Repulika ng Pilipinas
SANGGUNIANG PANLUNGSOD
Lungsod ng Mandaluyong

ORDINANCE NO. 745, S-2019

AN ORDINANCE INSTITUTIONALIZING THE PROGRAMS, SERVICES, PRIVILEGES AND BENEFITS FOR SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES PURSUANT TO REPUBLIC ACT 8972, KNOWN AS THE SOLO PARENT ACT OF 2000

EXPLANATORY NOTE

WHEREAS, under R.A. No. 8972 otherwise known as the Solo Parent Act, it is a declared policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. Towards this end, it shall develop a comprehensive program of services for solo parents and their children;

WHEREAS, R.A. No. 7160 otherwise known as the Local Government Code of 1991, specifically Section 458 (a) provides that "The Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 28 of this Code xxx;"

WHEREAS, the same Code mandates each Local Government Unit, through its respective Sanggunian, to approve Ordinances, to provide for the care of disabled persons, paupers, the aged, the sick, persons of unsound mind, 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, Solo Parents bear the heavy burden of raising the family and providing their children a better future. They single-handedly do parental duties in the face of privation and poverty;

WHEREAS, it is learned that out of about 94 million Filipinos, there are 13.9 million solo parents. In the City of Mandaluyong, the number of solo parents is expected to be very substantial and must, therefore, be attended to if the City is really serious in preventing the consequent problems of solo parenthood such as poverty, lack of employment, children deprived of education, and juvenile delinquents;

WHEREAS, the enactment of this Ordinance is, therefore, imperative.

ARTICLE I

TITLE, POLICY AND OBJECTIVE

SECTION 1. Title. This local legislation shall be known as the "Solo Parents' Ordinance of Mandaluyong City".

SECTION 2. The City's Policy and Objective. The City of Mandaluyong adheres to the declared policy of the State as provided in Section 2 of Republic Act No. 8972, otherwise known as the Solo Parents' Welfare Act of 2000.

The City shall, therefore, assist in every way possible the solo parents in the raising of their families and in providing their children a better future hoping that such efforts will contribute greatly to the continued realization of a "Child Friendly City".

ARTICLE II

DEFINITIONS

SECTION 3. Definition of Terms. For purposes of this Ordinance and pursuant to Republic Act No. 8972, the following terms shall mean:

(a) SOLO PARENT - refers to unmarried, separated, annulled, widower and widowed individual, and person falling under the enumeration provided under Section 3 (a), R.A. No. 8972 and its Implementing Rules and Regulations, who has taken the sole responsibility of parenthood.

Solo Parents are the following:

1. got pregnant as a result of rape and she decided to keep and raise the child;
2. is widow or widower left alone to take responsibility for their children;
3. has a spouse currently detained for at least a year for a criminal conviction;
4. has a spouse with physical or mental incapacity of helping out (a public medical practitioner should certify the medical condition of the spouse);
5. got a legal separation from spouse for at least one year;
6. got annulled and keeps the custody of the children;
7. is unmarried and abandoned but has the children's custody;
8. any family member who had taken the full responsibility of rearing the children; and
9. any other person who may not be a parent but take care and financially support the children.

(b) INDIGENT SOLO PARENT - refers to one whose net income falls below the poverty threshold set by the National Economic Development Authority (NEDA) and is not receiving a monthly pension or allowance from a concerned public or private entity beyond such poverty threshold, as assessed and verified by City Social Welfare and Development Department (CSWDD) and/or Department of Social Welfare and Development (DSWWD);

(c) CHILDREN - refer to those living with and dependent upon the solo parent for support and sustenance, who are unmarried, unemployed, and not more than eighteen (18) years of age, or even over eighteen (18) years but are incapable of self-support because of mental and/or physical defect, disability;

(d) PARENTAL RESPONSIBILITY - with respect to their minor child, shall refer to the rights and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended, otherwise known as the "Family Code of the Philippines" and as provided for in Mandaluyong City Ordinance No. 644, S-2016, otherwise known as Code of Parental Responsibility.

