



REPUBLIC OF THE PHILIPPINES  
PROVINCE OF PANGASINAN  
**MUNICIPALITY OF CALASIAO**

**EXECUTIVE ORDER NO. 21**

*Series of 2024*

**AN ORDER ADOPTING AS POLICY CHILD PROTECTION  
IN THE LOCAL GOVERNMENT UNIT OF CALASIAO  
AND FURTHER ORDERING FOR THIS PURPOSE THE  
INTENSIFIED IMPLEMENTATION OF RA 7610 AND RA 9344**

**WHEREAS**, child protection lies at the heart of one of the fundamental principles enshrined in the Local Government Unit of Calasiao;

**WHEREAS**, the LGU Calasiao has for its objective the promotion, development and protection of children in the municipality;

**NOW, THEREFORE, I, KEVIN ROY Q. MACANLALAY**, Municipal Mayor, by virtue of the authority granted to me by law, hereby express as as core policy the strengthening of child protection in the Municipality of Calasiao, Pangasinan and further order as follows:

SECTION 1. The Municipal Social Welfare and Development Office is hereby ordered to implement to the full extent Sections 26, 27 of Republic Act 7610 as follows:

Section 26. Monitoring and Reporting of Children in Situations of Armed Conflict. The chairman of the barangay affected by the armed conflict shall submit the names of children residing in said barangay to the municipal social welfare and development officer within twenty-four (24) hours from the occurrence of the armed conflict.

Section 27. Who May File a Complaint. Complaints on cases of unlawful acts committed against the children as enumerated herein may be filed by the following:

- (a) Offended party;
- (b) Parents or guardians;
- (c) Ascendant or collateral relative within the third degree of consanguinity;
- (d) Officer, social worker or representative of a licensed child-caring institution;
- (e) Officer or social worker of the Department of Social Welfare and Development;
- (f) Barangay chairman; or
- (g) At least three (3) concerned responsible citizens where the violation occurred.

SECTION 2. The Municipal Social Welfare and Development Office is hereby ordered to implement to the full extent the pertinent provisions of Republic Act No. 9344 as follows:





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SEC. 20. *Children Below the Age of Criminal Responsibility.* - If it has been determined that the child taken into custody is fifteen (15) years old or below, the authority which will have an initial contact with the child has the duty to immediately release the child to the custody of his/her parents or guardian, or in the absence thereof, the child's nearest relative. Said authority shall give notice to the local social welfare and development officer who will determine the appropriate programs in consultation with the child and to the person having custody over the child. If the parents, guardians or nearest relatives cannot be located, or if they refuse to take custody, the child may be released to any of the following: a duly registered nongovernmental or religious organization; a barangay official or a member of the Barangay Council for the Protection of Children (BCPC); a local social welfare and development officer; or when and where appropriate, the DSWD. If the child referred to herein has been found by the Local Social Welfare and Development Office to be abandoned, neglected or abused by his parents, or in the event that the parents will not comply with the prevention program, the proper petition for involuntary commitment shall be filed by the DSWD or the Local Social Welfare and Development Office pursuant to Presidential Decree No. 603, otherwise known as "The Child and Youth Welfare Code".

SEC. 21. *Procedure for Taking the Child into Custody.* - From the moment a child is taken into custody, the law enforcement officer shall:

x x x

(m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.

A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

SEC. 22. *Duties During Initial Investigation.* - The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

The taking of the statement of the child shall be conducted in the presence of the following: (1) child's counsel of choice or in the absence thereof, a lawyer from the Public Attorney's Office; (2) the child's parents, guardian, or nearest relative, as the case may be; and (3) the local social welfare and development officer. In the absence of the child's parents, guardian, or nearest relative, and the local social welfare and development officer, the investigation shall be conducted in the presence of a representative of an NGO, religious group, or member of the BCPC.

After the initial investigation, the local social worker conducting the same may do either of the following:

(a) Proceed in accordance with Section 20 if the child is fifteen (15) years or below or above fifteen (15) but below eighteen (18) years old, who acted without discernment; and

(b) If the child is above fifteen (15) years old but below eighteen (18) and who acted with discernment, proceed to diversion under the following chapter.





