



Republic of the Philippines
 PROVINCE OF CAGAYAN
 City of Tuguegarao

SEVENTH CITY COUNCIL



**EXCERPTS FROM THE MINUTES OF THE 53rd REGULAR SESSION
 OF THE SEVENTH CITY COUNCIL OF TUGUEGARAO CITY, CAGAYAN
 HELD ON AUGUST 29, 2017, 9:00 A.M., TUESDAY,
 AT THE SANGGUNIANG PANLUNGSOD SESSION HALL**

PRESENT:

Hon. Danilo L. Baccay
 Hon. Jude T. Bayona
 Hon. Kendrick S. Calubaquib
 Hon. Arnel T. Arugay
 Hon. Winnoco R. Abraham
 Hon. Mary Marjorie P. Martin-Chan
 Hon. Raymund P. Guzman
 Hon. Grace B. Arago
 Hon. Anthony C. Tuddao
 Hon. Jose G. Velasco

City Vice Mayor, Regular Presiding Officer
 Sangguniang Panlungsod Member

-do-
 -do-
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 -do-
 -do-



ABSENT:

Hon. Maila Rosario T. Que
 Hon. Gilbert S. Labang
 Hon. Imogen Claire M. Callangan

Sangguniang Panlungsod Member (on Official Business)
 -do- (on Official Business)
 -do- (on Official Business)

CITY ORDINANCE NO. 32-2017

AN ORDINANCE ESTABLISHING LOCAL JUVENILE INTERVENTION AND DIVERSION PROGRAMS, PURSUANT TO THE PROVISIONS OF JUVENILE JUSTICE AND WELFARE ACT OF 2006 (RA 9344), PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

**Sponsors: HON. ATTY. MARY MARJORIE P. MARTIN-CHAN
 HON. MAILA ROSARIO T. QUE**

WHEREAS, the Local Government Code of 1991 mandates all local government units to promote the general welfare of their inhabitants, provide basic services for their constituents, and enact ordinances which shall ensure the effective and efficient delivery of such services;

WHEREAS, the Juvenile Justice and Welfare Council created by virtue of RA 9344 provides for a Comprehensive National Juvenile Intervention Program Framework to ensure the effective implementation of the Act and to serve as guide to Local Government Units (LGUs) in the preparation of their respective intervention and diversion programs for Children at Risk (CAR) and for Children in Conflict with the Law (CICL);

WHEREAS, Section 18 of RA 9344 requires LGUs to develop a Comprehensive Juvenile Intervention Program covering at least a three (3) year period and set aside an amount necessary to implement said program;

WHEREAS, pursuant to Section 23 of the said Act, children in conflict with the law shall undergo diversion program without undergoing court proceedings subject to conditions provided by the Act;

WHEREAS, Section 19 of the Act requires the institution of community based programs for intervention, diversion and rehabilitation;

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WHEREAS, Section 49 of the same Act mandates the establishment of Youth Homes for children in conflict with the law;

WHEREAS, a Local Council for the Protection of Children (LCPC) should be established as provided for by Section 15 of the said Act;

WHEREAS, the Tuguegarao City Government, to this date, does not have a Comprehensive Intervention and Diversion Program as provided by the law.

NOW, THEREFORE, be it **RESOLVED**, as it is hereby **RESOLVED**, that City Ordinance No. 32-2017 shall be enacted as follows:

ARTICLE I TITLE AND GUIDING PRINCIPLES

SECTION 1. TITLE. This Ordinance shall be known as the "*Tuguegarao City Juvenile Intervention and Diversion Ordinance.*"

SECTION 2. GUIDING PRINCIPLES. This Ordinance is in pursuit of the Philippine Government's commitment to the United Nations Convention of the Rights of the Child, Principles of Restorative Justice and other applicable laws on child and youth welfare and protection.

ARTICLE II CITY COUNCIL FOR THE PROTECTION OF CHILDREN

SECTION 3. ESTABLISHMENT OF THE TUGUEGARAO CITY COUNCIL FOR THE PROTECTION OF CHILDREN (TCCPC). The Tuguegarao City Government shall organize the City Council for the Protection of Children which shall serve as the primary agency to coordinate with and assist the LGU for the adoption of a comprehensive plan on delinquency prevention, and to oversee its proper implementation.

SECTION 4. COMPOSITION. The TCCPC shall be chaired by the City Mayor and the membership of which shall be in accordance with Rule 15.c (2) of IRR of RA 9344.

