



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
22nd City Council

PO22CC-173

36th Regular Session

ORDINANCE NO. SP- 3214, S-2023

AN ORDINANCE PROVIDING FOR THE PREVENTION AND ELIMINATION OF ALL FORMS OF CHILD LABOR AND AFFORDING SOCIAL PROTECTION FOR THE VICTIMS AND THEIR FAMILIES, AND IMPOSING PENALTIES FOR VIOLATION THEREOF

Introduced by Councilor EDGAR "Egay" G. YAP

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Atty. Anton L. Reyes, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Julian Marcus D. Trono

WHEREAS, Article 32.1 of the United Nations Convention on the Rights of the Child (UNCRC) adopted by the United Nations General Assembly in 1990, stipulates that, "State Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development";

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WHEREAS, the Philippines is a signatory to the International Labour Organization Convention No. 182 on the Elimination of the Worst Forms of Child Labour. Article 7.7 of which states that, "Each member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to: (a) prevent the engagement of children in the worst forms of child labour; (b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration; (c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour; (d) identify and reach out to children at special risk; and (e) take account of the special situation of girls";

WHEREAS, Section 13, Article II of the 1987 Philippine Constitution provides that it is the policy of the State to recognize the vital role of the youth in nation-building, and to promote and protect the youth's physical, moral, spiritual, intellectual and social well-being;

WHEREAS, Republic Act No. 7610, also known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act", as amended by Republic Act No. 9231, declares that it is the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation, and discrimination and other conditions prejudicial to their development;

WHEREAS, the Philippines, having signed the UNCRC on January 26, 1990, recognizes the right of each child to be protected from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's physical and mental health and spiritual, moral and social development;

WHEREAS, pursuant to Article 32.2 of the UNCRC, State Parties shall take legislative, administrative, social and educational measures to ensure the policies against child labour. To this end, and having regard to the relevant provisions of other international instruments, State Parties shall in particular, provide for a minimum age or minimum ages for admission to employment, appropriate regulation of the hours and conditions of employment, and appropriate penalties or other sanctions to ensure the effective enforcement of the policies against child labour;

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WHEREAS, this Ordinance is aligned with the Philippine Program Against Child Labor (PPACL) as a nationwide program for the prevention and elimination of child labor in the Philippines;

WHEREAS, there is a need to institutionalize local structures against child labor, pursuant to Section 6 of Executive Order No. 92, Series of 2019, entitled "Institutionalizing the National Council Against Child Labor to Upscale the Implementation of the Program Against Child Labor";

WHEREAS, the National Council Against Child Labor (NCACL), created under Executive Order No. 92 issued on 17 September 2019, is tasked to amplify government efforts for the protection of the rights of vulnerable sectors, especially the children; strengthen related institutional mechanisms; and establish further measures to contribute to the prevention, reduction, and elimination of any form of child labor;

WHEREAS, Executive Order No. 34, Series of 2022, entitled "An Order Reorganizing the Quezon City Council for the Protection of Children, Updating its Committees, Sub-committees, and Functions", declares the need to reintegrate and synchronize policies, programs, and services for children, and to ensure their effective implementation and efficiency in the utilization of resources dedicated for the protection of children;

WHEREAS, based on the fourth State of the City's Children Report, out of 1,029,684 children residing in the City as of the last quarter of 2022, 5,449 male and 4,773 female children or a total of 10,222 children are victims of child labor;

WHEREAS, on September 9, 2022, the City Mayor, Honorable Ma. Josefina G. Belmonte, signed Executive Order No. 41 to create Task Force Sampaguita (TFS) in order to develop a comprehensive plan to save children from prohibited child labor and to provide viable livelihood and employment opportunities to parents and family members of child laborers.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. TITLE. - This Ordinance shall be known as the "Anti-Child Labor Ordinance" of Quezon City.

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SECTION 2. DECLARATION OF POLICY. - It is hereby declared the policy of Quezon City to provide special protection to children against child labor and its worst forms; to intervene on behalf of the child when the parent, guardian, teacher, or persons having care and custody of the child fails or is unable to protect the child against child labor or when acts of child labor are committed by the said parent, guardian, teacher or person having custody of the same; 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; and to uphold the "Best Interests of the Child" principle as the paramount consideration in all actions concerning children's rights and welfare.

