



PAMAHALAANG LUNGSOD NG MUNTINLUPA
KALAKHANG MAYNILA



Sangguniang Panglungsod

ORDINANCE NO. 11-023

AN ORDINANCE ESTABLISHING THE "ARUGA AT SAGIP NG PAMILYA PARA SA BATA SA MUNTINLUPA" IN COORDINATION WITH THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT AND PROVIDING FUNDS FOR SUCH PURPOSE.

Sponsored by: *Hon. Coun. Margarita Amythyst Patdu-Labios, MD*
Hon. Coun. Atty. Raul R. Corro
Hon. Coun. Atty. Patricio L. Boncayao, Jr.
Hon. Coun. Alexander B. Diaz
Hon. Coun. Allen F. Ampaya
Hon. Coun. Ringo A. Teves
Hon. Coun. Luvi P. Constantino
Hon. Coun. Robert A. Abas
Hon. Coun. Engr. Neptali S. Santiago
Hon. Coun. Robert P. Baes
Hon. Coun. Elmer S. Espeleta
Hon. Coun. Rafael T. Sevilla
Hon. Coun. Vergel C. Ulanday
Hon. Coun. Adorado P. San Pedro

WHEREAS, the Section 12 of Article II of the 1987 Philippine Constitution provides that, "*the state recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution*", and Section 13 thereof further provides that, "*the state recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being*";

WHEREAS, Article 20 of the United Nations Convention on the Rights of the Child, adopted by the United Nations General Assembly, and ratified by the Philippine Government on 26 July 1990 states that, "*a child temporarily or permanently deprived of his or her family environment or in whose own best interest cannot be allowed to remain in the environment, shall be entitled to special protection and assistance provided by the State.*";

WHEREAS, Section 2, Article 3 of Presidential Decree No. 603, otherwise known as the Child and Youth Welfare Code, effective on 10 June 1975, stipulates that, "*every child has the right to a wholesome family life that provides him/her with love, care and understanding, guidance and counseling, and moral and material security. The dependent abandoned child shall be provided with the nearest substitute home.*";

WHEREAS, Article 67 of Presidential Decree No. 603, stipulates further that "*foster homes shall be chosen and supervised by the Department of Social Welfare and Development*" and Article 68 additionally stipulates that "*assignment of the child to a foster home shall be preferred over institutional care. Unless absolutely necessary, no child below eighteen years of age shall be placed in an institutional*";

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WHEREAS, item xiv, sub-section 5, Section 458, Article 3, Chapter 3, Title 3, Book 3 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991 provides that, "***the Sangguniang Panlungsod, through an ordinance, shall provide for the care of xxx abandoned minors, juvenile delinquents, drug dependents, abused children and other needy and disadvantaged persons, particularly children and youth below eighteen (18) years of age; and, subject to availability of funds, establish and provide for the operation of centers and facilities for said needy and disadvantaged persons***";

WHEREAS, a **Memorandum of Agreement (MOA)** was executed and signed between the **Department of Social Welfare and Development – Social Technology Bureau (DSWD-STB)**, the **Department of Social Welfare and Development –National Capital Region (DSWD-NCR)** and the **City Government of Muntinlupa**, on **16 December 2005**, providing for the creation of **Aruga at Kalinga sa Bata sa Barangay**", pursuant to Administrative Order No. 08, series of 2004 issued by the Department of Social Welfare and Development;

WHEREAS, the present situation demands a review and expansion of the program providing for assignment of abused and disadvantaged children to foster care at the barangay level and elevate the same to a city government concern;

WHEREAS, many children are being displaced by families in crisis, due to commission of crimes, separation of parents, abandonment of parental support, lack of financial resources, among others, and said children require special attention, particularly in giving them a nurturing, caring and stable environment only a family could provide;

NOW THEREFORE, BE IT ORDAINED, AS IT IS HEREBY ORDAINED, by the 6th Sangguniang Panlungsod in session assembled that:

SECTION 1. Declaration of Policy – Based on studies showing that children who grew up in institutions and orphanages have a higher incidence of emotional disorders, dependency traits, and anti-social behavior personality disorganization, it is the thrust of present social development work to promote the assignment of foster homes that will provide parental care to abused and disadvantaged children below eighteen (18) years of age.

More families are encouraged to take in these children, as the intangible benefits of foster care, like love, understanding and emotional support can only be harnessed in a family environment.

The City Government of Muntinlupa was identified as one of the pilot areas for the implementation of the aforesaid project since 2005. After pilot testing for the past years, the City Government, as a promoter of human development, must take the lead in involving its constituents and in supplying the necessary funds and logistics in the implementation of the revised and expanded program of foster care for abused and disadvantaged children.

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SECTION 2. Definition of Terms.