The TCCPC shall convene its members within fifteen (15) days from the effectivity of this Ordinance and every quarter thereafter. It shall render a report to the Office of the City Mayor, copy furnished the DILG City Office and the City Social Welfare and Development Office.

ARTICLE III CITY JUVENILE INTERVENTION PROGRAM (CJIP)

SECTION 5. FORMULATION OF THE CITY JUVENILE INTERVENTION PROGRAM (CJIP). The City Mayor of Tuguegarao through the City Social Welfare and Development Officer (CSWDO) and in coordination with the Tuguegarao City Council for the Welfare and Protection of Children shall formulate a three-year Comprehensive City Juvenile Intervention Program (CJIP).

SECTION 6. IMPLEMENTATION OF THE CITY JUVENILE INTERVENTION PROGRAM (CJIP). The Tuguegarao City Government shall implement the CJIP through a collaborative undertaking between and among the Sangguniang Panlungsod, City Mayor, community-based youth and social organizations, CSOs and other concerned agencies to address causes of offending and provide assistance and alternative modes to CIJL to avoid the child's contact with the formal justice system.

SECTION 7. LEVELS OF INTERVENTION AND ROLES OF STAKEHOLDERS. The City Social Welfare and Development Officer shall formulate the City Juvenile Intervention Program for the following levels:

- i. Primary Intervention, which includes general measures to promote social justice and equal opportunity which will indirectly tackle perceived root causes of offending
- ii. Secondary Intervention, which includes measures to assist children at risk and to prevent them from offending

- iii. Tertiary Intervention, which includes measures to address the needs of children who have committed an offense to prevent them from reoffending and to avoid unnecessary contact with the formal justice system and other measures to prevent reoffending

SECTION 8. MOBILIZATION OF CONCERNED SECTORS/INSTITUTIONS. The City Mayor through the Tuguegarao City Council for the Welfare and Protection of Children shall mobilize or call upon the participation of all sectors concerned particularly the child-focused institutions and government agencies involved in delinquency prevention, in the planning process and implementation of juvenile intervention and diversion programs.

SECTION 9. IMPLEMENTATION OF INTERVENTION AND DIVERSION PROGRAMS

- A. The City Mayor through the CSWDO and TCCWPC shall provide:
 - i. Intervention programs for children 15 years old and below who have committed an offense;
 - ii. Intervention programs for children more than 15 years old but less than 18 years old who acted without discernment; and,
 - iii. Diversion programs for children more than 15 years old but less than 18 years old who acted with discernment and who have committed an offense with an imposable penalty of not more than 6 years.
- B. The CSWDO shall ensure that the intervention programs shall address the causes of juvenile delinquency. Intervention programs shall include any or a combination of, but not limited to, the following (Part VII IRR of RA 9344):
 - i. Guidance and counselling i.e. family counselling, regular home visitation
 - ii. Spiritual formation
 - iii. Peer counselling and life skills training and education
 - iv. Education and skills development
 - v. Provision of support services to the family, e.g. education, health, skills training, etc.
 - vi. Referral to other agencies for appropriate services, e.g. education, health, skills training, and,
 - vii. Access to child and youth organizations in the community, such as, but not limited to, the Sangguniang Kabataan
- C. The CSWDO shall provide assistance in the conduct of diversion programs at the barangay, law enforcement and prosecution levels, and shall also:
 - i. Develop policies and programs to ensure that children in conflict with the law are not subjected to discrimination in schools both private and public
 - ii. Coordinate with appropriate agencies such as TESDA, DepEd, DOH and CHED in the formulation of intervention and diversion programs
 - iii. Find ways to promote and replicate good practices of intervention and diversion programs
 - iv. Monitor compliance of CICL to intervention or diversion programs

SECTION 10. ESTABLISHMENT OF A YOUTH FACILITY. The Tuguegarao City Government shall establish a Youth Facility for CICL in the following situations:

- i. CICL with pending trial and commitment order
- ii. CICL with voluntary commitment
- iii. CICL with involuntary commitment

The Youth Facility to be established for CICL shall be a gender-fair delivery care facility, provided that the City shall provide appropriate programs for CICL and the CSWDO shall treat each category of CICL differently.

SECTION 11. CREATION OF A JUVENILE INTERVENTION DIVISION IN THE CSWDO. Within thirty (30) days of the enactment of this Ordinance, a separate division for juvenile intervention headed by duly licensed social worker as its Local Social Welfare and Development Officer tasked to assist children in conflict with the law shall be created. This shall be under the administrative supervision of the City Social Welfare and Development Officer. The City Mayor shall establish the Juvenile Intervention Division equipped with basic facilities and equipment to carry out its functions and shall appoint other personnel necessary for its operations.

