



Republic of the Philippines
QUEZON CITY COUNCIL
Quezon City
22nd City Council

PO22CC-099

36th Regular Session

ORDINANCE NO. SP- **3199**, S-2023

AN ORDINANCE INSTITUTIONALIZING THE COMPULSORY ENROLLMENT OF CHILDREN IN KINDERGARTEN, ELEMENTARY AND SECONDARY EDUCATION PURSUANT TO THE PROVISIONS OF REPUBLIC ACT NO. 10533, OTHERWISE KNOWN AS THE ENHANCED BASIC EDUCATION ACT OF 2013, AND FOR OTHER PURPOSES

Introduced by Councilor TATAY RANNIE Z. LUDOVICA

Co-Introduced by Councilors Bernard R. Herrera, Tany Joe "TJ" L. Calalay, Dorothy A. Delarmente, M.D., Joseph P. Juico, Charm M. Ferrer, Fernando Miguel "Mikey" F. Belmonte, Candy A. Medina, Aly Medalla, Dave C. Valmocina, Godofredo T. Liban II, Geleen "Dok G" G. Lumbad, Albert Alvin "Chuckie" L. Antonio III, Don S. De Leon, Atty. Anton L. Reyes, Edgar "Egay" G. Yap, Imee A. Rillo, Raquel S. Malañgen, Irene R. Belmonte, Nanette Castelo-Daza, Marra C. Suntay, Joseph Joe Visaya, Alfred Vargas, MPA, Ram V. Medalla, Shaira "Shay" L. Liban, Aiko S. Melendez, Mutya Castelo, Maria Eleanor "Doc Ellie" R. Juan, O.D., Kristine Alexia R. Matias, Eric Z. Medina, Emmanuel Banjo A. Pilar, Vito Sotto Generoso, Victor "Vic" Bernardo, Alfredo "Freddy" Roxas and Julian Marcus D. Trono

WHEREAS, Section 458 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, expressly provides that the Sangguniang Panlungsod, the legislative body of the city, shall enact ordinances, approve resolutions, and appropriate funds for the general welfare of the city and its inhabitants;

WHEREAS, education is one of the rights of children and the foundation of learning throughout life that must be provided and given priority by the parents;

WHEREAS, under Republic Act No. 10533, otherwise known as the "Enhanced Basic Education Act of 2013", Enhanced Basic Education is composed of one (1) year of kindergarten, six (6) years of elementary, and six (6) years of secondary education : four (4) years of Junior High School and two (2) years of Senior High School;

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WHEREAS, Section 7 of the Implementing Rules and Regulations of Republic Act No. 10533 explicitly provides that, "It shall be compulsory for every parent or guardian or other persons having custody of a child to enroll such child in basic education, irrespective of learning delivery modes and systems, until its completion, as provided for by existing laws, rules and regulations";

WHEREAS, the purpose of the Enhanced Basic Education Act of 2013 is to equip the citizens with the essential competencies, skills and values for both life-long learning and employment. As such, Section 2(a) of the said Act provides that the State shall give every student an opportunity to receive quality education that is globally competitive based on a pedagogically sound curriculum that is at par with international standards;

WHEREAS, under Section 220(1) of Executive Order No. 209, otherwise known as the Family Code of the Philippines, one of the rights and duties of the parents with respect to their unemancipated children is to keep them in their company, to support, educate and instruct them by right precept and good example, and to provide for their upbringing in keeping with their means;

WHEREAS, under the same Code, the parents are likewise mandated to furnish their children with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company and prevent them from acquiring habits detrimental to their health, studies and morals;

WHEREAS, Section 13, Article II of the 1987 Philippine Constitution expressly 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. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs";

WHEREAS, Section 17, Article II of the same Constitution also provides that, "The State shall give priority to education, science and technology, arts, culture, and sports to foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development";

WHEREAS, Section 1, Article XIV of the same Constitution further provides that, "The State shall protect and promote the right of all citizens to quality education at all levels and shall take appropriate steps to make such education accessible to all";

WHEREAS, international laws, such as the Convention on the Rights of the Child and the 1948 Universal Declaration of Human Rights, recognize the value of education and both provide that, "Everyone has the right to education";

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WHEREAS, all barangays in Quezon City have adequate access to both public and private kindergarten, elementary and secondary education, either in a school within their territorial jurisdiction or located nearby where the parents, at their option, can probably enroll their children;

WHEREAS, depriving the children of their right to education will not only increase the worsening number of out-of-school youth, but will certainly contribute in the proliferation of social problems and criminalities since a child with lack of school guidance or parental monitoring has a higher possibility of becoming a Child at Risk or later, a Child In Conflict with the Law or "CICL";

WHEREAS, Section 16 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, explicitly provides that "Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare".