- a) **CSWDO** – City Social Welfare and Development Office of the City Government of Muntinlupa
- b) **DSWD-NCR** – Department of Social Welfare and Development – National Capital Region.
- c) **DSWD-STB** – Department of Social Welfare and Development – Social Technology Bureau.
- d) **Foster Care Service** – This refers to the social network intervention which provides planned substitute parental care to an abused or disadvantaged child when his/her biological parent/s are unable to care for him/her temporarily.
- e) **Foster Family Care** – This refers to the alternative and substitute family care of abused or disadvantaged children, and has the following features:
 - i. it is temporarily in nature, either short term (less than six (6) months), or long term (six (6) months or more);
 - ii. its goal is to return the child to his/her biological family or to prepare him/her for permanent placement such as adoption.
 - iii. It does not alienate the child from his/her biological family.
- f) **Capability Building** – This refers to the seminar conducted by the DSWD-NCR on prospective foster care families. This includes general review of the quality of foster care required and the responsibilities attendant thereto, the profiles of the abused and disadvantaged children, the preference of the foster care families as to the same children, and other similarly situated criteria.
- g) **Expiration of Foster Care** – This refers to the extinguishing of the foster family care license due to the adoption of the child in foster care, whether by the foster family or any other family or individuals; due to the revocation for cause; or due to the request of the foster family. If revoked, reasons for such course of action shall be discussed thoroughly with the foster parents.
- h) **Matching** – This refers to the judicious pairing of a child with a foster family based on the needs of the child and the capacity and resources of the foster family to meet his/her needs.

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SECTION 3. Establishment of Aruga at Sagip ng Pamilya para sa Bata sa Muntinlupa.

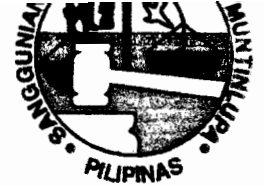
- a) The City Government of Muntinlupa, through the CSWDO, is hereby tasked to create and establish the Aruga at Sagip sa Pamilya para sa Bata sa Muntinlupa (ASP-BM), duly observing the following procedures:
 - i. Recommend to the City Mayor the twenty (20) families in all barangays of the city who are willing and able to provide foster care to abused and disadvantaged children. The CSWDO shall use the standards set by the DSWD in identifying these families for selection.
 - ii. Register the personal details of these families, encode these in their own database, and protect their identities, if so requested.
 - iii. Prior to matching, the DSWD-NCR shall conduct a seminar on capability building to prospective foster families. Capability building includes sensitive handling of children in conflict with the law, and if a court order is handed down regarding the fate of the said children, then the foster family must be equipped in providing the best care. It likewise considers the preference of the foster families relative to the profile of the abused or disadvantaged child.
 - iv. The DSWD-NCR shall then issue the license as to the eligibility and capability of the family to provide foster family care, which shall be effective until its expiration.
 - v. Recommend to the City Mayor the list of twenty (20) abused and disadvantaged children, including abandoned newborns from local maternal health facilities, minor offenders from the city jail and other correctional facilities, street children, child laborers, sexually abused children, children with developmental and metal disorders and disability, among others. The number may be increased as the need arises and as the additional funds become available.
 - vi. Appoint one social worker to conduct regular home visits and to monitor the progress of the child in the foster family care, and provide necessary counseling, if so required.

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vii. Submit regular reports to the City Council and DSWD-NCR on the status of each child's placement in foster care.

b) **Project Management Team, with the objective of overseeing the successful implementation of this program, shall be created and, whose members shall be composed of the following:**

- i. a representative from the DSWD-PMB;
- ii. a representative from the DSWD-NCR;
- iii. a representative from the CSWDO.

The Team is mandated to draft and formulate its own rules and guidelines relative to the conduct of its functions, provided, however, that a copy of which shall be furnished the Committee on Women and Family Relations of the Sangguniang Panglungsod of Muntinlupa, the CSWDO, and the DSWD, within six (6) months from the effectivity of this Ordinance.

The Team is likewise mandated to submit annual reports to their respective head offices. Review of existing rules and guidelines, expansion of or amendments to the program, and recommendations shall be included in the said reports.

c) **The City Government, through the CSWDO, shall further provide the following assistance to the foster family care:**

- i. A monthly subsidy of **One Thousand Five Hundred Pesos (Php1,500.00)** for the foster parents, in support of the physical needs of the foster child.
- ii. A monthly subsidy of **One Thousand Five Hundred Pesos (Php1,500.00)** for the abused disadvantaged child, through the foster parent, in support of his care, education, etc., as the case may be duly supported by the social worker in charge.
- iii. The enrolment of the child to membership in the ASP-Green Card, in support of his medical health needs, particularly primary health care, which may be brought to the City Health Office for proper management. Any expenses arising from the medical concerns of the child shall be settled at the Ospital ng Muntinlupa (OSMUN) and the social worker in charge shall facilitate the processing of papers and release of the child from the hospital.

To achieve this and to avoid confusion and duplicity, the project Management Team shall furnish the City Health Office with a regularly updated list of children placed in foster family care.



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SECTION 4. Source of Funds. The amount of **Seven Hundred Twenty Thousand (Php720,000.00)** shall be allotted for the annual implementation of this program. Said amount shall be taken from the **Community Development Fund (CDF) (Poverty Amelioration)** of the Office of the Mayor, as certified by the Budget Office.

Twenty (20) abused and disadvantaged children shall be selected for placement in this program and shall receive the subsidies for one year.