SECTION 12. CARE AND MAINTENANCE OF CICL. The expenses for the care and maintenance of a CICL under institutional care shall be borne by his/her parents or those persons liable to support him/her. If they are indigents, the Tuguegarao City Government shall render financial assistance to help defray the expenses. In the event that the CICL is not a resident of the city where the offense was committed, the court upon its determination may require the LGU where the CICL resides to shoulder the cost.

For purposes of this Ordinance, an indigent shall refer to a needy and poor individual who has (a) low and insufficient or has irregular source of income, (b) no permanent job to support himself/herself and his/her family, and, (c) is financially constrained with no other means of sustenance like support from an immediate family and properly holdings.

Should the person have a permanent job, and/or support from immediate family and property holding, he/she shall be considered an indigent if the following conditions apply: (a) his/her combined gross monthly income with that of his/her immediate family living with him/her does not exceed the minimum wage of an employee in Tuguegarao City pursuant to the applicable wage rate in an establishment with the greatest number of workers as prescribed by the Regional Tripartite Wages and Productivity Board and (b) who do not own real and/or personal property with a fair market value as stated in the current tax declaration of more than One Hundred Thousand Pesos (Php100,000.00) and/or more than One Hundred Fifty Thousand Pesos (Php150,000.00), respectively.

SECTION 13. AFTER CARE SUPPORT SERVICES. The Tuguegarao City Government through the CSWDO shall provide after care services for a period of six (6) months to the CICL who have been dismissed by the proper court because of good behavior as per recommendation by the DSWD Social Worker and/or any accredited NGO Youth Rehabilitation Center.

ARTICLE IV APPROPRIATION, MONITORING, REPORTING AND EVALUATION

SECTION 14. APPROPRIATION OF FUNDS. The Sangguniang Panlungsod shall incorporate in its Annual Appropriation Ordinance funds for the immediate development of Information and Education Campaign materials (IEC) on the procedures and levels of intervention, implementation of intervention programs and conduct of diversion programs in accordance with Sections 24, 26, 27, 30, 31 and 50 of the law. In addition, the Tuguegarao City Government shall appropriate 1% of its Annual IRA share for the strengthening and implementation of the programs of Tuguegarao City Council for the Protection of Children as provided for in Section 15 of RA 9344. The above appropriations shall be subject to the usual accounting and auditing rules and regulations.

SECTION 15. MONITORING, REPORTING AND EVALUATION SYSTEM. The Tuguegarao City Government through the Tuguegarao City Council for the Welfare and Protection of Children shall monitor the implementation of the Comprehensive City Juvenile Intervention and Diversion Programs and submit report to the Juvenile Justice and Welfare Council through the DILG not later than March 30 of every year.


ARTICLE V PENAL AND FINAL PROVISIONS

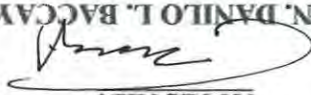
SECTION 16. PENAL PROVISIONS. The Penal Provisions of this Ordinance shall be pursuant to Section 62 of RA 9344 and Rule 95 of its Implementing Rules and Regulations.

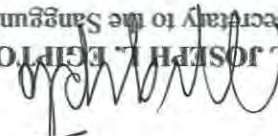
SECTION 17. SEPARABILITY CLAUSE. If, for any reason or reasons, any section of this Ordinance shall be held unconstitutional or invalid, other sections which are not affected thereby shall continue to be in full force and effect.

SECTION 18. REPEALING CLAUSE. All ordinances, rules and regulations or parts thereof in conflict with this Ordinance are hereby repealed and/or modified accordingly; provided that the rights vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 19. EFFECTIVITY CLAUSE. This Ordinance shall take effect upon its approval.

APPROVED:

 HON. BIENVENIDO C. DE GUZMAN II
 City Mayor
 Date: 8/4/17

ATTESTED:

 HON. DANILLO L. BACAY
 City Vice Mayor
 Presiding Officer
 Date: AUG 3 1 2017

ATTESTED:

 JOEL JOSEPH L. EGUITO, Ph.D.
 Secretary to the Sanggunian
 083017

I HEREBY CERTIFY TO THE CORRECTNESS OF THE FOREGOING:

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On motion of Hon. Mary Margorie P. Martin-Chan and without any objection, CITY ORDINANCE NO. 32-2017 was APPROVED on its Second, Third and Final Reading.