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EXCERPT FROM THE MINUTES OF THE 28th REGULAR SESSION OF THE SANGGUNIANG BAYAN OF MONCADA, TARLAC FOR CY 2021 HELD ON THE 12th DAY OF JULY 2021 AT THE SB SESSION HALL, LEGISLATIVE BUILDING

PRESENT:

HON. JAIME O. DUQUE

.. VICE MAYOR/PRESIDING OFFICER

HON. CLEOFE D. FAVIS

.. MEMBER

HON. ALBERTO C. MARZAN, JR., MD

.. MEMBER

HON. RUBEN V. GAMBOA, JR

.. MEMBER

HON. THELMAFLOR A. ESPEJO

.. MEMBER

HON. GEORGE MICHAEL P. AGUILAR

.. MEMBER

HON. JANIUS M. YASAY

.. MEMBER

HON. CELESTE A. AYSON

.. MEMBER

HON. GEORGE R. CUCHAPIN, MD

.. LnB PRESIDENT

HON. EZEKIEL C. RIVERA

.. SKF PRESIDENT

ABSENT:

HON. RODOLFO C. ESPEJO, JR.

.. MEMBER (Official Leave)

MUNICIPAL ORDINANCE NO. 11
Series of 2021

AN ORDINANCE AMENDING MUNICIPAL ORDINANCE NO. 01, SERIES OF 2017, OTHERWISE KNOWN AS THE WOMEN AND CHILDREN'S CODE OF MONCADA

Sponsored by: COUN. ALBERTO C. MARZAN, JR., MD

WHEREAS, LGUs are empowered to exercise authority and perform functions relative to the efficient and effective provision of basic services and facilities, which include, among others, programs and projects for the promotion of child and youth welfare and women as well;

WHEREAS, the Municipality of Moncada recognizes that children are an important asset of our society and should be given decent quality of life for them to be able to exercise their rights and develop their full potential;

WHEREAS, in keeping with its duties and commitment to uphold the rights and well-being of children and women, the Municipal Government of Moncada deems it necessary to adopt measures and address these needs with utmost diligence;

NOW, THEREFORE, on motion by Coun. Alberto C. Marzan, Jr., duly seconded;

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

SECTION 1. Article II of the Women and Children's Code of Moncada is hereby amended to incorporate the following provisions:



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5.1 The rights of children in situations of armed conflict in the Municipality of Moncada shall be guaranteed pursuant to Republic Act 11188, otherwise known as "Special Protection of Children in Situations of Armed Conflict."

5.1.1 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 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 assured with protection from any form of direct or indiscriminate attacks and acts of violence, especially protection from grave violation of their rights;
- (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 to compel submission or compliance;
- (f) The right to be immediately provided 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;
- (g) The right to enjoy their freedom of expression and religion or belief; 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;
- (h) 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 circumstances;
- (i) The right not to be interned or confined in camp;
- (j) The right of the injured, the wounded and the sick, the disabled, abandoned, expectant and lactating mothers, for protection and assistance as required by their condition, taking into account their special needs such as their health needs, reproductive health care, appropriate counselling, prevention of infectious diseases and Mental Health Psychosocial Support Services;





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- (k) The right to be with their families, especially with their mothers, during evacuations and in evacuation centers;
- (l) The right to be reunited with their families in case of separation due to armed conflict;
- (m) The right to privacy and confidentiality in all proceedings;
- (n) The right to non-discrimination;
- (o) 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;
- (p) 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;
- (q) 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;
- (r) The right of access to justice including free legal aid when filing cases against transgressors;
- (s) The right to the protection of their family's properties and possessions in all circumstances; and
- (t) 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.

5.1.2 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 children.

5.1.3 Penalties. - Any person who violates the provisions of this Section shall be fined One Thousand Five Hundred Pesos (P 1,500.00) for the first offense; Two Thousand Pesos (P2,000.00) for the second offense; and two thousand five hundred pesos (P2,500.00) for the third and succeeding offenses.

5.1.4 All other sections and provisions of Republic Act 11188, otherwise known as the "Special Protection of Children in Situations of Armed Conflict" applicable and necessary for the implementation of this Ordinance are hereby adopted.





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5.2 Republic Act 11148 otherwise known as the “Kalusugan at Nutrisyon ng Mag-Nanay Act” is hereby adopted and institutionalized in the programs, projects and activities of the Municipal Government of Moncada.