(e) PARENTAL LEAVE - shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required;

(f) FLEXIBLE WORK SCHEDULE - is the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer;

(g) BASIC NECESSITIES - are goods vital to the needs of consumers for their sustenance and existence. For purposes of this Ordinance basic necessities shall include:

1. All kinds and variants of rice
2. Corn
3. All kinds of bread (Pastries and cakes not included)
4. Baby's milk
5. Diaper
6. Bath soap
7. Alcohol
8. Fresh, dried and canned fish and other marine goods
products including frozen and in various modes of packaging
9. Fresh pork, beef and poultry meat
10. All kinds of fresh eggs (excluding quail eggs)
11. Potable water in bottles and containers
12. Fresh and processed milk including milk labelled as foods supplement
13. Fresh vegetables including root crops
14. Fresh fruits
15. Locally manufactured instant noodles
16. Coffee and coffee creamer
17. All kinds of sugar (excluding sweetener)
18. All kinds of cooking oil
19. Salt
20. Powdered, liquid, bar laundry and detergent soap
21. Household liquefied petroleum gas, not more than 11kgs. LPG content once every five (5) months bought from LPG dealers
22. Kerosene, not more than 2 liters per month.

(b) PRIME COMMODITIES - are goods not considered as basic necessities but are essential to consumers. For purposes of this Ordinance, commodities shall include:
1. Flour
2. Dried, processed and canned pork, beef and poultry meat
3. Onions and Garlic
4. Vinegar, patis and soy sauce
5. Toilet/Bath soap

(j) SCHOOL SUPPLIES - shall mean an item commonly used by a student in a course of study and includes the following list of items:
Paper including pads, crayon, ruler, scissors, ball pen, glue/paste, folders, envelope, notebooks, pencils, eraser, sharpener, tape, plastic cover, bag or backpacks, sanitizing wipes, and lunchboxes

(j) CONSULTATION AND LABORATORY DIAGNOSTIC - any procedure conducted for diagnostic purposes. It shall include procedures such as x-rays, CT-scans, MRI scans, PBT scans, blood chemistry, histopathology and immunopathology, hematology, urine analysis, parasitology and bacteriology tests, serology, blood banking and all other diagnostic radiology, clinical laboratory and other diagnostic examinations that are necessary for the diagnosis of the solo parents and/or their child/children.

(k) CSWD - refers to the City Social Welfare and Development Department of the City Government of Mandaluyong.

(l) DSWD - refers to the Department of Social Welfare and Development Office

ARTICLE III
WELFARE SERVICES AND ADDITIONAL PRIVILEGES AND BENEFITS

SECTION 4. Incorporation of Welfare Services, Privileges and Benefits. - Notwithstanding the mandate under Republic Act No. 8972 is unto the national government, its agencies and instrumentalities, by this local legislation, the City of Mandaluyong formally imposes upon itself the obligation to provide the solo parents and their children the welfare services and special privileges and benefits that the law has enumerated such as livelihood assistance, counselling, parent effectiveness, critical incidence stress debriefing, among others.

Accordingly, the pertinent provisions of Republic Act No. 8972 are hereby considered written in this Ordinance.

SECTION 5. Flexible Work Schedule. - The employer shall provide for a flexible work schedule for solo parents: Provided, that the same shall not affect individual and company productivity: Provided, further, that any employer may request exemption from the above requirements from the Department of Labor and Employment (DOLE) on certain meritorious grounds. In the case of employees in the government service, flexible working hours will be subject to the discretion of the head of the agency. In no case shall the weekly working hours be reduced in the event the agency adopts the flexible working hours schedule format (flexi-time). In the adoption of flexi-time, the core working hours shall be prescribed taking into consideration the needs of the service.

SECTION 6. Work Discrimination. - No employer shall discriminate against any solo parent employee with respect to terms and conditions of employment on account of his/her status.

SECTION 7. Parental Leave. - In addition to leave privileges under existing laws, parental leave of not more than seven (7) working days every year shall be granted to any solo parent employee who has rendered service of at least one (1) year. The seven-day parental leave shall be non-cumulative.

SECTION 8. Conditions for Entitlement of Parental Leave. - A solo parent shall be entitled to parental leave provided that:
(a) He/She has rendered at least one (1) year of service whether continuous or broken at the time of the effectiveness of the Act;
(b) He/She has notified his/her employer of the availment thereof within a reasonable time period; and
(c) He/She has presented a Solo Parent Identification Card to his/her employer.

SECTION 9. Non-conversion of Parental Leave. - In the event that the parental leave is not availed of, said leave shall not be convertible to cash unless specifically agreed upon previously. However, if said leave were declared an employee as a result of non-compliance with the provisions of these Rules by an employer, the aforementioned leave may be used as a basis for the computation of damages.

