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

PO22CC-424

100th Regular Session

ORDINANCE NO. SP- 3420 *, S-2024*

AN ORDINANCE INSTITUTIONALIZING THE "SMART-CHILD: E-HABILIN PROGRAM" PROVIDING FUNDS THEREFOR AND FOR OTHER PURPOSES

Introduced by Councilors EDGAR "Egay" G. YAP, MARIA ELEANOR "Doc Ellie" R. JUAN, O.D., JOSEPH JOE VISAYA and GELEEN "Dok G" G. LUMBAD

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Nikki V. Crisologo, Charm M. Ferrer, Candy A. Medina, Aly Medalla, 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, Atty. Anton L. Reyes, 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, Mutya Castelo, Kristine Alexia R. Matias, RN, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Jose Maria M. Rodriguez and Jhon Angelli "Sami" C. Neri

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WHEREAS, as parens patriae, the State has the inherent right and duty to aid parents in the moral development of their children, and, thus, assumes a supporting role for parents to fulfill their parental obligations;

WHEREAS, Section 3(2), Article XV of the 1987 Philippine Constitution provides that the State shall defend the rights of children to assistance, including proper care and nutrition, and special protection from all forms of neglect abuse, cruelty, exploitation and other conditions prejudicial to their development;

WHEREAS, in signing the United Nations Convention on the Rights of the Child on 26 January 1990, the Philippines recognized the right of each 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 the child's health or physical, mental, spiritual, moral or social development;

WHEREAS, Republic Act No. 7610, otherwise known as the Special Protection of Children Against Abuse, Exploitation and Discrimination Act, as amended by Republic Act No. 9231, declares it a 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, which include child labor in its worst forms;

WHEREAS, Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended by Republic Act No. 10022, recognizes and values the important role of the local government units in providing a higher standard of protecting the welfare of migrant workers, their families and overseas Filipinos in distress;

WHEREAS, Section 17 of Republic Act No. 11641, otherwise known as the Department of Migrant Workers Act mandates the development and implementation of a full cycle comprehensive national reintegration program for documented and undocumented Overseas Filipino Workers (OFWs), which shall be embedded in all stages of migration beginning from pre-deployment, on-site during employment, and upon return, whether voluntary or involuntary;

WHEREAS, on March 26, 2012, the Quezon City Council enacted Ordinance No. SP-2180, S-2012, otherwise known as The Quezon City Children's Code of 2012, codifying all the local policies and ordinances for the promotion and protection of the rights of children in Quezon City;

WHEREAS, several national and local policies concerning children have been approved since the enactment of The Quezon City Children's Code of 2012;

WHEREAS, in recognition of and building on the achievements of The Quezon City Children's Code of 2012, and in light of the developments, current issues, persistent problems and emerging concerns involving and affecting children, there is a need to strengthen the said Code to ensure a child-friendly Quezon City;

WHEREAS, pursuant to Quezon City Ordinance No. SP-2500, S-2016 entitled An Ordinance Creating the Quezon City Migrants Resource Center (QC-MRC), the QC-MRC was created for purposes of upholding the rights of migrant workers and other overseas Filipinos and their families by promoting and ensuring full employment and equality of employment opportunities abroad, by protecting OFWs against illegal recruitment and related cases, by affording them the best possible conditions and by securing the efficient delivery of goods and services as well as initiating projects and programs dedicated to advancing self-reliant socio-economic well-being through sustainable and effectively policy direction;

WHEREAS, the Quezon City Council passed Resolution No. SP-9172, S-2023, authorizing the City Mayor, Honorable Ma. Josefina G. Belmonte to enter into a Memorandum of Agreement with the Department of Migrant Workers for the implementation of programs to protect the rights and promote the welfare of OFWs and their families in Quezon City;

WHEREAS, based on Section 16 or the General Welfare Clause of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare.

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 "An Ordinance Institutionalizing the Smart Child: e-Habilin Program."