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF QUEZON CITY IN REGULAR SESSION ASSEMBLED:

SECTION 1. SHORT TITLE. - This Ordinance shall be known and cited as the "Compulsory Basic Education Ordinance" of Quezon City.

SECTION 2. PURPOSES. - The purposes of this Ordinance are to: (a) obliterate the prevalence of illiteracy among children, (b) increase the individual's productivity and competitiveness towards excellence, and (c) prevent children from falling prey to the influence of committing a crime.

SECTION 3. DEFINITION OF TERMS. - For the purpose of this Ordinance, the following terms shall be defined as:

- a) **"Enrollment"** – refers to the act of signing up or registering for kindergarten, elementary or secondary education at any DepEd permitted or accredited school or educational institution offering basic education. It includes enrollment to Alternative Learning System (ALS) provided under Republic Act No. 9155, otherwise known as the Governance Act for Basic Education, and other educational institution offering the same basic education. The enrollment process is deemed completed after a student is granted admission to said school or educational institution as proven by an approved enrollment form or application with stamp marking "Enrolled", "Admitted" or any equivalent words or forms attesting to the fact of enrollment.
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- b) **“Basic Education”** – refers to one (1) year kindergarten, six (6) years of elementary, and six (6) years of secondary education: four (4) years of Junior High School and two (2) years of Senior High School pursuant to Republic Act No. 10533.
- c) **“Parent/s”** – refers to the biological parent or parents as reflected in the Certificate of Live Birth, adoptive parents or guardians pursuant to a judicial decree, parent-substitute and other persons who have actual custody of the child or children and who exercise parental authority over them as certified by the punong barangay concerned, the Social Services Development Department (SSDD) or any government agency.
- d) **“Justifiable Reason”** – refers to the following: (1) when the parents are unemployed; (2) when the parent is a registered solo parent in Quezon City and is currently unemployed; (3) when both or either of the parents are/is in jail; (4) when the parents are homeless; (5) when the child is residing in a barangay where there is no public school catering kindergarten, elementary, and secondary education; (6) when the child is suffering from a health problem and so much thinking may aggravate his/her condition as professionally or medically determined; (7) when the child is undergoing Diversion or Intervention Program pursuant to Republic Act No 9344, otherwise known as the Juvenile Justice and Welfare Act of 2006, as amended; (8) when the biological parents are working abroad or outside Metro Manila, and the children have to be placed in someone else’s custody; (9) when the parents are not able to secure certain educational requirements such as, but not limited to, a copy of Certificate of Live Birth, Certificate of Marriage, and Baptismal Certificate due to serious financial difficulty or circumstances beyond their control; and (10) other analogous circumstances.
- e) **“DepEd”** – refers to the Department of Education.
- f) **“4Ps”** – refers to the Pantawid Pamilyang Pilipino Program as provided in Republic Act No. 11310.
- g) **“SSDD”** – refers to the Social Services Development Department.
- h) **“BCRD”** – refers to the Barangay Community Relations Department.
- i) **“BCPC”** – refers to the Barangay Council for the Protection of Children.
- j) **“SDO”** – refers to the Schools Division Office of Quezon City.

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- Provided, however, that in the conduct of such monitoring, the Punong Barangay and the SDO shall observe the confidential nature of the obtained information, and comply with the provisions of Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012.*

SECTION 6. SUBMISSION OF REPORTS TO SSDD. – Within fifteen (15) days after the completion of their monitoring, the Punong Barangay and the SDO shall submit a separate written report to the SSDD stating the names of the subject children and their parents, the family's economic conditions, the primary cause of non-enrollment, and other relevant information.

SECTION 7. DUTY OF THE SSDD. – Upon receipt of the aforementioned reports, the SSDD shall have thirty (30) days to conduct investigation, evaluation or case study to determine why the child is not enrolled in basic education.

In recognition of the holistic and family-centric approach to education, the case study shall include the identification of appropriate government intervention, especially those programs that are targeted to give assistance to parents.