SECTION 3. DEFINITION OF TERMS. - For purposes of this Ordinance, the following terms are defined as follows:

- a) *Child* – refers to a person under eighteen (18) years of age or one who is unable to fully take care of himself/herself or protect himself/herself from abuse, neglect, cruelty, exploitation or discrimination, because of his/her age or mental disability or condition;
- b) *Child Labor* – refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental, or psychosocial development;
- c) *Child Work* – is work allowed or permitted to be performed by a child under certain conditions. A child below 15 years old can be permitted to work if he/she is under supervision by family senior/parents provided that the child works directly under the sole responsibility of his/her parents or legal guardian and where only members of his/her family are employed; the child's employment does not endanger his/her life, safety, health, and morals, or impairs his/her norms development;
- d) *Digital Child Work* – new forms of digital work involving the production and/or publication of digital media content, such as vlogging, social media influencing, and E-sports gaming, engaged and participated in, and performed by children for economic gain;
- e) *Economic gain* – any material interest, gain or profit obtained through the production, distribution or consumption of goods and services;

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- f) *Exploitation – means taking unjust advantage of another for one’s own benefit. This includes manipulation, misuse, abuse, victimization, oppression or ill-treatment and entails disrespect for the human dignity of the child or the harmonious development of the child’s personality;*
- g) *Informal Economy – refers to all economic activities by workers and economic units that are in law or in practice not covered or insufficiently covered by formal arrangements, and are not within the purview of the Labor Code, the Civil Service Law, and other Labor Relations Law and Social Legislation Agenda;*
- h) *Best Interest of the Child – refers to the totality of the circumstances and conditions as are most congenial to the survival, protection and feelings of security of the minor and contributing to his/her physical, psychological and emotional development;*
- i) *Case management – refers to the procedure of planning, seeking, monitoring, and coordinating the services of the different social agencies and departments for the benefit of the rescued victims of child labor.*

SECTION 4. EMPLOYMENT OF CHILDREN. - Children below fifteen (15) years of age shall not be employed except:

- a) *When a child works directly under the sole responsibility of his/ her parents or legal guardian and where only members of his/ her family are employed; provided, however, that his/ her employment neither endangers his/ her life, safety, health, and morals, nor impairs his/ her normal development; provided, further, that the parent or legal guardian shall provide the said child with the prescribed primary and/ or secondary education; or*
- b) *Where a child’s employment or participation in public entertainment or information through cinema, theater, radio, television, media and other platforms is essential; provided, that the employment contract is concluded by the child’s parents or legal guardian, with the express agreement of the child concerned, if possible, and the approval of the Department of Labor and Employment (DOLE); provided, further, that the following requirements in all instances are strictly complied with:*
 - 1) *The employer shall ensure the protection, health, safety, morals and normal development of the child;*

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- 2) *The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration and the duration and arrangement of working time; and*
- 3) *The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.*

Provided, in the above-exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit, from the DOLE, which shall ensure observance of the above requirements.

Provided, further, that in Section 4(b) of this Ordinance, no child shall be employed as a model/promoter in all commercials or advertisements promoting violence, alcoholic beverages, intoxicating drinks, tobacco and its by-products.

SECTION 5. HOURS OF WORK OF A CHILD. - *The exceptions provided in Section 4 of this Ordinance shall be subject to compliance with the work-hour limitations, as follows:*

- a) *A child below fifteen (15) years of age may be allowed to work for not more than twenty (20) hours a week; provided, that the work shall not be more than four (4) hours at any given day;*
- b) *A child 15 years of age but below eighteen (18) shall not be allowed to work for more than eight (8) hours a day, and in no case beyond forty (40) hours a week; and*
- c) *No child below 15 years of age shall be allowed to work between eight o'clock in the evening and six o'clock in the morning of the following day and no child 15 years of age but below 18 years of age shall be allowed to work between ten o'clock in the evening and six o'clock in the morning of the following day.*

SECTION 6. PROHIBITION AGAINST WORST FORMS OF CHILD LABOR. - *No child shall be engaged in the worst forms of child labor. The phrase "worst forms of child labor" shall refer to any of the following:*

