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BAYAN**
MONCADA, TARLAC



EXCERPT FROM THE MINUTES OF THE 47th REGULAR SESSION FOR CY 2024
OF THE 11th SANGGUNIANG BAYAN OF MONCADA, TARLAC HELD ON THE 16th
DAY OF DECEMBER 2024 AT THE SB SESSION HALL, SB-ABC-SK BUILDING.

PRESENT:

HON. RAMON BENITO M. AQUINO	..VICE MAYOR / PRESIDING OFFICER
HON. JANIUS M. YASAY	..PRO-TEMPORE / FLOOR LEADER
HON. ALBERTO C. MARZAN, JR., MD	..MEMBER
HON. THELMAFLOR A. ESPEJO	..MEMBER
HON. CELESTE A. AYSON	..MEMBER
HON. GEORGE MICHAEL P. AGUILAR	..MEMBER
HON. CONSTANTE NESTOR A. FAVIS	..MEMBER
HON. DEAN MICHAEL V. DUQUE	..MEMBER
HON. BERNADINE C. FERRER	..LnB PRESIDENT
HON. JAYVEE B. NATIVIDAD	..MFSK PRESIDENT

ABSENT:

NONE

**MUNICIPAL ORDINANCE NO.
2024-021**

ESTABLISHING CHILD PROTECTION POLICIES IN THE PRIVATE SECTOR IN THE MUNICIPALITY OF MONCADA, TARLAC FOR THE IMPLEMENTATION OF THE PROVISIONS OF REPUBLIC ACT NO. 9208, AS AMENDED BY REPUBLIC ACT NO. 11862, OTHERWISE KNOWN AS THE "EXPANDED ANTI-TRAFFICKING IN PERSONS ACT OF 2022"

**Authored and Sponsored by: Coun. Janius M. Yasay;
Coun. Alberto C. Marzan, Jr.**

WHEREAS, Article XV, Section 3(2) of the 1987 Constitution mandates the State to defend the right of children to assistance and provide special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development;

WHEREAS, Article II, Section 20 of the 1987 Constitution recognizes the indispensable role of the private sector, encourages private enterprise, and provides incentives to needed investments;

WHEREAS, Section 8 of RA 11862, amending Section 9 of RA 9208, provides for the duties and responsibilities of the private sector in the implementation of the provisions of the law;

WHEREAS, there is a need for a local ordinance to establish the rules and regulations governing the role of the private sector in Moncada, Tarlac in the implementation of the provisions of these laws;

NOW, THEREFORE, on motion by Coun. Janius M. Yasay, duly seconded;



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BE IT ENACTED by the Sangguniang Bayan of Moncada, Tarlac in session duly assembled that:

Section 1. Title of the Ordinance. – This Ordinance shall be known as "**CHILD PROTECTION POLICY FOR THE PRIVATE SECTOR IN MONCADA, TARLAC.**"

Section 2. Guiding Principle. – It is the policy of the Municipality of Moncada, Tarlac to safeguard the welfare and rights of children in the private sector and to ensure their protection from all forms of abuse, exploitation, and neglect. This ordinance aims to establish comprehensive child protection policies that promote the safety, well-being, and dignity of children in private sector premises.

Section 3. Definition of Terms. – For the purpose of this ordinance, the following terms shall be defined as follows:

- a. **Child** – refers to a person below eighteen (18) years of age or one who is 18 or older but is unable to take care of or protect himself/herself from abuse, neglect, cruelty, exploitation, or discrimination due to a physical or mental disability or condition.
- b. **Private Sector** – refers to industries, organizations, and establishments, including but not limited to:
 - i. Internet cafés, hotspots, kiosks, money transfer and remittance centers, transport services, tourism enterprises, malls, and other business establishments open to the public;
 - ii. Financial intermediaries;
 - iii. Hotels, transient houses, condominiums, dormitories, apartments, or analogous living spaces;
 - iv. Schools, learning centers, and establishments engaged in providing education to children.
- c. **Child Protection Policies** – refer to guidelines, procedures, and measures designed to prevent and address issues related to child abuse, exploitation, and neglect, ensuring the safety, well-being, and rights of children with private sector premises.
- d. **Child Sexual Abuse and Exploitation Material (CSAEM or CSAM)** – refers to media depicting acts of sexual abuse and exploitation of a child.
- e. **Trafficking in Persons** – Trafficking in Persons refers to the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others, or the engagement of, others for the production or distribution, or both, of materials that depict child sexual abuse or exploitation, or other forms of sexual exploitation, forced labor or services, slavery, servitude, or the removal or sale of organs. The recruitment, transportation, transfer, harboring, adoption, or receipt of a child for the purpose of exploitation or





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when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as 'trafficking in persons' even if it does not involve any of the means set forth in the preceding paragraph.

