Republic of the Philippines
Province of Oriental Mindoro
MUNICIPALITY OF ROXAS

OFFICE OF THE SANGGUNIANG BAYAN

EXCERPTS FROM THE JOURNAL OF THE 51ST REGULAR SESSION OF THE 11TH SANGGUNIANG BAYAN OF ROXAS, ORIENTAL MINDORO HELD ON 10 JULY 2023, 11:00 A.M. AT THE SANGGUNIANG BAYAN SESSION HALL.

Present:

Municipal Vice Mayor Jerwin S. Dimapilis	- Presiding Officer
Councilor Robert S. Quiatchon	- Member
Councilor John John S. Yason	- Member
Councilor Lucille T. Bacay	- Member
Councilor Juan Rafael M. Talens	- Member
Councilor King Philip B. Dimapilis	- Member
Councilor Robert A. Baticos	- Member
Councilor Veil Charlleo B. Cusi	- Member
Councilor Marietta R. Pajila	- Member
Councilor Elmer P. Salibio	- President, Liga ng Barangay

On Official Business:

Councilor Elmira May V. Tarac	- Member, MSKF President

MUNICIPAL ORDINANCE NO. 17
Series of 2023

AN ORDINANCE CODIFYING THE PROGRAMS, SERVICES, PRIVILEGES AND BENEFITS FOR SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREOF AND FOR OTHER PURPOSES PURSUANT TO REPUBLIC ACT 8972 KNOWN AS THE SOLO PARENT ACT OF 2000 AS AMENDED BY REPUBLIC ACT 11861 OTHERWISE KNOWN AS THE "EXPANDED SOLO PARENTS WELFARE ACT OF 2023".

Author: **Councilor Marietta R. Pajila**
Co Authors: **Councilor Robert S. Quiatchon**
Councilor Robert A. Baticos

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 447 (a) provides that "The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants"

WHEREAS, the same code mandates each Local Government Unit, through their 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;

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NOW THEREFORE, be it ordained by the Sangguniang Bayan of the Municipality of Roxas that:

ARTICLE I

TITLE, POLICY AND OBJECTIVE

SECTION 1. TITLE. This Ordinance shall be known as the **"SOLO PARENTS' CODE OF THE MUNICIPALITY OF ROXAS, ORIENTAL MINDORO".**

SECTION 2. THE MUNICIPALITY'S POLICY AND OBJECTIVE. The Municipality of Roxas adheres to the declared policy of the State as provided in Section 2 of Republic Act No. 8972 as amended by RA 11861 or the "Expanded Solo Parents Welfare Act of 2023".

The Municipality 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 Municipality".

ARTICLE II

DEFINITIONS

SECTION 3. DEFINITION OF TERMS. For purposes of this Ordinance and pursuant to Republic Act No. 8972 as amended by RA 11861 or the "Expanded Solo Parents Welfare Act of 2023", the following terms shall mean:

a. **SOLO PARENT** – a solo parent refers to any individual who falls under any of the following categories:

(a) A parent who provides sole parental care and support of the child or children due to –

1. Birth as a consequence of rape, even without final conviction: Provided, That the mother has the sole parental care and support of the child or children: Provided, further, That the solo parent under this category may still be considered a solo parent under any of the categories in this section;

2. Death of the spouse;

3. Detention of the spouse for at least three (3) months or service of sentence for a criminal conviction;

4. Physical or mental incapacity of the spouse as certified by a public or private medical practitioner;

5. Legal separation or de facto separation for at least six (6) months, and the solo parent is entrusted with the sole parental care and support of the child or children;

6. Declaration of nullity or annulment of marriage, as decreed by a court recognized by law, or due to divorce, subject to existing laws, and the solo parent is entrusted with the sole parental care and support of the child or children; or

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7. Abandonment by the spouse for at least six (6) months;

(b) Spouse or any family member of an Overseas Filipino Worker (OFW), or the guardian of the child or children of an OFW: Provided, That the said OFW belongs to the low/semi-skilled worker category and is away from the Philippines for an uninterrupted period of twelve (12) months: Provided, further, That the OFW. his or her spouse, family member, or guardian of the child or children of an OFW falls under the requirements of this section;

(c) Unmarried mother or father who keeps and rears the child or children;

(d) Any legal guardian, adoptive or foster parent who solely provides parental care and support to a child or children;

(e) Any relative within the fourth (4^{th}) civil degree of consanguinity or affinity of the parent or legal guardian who assumes parental care and support of the child or children as a result of the death, abandonment, disappearance or absence of the parents or solo parent for at least six (6) months: Provided, That in cases of grandparents who are senior but who have the sole parental care and support over their grandchildren who are unmarried, or unemployed and twenty-two (22) years old or below, or those twenty-two (22) years old or over but who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition, they shall be entitled to the benefits of this Act in addition to the benefits granted to them by Republic Act No. 9257, otherwise known as the 'Expanded Senior Citizens Act of 2003'; or