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- a) *All forms of slavery, as defined under Republic Act No. 9208 otherwise known as the "Anti-trafficking in Persons Act of 2003", as amended by Republic Act No. 10364, otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2012", as further amended by Republic Act No. 11862, also known as the "Expanded Anti-Trafficking in Persons Act of 2022", or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict;*
- b) *The use, procurement, offer or exposure of a child for prostitution, pornography production or for pornographic performances;*
- c) *The use, procurement or offer of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or*
- d) *Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:*
 - 1) *Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;*
 - 2) *Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals;*
 - 3) *Is performed underground, underwater or at dangerous heights;*
 - 4) *Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools;*
 - 5) *Exposes the child to physical danger such as, but not limited to, the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads;*
 - 6) *Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, photosensitivity, or vibrations;*
 - 7) *Is performed under particularly difficult conditions;*
 - 8) *Exposes the child to biological agents such as bacteria, fungi, toxins, viruses, protozoans, nematodes and other parasites; or*

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- 9) *Involves the manufacture or handling of explosives and other pyrotechnic products.*

Provided, that failure to comply with any of the abovementioned prohibitions including the commission of any of the enumerated in Section 6(b), Section 6(c) and Section 6(d) paragraphs 1 to 9 of this Ordinance, if carried out within the concept of digital economy, shall be considered as "worst forms of prohibited digital child labor", for purposes of this Ordinance.

SECTION 7. CHILD WORK AND CHILD LABOR IN THE DIGITAL ECONOMY. - *The production and publication of digital media content, such as vlogging, social media influencing, and E-sports gaming, engaged in, participated in, and performed by children for economic gain, shall be allowed under the conditions that the activity subject of the digital work:*

- a) Is for the "best interest of the child" and suitable for his/her development;*
- b) Is under the direct supervision and scrutiny of his/her parents or guardian;*
- c) Is not harmful, hazardous, high-pressure or emotionally demanding to the child;*
- d) Is not harmful to the child's health, physical, mental, spiritual, moral or social development;*
- e) Is not overly time-consuming or physically or emotionally demanding;*
- f) Is not for advertising and/or promotion of alcoholic beverages, intoxicating drinks, tobacco and its by-products and not for depicting violence; and*
- g) Is not disruptive to the child's education.*

SECTION 8. CHILD LABOR IN THE INFORMAL ECONOMY SECTOR. - *Child labor in the informal economy shall be prohibited, particularly, but not limited to, the following sectors:*

- a) Ambulant and Street Vendors (i.e. takatak, sampaguita vendors, etc.);*
- b) Scavengers (nangangalakal);*
- c) Car Windshield Washers;*
- d) Drivers (i.e. tricycle, jeepney, delivery, truck, taxi, TNVS, etc.);*
- e) Barkers and Parking Attendants;*
- f) Fare collectors;*
- g) Porters;*

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- h) Carpenters;
- i) Plumbers;
- j) Masons;
- k) Painters;
- l) Construction Helpers;
- m) Tile Setters;
- n) Tinsmiths;
- o) Electricians;
- p) Welders;
- q) Steel Fixers;
- r) Installers of aluminum and/or gypsum board;
- s) Street Sweepers;
- t) Waste Recyclers;
- u) Waste Segregators;
- v) High Rise Building Window Cleaners; and
- w) Others analogous to the foregoing which endangers the safety of the child.

SECTION 9. WHO MAY FILE A COMPLAINT. - Complaints for violation of this Anti-Child Labor Ordinance may be filed by the following:

- a) Offended party;
- b) Parents or guardians;
- c) Ascendant or collateral relative within the third degree of consanguinity;
- d) Officer, social worker or representative of a licensed child-caring institution;
- e) Barangay chairman of the place where the violation occurred, where the child is residing or employed;
- f) At least three (3) concerned, responsible citizens, in the place where the violation occurred;
- g) Commission on Human Rights;
- h) Local Social Welfare and Development Officer (LSWDO) of the City;
- i) Philippine National Police (PNP);
- j) National Bureau of Investigation (NBI);
- k) Any member of the Barangay Council for the Protection of Children (BCPC); or
- l) Barangay help desk person or violence against women (VAW) help desk officer.