SECTION 10. Crediting of Existing Leave. - If there is an existing or similar benefit under a company policy, or a collective bargaining agreement or collective negotiation agreement, the same shall be credited as such. If the same is greater than the seven (7) days provided for in the Act, the greater benefit shall prevail. Emergency or contingency leave provided under a company policy or a collective bargaining agreement shall not be credited as compliance with the parental leave provided for under the Act and these Rules.

SECTION 11. Additional Services, Privileges and Benefits. - In addition to the welfare services, privileges and benefits provided by law, solo parents who are residents of the City and/or their children shall be entitled to the following privileges and benefits, to wit:
(a) Medical Assistance - Solo parents are entitled to free laboratory and medicines at the Mandaluyong City Medical Center, Mandaluyong City Medical Center Annex and health centers in the City;
(b) Priority Lane - All retail and business establishments, including banks, and hospitals must include priority lane for solo parents. Priority lane already intended for senior citizens and persons with disability can be used to accommodate solo parents.
(c) Death or Burial Assistance - Solo parent and his/her unemancipated child shall be entitled to an additional death benefit or burial assistance of One Thousand Pesos (P1,000.00) aside from the amount of Two Thousand Pesos (P2,000.00) already being given by the City Government, without prejudice to increasing the same at the Mayor's discretion when the City's budget so permits.
(d) Livelihood Assistance - Solo parents shall have priority in the grant of livelihood assistance under any of the City's applicable programs or projects, subject to the qualification requirements under existing ordinances, rules and regulations;
(e) Exemption from number coding scheme - Solo parents are exempted from number coding scheme provided that he/she is onboard the vehicle and upon presentation of solo parent ID.

(f) Discounts.
(1) 5% discount in the purchase of basic necessities and prime commodities not exceeding Five Thousand Pesos (P5,000.00) in grocery stores and supermarkets whose gross income is not less than Two Hundred Fifty Thousand Pesos (P250,000.00) a month;
(2) 5% discount for medicines and vitamins not exceeding Five Thousand Pesos (P5,000.00);
(3) 5% on basic school supplies;
(4) 5% discount on consultation and laboratory diagnostic in all private laboratories;

(5) 5% on the total bill of the solo parent in restaurant and other food establishments.

All discounts will be VAT Exclusive.

In cases where the solo parent is also a senior citizen or person with disability entitled to a discount under his/her valid senior citizen or person with disability identification card (ID), the solo parent shall use either his/her PWD ID Card or Senior Citizen ID card or solo parent ID to avail of the discounts provided herein.

(g) Other services, privileges and benefits that the City is currently giving or may subsequently offer.

ARTICLE IV
REGISTRATION AND AVAILMENT OF BENEFITS

SECTION 12. Registration. - The Solo Parent Office herein created shall undertake a city-wide registration of all the solo parents and their children in the twenty-seven (27) barangays of the City for purposes of obtaining, among others, information on their names, ages, addresses, income including the source thereof, number of children per solo parent and the circumstances of being solo.

SECTION 13. Solo Parent ID requirements.

(a) Voter’s ID or Certification that the applicant is a registered voter of the City.

(b) Barangay Certification - it is a proof that the applicant is a resident of the barangay for at least one (1) year.

(c) PSA Birth Certificate of the child/children.

(d) Income Tax Return (ITR) for employed and self-employed single parent or any necessary document as a proof of financial status.

(e) Certification from the Barangay Treasurer or City Treasurer may be secured indicating the income.

(f) Certification from the Barangay Captain indicating the status of the applicant as a solo parent or supporting documents such as Declaration of Nullity of Marriage, Certificate of No Marriage (CENOMAR), death certificate of spouse, or medical certificate as a proof of mental capacity, if incapacitated.

(g) Application Form provided by the DSWD.

SECTION 14. Assessment. - An applicant who manifests the need for assistance under this Ordinance is subject to assessment by a social worker at the City Social Welfare and Development Department. The assessment shall cover, but not be limited to, the following:

(a) Determination of the applicant’s category as enumerated in Article II, Section 3, paragraph “a” of this Ordinance and the provisions of RA 8972, including the provisions of its implementing rules and regulations;

(b) Evaluation of the needs of the applicant and his/her children as basis for provision of the appropriate service and intervention;

(c) Identification of the level of readiness of the applicant to receive a particular service/assistance, which shall serve as basis for the conduct of social preparation activities prior to the provision of such service/assistance; and

(d) Identification of existing and potentially available resources that may support the applicant and his/her children.