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SEC. 23. *System of Diversion.* - Children in conflict with the law shall undergo diversion programs without undergoing court proceedings subject to the conditions herein provided:

(a) Where the imposable penalty for the crime committee is not more than six (6) years imprisonment, the law enforcement officer or Punong Barangay with the assistance of the local social welfare and development officer or other members of the LCPC shall conduct mediation, family conferencing and conciliation and, where appropriate, adopt indigenous modes of conflict resolution in accordance with the best interest of the child with a view to accomplishing the objectives of restorative justice and the formulation of a diversion program. The child and his/her family shall be present in these activities.

(b) In victimless crimes where the imposable penalty is not more than six (6) years imprisonment, the local social welfare and development officer shall meet with the child and his/her parents or guardians for the development of the appropriate diversion and rehabilitation program, in coordination with the BCPC;

SEC. 26. *Contract of Diversion.* - If during the conferencing, mediation or conciliation, the child voluntarily admits the commission of the act, a diversion program shall be developed when appropriate and desirable as determined under Section 30. Such admission shall not be used against the child in any subsequent judicial, quasi-judicial or administrative proceedings. The diversion program shall be effective and binding if accepted by the parties concerned. The acceptance shall be in writing and signed by the parties concerned and the appropriate authorities. The local social welfare and development officer shall supervise the implementation of the diversion program. x x x

SECTION 3. The PNP Calasiao is hereby directed to implement to the full extent the pertinent provisions of Republic Act No. 9344 as follows:

SEC. 21. *Procedure for Taking the Child into Custody.* - From the moment a child is taken into custody, the law enforcement officer shall:

(a) Explain to the child in simple language and in a dialect that he/she can understand why he/she is being placed under custody and the offense that he/she allegedly committed;

(b) Inform the child of the reason for such custody and advise the child of his/her constitutional rights in a language or dialect understood by him/her;

(c) Properly identify himself/herself and present proper identification to the child;

(d) Refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the child in conflict with the law;

(e) Avoid displaying or using any firearm, weapon, handcuffs or other instruments of force or restraint, unless absolutely necessary and only after all other methods of control have been exhausted and have failed;





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- (f) Refrain from subjecting the child in conflict with the law to greater restraint than is necessary for his/her apprehension;
- (g) Avoid violence or unnecessary force;
- (h) Determine the age of the child pursuant to Section 7 of this Act;
- (i) Immediately but not later than eight (8) hours after apprehension, turn over custody of the child to the Social Welfare and Development Office or other accredited NGOs, and notify the child's apprehension. The social welfare and development officer shall explain to the child and the child's parents/guardians the consequences of the child's act with a view towards counseling and rehabilitation, diversion from the criminal justice system, and reparation, if appropriate;
- (j) Take the child immediately to the proper medical and health officer for a thorough physical and mental examination. The examination results shall be kept confidential unless otherwise ordered by the Family Court. Whenever the medical treatment is required, steps shall be immediately undertaken to provide the same;
- (k) Ensure that should detention of the child in conflict with the law be necessary, the child shall be secured in quarters separate from that of the opposite sex and adult offenders;
- (l) Record the following in the initial investigation:
1. Whether handcuffs or other instruments of restraint were used, and if so, the reason for such;
  2. That the parents or guardian of a child, the DSWD, and the PAO have been informed of the apprehension and the details thereof; and
  3. The exhaustion of measures to determine the age of a child and the precise details of the physical and medical examination or the failure to submit a child to such examination; and
- (m) Ensure that all statements signed by the child during investigation shall be witnessed by the child's parents or guardian, social worker, or legal counsel in attendance who shall affix his/her signature to the said statement.
- A child in conflict with the law shall only be searched by a law enforcement officer of the same gender and shall not be locked up in a detention cell.

SEC. 22. *Duties During Initial Investigation.* - The law enforcement officer shall, in his/her investigation, determine where the case involving the child in conflict with the law should be referred.

SECTION 4. This Order shall take effect immediately.

Done in the Municipality of Calasiao, Pangasinan on the 13<sup>th</sup> of March 2024.

**HON. KEVIN ROY Q. MACANLALAY**  
Municipal Mayor