2021

AN ORDINANCE PROVIDING FOR THE ADVANCEMENT OF PROTECTION OF CHILDREN IN TAYTAY FROM NEGLIGENCE OF PARENTS OR LAWFUL GUARDIANS IN TIMES OF NATIONAL HEALTH EMERGENCIES, PROVIDING PENALTIES THEREOF AND FOR OTHER PURPOSES

WHEREAS, Article XV Section 3(2) of the 1987 Constitution of the Republic of the Philippines implores that “the State shall defend the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development”;

WHEREAS, Section 2 of Republic Act No. 7610: “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes” reechoes that “it is the policy of the State to provide special protection to children from all forms of abuse, NEGLIGENCE, cruelty, EXPLOITATION, and DISCRIMINATION, and other conditions prejudicial to their development” and that “It shall be the policy of the State 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”;

WHEREAS, Section 3(c)(6) of RA7610 states that “Circumstances which gravely threaten or endanger the survival and normal development of children include, but are not limited to, the following; Circumstances analogous to those above stated which endanger the life, safety or normal development of children” of which are happening because of the National Health Emergency that is in effect all throughout the country;

WHEREAS, Section 4(f) (3) and (4) of Republic Act No. 11332: “An Act Providing Policies and Prescribing Procedures on Surveillance and Response to Notifiable Diseases, Epidemics, and Health Events of Public Health Concern”, otherwise known as the "Law On Reporting of Communicable Diseases" states the objective to ensure that public health authorities have the statutory and regulatory authority to ensure the following: Quarantine and isolation; and rapid containment and implementation of measures for disease prevention and control;

WHEREAS, the Taytay Children’s Code provides for the Municipalities policy and guidelines in giving utmost importance and protection to every youth of Taytay, Rizal;

WHEREAS, upon the declaration of President Duterte that the entire Philippines is placed under National Health Emergency, there have been a number of Quarantine Protocols enforced thru National Laws and Memoranda, IATF Guidelines and Local Government Unit statutes with appropriate penalties that aim to deter the spread of COVID-19 which has been classified as a pandemic;

WHEREAS, despite the repeated calls from the Government for the public to stay at home there have been a great number of violators of Quarantine Protocols and a fraction of those apprehended are minors who tend to go thru the same operational procedures as the adults and may be detrimental to the development of the minor or might even cause trauma to the underaged, thus the need for a mechanism to further advance the protection of children who might be neglected or abused that led to their violations of certain Quarantine Protocols and promote the welfare of minors;

NOW THEREFORE, BE IT ORDAINED, by the 11th Sangguniang Bayan of Taytay, in a session duly assembled, hereby enacts the following:

Section 1. Short Title – This Ordinance be referred to as the:

“Taytay Child Protection from Negligent Parents During Pandemic Ordinance”

Section 2. Definition of Terms – as used in this Ordinance the following terms shall mean:

- a. Erring minors –those having failed to adhere to proper standards and committed quarantine protocol violations
- b. Legal Guardian –those person/s who has a legal authority to care for a minor usually next of kin
- c. Minor/s –those who are aged 17 and below or persons with special needs even though they are already adults but cannot take care of themselves
- d. Parents – those who are the biological father or mother of minor
- e. Quarantine Protocol Violations –violations of Taytay ordinances and/or IATF guidelines in relation to Covid-19 health protocols

Section 3. Scope, Limitation and Purpose – the main purpose of this Ordinance is to further protect the minors in the Municipality of Taytay from neglect of parents or guardians and from discrimination and trauma of apprehension that may affect their normal development in times of National Health Emergencies.

This Ordinance shall not cover commission of crimes, grave offenses and violations of laws outside IATF Guidelines, Ordinances and pronouncements related to the National Health Emergency.

Section 4. Coverage – It shall be the responsibility of the parents or in the absence of the parents, the legal guardian to attend to their children and make sure that their minors are not neglected to loiter outside without valid reasons as majority of minors are not considered as authorized persons outside residence based on all existing pronouncements by both National Government and the Local Government Unit.

The parent or legal guardian of minors who are caught violating Quarantine Protocols shall be summoned on the spot for the issuance of the Ordinance Violation Ticket under the name of the parent or legal guardian.

The parent or legal guardian shall be meted with the equivalent fines and penalty in lieu of the minor caught violating Quarantine Protocols.

No minor shall be apprehended following the standard operating procedures on lawbreakers and offenders.