SECTION 2. DECLARATION OF POLICY. – It is hereby declared the policy of Quezon City to uphold the dignity and fundamental human rights of Overseas Filipino Workers (OFWs) and their families left behind, to provide special protection to the child/children to ensure his/her/their welfare, to intervene on behalf of the child/children when the remaining parent, guardian, or person who has care and custody of the child/children fails or is unable to protect the child/children against abuse and/or neglect or when acts detrimental to the child/children are committed by the said parent, guardian or person who has care and custody of him/her/them, to protect and rehabilitate the child/children gravely threatened or endangered by circumstances which affect or will affect his/her/their survival and normal development, over which he/she/they has/have no control, and to uphold the "Best Interests of the Child/Children" principle as the paramount consideration in all actions concerning his/her/their rights and welfare.

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

a. Child/Children of OFW – refer/s to an individual/s below 18 years of age but not less than 6 years of age, or above 18 years of age but are incapable of taking care of themselves because of a physical or mental disability or condition, left by an OFW parent/s after securing employment overseas.

b. *Family Left Behind – refers to a family member/s who is/are left behind in the country of origin by their parent/s and/or siblings.*

c. *Guardian – refers to the caretakers of a child appointed by the biological parents or in the absence thereof, by guardians defined under Section 7(1) of this Ordinance.*

d. *OFW Parent – refers to the biological parent/s of the child who is/are engaged in overseas employment.*

e. *Volunteer Community Parent – refers to the individual who has undertaken his/her oath to volunteer in assisting migration-related advocacies, particularly in overseeing the child/children left behind by migrants and OFWs within their respective communities.*

f. *Overseas Family Circles and their Families (OFCs) – refer to the established and organized groups of OFWs and their families within their respective communities.*

SECTION 4. GENERAL OBJECTIVES. – The Ordinance aims to establish the following objectives:

a. *Mitigate the prevailing negative effects of the social cost of migration by engaging the OFWs' families left behind in developmental programs and providing of various assistance.*

b. *Assist in the provision of access to quality early childhood development, care and pre–primary education so that they are ready for primary education.*

c. *Substantially increase the number of youth and adults who have relevant skills, including technical and vocation skills for employment, decent jobs and entrepreneurship.*

d. *Assist in ensuring that all youth and a substantial proportion of adults, both men and women, achieve literacy and numeracy.*

e. *Achieve higher levels of economic productivity through diversification, technological upgrading and innovation, by focusing on high-value and labor-intensive sectors.*

f. *Develop and operationalize a global strategy for youth employment and implement the Global Jobs Pact of the International Labour Organization.*

g. Strengthen prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol.

h. Take immediate and effective measures to mitigate forced labor, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labor, including recruitment and use of child soldiers.

SECTION 5. PROGRAMS UNDER THE SMART CHILD: E-HABILIN. – The services under the Smart Child: e-Habilin Program may be classified into the following categories:

a. Academics – are activities that assist in the academic development and other academic-related literacies of the child/children left behind which include but not limited to face-to-face and online tutorial sessions.

b. Arts and Performing Arts – are activities that assist the child/children of overseas Filipinos left behind who are interested in engaging in arts and performing arts activities; this includes but not limited to dance, voice, musical instruments, drawing, painting and other related activities.

c. Capacity Building Activities – are activities that enable the child/children of overseas Filipinos left behind to engage in the following activities but not limited to, career guidance and employment coaching, entrepreneurial development training, OFW children's circle organizing and organizational development, values formation and financial literacy.

d. Contact and Non-Contact Sports – are activities that assist in engaging interested child/children of overseas Filipinos left behind to various contact and non-contact sports activities.

e. Health Services – are interventions for the child/children of overseas Filipinos in need of health services such as but not limited to child immunization, nutritional assessment, malnutrition rehabilitation, provision of medicine, dental hygiene and HEADSS – Home, Education, Activities/Employment, Drugs, Suicidality and Sex.

