

SENATE

S.B. No. 3393

qv

Introduced by Sen. Manuel "Lito" M. Lapid

EXPLANATORY NOTE

Every child has the right to live the life of a child: to play, to be carefree, to attend school, and to enjoy a healthy environment. However, the rising incidence of poverty and the lack of good employment opportunities for parents deprive many children the pleasures of childhood and are immediately immersed into the world of labor.

Data from the National Statistics Office (NSO) shows that there are roughly Five Million children who are part of the Philippine labor force. Of this number, not less than 2.99 Million children are exposed to hazardous forms of child labor.¹

Republic Act No. 9231, otherwise known as "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, which amended Republic Act No. 7610, otherwise known as the 'Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act'", clearly prohibits, as a general rule, the employment of children and punishes employers for such practice. However, the rising incidence of child labor in the country shows that the penalties presently imposed are not sufficient to deter the continued employment of children.

This proposed measure seeks to provide harsher penalties for violations of R.A. No. 9231 by imposing *both* imprisonment and fine for every instance that a child is engaged in employment other than in the instances permitted by law. Moreover, this bill proposes to raise the fines imposed on employers who continue to engage in illegal child labor practices.



MANUEL "LITO" M. LAPID



¹ 2011 Survey on Children, Preliminary Results, National Statistics Office and International Labor Organization – International Programme on the Elimination of Child Labor

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AN ACT
AMENDING SECTIONS 16(A) AND 16(B) OF REPUBLIC ACT NO. 9231,
OTHERWISE KNOWN AS "AN ACT PROVIDING FOR THE ELIMINATION OF
THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER
PROTECTION FOR THE WORKING CHILD, AMENDING FOR THE PURPOSE OF
REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE
"SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT"

*Be it enacted by the Senate and the House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 16 of Republic Act No. 9231 otherwise known as "An Act
Providing for the Elimination of the Worst Forms of Child Labor and Affording
Stronger Protection for the Working Child, Amending for this Purpose Republic Act
No. 7610, as Amended, otherwise known as the 'Special Protection of Children Against
Child Abuse, Exploitation and Discrimination Act'" is hereby amended to read as
follows:

Sec. 16. *Penal Provisions-*

- a) Any employer who violates Sections 12, 12-A, and Section 14 of
this act, as amended, shall be penalized by imprisonment of six
(6) months and one (1) day to six (6) years [or] AND a fine of
[Fifty thousand (P50,000.00) but not more than Three hundred
thousand pesos (P300,000.00)] **NOT LESS THAN ONE
HUNDRED AND TWENTY FIVE THOUSAND PESOS
(P125,000.00)** [or both at the discretion of the court].
- b) Any person who violates the provision of Section 12-D of this act
or the employer of the subcontractor who employs, or the one
who facilitates the employment of a child in hazardous work,

shall suffer the penalty of a fine of not less than [One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00)] **TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00)** AND imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court.

SECTION 2. *Implementing Agency.* The Department of Labor and Employment (DOLE) shall promulgate rules and regulations to implement the provisions of this Act.

SECTION 3. *Repealing Clause.* All laws, decrees, order, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SECTION 4. *Separability Clause.* Should any part or provision of this Act be declared unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby shall remain in full force and effect.

SECTION 5. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,