

Republic of the Philippines
PROVINCE OF ZAMBOANGA DEL SUR
Municipality of Dumingag
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Office of the Sangguniang Bayan

EXCERPT FROM THE MINUTES OF THE 92nd REGULAR SESSION OF THE 9th SANGGUNIANG BAYAN OF DUMINGAG, ZAMBOANGA DEL SUR HELD AT THE MUNICIPAL SESSION HALL ON May 28, 2019.

OFFICERS/MEMBERS	POSITION	PRESENT	ABSENT	OB	OL
Hon. Francis Joeray T. Gumban	Acting Vice Mayor	___/___	___	___	___
Hon. Lars Christian C. Tangalin	SB Member	___/___	___	___	___
Hon. Irish J. Mandao	SB Member	___/___	___	___	___
Hon. Nilo B. Ledesma	SB Member	___/___	___	___	___
Hon. Jenny T. Arbitrario	SB Member	___/___	___	___	___
Hon. Paquito P. Duerme, Jr.	SB Member	___/___	___	___	___
Hon. Tracy E. Morpos	SB Member	___/___	___	___	___
Hon. Bernaldo P. Degenion	SB Member	___/___	___	___	___
Hon. Jerson L. Cabahug	Ex- Officio Member	___/___	___	___	___
Hon. Leonel C. Dinawanao	Ex- Officio Member	___	___	___/___	___

Municipal Ordinance No. 7, s. 2019

AN ORDINANCE ESTABLISHING A LOCAL JUVENILE INTERVENTION PROGRAM, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES IN THE MUNICIPALITY OF DUMINGAG, ZAMBOANGA DEL SUR.

Be it ordained by the Sangguniang Bayan in session assembled that:

SECTION 1. TITLE. This ordinance shall be known as the “Local Juvenile Intervention and Diversion Programs of Dumingag.”

SECTION 2. DECLARATION POLICY.

The Local Government Code of 1991 mandates all local government units to promote the general welfare of its inhabitants, provide basic services to the constituents and enact ordinances which shall ensure the effective and efficient delivery of services.

The Juvenile Justice and Welfare Council (JJWC) created by virtue of Juvenile Justice and Welfare Act of 2006 (RA 9344) provides for a Comprehensive National Juvenile Intervention Program Framework to ensure the effective implementation of the Act and to serve as guide for 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).

Pursuant to Section 18 of RA 9344 - Juvenile Justice and Welfare Act of 2006 requires LGUs to develop a Comprehensive Juvenile Intervention Program covering at least a 3 year period and set aside an amount necessary to implement the said program and Section 23 of the said Act, children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions as provided by the Act.

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SECTION 3. DEFINITION OF TERMS.

- **CAR** – refer to as Child at Risk;
- **CICL** – refer to as Child in Conflict with the Law; refer to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine Laws;
- **Diversion Programs** – form of sentence in which the offender joins a rehabilitation program, which will help remedy the behavior leading to the original arrest, and avoid conviction and delinquent acts;
- **Juvenile** – refer to a child or young person who is not yet old enough to be regarded as an adult; usually defined as being between ages of 10 - 18, who have committed some act that violates the law. These acts aren't called "crimes" as they would be for adults, rather crimes committed by minors are called "delinquent acts"; and
- **MCPC** – refers to as Municipal Council for the Protection of Children.

SECTION 4. ESTABLISHING AND STRENGTHENING OF MUNICIPAL COUNCIL FOR THE PROTECTION OF CHILDREN (MCPC).

- a. The municipality of Dumingag shall organize/ reorganize the Municipal Council for the Protection of Children to be chaired by the Municipal Mayor and the membership of which shall be in accordance with Rule 15 c (2) of the IRR of RA 9344.
- b. The council shall serve as the primary body to coordinate with and assist in the formulation of comprehensive juvenile intervention and diversion programs and shall set policies for their implementation and for providing services for Children in Conflict with the Law. The council shall convene its members every quarter and shall render a report to the Office of the Municipal Mayor, copy furnished DILG Office and Municipal Social Welfare and Development Office (MSWDO).
- c. The MCPC shall convene its members within 15 days from the effectivity of this ordinance and every quarter thereafter. It shall render a report to the Municipal Social Welfare and Development Office (MSWDO).

SECTION 5. FORMULATION OF THE DUMINGAG JUVENILE INTERVENTION PROGRAM AND ITS IMPLEMENTATION.

- 5.1. The Local Executive through the Municipal Planning and Development Office, Municipal Social Welfare and Development Office and in coordination with the Municipal Council for the Protection of Children shall formulate a 3-year Comprehensive Dumingag Juvenile Intervention Program (DUJIP).
- 5.2. The Municipality of Dumingag shall implement the Dumingag Juvenile Intervention and Diversion Program through a collaborative undertaking between and among the community-based youth and school organizations, multi-sectoral organizations, NGO's and other concerned agencies to address causes of offending, aid CICL and alternative modes to avoid the child's contact with the formal justice system.

SECTION 6. LEVELS OF INTERVENTION AND ROLES OF STAKEHOLDERS.