Section 4. Duties and Responsibilities of the Private Sector. – All private sector entities in Moncada, Tarlac shall:

- a. Promote awareness against trafficking in persons through clear and visible signages in both English and the local dialect, with local and national hotlines posted in conspicuous places.
- b. Prohibit any display of CSAEM or CSAM within their premises.
- c. Require individuals transacting in money transfer and remittance centers to present valid government-issued identification cards.
- d. Notify the Philippine National Police or the National Bureau of Investigation within forty-eight (48) hours of any suspected violations of anti-trafficking laws.
- e. Notify the Municipal Social Welfare and Development Office (MSWDO) and the Department of Labor and Employment (DOLE) within forty-eight (48) hours of any suspected cases of trafficking in persons or child exploitation.
- f. Post notices containing trafficking in persons hotline numbers in conspicuous places.
- g. Report suspicious transactions related to trafficking to the Anti-Money Laundering Council (AMLC).
- h. Engage in anti-trafficking advocacy as part of their corporate responsibility.

Section 5. Requirement for Business Permit. – Compliance with the duties and responsibilities outlined in this ordinance shall be required for business registration and the issuance of a business permit to operate in Moncada, Tarlac.

Section 6. In Aid of Investigation. – The duties and obligations of the above entities as stated herein, when requested by law enforcers, prosecutors and other investigative bodies through proper processes and done in good faith shall not be construed as a violation of Republic Act No. 10173 or the "Data Privacy Act of 2012" or Republic Act No. 10175 or the "Cybercrime Prevention Act of 2012"

Section 7. Establishment of Child Protection Policies:

- a. All private sector entities operating within the jurisdiction of Moncada shall be required to develop and implement comprehensive child protection policies, which shall prioritize the safety, well-being, and dignity of children.
- b. The child protection policies shall include, but not be limited to, the following provisions:
 - i. Clear statement affirming the commitment of the private sector entity to child protection, outlining the objectives and principles guiding the policies.
 - ii. Procedures for recruitment and screening of employees and volunteers, including background checks, such as criminal record checks, to ensure the suitability of individuals working with or having access to children.



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- iii. Reporting mechanisms for suspected child abuse, exploitation, or neglect, ensuring that employees and volunteers are aware of how to report such cases and the appropriate steps to be taken.
- iv. Protocols for responding to reported cases of child abuse, exploitation, or neglect, including cooperation with relevant authorities, confidentiality measures, and support for the child and affected parties.
- v. Training programs for employees and volunteers, focusing on child protection, identification of signs of abuse, appropriate behavior, and response protocols.
- vi. Regular review and updating of child protection policies to ensure their relevance and effectiveness.
- vii. Implementation and compliance with laws and ordinances relative to child welfare such as, but not limited to, protection against the use and sale of alcoholic beverages, tobacco products including vapes, pornographic/explicit materials, illicit drugs and substances, engaging in illegal gambling, child labor and exploitation and other unlawful products, services, and activities.

Section 8. Penalties and Sanctions. –

- a. Any person who violates this ordinance shall be subject to the penalties provided under RA 9208, as amended.
- b. Business owners who fail to comply with this ordinance shall face revocation of their business permits and may be held subsidiarily liable.
- c. Any owner, president, partner, or manager of an establishment found guilty under this ordinance shall be prohibited from operating similar businesses under a different name.

Section 9. Repealing and Separability Clause. – Any provision of local ordinances inconsistent with this ordinance is repealed or modified accordingly. If any provision is declared invalid, the remaining provisions shall remain in effect.

Section 10. Effectivity. – This ordinance shall take effect fifteen (15) days following its posting in at least three (3) conspicuous places in the municipality and/or on social media platforms of the LGU.

ENACTED, this 16th day of December, 2024, in the Municipality of Moncada, Province of Tarlac.

X-----X
Affirmative Votes: Yasay, Marzan, T. Espejo, Ayson, Aguilar, Favis, Duque, Ferrer, Natividad

Negative Votes: None

Abstentions: None

Presided by: Aquino

X-----X





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I HEREBY CERTIFY to the correctness of the foregoing Ordinance which was enacted on Third and Final Reading by the 11th Sangguniang Bayan of Moncada during its Regular Session held on the aforementioned date and place.

VS
VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian

ATTESTED AND CERTIFIED
TO BE DULY ENACTED:

RB
RAMON BENITO M. AQUINO
Vice Mayor & Presiding Officer

APPROVED BY HER HONOR, THE MAYOR, THIS 20th DAY OF Dec., 2024

EA
ESTELITA M. AQUINO
Municipal Mayor