SECTION 15. Procedure in Accessing Services for Solo Parents. - A person who needs assistance under this Ordinance and Republic Act 8972 shall comply with the following process:

(a) Visit the Social Welfare and Development Department of his/her residence to manifest his/her need for assistance;

(b) Fill up application form for the assistance indicating, but not limited to, the following information:

1. Name
2. Age
3. Address/Area of Domicile
4. Income per month
5. Source/s of income
6. Number of children
7. Circumstances of being solo;

(c) Undergo the necessary assessment process as stipulated in Section 14, Article IV of these Rules;

(d) A Social Case Study Report shall be prepared by the social worker based on the information/data provided for by the applicant, as well as his/her assessment of said applicant, indicating therein the appropriate services needed.

(e) The Social Case Study Report, together with a referral letter prepared by the social worker, shall be forwarded by the Office of the City Social Welfare and Development Department to the agency concerned providing the appropriate assistance/service.

(f) The social worker shall inform the solo parent of the status of his/her application within thirty (30) working days from the filing of such and shall require him/her to visit the agency/institution providing the assistance.

In case the applicant is not qualified for services under this Ordinance, he/she will be referred to the appropriate agency/program for assistance.

(g) Upon the favorable evaluation of the social worker, a Solo Parent Identification Card shall be issued to the solo parent within thirty (30) days upon application duly signed by the City Social Welfare Officer and the City Mayor.

The Solo Parent Identification Card is necessary for the availment of benefits under the Act and this Ordinance. Such Identification Card shall be valid for only one (1) year, but may be renewed subject to a new assessment and evaluation;

(h) For the public’s information and guidance, a list of persons who applied and those who were able to avail of the benefits under this Ordinance shall be made available by the concerned City Social Welfare and Development Department which processed their applications.

SECTION 16. Availment. - Proof of membership and entitlement shall be presented by the solo parent and/or his/her children to avail of the above benefits granted under this Ordinance.

SECTION 17. Procedure for Application of Benefits. - An applicant who was determined by a social worker to be eligible for assistance may apply for benefits under this Ordinance through the following:

(a) The solo parent may go to the agency providing such benefit bringing with him/her the Identification Card issued by the City Social Welfare and Development Department;

(b) Undergo the necessary qualifying activities required by the agency as prescribed by the Rules implementing RA 8972; and

(c) Comply with the requirements set forth by the agency providing the service for the duration of the assistance (e.g., schooling, housing) subject to existing rules of the agencies concerned.

SECTION 18. Issuance of Purchase Booklet and its Contents. Purchase booklet issued by the City Social Welfare and Development Department to the solo parent for free must contain the following basic information:

1. Solo Parent ID number
2. Booklet control number
3. Name of Solo Parent
4. Sex
5. Address
6. Date of Birth
7. Picture
8. Signature or thumb mark of Solo Parent
9. Logo of Mandaluyong City
10. Signature of the City Mayor
11. Signature of the Chief of the City Social Welfare and Development Department

SECTION 19. Disqualification. - Change of civil status shall automatically result to disqualification from any of the entitlements under this Ordinance or when the beneficiary remains qualified under other existing or applicable ordinances, rules, policies and programs of the City.

(a) A solo parent shall manifest to the Social Welfare Development Department his/her intention to withdraw the annulment of the benefits under this Ordinance.

(b) If the solo parent does not voluntarily manifest his/her intention to terminate the provision of benefits and services before the lapse of one year from the issuance of the Solo Parent I.D., the Social Worker, based on a report by the employer or any interested person, shall conduct the necessary assessment/evaluation to ascertain if grounds for termination and withdrawal of benefits exist.

The Identification Card shall cease to be effective upon the lapse of one year from issuance, unless renewed based on a new assessment and evaluation. Failure to renew will mean that he/she has changed his/her status as a solo parent.

(c) The solo parent shall be informed of the result of the assessment/evaluation and termination of the service, if warranted, through written notice. The termination shall take effect thirty (30) days from the receipt of the notice of termination.

In cases when the service cannot be terminated in a period of one (1) month, e.g., schooling, the service shall be completed until its due time. The National Housing Authority (NHA) and other participating housing agencies shall issue the guidelines in the termination of housing benefits provided in the Implementing Rules and Regulations of RA 8972.