(f) A pregnant woman who provides sole parental care and support to her unborn child or 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 the Municipal Social Welfare and Development Office (MSWDO) and/or Department of Social Welfare and Development (DSWD);

c. **CHILD MINDING CENTER** – refers to a facility or area within the workplace or in accessible locations to the solo parent or workplace of the guardian provided by the employer where the children of a solo parent employee aged seven (7) years old and below are habitually received for purposes of care and supervision during working hours;

d. **CHILDREN OR DEPENDENTS** – refer to those living with and dependent upon the solo parent for support who are unmarried, unemployed and twenty-two (22) years old or below, or those over twenty-two (22) years old but who are unable to fully take care or protect themselves from abuse, neglect, cruelty, exploitation, or discrimination because of a physical or mental disability or condition: Provided, That this definition shall only apply for purposes of availing the benefits under this Act;

e. **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";

f. **MSWDO** – refers to the Municipal Social Welfare and Development Office of the Municipal Government of Roxas, Oriental Mindoro;

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g. **DSWD** – refers to the Department of Social Welfare and Development;

h. **PARENTAL LEAVE** – refers to leave benefits granted to a solo parent to enable the performance of parental duties and responsibilities where physical presence is required or beneficial to the child;

i. **FLEXIBLE WORK SCHEDULE** – refers to a work arrangement granted to a solo parent employee to vary the arrival and departure time in the workplace without affecting the core work hours as defined by the employer;

j. **PARENTAL CARE AND SUPPORT** – refer to the acts of providing for the basic needs health care, mental and physical safety, emotional support and formation of the personality of the child;

k. **SPOUSE** – refers to a husband or wife by virtue of a valid marriage or a partner in a common-law relationship as defined under Article 147 of Executive Order No. 209, otherwise known as "The Family Code of the Philippines."

l. **BASIC NECESSITIES** – are goods vital to the needs of consumers for their sustenance and existence;

m. **CONSULTATION AND LABORATORY DIAGNOSTIC** – any procedure conducted for diagnostic purposes. It shall include procedures such as X-rays, CT-scans, MRI scans, PET scans, blood chemistry exams, 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.

ARTICLE III
WELFARE SERVICES AND ADDITIONAL PRIVILEGES AND BENEFITS

SECTION 4. INCORPORATION OF WELFARE SERVICES, PRIVILEGES AND BENEFITS. Notwithstanding that the mandate under Republic Act No. 8972 is unto the national government, its agencies and instrumentalities, by this local legislation, the Municipality of Roxas 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, counseling, parent effectiveness, critical incidence stress debriefing, among others.

Accordingly, the pertinent provisions of Republic Act No. 8972 as amended by RA 11861 or the "Expanded Solo Parents Welfare Act of 2023" are hereby considered written in this Ordinance.

SECTION 5. FLEXIBLE WORK SCHEDULE. The employer shall provide 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 schedule format (flexi-time). In adoption of flexi-time, the core working hours shall be prescribed taking into consideration the needs of the service.

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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 or her status. Employers may enter into agreements with their solo parent employees for a telecommuting program, as provided in Republic Act No. 11165, otherwise known as the Telecommuting Act': Provided, That said solo parent employees shall be given priority by their employer.

SECTION 7. PARENTAL LEAVE. In addition to leave privileges under existing laws, a forfeitable and noncumulative parental leave of not more than seven (7) working days with pay every year shall be granted to any solo parent employee, regardless of employment status, who has rendered service of at least six (6) months: Provided, That the parental leave benefit may be availed of by the solo parent employees in the government and the private sector.

SECTION 8. CONDITION FOR ENTITLEMENT OF PARENTAL LEAVE. A solo parent shall be entitled to parental leave provided that:

a. He/she has rendered at least six (6) months of service, whether continuous or interrupted, at the time of the effectivity 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 denied an employee as a result of non-compliance with the provision of these Rules by an employer, the aforementioned leave may be used as a basis for the computation of damages.

SECTION 10. CREDITING 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 this Ordinance. In case it is lesser, 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 this Ordinance.

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 municipality and/or their children shall be entitled to the following privileges and benefits, to wit:

a. **Training Programs for Solo Parents and their Children at the Barangay level** - Training programs for solo parents shall be provided in coordination with the barangay after the determination of the number of solo parents per barangay by the MSWDO. The type of training to be conducted shall be based on the training needs of the solo parents and their children;

b. **Barangay Solo Parent Assistance Desk and Other Services** – The Barangay Kagawad in charge of the Committee on Women and Family Welfare shall spearhead the Solo Parents Assistance Desk and the database of solo parents in their respective barangay;

c. **Priority Lane** – all retail and business establishments including banks and hospitals must include a priority lane for solo parents. Priority lane already intended for senior citizens and persons with disability can be used to accommodate solo parents;

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