5.2.1 General Statutory Provisions

5.2.1.1. The program covers those nutritionally-at-risk, especially pregnant and lactating women, particularly teenage mothers, women of reproductive age, adolescent girls, and all Filipino children who are newly born up to twenty-four (24) months.

5.2.1.2 The program shall be implemented at the barangay level through the rural health units and/or barangay health stations, in coordination with the Barangay Council. The Barangay Nutrition Scholars (BNS) and the Barangay Health Workers (BHWs) shall be mobilized and provided with resources and benefits to carry out their tasks.

5.2.1.3 The LGU of Moncada, through the Municipal Health Officer (MHO) and Municipal Nutrition Action Officer (MNAO), shall integrate maternal, neonatal, child health and nutrition programs in the municipal nutrition action plans and investment plans for health.

5.2.1.4 The program shall include health and nutrition services and interventions provided at the different life stages. The LGU, together with NGAs, concerned CSOs and other stakeholders shall work together to ensure the delivery of these activities and interventions, to wit:

- a. Prenatal Period (First Two Hundred Seventy (270) days).
- b. Women About to Give Birth and Immediate Postpartum Period.
- c. Postpartum and Lactating Women.
- d. Birth and Newborn Period (Twenty-eight (28) Days).
- e. First Six (6) Months of Infancy (One Hundred Eighty (180) Days).
- f. Infants Six (6) Months up to Two (2) Years of Age.
- g. Health and Nutrition of Adolescent Females (10-18 years old).

5.2.1.5 The LGU of Moncada shall include the foregoing program components in the local health and nutrition investment planning and financing; policy, standards, and guideline development; health and nutrition promotion and education; social mobilization and community organization, including advocacy; service delivery; health and nutrition human resources capacity development; sectoral collaboration and partnerships; logistics and supply management; knowledge management and information; and monitoring and evaluation, and research and development.

5.2.1.6 Nutrition in the Aftermath of Natural Disasters and Calamities.

– Areas that are affected by disasters and emergency situations, both natural and man-made must be prioritized in the delivery of health and nutrition services, and psychosocial services interventions. The MHO, MSWDO and MNAO are mandated to immediately provide emergency services, food supplies for proper nourishment of pregnant and lactating mothers, and children, specifically those from zero (0) to two (2) years old. Women, infant and child-friendly spaces shall be prepared and ready to accommodate women and their children, and provide their daily necessities such as food, clothing, clean water, and shelter; readily available breastfeeding support and counselling for those with children up to 2 years or





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beyond, as well as provision and guidance on the appropriate complementary food for children over six months old.

5.2.1.7 All other sections and provisions of Republic Act 11148, otherwise known as the “Kalusugan at Nutrisyon ng Mag-Nanay Act” applicable and necessary for the implementation of this Ordinance are hereby adopted.

5.3 Republic Act 11037 otherwise known as “Masustansyang Pagkain para sa Batang Pilipino Act” is hereby adopted and institutionalized in the Municipality of Moncada.

5.3.1 General Statutory Provisions. - The LGU of Moncada shall adopt the National Feeding Program to address undernutrition among Filipino children with the following program components:

- a. Supplemental Feeding Program for Day Care Children – the LGU shall coordinate with the DSWD to implement a supplemental feeding program for undernourished children with ages 3-5 years. The Program shall be administered in day care centers or in any other facility which can be used for such purpose. Provided, that the Program shall include the provision of at least one (1) fortified meal for a period of not less than 120 days in a year. Provided, further, that in the preparation of fortified meals, the DSWD shall work in collaboration with recognized parents’ organizations.
- b. School-Based Feeding Program – The DepEd shall implement a school-based feeding program for undernourished public-school children from kindergarten to grade 6. Provided, that the Program shall include the provision of at least one (1) fortified meal to all undernourished public elementary school children for a period of not less than 120 days in a year.
- c. Milk Feeding Program – The LGU shall ensure the provision of fresh milk and fresh milk-based food products to children as incorporated in fortified meals and cycle menu, in accordance with RA 8976 or the Philippine Food Fortification Act of 2000.
- d. Micronutrient Supplements – The LGU shall coordinate with the DSWD and DOH for the provision of micronutrient supplements to the program beneficiaries including the use of iodized salt in accordance with RA 8172 or the Salt Iodization Law.
- e. Health Examination, Vaccination and Deworming - The Municipal Health Office, in coordination with the DSWD and DepEd, shall conduct simultaneous health examinations, including, but not limited to, deworming and vaccination, as the case may be, to program beneficiaries.
- f. Water, Sanitation, and Hygiene (WASH) – The Sanitation Division of the LGU, in coordination with the NGAs and DOH, shall establish and maintain water and sanitation facilities, promote good hygiene and safe food preparation in all of its component units especially in areas devoted for the preparation of fortified meals.
- g. Integrated Nutrition Education, Behavioral Transformation and Social Mobilization – The Program shall be complemented by a public health,





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nutrition, and values transformation campaign to promote a holistic and integrated approach to health and nutrition education.

