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

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70th Regular Session

ORDINANCE NO. SP- 3295 *, S-2024*

AN ORDINANCE INSTITUTIONALIZING THE QUEZON CITY UNIFIED REFERRAL SYSTEM FOR CHILD PROTECTION

Introduced by Councilors ALY MEDALLA, GELEEN "Dok G" G. LUMBAD, MARIA ELEANOR "Doc Ellie" R. JUAN, O.D., JOSEPH P. JUICO, JHON ANGELLI "Sami" C. NERI and JOSE MARIA M. RODRIGUEZ

Co-Introduced by Councilors Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Nikki V. Crisologo, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Dave C. Valmocina, Tatay Rannie Z. Ludovica, Godofredo T. Liban II, Kate Galang-Coseteng, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Wencerom Benedict C. Lagumbay, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso and Victor "Vic" Bernardo

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WHEREAS, the State upholds and promotes the rights of children to life, survival, and development as mandated by the United Nations Convention on the Rights of the Child. This provides for the protection of children from all forms of violence, abuse, and exploitation;

WHEREAS, Section 27 of Ordinance No. SP-2180, S-2012 or The Quezon City Children's Code of 2012 mandates the Quezon City Government to establish a mechanism that will provide an integrated quick response system for an immediate, appropriate and holistic response to cases involving child abuse, sexual exploitation, child trafficking, child pornography, child prostitution, and child labor;

WHEREAS, it is important to have an effective and efficient records management system to gather data and create a referral process of cases involving Children at Risk (CAR) and Children in Conflict with the Law (CICL) to provide them with timely and relevant services;

WHEREAS, to provide a common understanding and process among government offices and stakeholders in reporting and handling cases involving CAR and CICL, this Ordinance institutionalizes the Quezon City Unified Referral System for Child Protection that is child-centered and that promotes the best interest of children and their rights.

NOW, THEREFORE,

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

SECTION 1. SHORT TITLE. – This Ordinance shall be known as the "Quezon City Unified Referral System for Child Protection Ordinance."

SECTION 2. DECLARATION OF POLICIES. – The Quezon City Government seeks to promote the general well-being of children as mandated by law including The Quezon City Children's Code of 2012, through the provision of comprehensive and responsive program/projects and services, adequate funds and resources, legal and policy advocacy, information education campaign, and effective and efficient monitoring and evaluation system through the involvement and participation of all sectors of society, including children themselves.

SECTION 3. GOVERNING LAWS. – This Ordinance hereby adopts all relevant and enforceable national laws, rules and regulations, and local ordinances on child protection. Pertinent provisions of The Quezon City Children's Code of 2012 and its amendments, and all other existing laws, ordinances, executive orders, or parts thereof, which are consistent with the principles and policies laid down in this Ordinance, are hereby adopted and incorporated, including but not limited to:

a) Presidential Decree (P.D.) No. 603 or The Child and Youth Welfare Code;

b) Republic Act (R.A.) No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act;

c) R.A. No. 9231 entitled, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as amended, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act;

d) R.A. No. 9344 or the Juvenile Justice and Welfare Act of 2006;

e) R.A. No. 10630 entitled, An Act Strengthening the Juvenile Justice System in the Philippines, Amending for this Purpose Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006" and Appropriating Funds Therefor;

f) R.A. No. 11648 entitled, An Act Providing for the Stronger Protection Against Rape and Sexual Exploitation and Abuse, Increasing the Age for Determining the Commission of Statutory Rape, Amending for the Purpose Act No. 3815, as amended, otherwise known as the "Revised Penal Code," Republic Act No. 8353, also known as "The Anti-Rape Law of 1997," and R.A. No. 7610, as amended, otherwise known as the "Special Protection of Children against Abuse, Exploitation and Discrimination Act";

g) R.A. No. 11930 or the Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act;

h) Department of Education (DepEd) Order No. 40, s.2012 or the DepEd Child Protection Policy;

i) DepEd Order No. 18, s.2015, or the DepEd Guidelines and Procedures on the Management of Children-at-Risk and Children in Conflict with the Law; and

j) Quezon City Office of the Mayor Executive Order No. 34, Series of 2022 or An Order Further Reorganizing the Quezon City Council for the Protection of Children, Updating its Committees, Subcommittees, Composition and Functions.