SECTION 8. REFERRAL TO APPROPRIATE OFFICE OR AGENCY. – The SSDD shall refer the parents to an appropriate government office or agency for possible assistance, such as but not limited to, employment and other livelihood opportunities, scholarship grant of their children, medical assistance, acquisition of documents, and other circumstances necessary for the enrollment of children to school. For the best interest of the children, the SSDD shall take additional appropriate steps with other concerned government office or agency to achieve the purpose of this Ordinance.

If the SSDD also finds that the parents need to undergo parent-effectiveness service and facilitator training pursuant to Republic Act No. 11908, drug rehabilitation, psychological counselling, cognitive behavioral therapy, educational development, government intervention programs, and other programs and treatments vital to their personality development and welfare, they must be referred to the appropriate government office or agency.

Upon determination of the appropriate government interventions, the SSDD, in coordination with the concerned department/office, is tasked to monitor the implementation of each intervention program until its conclusion, including the effectivity and progress of the parents participating therein.

For these purposes, the SSDD may seek the assistance of Social Welfare Officer from the accredited CSOs or NGOs in Quezon City whose advocacy is to promote the welfare of children.

SECTION 9. LEGAL ACTION. – The findings and recommendation/s of the SSDD shall be the basis to determine the proper government programs and interventions needed to address the reason/s for the non-enrollment of children. If the parents still refuse to enroll their children despite the provision of government programs and exhaustion of comprehensive intervention measures, the SSDD shall study whether it is in the best interest of the child to consider the possible filing of legal action against the parent/s. A case report shall be endorsed to the City Legal Department for the possible filing of criminal action, including but not limited to, the filing of the necessary protective custody proceedings.



SECTION 10. PRIMA FACIE EVIDENCE. – The existence of any of the following circumstances shall serve as prima facie evidence that the parents have no intention to enroll their children to school and such evidence shall also be the basis that the filing of legal action against the parent/s is in the best interest of the child:

- a) When the child quits from any government scholarship program or as 4Ps beneficiary and the parents did not report such fact to the SSDD with adequate explanation as to the cause thereof;*
- b) When, after the successful referral to the Scholarship Program, whether in government or private agencies, the parents did not avail of or push through with the scholarship opportunity without Justifiable Reason; and*
- c) When the unemployed parents, whose children are in need of basic education, willfully refused to accept the job being offered to them, as well as those where they are successfully referred to, by the City government through the PESO or other government agencies which are commensurate to their capacity and qualification and not detrimental to their moral, health and physical condition.*

SECTION 11. PENALTY. – A violation of this Ordinance shall be a ground for the filing of a criminal case against the negligent parents or guardians under Republic Act No. 7610, as amended, otherwise known as the “Special Protection of Children Against Abuse, Exploitation and Discrimination Act” or any other relevant ordinances and laws.

SECTION 12. IMPLEMENTING BODIES. – The SSDD, as the lead department, and the BCRD shall be the implementing bodies of this Ordinance.

SECTION 13. IMPLEMENTING RULES AND REGULATIONS. – Within sixty (60) days from the effectivity of this Ordinance, the SSDD, in coordination and consultation with the SDO and the City Legal Department, shall promulgate the necessary rules and regulations for the effective implementation of this Ordinance which shall include the mechanism in the implementation of Section 8 hereof; provided, however, that pending issuance of the said rules and regulations, this Ordinance shall be implemented in accordance with its provisions.

SECTION 14. SEPARABILITY CLAUSE. – If, for any reason, any section or provision of this Ordinance is held unconstitutional or invalid, the other sections or provisions hereof shall not be affected thereby.

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SECTION 15. REPEALING CLAUSE. – All city ordinances, resolutions, rules and regulations, administrative issuances, or parts thereof, inconsistent with the provisions of this Ordinance are hereby repealed or modified accordingly.

SECTION 16. EFFECTIVITY CLAUSE. – This Ordinance shall take effect immediately upon its approval.

ENACTED: June 26, 2023.


GIAN G. SOTTO
City Vice Mayor
Presiding Officer

ATTESTED:



ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)

APPROVED: JUL 21 2023


MA. JOSEFINA G. BELMONTE
City Mayor

CERTIFICATION

This is to certify that this Ordinance was APPROVED by the City Council on Second Reading on June 26, 2023 and was PASSED on Third/Final Reading under Suspended Rules on the same date.


ATTY. JOHN THOMAS S. ALFEROS, III
City Government Department Head III
(City Council Secretary)