(d) The solo parent and his/her children shall undergo psychosocial counseling with the social worker to prepare them for independent living. The termination of said benefits shall be without prejudice to reapplication should the circumstances so warrant.

ARTICLE V
OFFICE CREATION, SOLO PARENT ORGANIZATION AND SOLO PARENTS’ WEEK CELEBRATION

SECTION 21. Solo Parents’ Desk. - A Solo Parents’ Desk is hereby created which shall be under the direct supervision of the City Social Welfare and Development Department with the following functions:
(a) Develop a comprehensive social development and welfare program for solo parents and children which shall include those herein listed;
(b) Coordinate and work with appropriate offices and agencies of the government in providing such welfare services, privileges and benefits to the intended beneficiaries;
(c) Assist in the organizational matters of the solo parents’ organization;
(d) Exercise such other powers and perform such other duties and functions as may be assigned by the City Mayor or as may be prescribed by law or ordinance.

SECTION 22. Personnel Requirement. - The City Mayor shall appoint or assign personnel in the Solo Parents’ Desk who shall be primarily responsible in the over-all management of the program and accomplishment of the law’s objectives.

SECTION 23. Right to Organize. - The City encourages, and gives its full support to the solo parents’ right to organize themselves for purposes beneficial to its members.

The Solo Parents Federation shall assist the City in the effective implementation of the program. Prior consultation with it and its members shall be done in the management of the funds allocated for solo parents.

SECTION 24. SOLO PARENTS’ WEEK. - Every last week of April mandates the celebration of Solo Parents’ Week to give due recognition to the City’s solo parent residents.

ARTICLE VI
PENALTY PROVISIONS

SECTION 25. PENALTY FOR VIOLATIONS. - Persons or companies found violating any provision of this Ordinance shall be penalized as follows:
(a) P1,500.00 fine for the first offense;
(b) P2,500.00 for the second offense;
(c) P5,000.00 fine and closure of business as may be ordered by the appropriate implementing agency for the third offense.

If the violator is a corporation, organization, or any similar entity, the officials and employees directly involved will be individually liable and penalized.

Persons found guilty of falsification of documents to avail of the solo parent benefits will also be fined P5,000.00 or one (1) month imprisonment or both at the discretion of the court.

ARTICLE VII
APPROPRIATION AND FINAL PROVISIONS

SECTION 26. Appropriation. For purposes of the mandates of this Ordinance, the amount equivalent to One Percent (1%) of the City’s total budget for Socio-Economic Development shall be provided for in the Annual Budget and in every succeeding budget year thereafter. From said amount, the sum of at least Three Hundred Thousand Pesos (P300,000.00) shall be allocated yearly for purposes of the Solo Parents Federation.

SECTION 27. Barangay Solo Parent Program. All twenty-seven (27) barangays of this City are highly encouraged to establish their respective Solo Parent Program and to support as well as provide necessary funding assistance thereto by including it in their respective annual budget.

SECTION 28. Implementing Rules and Regulations. A Rules Committee, composed of the Chairman of the SP Committee on Women, Children, Family Relations and Social Services as Chairman and the City Social Welfare and Development Department Officer, a representative of the City Mayor’s Office, the President of the Solo Parents Federation, the City Legal Officer and Chairman of the Committee on Marginalized Sectors as members, is hereby constituted to promulgate rules and regulations to effectively carry out the purposes of this Ordinance, subject to the approval of the City Mayor and the ratification of the Sangguniang Panglungsod. But notwithstanding the absence of implementing rules and regulations, this Ordinance shall be considered self-executory.

SECTION 29. Repealing Clause. Any provision of ordinances, rules and regulations and/or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed and/or modified accordingly.

SECTION 30. Separability Clause. Should any portion or provisions of this Ordinance be declared unconstitutional or invalid, the other parts or provisions thereof which are not affected thereby shall continue to be in full force and effect.

SECTION 31. Effectivity. This Ordinance shall take effect upon its approval and after publication in a newspaper of general circulation in Metro Manila.

ENACTED on this 11th day of November, 2019, in the City of Mandaluyong.

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ENACTED AND APPROVED BY THE SANGGUNIANG PANGLUNGSOD OF MANALUYANG IN REGULAR SESSION HELD ON THIS DATE AND PLACE FIRST ABOVE GIVEN.

MA. TEREZA S. MIRANDA
Sangguniang Secretary

ATTESTED BY:

ANTONIO D. SUVA
Acting City Mayor

DATE: 27 NOV 2019