Republic of the Philippines
SANGGUNIANG PANLUNGSOD
City of Mandaluyong

ORDINANCE NO. 623, S–2016

AN ORDINANCE ESTABLISHING THE "ARUGA AT KALINGA NG MGA BATA SA BARANGAY" IN THE CITY OF MANDALUYONG AND PROVIDING FUNDS THEREFORE

WHEREAS, 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 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 in the States";

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 counselling, 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 the "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 institution";

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 the said needy and disadvantaged persons";

WHEREAS, a Memorandum of Agreement (MOA) was executed and signed between the Department of Social Welfare and Development–National Capital Region (DSWD–NCR), the City Social Welfare and Development Department and the City Government of Mandaluyong on 28 September 2012, providing for the creation of "Aruga at Kalinga ng mga 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 Sangguniang Panlungsod in session assembled that.

SECTION 1. DECLARATION OF POLICY. Based on studies showing that children who grew up in institution and orphanages have a higher incidence of emotional disorders, dependency traits, and anti-social behaviour personality disorganization, it is a 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 Mandaluyong was identified by the Department of Social Welfare and Development (DSWD) as one of the areas for the implementation of the aforesaid project.

SECTION 2. DEFINITION OF TERMS.

a. CSWDD. City Social Welfare and Development Department of the City Government of Mandaluyong;

b. DSWD–NCR. Department of Social Welfare and Development–National Capital Region;

c. 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;

d. 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 temporary in nature, either short term (less than six (6) months), or long term (six (6) months 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.

e. CAPABILITY BUILDING. This refers to the seminar conducted by the Department of Social Welfare and Development–National Capital Region (DSWD–NCR) on prospective foster care families. This includes general review of the quality of foster care required and 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.
f. EXPIRATION OF FOSTER CARE. This refers to the extinguishing of the foster family care license due to adoption of the child in foster care, whether by the foster family or any other family of individuals; due to the revocation for cause; or due to the request of the foster family. If revoked, reason for such course of action shall be discussed thoroughly with the foster parent;

g. MATCHING. This refers to the judicious pairing of 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.

SECTION 3. ESTABLISHMENT OF ARUGA AT KALINGA NG MGA BATA SA BARANGAY. The City Government of Mandaluyong, through the City Social Welfare and Development Department (CSWDD), is hereby tasked to create and establish the Aruga at Kalinga ng mga bata sa Barangay, 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 City Social Welfare and Development Department (CSWDD) shall use the standards set by the Department of Social Welfare and Development (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 required;

III. Prior to matching, the Department of Social Welfare and Development–National Capital Region (DSWD–NCR) shall conduct a seminar on capability building that 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, considered the preference or the foster families relative to the profile of the abused or disadvantaged children;

IV. The Department of Social Welfare and Development–National Capital Region (DSWD–NCR) shall then issue a certification 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 and newborn from local maternal health facilities, street children, child laborers, sexually abused children, children with developmental and mental disorders and disabilities 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 counselling, if so required;

VII. Submit regular reports to the City Counselling and Department of Social Welfare and Development–National Capital Region (DSWD–NCR) on the status of child’s placement in foster care.
SECTION 4. PROJECT MANAGEMENT TEAM. A Project Management Team is hereby created with the objective of overseeing the successful implementation of this program and whose members shall be composed of the following:

I. A representative from the Local Council for the Protection of Children (LCPC);
II. A representative from the City Planning and Development Department;
III. A representative from the City Health Department;
IV. A representative from the City Civil Registry Department;
V. A representative from the DSWD–NCR, and,
VI. A representative from the CSWDD.

SECTION 5. DUTIES OF THE PROJECT MANAGEMENT TEAM.

a. 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 Panlungsod of Mandaluyong, the City Social Welfare and Development Department (CSWDD) and the Department of Social Welfare and Development (DSWD) within six (6) months from the effectivity of this Ordinance;

b. 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. Furnish the City Health Department with a regularly updated list of children placed in foster family care.

SECTION 6. DUTIES OF THE CITY GOVERNMENT. The City Government through the City Social Welfare and Development Department (CSWDD) shall, further, provide the following assistance to the foster family care:

1. A monthly subsidy of Three Thousand Pesos (P3,000.00) for the foster parents, in support of the physical needs of the foster child;

2. A monthly subsidy of Four Thousand Pesos (P4,000.00) 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. This will be subsidized by the DSWD–NCR, however, in case of a child with special or unique needs, or with developmental or physical disability, the DSWD–NCR will provide Five Thousand Pesos (P5,000.00) per disadvantaged child;

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

SECTION 7. BUDGET. The amount of Seven Hundred Twenty Thousand (P720,000.00) shall be allotted for the annual implementation of this program. Said amount shall be taken from the Gender and Development Fund of the budget of City Social Welfare and Development Department (CSWDD).
Twenty (20) abused and disadvantaged children shall be selected for placement in this program and shall receive the subsidies for one year.

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<tr>
<th>RECIPIENT</th>
<th>AMOUNT PER MONTH</th>
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<tr>
<td>FOSTER FAMILY (LGU)</td>
<td>Three Thousand Pesos (P3,000.00)</td>
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<tr>
<td>FOSTER CHILD (DSWD–NCR)</td>
<td>Four Thousand Pesos (P4,000.00)</td>
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<td>TOTAL</td>
<td>SEVEN THOUSAND PESOS (P7,000.00)</td>
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TOTAL DISBURSEMENT OF THE CITY OF MANDALUYONG

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<tr>
<td>Php 3,000.00 x 20 Foster Families = Php 60,000.00 total per month</td>
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<td>Php 60,000.00 x 12 months = Php 720,000.00 total per annum</td>
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SECTION 8. WHAT ARE THE QUALIFICATIONS FOR BECOMING A FOSTER PARENT.

1. At least 25 years of age, may either be married, widowed, separated or single;
2. Should be in good physical condition and emotionally stable;
3. Must demonstrate a genuine interest in parenting a non-related child;
4. Willing to help the children reunite with his birth family or remove into an adoptive family, when qualified.

FOR FOREIGNERS

1. Has been living in the Philippines for one (1) year or more;
2. They need to submit valid residence visa and/or any proof of residency as basis of effectiveness and expiration of their Foster license.

SECTION 9. WHO MAY BE QUALIFIED. The target recipients of this program are children falling under the following classifications:

a. Children below eighteen (18) years of age, including newborn and infants;
b. An individual who is eighteen (18) of age or above and 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 hospital 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 that 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, force child laborers, among others);
i. Children with developmental, mental or physical disability;

j. Children who committed a light or minor offense and has been released on recognize 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 he/she is negative from HIV, or children with parents suffering from mental illness, pulmonary tuberculosis or other highly contagious diseases.

SECTION 10. RESTRICTIONS ON FAMILY FOSTER CARE PLACEMENT. The following acts shall be strictly prohibited:

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 situation, the evaluation of the foster family by the Department of Social Welfare and Development–National Capital Region (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 II, Section 3 hereof;
SECTION 11. 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.

SECTION 12. EFFECTIVITY. 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 on this 28th day of January, 2016 in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANLUNGSOD OF MANDALUYONG IN A SPECIAL SESSION HELD ON THE DATE AND PLACE FIRST ABOVE GIVEN.

MA. TERESA S. MIRANDA
Acting Sanggunian Secretary

PRESIDED BY

EDWARD G. BARTOLOME
Vice Mayor & Presiding Officer

APPROVED:

BENJAMIN D. ABALOS, JR.
City Mayor

Date: FEB 04 2016