SECTION 10. LIVELIHOOD ASSISTANCE AND EMPLOYMENT OPPORTUNITIES FOR PARENT/S OF CHILD LABORER. - The Public Employment Services Office (PESO), in coordination with the Department of Labor and Employment (DOLE) - Quezon City Field Office and the Social Services Development Department (SSDD), shall formulate local action plans, policies and programs in order to provide livelihood assistance and employment opportunities for parents and family members of child-laborers in Quezon City.

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SECTION 11. SOCIAL WELFARE PROTECTION AND BENEFITS FOR CHILD LABOR. - *The SSDD and the DOLE-Quezon City Field Office, through its Sagip Batang Manggagawa Program, shall develop a comprehensive policy on social welfare protection and benefits for child laborers, children in streets situations, and their families, through information dissemination, educational campaign, skills training, financial/capital assistance, and developmental interventions, focused on the elimination of child labor.*

SECTION 12. NON-FORMAL EDUCATION OF RESCUED CHILD LABORER. - *The Schools Division Office Quezon City, in partnership with SSDD and the Youth Development Office (YDO), shall formulate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have not undergone or finished elementary or secondary education. Such course design shall integrate the learning process deemed most effective under a given circumstance.*

SECTION 13. CHILD LABOR SECRETARIAT. - *To carry out the declared policy and principles of this Ordinance and the formulation and development of standards and monitoring mechanisms in the areas of hours of work, occupational safety and health, and other conditions of employment, engagement, and participation of the child in the digital economy, the Child Labor Secretariat is hereby created, composed of the following:*

Head: Quezon City PESO

Members:

- *Quezon City SSDD;*
- *DOLE-Quezon City Field Office (Bureau of Working Conditions, Persons-in-Charge of implementing SHIELD);*
- *Task Force Sampaguita (TFS);*
- *PESO-Child Labor Section; and*
- *Quezon City Council for the Protection of Children (QCCPC).*

SECTION 14. CASE MANAGEMENT AND REFERRAL SYSTEM OF RESCUED CHILD LABORER. - *The Secretariat shall develop and determine a suitable case management approach and referral system for rescued victims of child labor. Case management should highlight the roles and responsibilities of government agencies and their partners, from reporting or referral of a child-abuse case until its termination, ensuring that child-victims are dealt with in a most child-sensitive and appropriate manner. The targeted programs shall include, but are not limited to, education, healthcare, social services, psychological intervention, livelihood for the parents of the rescued child laborer and financial assistance.*

The following approaches are hereby adopted in the management of cases of child abuse, neglect, and exploitation:

- a) *Holistic care – to ensure full or optimum development of the child: physical, social, emotional, cognitive, and spiritual development;*

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- a) Any employer who violates Sections 4, 5, and 8 of this Ordinance shall be liable to pay the amount of One Thousand Pesos (Php1,000.00) but not more than Three Thousand Pesos (Php3,000.00) or imprisonment of not less one (1) month but not more than three (3) months, or both such fine and imprisonment at the discretion of the court; provided, that commission of the same offense a second time or oftener shall result to the suspension or revocation of his/her business permit at the discretion of the court, without prejudice to the imposition of fine and/or imprisonment. Provided further that the discretion of the court to suspend or revoke business permit in cases of violation of this Ordinance shall be without prejudice to the authority of the Business Permits and Licensing Department (BPLD) to suspend or revoke business permits as provided under Section 444(b)(3)(iv) of Republic Act No. 7160;
- b) If in violation of Sections 4 and 5 of this Ordinance, a corporation commits any of the violations afore-cited, the board of directors/trustees and officers, which include the president, treasurer and secretary of the said corporation who participated in or knowingly allowed the violation, shall be liable to pay a fine of not less than One Thousand Pesos (Php1,000.00) but not more than Five Thousand Pesos (Php5,000.00) or imprisonment of not less three (3) months but not more than one (1) year, or both such fine and imprisonment, at the discretion of the court; provided, that commission of the same offense a second time or oftener shall result to the suspension or revocation of his/her business permit at the discretion of the court, without prejudice to the imposition of fine and/or imprisonment, as herein mentioned. Provided further that the discretion of the court to suspend or revoke business permit in cases of violation of this Ordinance shall be without prejudice to the authority of the Business Permits and Licensing Department (BPLD) to suspend or revoke business permits as provided under Section 444(b)(3)(iv) of Republic Act No. 7160;
- c) Parents, biological or by legal fiction, and legal guardians found to have violated Sections 4, 5, 7, and 8 of this Ordinance or to have caused their child or children to engage in prohibited child labor, shall be liable to pay the penalty of fine of not less than One Thousand Pesos (Php1,000.00) but not more than Three Thousand Pesos (Php3,000.00) at the discretion of the court. If in case of inability to pay the fine, community service shall be imposed as follows:
- 1st Offense: One Thousand Pesos (Php1,000.00) or one (1) to two (2) days Community Service (8:00am to 5:00pm)
- 2nd Offense: Two Thousand Pesos (Php2,000.00) or two (2) to three (3) days Community Service (8:00am to 5:00 pm)