f. Psychosocial Activities – are activities for the child/children of overseas Filipinos which include but are not limited to counseling services, psychosocial first aid, focused group discussion and psychosocial workshops.

g. *Community Parenting Initiatives – are programs and activities led by local communities or organizations that partner with the local government to provide guidance, support, and safeguard for children, especially those left behind by overseas parents. These initiatives involve community members acting as supplementary caregivers and collaborators to create a secure and nurturing environment that promotes the emotional, social, and educational well-being of these children.*

SECTION 6. QUALIFICATION AND REQUIREMENTS FOR BENEFICIARIES. – To qualify for the program, the beneficiary must be:

A. *Qualifications*
   1. *A bona fide resident of Quezon City; and*
   2. *An active OFW or an individual that will be soon departing for overseas labor employment.*

B. *Requirements*
   1. *QCitizen ID;*
   2. *Passport;*
   3. *Overseas Employment Certificate;*
   4. *Employment Contract issued by the Department of Migrant Workers (DMW); and*
   5. *Documentary requirement: appointing or electing legal guardian.*

SECTION 7. QUALIFICATION OF THE MIGRANT OR OVERSEAS FILIPINO WORKER-APPOINTED GUARDIAN. – The guardian can be a relative within the 4th degree of consanguinity or any other person who demonstrates the ability and willingness to care for the child.

a. *Blood-Related Guardian – The migrant or OFW parent may appoint or elect any of the following relatives as guardian for the child/children left behind:*

   (1) *the grandparent/s on either side;*
   (2) *the minor's oldest brother or sister over 21 years of age, unless unfit or disqualified;*
   (3) *the minor's actual custodian, within the 4th degree of consanguinity, who is over 21 years of age, unless unfit or disqualified; and*
   (4) *any other relative, within the 4th degree of consanguinity, who in the sound discretion of the migrant or OFW parent/s, would serve the best interests of the minor.*

b. *Non-Blood-Related Guardian – The migrant or OFW parent may appoint or elect a non-blood-related person as guardian for the child/children left behind, provided the following requirements are complied with:*

(1) Affidavit of the migrant or OFW parent/s appointing the non-blood-related person as guardian for the child/children left behind;
(2) National Bureau of Investigation (NBI) Clearance;
(3) Philippine National Police (PNP) Clearance; and
(4) Barangay Clearance.

Provided, that the guardianship created pursuant to this Ordinance shall be limited to the purpose stated herein and shall not extend to the function of a court-appointed guardian pursuant to A.M. No. 03-02-05-SC or the Rule of Guardianship of Minors.

SECTION 8. QUALIFICATION AND REQUIREMENTS FOR A VOLUNTEER COMMUNITY PARENT. – In appointing a volunteer community-parent, the Quezon City Public Employment Services Office (QC-PESO) shall consider the community-parent's moral character, physical, mental and psychological condition, availability and capability to exercise the duties and functions of a community-parent, lack of conflict of interest with the child/children under his/her care, in addition to the following requirements:

a. Proof of Affiliation

(1) Civil Society Affiliation – must be a certified individual by the affiliated organization through a recommendatory documentation;

(2) Overseas Family Circles and their Families Chapter (OFC) membership – must be recognized by the organization as an active member;

b. Certified by the QC-PESO as competent to volunteer as Community Parent through capacity development;

c. NBI Clearance;

d. PNP Clearance; and

e. Barangay Clearance.

SECTION 9. APPLICATION. – Qualified beneficiaries of the program will be endorsed to the application process.

a. Application to Quezon City (QC) E-Services Account

(1) The applicant must register to the official QC E-Services registration page or website.

(2) Registered QCitizens should search the Smart Child: e-Habilin Program within the website of the QC E-Services.

b. Enrollment to the Smart Child: e-Habilin Program

(1) Once the user has successfully registered his/her account, he/she may express interest by applying to the Smart Child: e-Habilin Program under the QC e-Services.