RECIPIENT	AMOUNT PER MONTH
Foster Family	Php 1,500.00
Foster Child	1,500.00
Total	Php3,000.00 =====

Php3,000.00 x 20 Foster Families = Php60,000.00 total per month
Php60,000.00 x 12 months = Php720,000.00 total per annum

SECTION 5. Qualified Children. The target recipients of this program are children falling under the following classifications:

- a) Children below eighteen (18) years of age, including newborns and infants;
- b) An individual who is eighteen (18) years of age or above, who is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination, arising from a physical or mental disability or condition;
- c) Children whose parents are in crisis, including those in criminal detention, and are unable to provide adequate care;
- d) Abandoned children in hospitals or similarly situated places or with relatives incapable of providing adequate care;
- e) Children suffering from sexual or physical abuse and in danger of further abuse by his/her parents or guardians.
- f) Children awaiting adoptive placement who needs to experience family life prior to his/her adoption.
- g) Children who need long-term family care, but cannot be placed for adoption or residential care;
- h) Children experiencing emotional difficulties as a result of abuse, neglect or exploitation (examples: street children, forced child laborers, among others);
- i) Children with developmental, mental or physical disability;
- j) Children who committed a light or minor offense by has been released on recognizance or on custody supervision or his/her case dismissed, but whose family members are incapable of providing adequate care;
- k) Children with parents suffering from HIV/AIDS, but is himself/herself negative from the HIV, or children with parents suffering from mental illness, pulmonary tuberculosis or other highly contagious diseases.

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SECTION 6. Restrictions on Family Foster Care Placement.

- a) No child shall be placed in foster family care without exploring the availability of family relatives to adequately provide the care such child needs.
- b) No child shall be placed in foster family care, not yet licensed, except in case of immediate emergency. In such a situation, the evaluation of the foster family by the DSWD-NCR for the licensing shall be conducted within one week from the time of the child's placement with them. A license shall be issued immediately, once the family's eligibility and capability are sufficiently established.
- c) No child with special or unique needs, or with development, mental or physical disability shall be placed with a foster family with an already existing placement. The special nature of such child requires full-time attention and care, and no additional burden shall be imposed on the foster family.
- d) No natural child of the foster family shall be at an unfavorable condition with the placement of an abused or disadvantaged child. The social worker in charge shall study the capability of the foster parents to provide adequate care given the presence of the natural child or children of the foster parents.
- e) No transfer of a foster child shall be done without the conduct of a thorough case conference, primarily considering the best interest of the foster child.
- f) No child of foster care shall be alienated from his/her biological parents, provided that the social worker in charge shall facilitate and supervise the visits. Progress reports on the child's placement with the foster family shall include detailed accounts of such visits.
- g) In case of report of abuse or negligence on the part of the foster family, the social worker in charge shall immediately make an assessment and evaluation of the situation. If the report is validated, then the foster child shall be immediately removed from the foster family, and appropriate action shall be taken according to **Republic Act No. 7610**. The findings of the social worker may cause the removal of the foster family from the list of licensed families mentioned in item iii, Section 3 hereof.

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SECTION 7. Separability Clause – If for any reason whatsoever, any section, clause or provision of this ordinance is judicially declared unconstitutional or contrary to any national law, other sections, clauses or provisions hereof which are not affected, shall continue to be in force and effect.



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SECTION 8. Effectivity Clause – This ordinance shall take effect according to the provisions of Section 59 and 511 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991.

ENACTED, by 6th *Sangguniang Panlungsod of Muntinlupa*, on this 21st day of **February 2011**, on its 25th *Regular Session*.

CONCURRED:

DISTRICT I:


 COUN. ATTY. RAUL R. CORRO

Member


 COUN. ATTY. PATRICIO L. BONCAYAO, JR.

Member

COUN. MARGARITA AMYTHYST PATDU-LABIOS, MD.

Member


 COUN. ALEXANDER B. DIAZ

Member



 COUN. ALLEN F. AMPAYA

Member


 COUN. RINGO A. TEVES

Member

DISTRICT II:


 COUN. LUVI P. CONSTANTINO

Member


 COUN. ROBERT A. ABAS

Member


 COUN. ENGR. NEPTALI S. SANTIAGO

Member


 COUN. ROBERT P. BAES

Member


 COUN. ELMER S. ESPELETA

Member


 COUN. RAFAEL T. SEVILLA

Member


 COUN. VERGEL C. ULANDAY

Member



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COUN. ADORADO P. SAN PEDRO
Sectoral Representative
President
Association of Barangay Captains

ABSENT:

COUN. DAN HUBERT A. BARLIS
Member

COUN. BAL NIEFES
Member

COUN. JOSELITO V. AREVALO
Member

COUN. EULOGIO DS. DIOKO II
Sectoral Representative
President
Federation of Sangguniang Kabataan

I HEREBY CERTIFY, as to the correctness of the foregoing Ordinance.

[Signature]
CECILIA C. LAZARTE
Secretary

ATTESTED:

[Signature]
ARTEMIO A. SIMUNDAC
City Vice Mayor/Presiding Officer

APPROVED:

[Signature]
ALDRIN L. SAN PEDRO
City Mayor
Date: _____

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Norie/6th SP

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