SECTION 4. DEFINITION OF TERMS. – The following are the definition of terms as used in this Ordinance:

a) ***Abandoned Child*** *– refers to a child who has no proper parental care or guardianship, or whose parent(s) or guardian(s) has deserted the child for a period of at least 3 continuous months (R.A. No. 11642);*

b) ***Child abuse*** *– refers to the maltreatment, whether habitual or not, of a child as evaluated by the Social Services Development Department (SSDD), and as defined by Section 3(b) of R.A. No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act which includes any of the following:*

1) psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;

2) *any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;*

3) *unreasonable deprivation of a child's basic needs for survival, such as food and shelter; or*

4) *failure to immediately give medical treatment to an injured child resulting in serious impairment of his/her growth and development or in his/her permanent incapacity or death;*

c) ***Child*** *– refers to a person below 18 years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition (R.A. No. 7610);*

d) ***Child-at-risk (CAR)*** *– refers to a child who is vulnerable or at risk of behaving in a way that can harm themselves or others, and at the risk of being forced and exploited to committing criminal offenses because of personal, family and social circumstances, such as, but not limited to:*

1) *being abused by any person through sexual, physical, psychological, mental, economic or any other means, and the parent(s) or guardian(s) refuses, is unwilling, or is unable to provide protection for the child;*

2) *being exploited, sexually or economically;*

3) *being abandoned or neglected and the parent or guardian cannot be found after diligent search and inquiry;*

4) *coming from a dysfunctional or broken family, or without a parent or guardian;*

5) *being out of school;*

6) *being a child in street situation;*

7) *being a member of a gang;*

8) *living in a community with a high level of criminality or drug abuse; and*

9) *living in situations of armed conflict;*

e) ***Child in conflict with the law (CICL)*** *– refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws (R.A. No. 9344). The minimum age of criminal responsibility in the Country is 15 years, and any child of such age or under at the time of the commission of the offense shall not be held criminally liable, but shall undergo intervention. A child above 15 years but below 18 years of age shall likewise be exempt from criminal liability and be subjected to an intervention program, unless he/she has acted with discernment, in which case, such child shall be subjected to the appropriate proceedings. A CAR who violated an ordinance or committed a light offense or misdemeanor is not a CICL (R.A. No. 9344);*

f) ***Dependent Child*** *– refers to a child who is without a parent, guardian or custodian; or one whose parents, guardian or other custodian for good cause, desires to be relieved of the child's care and custody; and is dependent upon the public for support (Article 141[1], Title VIII of [P.D] No. 603);*

g) ***Discernment*** *– refers to the capacity to understand the difference between right and wrong, and its consequences;*

h) ***Diversion*** *– refers to an alternative, child-appropriate process of determining the responsibility and treatment of a CICL, on the basis of the child's social, cultural, economic, psychological or educational background, without resorting to formal court proceedings (R.A. No. 9344);*

i) ***Diversion Program*** *– refers to the program that the CICL is required to undergo after being found responsible for an offense, without resorting to formal court proceedings (R.A. No. 9344);*

j) ***Duty bearer*** *– refers to a person who is responsible for providing care, addressing the needs and protecting the rights of a child within the juvenile justice and welfare system (R.A. No. 10630);*

k) ***Initial contact*** *– refers to the apprehension or taking into custody of a CICL by law enforcement officers or private citizens (R.A. No. 9344);*

l) ***Intervention*** *– refers to a series of activities designed to address issues that caused the child to commit an offense. It may take the form of an individualized treatment program which may include counseling, skills training, education, and other activities that will enhance a child's psychological, emotional and psycho-social well-being (R.A. No. 9344);*

m) ***Light offense*** *– refers to an act of misdemeanor against public order or safety such as, but not limited to, disorderly conduct, public scandal, harassment, drunkenness, public intoxication, criminal nuisance, vandalism, gambling, mendicancy, loitering, public urination, and trespassing;*

n) ***Neglected Child*** *– refers to a child who is unreasonably deprived of his/her basic needs for survival, such as food and shelter (R.A. No. 7610) or refers to a child whose physical and emotional needs have been deliberately unattended or inadequately attended within a period of 3 continuous months. A child is unattended when left without the proper provisions or proper supervisions (R.A. No. 11642); and*

o) ***Status offenses*** *– refer to offenses which discriminate only against a child, while an adult does not suffer any penalty for committing similar acts. These shall include curfew violations, truancy, parental disobedience and the like (R.A. No. 9344).*