5.3.2 All other sections and provisions of Republic Act 11037, otherwise known as the “Masustansyang Pagkain para sa Batang Pilipino Act” applicable and necessary for the implementation of this Ordinance are hereby adopted.

5.4 National Mental Health Policy – The Municipality of Moncada, pursuant to Republic Act 11036, otherwise known as the “Mental Health Act,” affirms the basic right of all Filipinos in general, and Moncadenians in particular, to mental health services. The LGU commits itself to promoting the well-being of citizens by ensuring that mental health is valued, promoted and protected; mental health conditions are treated and prevented; timely, affordable, high-quality, and culturally-appropriate mental health care is made available to the public; mental health services are free from coercion and accountable to the service users; and persons affected by mental health conditions are able to exercise the full range of human rights, and participate fully in society and at work, free from stigmatization and discrimination.

5.4.1 General Statutory Provisions

- a. Individuals, including children, with lived experience of any mental health condition, including persons who require, or are undergoing psychiatric, neurologic or psychosocial care shall enjoy, on an equal and nondiscriminatory basis, all rights guaranteed by the Constitution as well as those recognized under the United Nations Universal Declaration of Human Rights and the Convention on the Rights of Persons with Disabilities and all other relevant international and regional human rights conventions and declarations.
- b. Mental health services shall evolve from a predominantly hospital-based mental health care system to a community-based mental health care system. The services shall consist of the following:
 - 1) Mental Health Service Development – development and integration of mental health care at the primary health care level in the community.
 - 2) Capacity Building Reorientation and Training – trainings and capacity building activities relative to mental health shall be undertaken by concerned health personnel in the RHUs, including staff and support personnel from the MSWDO.
 - 3) Research and Development – research and development shall be undertaken, in collaboration with academic institutions, mental health associations and NGOs, to develop appropriate and culturally relevant mental health services in the community.
- c. Promotion of Mental Health – to project the right to be treated with dignity, respect and justice of those who are suffering from mental health problems, the LGU shall promote an integrated approach to mental health care to prevent mental health disorders through programs that strengthen mental health advocacy in the locality.





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- d. Access to Effective and High-Quality Mental Care – any person, including children and the youth, shall have the right to receive mental health care appropriate to their needs and shall be entitled to care and treatment in accordance with the same standards and accessibility as other sick individuals.
- e. Consent to Care, Treatment and Rehabilitation – The consent of the patient to be treated or admitted in a mental health facility shall be obtained freely, without threat or improper inducement, and with pertinent disclosure to the patient or his/her parent/guardian of adequate and understandable information in a form or language that is understood by the patient or his/her parent/guardian.
- f. Treatment – a patient with mental illness or disability shall have the right to treatment in the least restrictive environment suited to the patient's mental health needs.
- g. Confidentiality – All patients or clients with mental illness or disability shall be guaranteed with the right to confidentiality.
- h. Access to Information – Only patients or former patients shall be entitled to have access to their personal mental health records. For justifiable reason, such confidential information may not be given to the patient but instead be given to the patient's representative, parent, guardian or counsel.

5.4.2 Appropriation – the funding necessary for the initial implementation of this program shall be charged against the budget of the MHO and MSWDO.

5.4.3 All other sections and provisions of Republic Act 11036, otherwise known as the "Mental Health Act" applicable and necessary for the implementation of this Ordinance are hereby adopted.

5.5 Early Childhood Care and Development – The LGU of Moncada shall continue supporting and implementing the provisions of RA 10410, otherwise known as the "Early Years Act of 2013." Specific policies and provisions as contained in Municipal Ordinance No. 01, Series of 2017 or the Children's Code of Moncada 2017 are hereby reiterated and made applicable to the provisions hereof. The LGU shall likewise continue allocating an amount from its Special Education Fund (SEF) and Gender and Development (GAD) Fund in addition to other local funds to be utilized for the following purposes:

- (1) Support the implementation of their ECCD Program;
- (2) Organize and support parent cooperatives to establish community-based ECCD programs;
- (3) Provide counterpart funds for the continuing professional development of their ECCD public service providers; and
- (4) Provide the facilities for the conduct of their ECCD Program.