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3rd Offense: Three Thousand Pesos (Php3,000.00) or three (3) to four (4) days Community Service (8:00am to 5:00pm)

Provided, that such parents, biological or by legal fiction, and legal guardians, in all instances, where they were found to have violated Sections 4, 5, 7, and 8 of this Ordinance or to have caused their child or children to engage in prohibited child labor shall be referred directly to PESO and SSDD for the provision of viable livelihood trainings and/or employment opportunities;

- d) Any person who violates Sections 6(a) and 6(b) of this Ordinance shall be prosecuted and penalized in accordance with the penalty provided for by Republic Act No. 9208 otherwise known as the "Anti-Trafficking in Persons Act of 2003", as amended by Republic Act No. 10364, otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2012", as further amended by Republic Act No. 11862, also known as the "Expanded Anti-Trafficking in Persons Act of 2022";*
- e) Any person who violates Section 6(c) of this Ordinance shall be prosecuted and penalized in accordance with Republic Act No. 9165, otherwise known as the "Comprehensive Dangerous Drugs Act of 2002";*
- f) Any person who violates Sections 6(d)(1) and 6(d)(2) of this Ordinance shall be prosecuted and penalized in accordance with the penalty provided for by Republic Act No. 7610 otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act";*
- g) Any person, employer, corporation, organization or entity who violates Section 6(d)(3) to (9) shall suffer the penalty of a fine of not less than One Thousand Pesos (Php1,000.00) but not more than Five Thousand Pesos (Php5,000.00) or imprisonment of not less than six (6) months but not more than one (1) year, or both, at the discretion of the court, without prejudice to the suspension and/or revocation of his/her/its business permit, as the case may be. Provided further that the discretion of the court to suspend or revoke business permit in cases of violation of this Ordinance shall be without prejudice to the authority of the Business Permits and Licensing Department (BPLD) to suspend or revoke business permits as provided under Section 444(b)(3)(iv) of Republic Act No. 7160*

SECTION 18. IMPLEMENTING RULES AND REGULATIONS. - Within six (6) months from the date of effectivity of this Ordinance, the PESO, together with the SSDD, DOLE-Quezon City Field Office (Bureau of Working Conditions and Persons-in-Charge of Implementing SHIELD), in coordination with TFS, PESO-Child Labor Section, and the QCCPC, shall promulgate the necessary implementing rules and regulations to implement the provisions of this Ordinance, in accordance with Philippine Plan Against Child Labor (PPACL).

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SECTION 19. REPEALING CLAUSE. - All ordinances, executive orders, or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 20. SEPARABILITY CLAUSE. - If, for any reason, parts or provisions of this Ordinance shall be held unconstitutional or invalid, other parts or provisions hereof which are not affected thereby shall continue to be in full force and effect.

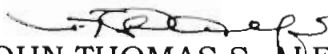
SECTION 21. EFFECTIVITY CLAUSE. - This Ordinance shall take effect immediately upon its approval.

ENACTED: June 26, 2023.



GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)


APPROVED: OCT 05 2023



MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 26, 2023 and was PASSED on Third/Final Reading under Suspended Rules on the same date.



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