SECTION 5. ESTABLISHMENT OF THE QUEZON CITY UNIFIED REFERRAL SYSTEM FOR CHILD PROTECTION. – There is hereby established the Quezon City Unified Referral System for Child Protection (QCURS-CP) focusing on CAR and CICL. This shall provide a coordinated and integrated approach to identify, refer, and respond to the needs of CAR and CICL. It intends to ensure that children receive timely and appropriate interventions based on their specific needs and circumstances, while also reducing duplication and fragmentation of services from different stakeholders. The QCURS-CP shall guide the services of the following Offices:

a) *Social Services Development Department (SSDD);*
b) *Quezon City Police District (QCPD) and all police stations;*
c) *all Quezon City Barangays;*
d) *Quezon City Public Schools;*
e) *Quezon City Anti-Drug Abuse Advisory Council (QCADAAC); and*
f) *Quezon City Protection Center.*

The Quezon City Council for the Protection of Children (QCCPC) shall lead the coordination of the process of reporting and assessing the CAR and the CICL together with the Barangay Council for the Protection of Children (BCPC), School Child Protection Committee, SSDD, QCPD Women's and Children's Protection Desk, QCADAAC, Quezon City Protection Center, and relevant agencies to which the CAR and the CICL shall be referred based on their assessed needs.

QCURS-CP shall unify and streamline the referral process, ensuring that children receive the services they need in a timely, efficient, and coordinated manner.

SECTION 6. GUIDING PRINCIPLES. – The following are the guiding principles of the QCURS-CP:

a) Confidentiality – All information gathered on the children shall be kept with care and will not be subject to unauthorized access or disclosure. It denotes that all information and personal data of the child, family, and other parties involved should be kept private and only shared on a need-to-know basis. This ensures that the child's privacy and dignity are respected, and that sensitive information is not used to harm or stigmatize the child.

Confidentiality also helps to build trust between the child and the service provider, as the child knows that their personal information is safe and will not be disclosed without his/her consent. However, there are certain situations where confidentiality may need to be breached, such as when there is a risk of harm to the child or others, or when legal requirements demand disclosure of information. In such cases, the provider should explain the reasons for breaching confidentiality and obtain the necessary consent or authorization, when possible:

b) Best interest of the child – The best interest of the child shall be the primary consideration in every step of the referral system. It refers to the totality of the circumstances and conditions most congenial to the survival, protection and feelings of security of the child and most encouraging to the child's physical, psychological and emotional development. It also means the least detrimental available alternative for safeguarding the growth and development of the child.

c) *Non-discrimination – All cases must be treated equally, regardless of the child's background. The child shall also be protected from discrimination and shall not be branded or labelled negatively by authorities. This principle denotes that children should not be discriminated against gender, race, ethnicity, religion, or any other factor. All children should be treated equally and given the same attention, care, and protection regardless of their background or circumstances. This principle is fundamental in ensuring that every child's rights are protected, and that no child is left behind. It is crucial that those involved in managing children's cases are aware of and adhere to this principle to ensure that every child has equal opportunities and access to his/her basic rights.*

SECTION 7. CASES OF CHILDREN AT RISK (CAR). – Children who commit status offenses, under Sections 57 and 57-A of R.A. No. 9344 as amended by R.A. No. 10630, are considered CAR and not CICL. No penalty shall be imposed on children for said violations but will be subjected to counseling and treatment at the Barangay Council for the Protection of Children (BCPC). A child shall be classified as CAR if he/she is under violation of the following laws:

a) *National issuances:*
   1. *Vagrancy and Prostitution (Article 202 of the Revised Penal Code, as amended by R.A. No. 10158);*
   2. *Mendicancy (P.D. No. 1563);*
   3. *Sniffing of Rugby (P.D. No. 1619);*
   4. *Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act; and*
   5. *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act;*

b) *City ordinances involving:*
   1. *Truancy;*
   2. *Parental Disobedience;*
   3. *Anti-Smoking;*
   4. *Anti-Drinking of Liquor;*
   5. *Anti-Urination;*
   6. *Curfew Violations;*
   7. *Littering;*
   8. *Public Disturbance; and*
   9. *Noise.*