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5.6 Reiteration of the Protective Rights of Children – the LGU of Moncada shall strengthen its drive against worst forms of child labor and affording stronger protection for the working child. In this regard, the implementation of Republic Act 9231 or the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act” is hereby reiterated and shall form integral part of the programs and activities of the LGU aimed at providing special protection of 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 State, through the LGU, 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.

All other sections and provisions of Republic Act 9231 applicable and necessary for the implementation of this Ordinance are hereby adopted.

5.7 Reaching Out to Children in Conflict with the Law during Community Quarantine – In compliance with Joint Memorandum Circular No. 2020-001 issued by the DILG and Council for the Welfare of Children (CWC), the following statutory guidelines are hereby promulgated to protect children, including those in street situations, in need of special protection, children at risk, and children in conflict with the law during Community Quarantine:

- a. Respect the fundamental human rights, including children's rights, in the implementation of national and local action plans to combat COVID-19.
- b. Protect the dignity and welfare of children and avoid degrading punishments.
- c. Law enforcers should first reach out to a parent, guardian, or social worker when children are violating curfew hours and quarantine measures.
- d. Children should be brought to a barangay official and released to the custody of parents.
- e. Children shall be guaranteed protection against abuse and violence from law enforcers.
- f. The LGU of Moncada guarantees that social welfare services for children are activated and adequately funded.
- g. The LGU, through the MSWDO, shall urge parents and caregivers of children to strictly follow existing curfew policies.
- h. Barangay officials of this municipality shall ensure functionality of Barangay Council for the Protection of Children.
- i. The DILG shall facilitate release of children who are under custody of PNP/BJMP and transfer them to appropriate youth facilities.





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- j. The Municipal Task Force COVID-19 may provide consideration for children who are outside their residences during the community quarantine on the account of medical and health-related justifications, such as but not limited to, the need to access medicines or treatment hubs for persons living with HIV; access pre-natal care; or for young parents to access child care; to report and/or seek protection from abuse and exploitation; and other similar requirements that cause children to access and seek assistance from the DSWD – Assistance to Individuals in Crisis Situation (AICS) centers, the Municipal Social Welfare and Development Office and the Women and Children protection Units (WCPUs), among others.
- k. The MSWDO, PNP, Liga ng mga Barangay (LNB) and all other concerned law enforcers shall apply child and gender-sensitive language and guidelines at the first contact with the child and such officials should first reach out to parent, guardian of the child or social worker before such child is processed, as may be necessary.
- l. The MSWDO, in coordination with the PNP, LNB and other concerned law enforcers shall strictly adhere with the protocols to reach out to street children as contained in DILG-CWC JMC No. 2020-001 dated April 6, 2020 and other pertinent laws, guidelines and issuances.

SEC. 2. IMPLEMENTING AUTHORITIES. The Municipal Social Welfare and Development Office (MSWDO), Philippine National Police (PNP), Liga ng mga Barangay (LnB), Municipal Health Office (MHO), Civil Society Organizations (CSOs), and all other concerned agencies, shall ensure the widest implementation of this Ordinance.

SEC. 3. SEPARABILITY CLAUSE. If for any reason, 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.

SEC. 4. REPEALING CLAUSE. All ordinances, rules and regulations or parts thereof in conflict with this ordinance are hereby repealed or modified accordingly.

SEC. 5. EFFECTIVITY. This Ordinance shall take effect fifteen (15) days following its posting in at least three conspicuous places in the municipality and likewise in the official social media platforms and website of the LGU of Moncada.

ENACTED, this 12th day of July 2021 at Moncada, Tarlac.

X-----X
I HEREBY CERTIFY to the correctness of the foregoing Municipal Ordinance which was enacted on FINAL reading by the Sangguniang Bayan of Moncada, Tarlac during its 28th Regular Session held on the aforementioned date and place.

VICTOR SANDINO S. MOLINA
Secretary to the Sanggunian





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ATTESTED AND CERTIFIED
TO BE DULY ENACTED:


JAIME O. DUQUE
Vice-Mayor & Presiding Officer

APPROVED by HER HONOR, this 15th day of July, 2021.


ESTELITA M. AQUINO
Municipal Mayor

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