(2) Upon application, the user shall input all the necessary information of the child/children subject of the application as required by the system.

(3) Afterwards, a system generated notification will be sent to the registered email address of the user regarding the status of his/her application to the Smart Child: e-Habilin Program.

(i) For approved applications – there will be a system generated notification that will be sent to the applicant's registered email address, stating their intake interview appointment date.

(ii) For disapproved application – there will be a system generated notification that will be sent to the user's registered email address stating the remarks given by the validator; this may include but not limited to incomplete input of information, insufficient documentary requirements, insufficient qualification and other deficiencies that may disqualify them for their application.

(4) Successfully enrolled applicants will be given notification to bring valid Identification Cards (IDs) for validation purposes during intake interview.

(5) Upon the intake interview, the applicant will decide on the specific activity they wish their child/children to engage in and will be advised of the duration and schedule of activities and other details.

SECTION 10. PROMOTION OF INCLUSIVENESS AND DIVERSITY. – The Quezon City Smart Child: e-Habilin Program shall be inclusive and diverse. It shall not discriminate in enlisting women, members of the LGBTQIA+ Community and People with Disabilities.

SECTION 11. ORIENTATION. – Upon admission to the Program, all qualified beneficiaries shall undergo an orientation on the Program, discussing the health and safety protocols, engagement schedules, mode of engagement, time length of every session and duration of the Program.

SECTION 12. TERMINATION FROM THE PROGRAM. – Upon return of the OFW in the Philippines, the essence of the "e-Habilin" is dissolved. A transitory period of six (6) months shall automatically commence to complete the remaining activities under the Smart Child: e-Habilin Program. The following are the instances that would result to the termination of the Program:

a. Maturity of the Overseas Employment Contract of the OFW Parent;

b. Involuntary displacement of the OFW Parent;

c. The child/children reach/es the age of 18 years;

d. Voluntary withdrawal from the Program.

Provided, that this provision is without prejudice to the right of the QC-PESO–Migration Services Division (MSD) to terminate the enrollment of the child/children left behind, upon notice to the OFW parent, after failure by the child/children and his/her/their guardian to attend the scheduled activities under the Quezon City Smart Child: e-Habilin Program for three (3) consecutive times.

SECTION 13. RENEWAL. – If after or within the duration of his/her grace period in the current enrollment, the OFW decides to re-engage in overseas employment, he/she has the option to request for a renewal of his/her enrollment with the Smart Child: e-Habilin Program, in which case the same shall continue until it is terminated due to the instances enumerated in the preceding paragraph.

SECTION 14. IMPLEMENTING OFFICE. – The QC-PESO-MSD, in coordination with the concerned department, agency, office, or taskforce, shall be responsible in implementing the provisions of this Ordinance and its implementing guidelines.

SECTION 15. FUNDING. – The budget necessary for the purpose is hereby allocated annually and shall be sourced out of the funds of the QC-PESO. For 2025, the initial budget of Two Million Pesos (Php2,000,000.00) from QC-PESO shall be utilized for the implementation of this Ordinance.

SECTION 16. IMPLEMENTING GUIDELINES. – The QC-PESO-MSD shall formulate and draft the Implementing Guidelines of this Ordinance within six (6) months from the date of its passage.

SECTION 17. SEPARABILITY CLAUSE. – If any part of this Ordinance is found unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining parts hereof which are unaffected shall continue to be in full force and effect.

SECTION 18. REPEALING CLAUSE. – All ordinances, executive orders, rules and regulations and other issuances or parts thereof, which are inconsistent with the provision of this Ordinance, are hereby repealed, revoked or modified accordingly.

SECTION 19. EFFECTIVITY CLAUSE. – This Ordinance shall take effect 15 days after its publication in a newspaper of general circulation or posting in at least two (2) conspicuous places within Quezon City.

ENACTED: December 9, 2024.

GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:

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

APPROVED: FEB 10 2025

MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on December 9, 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)