SECTION 8. CASES OF CHILDREN IN CONFLICT WITH THE LAW (CICL). – Cases of CICL shall be classified and handled based on the following:

a) Cases involving crimes with penalties not exceeding 6 years of imprisonment – CICL who commit these offenses are to be referred to Diversion at the BCPC, and are not appropriate for inquest. If Diversion is not applicable, or in the event that it fails, the case to be filed is a regular case for summary investigation or preliminary investigation. These cases cover children in violation of the following laws:

1. Revised Penal Code:
(i). Article 148 (Direct Assaults);
(ii). Article 149 (Indirect Assaults);
(iii). Article 151 (Resistance and Disobedience to a Person in Authority or Agents of such Person);
(iv). Article 153 (Tumults and Disturbance of Public Order);
(v). Article 155 (Alarms and Scandals);
(vi). Article 172 (Falsification by Private Individuals);
(vii). Article 175 (Using False Certificates);
(viii). Article 178 (Using Fictitious Name);
(ix). Article 200 (Grave Scandal);
(x). Article 249 in relation to Article 6 (Attempted Homicide);
(xi). Article 254 as amended by R.A. No. 11926 (Discharge of Firearms);
(xii). Article 263 (2), (3) and (4) (Serious Physical Injuries);
(xiii). Article 265 (Less Serious Physical Injuries);
(xiv). Article 266 (Slight Physical Injuries);
(xv). Article 280 (Trespass to Dwelling);
(xvi). Article 281 (Other Forms of Trespass);
(xvii). Article 282 (Grave Threats not subject to condition);
(xviii). Article 283 (Light Threats);
(xix). Article 285 (Other Light Threats);
(xx). Article 286 (Grave Coercions);
(xxi). Article 287 (Light Coercions);
(xxii). Article 288 (Other Similar Coercions and Unjust Vexation);
(xxiii). Article 294 in relation to Article 6 (Attempted Robbery);
(xxiv). Article 302 (Robbery in an Uninhabited Place or in a Private Building);
(xxv). Article 304 (Possession of Picklocks or similar tools);
(xxvi). Article 308 (Theft involving property with value not exceeding Php1,200,000.00);

(xxvii). Article 310 (Qualified Theft involving property with value not exceeding Php500.00);
(xxviii). Article 315 (Estafa with value involved not exceeding Php2,400,000.00);
(xxix). Article 327 (Malicious Mischiefs);
(xxx). Article 336 (Acts of Lasciviousness);
(xxxi). Article 339 (Acts of Lasciviousness with the consent of the offended party);
(xxxii). Article 343 (Consented Abduction);
(xxxiii). Article 355 (Libel);
(xxxiv). Article 358 (Slander);
(xxxv). Article 359 (Slander by Deed);
(xxxvi). Article 365 (Imprudence and Negligence);

2. Special Penal Laws and City Ordinance:
(i). P.D. No. 9 as amended by Batas Pambansa Blg. 6 (Illegal Possession of Bladed and Pointed weapons);
(ii). Commonwealth Order (CO) No. 5121 (Illegal Possession of Bladed and Pointed Weapons);
(iii). P.D. No. 1612 (Anti-Fencing Law with stolen property valued at Php12,000.00 or lower);
(iv). Violation of Section 3(a) of R.A. No. 9287 (Betting on Illegal Numbers Games);
(v). Violations of Sections 39, 40, 41 and 42 of R.A. No. 7277 as amended (Magna Carta for Disabled Persons involving acts of public ridicule and vilification of PWDs);
(vi). Violation of R.A. No. 8485 as amended (Cruelty to Animals);
(vii). Violation of R.A. No. 10515 (Anti-Cable Television and Cable Internet Tapping Act of 2013);
(viii). R.A. No. 9003 (Littering);
(ix). R.A. No. 10586 (Anti-Drunk Driving Act where no one is killed or injured);
(x). R.A. No. 10913 (Anti-Distracted Driving Act);
(xi). P.D. No. 1602 (Anti-Illegal Gambling Law);
(xii). R.A. No. 11313 (Safe Spaces Act);

b) Cases involving serious crimes with penalties exceeding 6 years of imprisonment – CICL should be referred for inquest, if arrested without warrant. A discernment report by Local Social Welfare and Development Officer (LSWDO) should be conducted before the CICL is referred for inquest and said report is to be included in the referral for inquest. These cases cover children in violation of the following laws:

1. Revised Penal Code:
(i). Article 266-A as amended by R.A. No. 8353(Rape and Sexual Assault);

(ii). *Article 246 (Parricide whether consummated, frustrated or attempted);*
(iii). *Article 248 (Murder whether consummated, frustrated or attempted);*
(iv). *Article 249 (Homicide whether consummated or frustrated);*
(v). *Article 294 (Robbery with violence against or intimidation of persons whether consummated or frustrated including Robbery with Homicide);*
(vi). *Article 299 (Robbery in an Inhabited House or Public Building or Edifice Devoted to Worship);*
(vii). *Article 308 (Theft involving property with value exceeding Php1,200,000.00);*
(viii). *Article 315 (Estafa where money involved exceeds Php2,400,000.00);*
(ix). *Article 267 (Kidnapping and Serious Illegal Detention);*
(x). *Article 263 (Serious Physical Injuries under paragraph 1);*
(xi). *Article 268 (Slight Illegal Detention);*
(xii). *Article 342 (Forcible Abduction);*
(xiii). *Article 255 (Infanticide);*
(xiv). *Article 320 (Destructive Arson);*

2. *Special Penal Laws*
(i). *P.D. No. 1613 (Other Forms of Arson);*
(ii). *P.D. No. 1612 (Anti-Fencing Law where the value of stolen property exceeds Php12,000.00);*
(iii). *Violation of R.A. No. 9165 (Illegal Drugs);*
(iv). *R.A. No. 10883 (Carnapping);*
(v). *R.A. No. 10591 (Unlawful Possession of Firearms);*
(vi). *R.A. No. 9516 (Unlawful Possession of Explosives);*
(vii). *R.A. No. 7610 (Section 10[a] only);*
(viii). *R.A. No. 11235 (Section 9 - Use of a Motorcycle in the commission of a crime);*
(ix). *R.A. No. 9208 as amended by Republic Act No. 10364 (Human Trafficking where the minors act as pimps).*

SECTION 9. REGISTRATION IN THE QCURS-CP DATABANK. – All cases of the CAR and the CICL shall be registered in the QCURS-CP Databank in coordination with the QC Gender and Development (GAD) Office.

The Databank shall be used to manage and track referrals of services for children. It will facilitate communication between different service providers for better collaboration, improvement of outcomes and ensure provision of appropriate intervention to children. All cases of CAR and CICL shall be registered at the Quezon City Centralized Databank System on Gender-Based Violence and Referral System for Children lodged at the QC Gender and Development (GAD) Office. The Databank shall be managed by the GAD Office in coordination with the Social Services Development Department. Its purpose is to manage and track referrals of cases of children to different stakeholders and welfare agencies.

The following agencies shall input data and have access to the Databank. They shall assign respective staff as encoders who shall ensure that all cases of children referred to respective agencies are encoded in the Databank and shall properly encode the information provided by the client (either the informant, the victim or the alleged perpetrator):

a) SSDD;
b) QCPD, including all police stations;
c) Quezon City Barangays;
d) Quezon City Public Schools;
e) QCADAAC; and
f) Quezon City Protection Center.

SECTION 10. IMPLEMENTING RULES AND REGULATIONS. – The QCCPC shall promulgate the necessary rules and regulations for the immediate and effective implementation of this Ordinance within a period of 60 days after its effectivity.

SECTION 11. APPROPRIATION. – Budgetary requirements shall be included in the annual appropriations of the succeeding fiscal year upon the approval of this Ordinance, subject to pertinent rules, regulations and procedures.

SECTION 12. REPEALING CLAUSE. – All Quezon City ordinances, resolutions, executive orders, memorandum circulars and administrative regulations, or parts thereof which are inconsistent with any of the provisions of this Ordinance, are hereby repealed or modified accordingly.

SECTION 13. SEPARABILITY CLAUSE. – If for any reason or reasons, any part or provision 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 14. EFFECTIVITY CLAUSE. – This Ordinance shall take effect 15 days after publication in at least 1 newspaper of general circulation.

ENACTED: June 18, 2024.

JOSEPH JOE VISAYA
Acting City Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: JUL 24 2024

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 18, 2024 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)