The Municipal Social Welfare and Development Officer shall formulate the Dumingag Juvenile Intervention Program for the following levels:

- 6.1. **Primary Intervention**, which includes general measures to promote social justice and equal opportunity which will indirectly tackle perceived root causes of offending;
- 6.2 **Secondary Intervention**, which includes measures to assist children at risk and to prevent them from offending; and
- 6.3 **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 7. MOBILIZATION OF CONCERNED SECTORS/ INSTITUTIONS.

The Municipal Mayor through the Municipal Council for the 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 8. IMPLEMENTATION OF INTERVENTION AND DIVERSION PROGRAMS.

8.1. The Municipal Mayor through the MSWDO and MCPC shall provide:

- Intervention programs for children 15 years old and below who have committed an offense;
- Intervention programs for children more than 15 years old but less than 18 years old who acted without discernment;
- 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;

8.2. The MSWDO 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)

- Guidance and counseling i.e. family counseling, regular home visitation;
- Spiritual formation
- Education and skills development;
- Provision of support services to the family, e.g. education, health, skills training, etc.;
- Referral to other agencies for appropriate services, e.g. education, health, skills training; and
- Access to child and youth organizations in the community, such as but not limited to the Sangguniang Kabataan.

8.3. The MSWDO shall provide assistance in the conduct of diversion programs at the barangay, law enforcement and prosecution levels.

8.4. The MSWDO shall also:

- Develop policies and programs to ensure that children in conflict with the law are not subjected to discrimination in schools both private and public;
- Coordinate with appropriate agencies such as TESDA, DepEd, DOH and CHED in the formulation of intervention and diversion programs;
- Find ways to promote and replicate good practices of intervention and diversion programs;
- Monitor compliance of CICL to intervention or diversion programs.

SECTION 9. ESTABLISHMENT OF A YOUTH FACILITY.

The Local Government of Dumingag shall establish a Youth Facility for CICL in the following situations:

- a. CICL with pending trial and commitment order;
- b. CICL with voluntary commitment; and
- c. CICL with involuntary commitment.

9.1 The Youth Facility to be established for CICL shall be a gender-fair delivery care facility. Provided that the Municipality of Dumingag shall provide appropriate programs for CICL and the MSWDO shall treat each category of CICL differently.

9.2. **Creation of a Juvenile Intervention division in the MSWDO.** Upon approval of this ordinance, a separate division for juvenile intervention headed by duly licensed social worker as its Municipal Social Welfare Development Officer tasked to assist children in conflict with the law shall be created. This shall be under the administrative supervision of the Local Chief Executive. The Municipal Mayor shall establish the Juvenile Intervention Division equipped with basic facilities and equipment to carry out its functions and shall appoint other personnel necessary to its operations.

SECTION 10. CARE AND MAINTENANCE OF CICL.

There shall be an established Center from CICL that shall serve as the temporary youth detention homes adopting a gender-fair delivery care system. 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. Provided that in the case his/her parents or those persons liable to support him/her are indigents, this municipality shall render financial assistance to help defray the expenses. Provided, further that in the event that the CICL is not a resident of this municipality where the offense was committed, the court upon its determination may require the LGU where the CICL resides to shoulder the cost.

SECTION 11. AFTER CARE SUPPORT SERVICES.

The municipality of Dumingag shall provide an establishment and/or Rehabilitation Center and 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.

SECTION 12. MONITORING, REPORTING AND EVALUATION SYSTEM.

The Municipality of Dumingag through the Municipal Council for the Protection of Children shall monitor the implementation of the Comprehensive Dumingag Juvenile Intervention and Diversion Programs and submit report to the council.

SECTION 13. APPROPRIATIONS.

The Local Government of Dumingag, shall allocate funds to carry out provisions of this ordinance subject to the usual accounting and auditing rules and regulations.

SECTION 14. 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 15. 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 that are vested upon the effectivity of this Ordinance shall not be impaired.

SECTION 16. EFFECTIVITY CLAUSE.

This ordinance shall take effect after the approval of the Sangguniang Panlalawigan and after 15 days a copy hereof is posted on the bulletin board in the municipal hall and two other conspicuous places.

Date Enacted: May 28, 2019

SANGGUNIANG BAYAN MEMBERS:

Hon. Lars Christian C. Tangalin
Hon. Nilo B. Ledesma
Hon. Paquito P. Duerme, Jr.
Hon. Bernaldo P. Degenion
Hon. Leonel C. Dinawanao

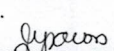


Hon. Irish J. Mandao
Hon. Jenny T. Arbitrario
Hon. Tracy E. Morpos
Hon. Jerson L. Cabahug

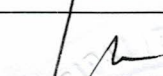


ATTESTED AND CERTIFIED
TO BE DULY ADOPTED


FRANCIS JOERAY T. GUMBAN
Presiding Officer / Municipal Vice Mayor


JESSYL B. PALON
Secretary to the Sanggunian

APPROVED: _____ June 17, 2019


MARK V. PACALIOGA
Municipal Mayor

Not valid without Sanggunian seal