



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
16th City Council

40th Regular Session

ORDINANCE NO. SP- 1594, S-2005
(PO2005-204)

AN ORDINANCE PROHIBITING THE EMPLOYMENT OF MINORS BELOW FIFTEEN (15) YEARS OF AGE IN PUBLIC AND PRIVATE UNDERTAKINGS WITHIN THE TERRITORIAL JURISDICTION OF QUEZON CITY.

Introduced by Councilors EDCCEL B. LAGMAN, JR., ANTONIO E. INTON, JR., JORGE B. BANAL, JR., JANET M. MALAYA, ELIZABETH A. DELARMENTE, VICTOR V. FERRER, JR., ROMMEL R. ABESAMIS, JOSEPH P. JUICO, WINSTON "Winnie" T. CASTELO, ALLAN BUTCH T. FRANCISCO, JULIAN ML. COSETENG and BAYANI V. HIPOL.

WHEREAS, under the General Welfare Clause embodied in Section 16 of Republic Act No. 7160, or the Local Government Code of 1991, local government units shall ensure the health and safety as well as the morals of its inhabitants under its territorial jurisdiction;

WHEREAS, under the aforementioned provision, it should be the declared policy of Quezon City to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development, provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination;

WHEREAS, Quezon City, through its mandated agency, the Social Services and Development Department (SSDD), should intervene in behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care or custody of the same;

WHEREAS, it shall be the declared policy of Quezon City to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control;

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WHEREAS, the best interests of the children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention on the Rights of the Child. Every effort shall be exerted to promote the welfare of the children and enhance their opportunities for a useful and happy life;

WHEREAS, statistics will show that there is a rising incidence of child labor in Quezon City wherein children as young as fifteen (15) years of age are employed in hazardous industries; in service oriented businesses which are prejudicial to the development of their morals; in an informal employment set-up such as drug syndicates, begging syndicates and the like.

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 the “ORDINANCE PROHIBITING THE EMPLOYMENT OF MINORS BELOW FIFTEEN (15) YEARS OF AGE IN PUBLIC AND PRIVATE UNDERTAKINGS IN QUEZON CITY.”

SECTION 2. Definition of Terms. –

- a. “Minor” refers to persons below fifteen (15) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition;
- b. “Child Labor” refers to the employment, whether formal or not, habitual or not, of children below fifteen (15) years of age in hazardous industries; in service oriented businesses which are prejudicial to the development of their morals; in an informal employment set-up such as drug syndicates, begging syndicates and the like;

SECTION 3. Program on Preventing the Employment of Children Below Fifteen (15) Years of Age. – There shall be a comprehensive program to be formulated by the Social Services and Development Department (SSDD) in coordination with other government agencies and private sector concerned, within one (1) year from the effectivity of this Ordinance, to protect children against child labor.

SECTION 4. Employment of Children. – Children below fifteen (15) years of age shall not be employed except:

1. When a child works directly under the sole responsibility of his parents or legal guardian and where only members of the employer's family are employed; Provided, however, that this employment neither endangers his life, safety, health and morals, nor impairs his normal development: Provided, further, that the parent or legal guardian shall provide the said minor child with the prescribed primary and/or secondary education; or
2. Where a child's employment or participation in public entertainment or information through cinema, theater, radio or television is essential: Provided, the employment contract is concluded by the child's parents or legal guardian, with the express agreement of the child concerned, if possible and the approval of the Department of Labor and Employment; and Provided, that the following requirements in all instances are strictly complied with:
 - a. The employer shall ensure the protection, health, safety, morals and normal development of the child;
 - b. The employer shall institute measures to prevent the child's exploitation or discrimination taking into account the system and level of remuneration, and the duration and arrangement of working time; and
 - c. The employer shall formulate and implement, subject to the approval and supervision of competent authorities, a continuing program for training and skills acquisition of the child.

In the above exceptional cases where any such child may be employed, the employer shall first secure, before engaging such child, a work permit from the Department of Labor and Employment which shall ensure observance of the above requirements.

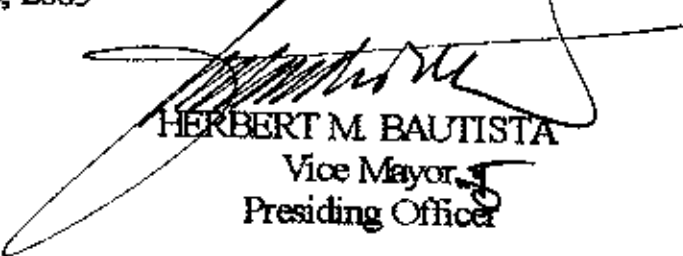
The Department of Labor and Employment shall promulgate rules and regulations necessary for the effective implementation of this Section."

SECTION 5. Penalties. – Any person who shall violate any provisions of this Ordinance shall suffer the penalty of a fine not less than Five Thousand Pesos (P5,000.00) and/or imprisonment of not less than one (1) year, or both, at the discretion of the court. Provided, that, in case of repeated violations of the provisions of this Ordinance, the offender's license to operate shall be revoked.

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SECTION 6. Repealing Clause. - Any ordinance or resolution or portion thereof, which is inconsistent herewith, is hereby modified, amended and/or repealed accordingly.

ENACTED: September 20, 2005



HERBERT M. BAUTISTA
Vice Mayor,
Presiding Officer

ATTESTED:



EUGENIO V. JURILLA
City Secretary


APPROVED: NOV 18 2005



FELICIANO R. BELMONTE, JR.
City Mayor

CERTIFICATION

This is to certify that this Ordinance which was APPROVED on Second Reading on September 20, 2005, was finally PASSED on Third/Final Reading by the City Council under Suspended Rules on the same date.



EUGENIO V. JURILLA
City Secretary

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