Section 5. Fines & Penalties – for every violation of this Ordinance, the following shall be imposed as penalties:

1st OFFENSE – Warning and lecture regarding RA7610 and RA11332. The parent or legal guardian shall undergo an Effective Parenthood Seminar and the minor involved shall undergo a Values Formation Seminar for Children to be conducted by the Municipal Social Welfare and Development Office, the Barangay Council for the Protection of Children and/or the Sangguniang Kabataan

The contact details shall be collected by the apprehending officer for the database of violators.

2ND OFFENSE and subsequent violations:

If the minor apprehended is 15 years to 17 years old, the parents or legal guardian shall be meted a fine of Five Hundred Pesos (P 500) or four (4) hours Community Service at the Barangay where the minor was caught or imprisonment of one month.

If the minor apprehended is 13 to 14 years old, the parents or legal guardian shall be meted a fine of One Thousand Pesos (P 1,000) or eight (8) hours Community Service at the Barangay where the minor was caught or imprisonment of three months.

If the minor is around 12 years of age and below, the parents or legal guardian shall be meted a fine of One Thousand, Five Hundred Pesos (P 1,500) or twelve (12) hours Community Service at the Barangay where the minor was caught or imprisonment of six months.

For every subsequent violation/s, the parent or legal guardian shall again undergo an Effective Parenthood Seminar and the minor involved shall undergo a Values Formation Seminar for Children to be conducted by the Municipal Social Welfare and Development Office, the Barangay Council for the Protection of Children and/or the Sangguniang Kabataan.

If the minor is a resident of a different Barangay or Municipality/City, the apprehending officers shall directly coordinate with the Barangay of residence of the violator of this Ordinance to summon the parents. In cases such as this, the apprehending officer may bring the minor to the Barangay Hall while waiting for the arrival of the parent or guardian for the issuance of a violation ticket.

Section 6. Roles and Functions – All Municipal Personnel deputized by the Municipal Mayor, PNP Taytay and the respective Barangay Personnel duly authorized by the Punong Barangay shall be the implementing arm of this Ordinance in coordination with the Municipal Social Welfare and Development Office and the Women and Children Protection Department of PNP Taytay.

Relevant trainings for the apprehending officers shall be spearheaded by the Office of the Mayor before deployment for the clarification of the standard operating procedure and implementing rules and regulations specifically in dealing with minors.

The list of minors that have been recorded by the apprehending officer shall be accessible to the MSWDO and the Sangguniang Kabataan for possible interventions and programs.

In the absence of the parents or guardians, the MSWDO shall be in charge of the case/incident following their department's protocols in handling Children in Conflict with the Law (CICL).

Section 7. Implementing Rules and Regulations – The Executive Department of this Municipality shall formulate the Implementing Rules and Regulations within 15 days upon approval of this Ordinance.

Section 8. Separability Clause - If for any reason/s, any section of this ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

Section 9. Repealing Clause - All ordinances, rules and regulations, or part thereof, in conflict with, or inconsistent with any provisions of this Ordinance are hereby repealed or modified accordingly.

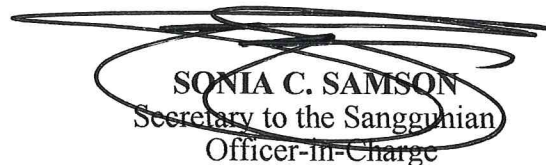
Section 10. Declaration of Intent to Conform with Law - This Ordinance is subject to national laws, rules and regulations governing its subject matter.

Section 11. Applicability Clause - All other matters relating to the impositions of this Ordinance shall be governed by pertinent provisions of existing laws and other ordinances.


Section 12. Effectivity Clause - This Ordinance shall take effect after its approval and posting in conspicuous places. This Ordinance shall be valid in times National Health Emergencies or similar states that this Municipality may be placed under such circumstances.

ENACTED, this 23rd day of February, 2021, 2:24 PM at the Session Hall of the Municipal Building, Taytay, Rizal.

I HEREBY CERTIFY, to the correctness of the foregoing Ordinance which was duly enacted by the Sangguniang Bayan of Taytay on second reading on February 23, 2021 and was passed on third and final reading on February 23, 2021, during the 78th Regular Session held on the 23rd day of February, 2021.


SONIA C. SAMSON
Secretary to the Sanggunian
Officer-in-Charge

ATTESTED AND CERTIFIED TO BE DULY
ADOPTED BY HER HONOR


HON. MICHEL B. BERMUNDO
Municipal Vice Mayor/Presiding Officer

APPROVED BY HIS HONOR
DATE 04 MAR 2021


HON. GEORGE RICARDO R. GACULA II
Municipal Mayor