


SEVENTEENTH CONGRESS)
OF THE REPUBLIC OF THE PHILIPPINES)
First Regular Session)



'17 MAR 23 P3:11

SENATE

RECEIVED BY: 

P.S. Res. No. 337

Introduced by Senator SONNY ANGARA

RESOLUTION
DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY
RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF
LEGISLATION, TO ASCERTAIN THE STATUS AND QUALITY OF
IMPLEMENTATION OF LAWS PROVIDING FOR SPECIAL PROTECTION OF
CHILDREN, INCLUDING BUT NOT LIMITED TO, REPUBLIC ACTS 7610, 9208, 9262,
9344, AND 9775

WHEREAS, Article XV, Section 3 of the Philippine Constitution states that the State shall defend the right of children to special protection from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their full development;

WHEREAS, the best interests of children shall be a primary 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 stated in the *United Nations Convention of the Rights of the Child*. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life;

WHEREAS, the Philippines has gained strides in the legislative arena to provide for special protection of children. There are five key landmark legislations that have been passed since 1992. These laws provide sanctions for the commission of any form of child abuse, exploitation and discrimination and establish programs for the prevention and deterrence of and crisis intervention in all such cases. Republic Act (RA) 7610 or the *Special Protection of Children against Abuse, Exploitation and Discrimination Act*, which was passed in 1992, is a comprehensive and all-encompassing legislation which provides for stronger protection for children against all forms of abuse; RA 9208 or the *Anti-Trafficking in Persons Act* of 2003 and amended in 2012 provides for policies and procedures for a comprehensive approach to eliminating trafficking in persons including legal protection for victims and penalties for perpetrators; RA 9262, or the *Anti-Violence Against Women and Their Children Act of 2004* ensures the protection of the dignity of children as well as their personal safety and security; RA 9344 or the *Juvenile Justice and Welfare Act of 2006* and amended in 2012 addresses the issues of children in

conflict with the law and children at risk, at every stage; and RA 9775 or the *Anti-Child Pornography Act of 2009* guarantees the protection of children from all forms of exploitation and abuse through pornographic performances and materials and involvement in pornography through whatever means.

WHEREAS, the Philippine Legislators' Committee on Population and Development Foundation, Inc. (PLCPD), with the support of UNICEF, conducted a study which assessed the status of the implementation of the five aforementioned laws at the national and local levels and how the interagency councils they have created are interrelated to one another. The study gathered evidence in four sample LGUs (Zamboanga City, Quezon City, and the Municipalities of Bobon, Northern Samar and Aroroy, Masbate) to support the call to revisit the functionality and effectiveness of the current . The significant findings of the study on the gaps and challenges of the current system are as follows:

- (a) **Structures and functions:** The various inter-agency councils created by the child protection laws have caused repetition of some functions of national member agencies and have not contributed to the efficiency of their operations.
- (b) At the local level, this situation is evident in the non- or low functionality of the Local Council for the Protection of Children (LCPCs) and Barangay Councils for the Protection of Children (BCPCs). The effectiveness and efficiency of the LCPCs, BCPCs and local inter-agency councils are primarily affected by the number and capacity of their members. Based on the assessment of the four LGUs, there are still many BCPCs which are not fully functioning as evidenced by the absence of policies, plans, budgets and accomplishment reports. Furthermore, the functionality of LCPCs depends, to an extent, on the priority and political will of the Local Chief Executives (LCEs). There still remains limited awareness on the functions and roles of the council, the projects or activities that may be undertaken, and the process of making a budget to address children's needs.
- (c) **Capacities and resources:** There is usually just one focal point representing the member-agencies and one licensed social worker who fills the City/Municipal Social Development Officer (C/MSWDO) post. Regular or consistent participation from the agency focal points and C/MSWDO cannot be expected since they also perform other responsibilities and tasks outside of the councils. The sustainability of the plans of the LCPCs and BCPCs as well as the development of the capacities of their members are hindered due to the turnover of the membership every time there is a new LCE. Broad areas identified for local capacity building include: the child protection laws and national guidelines, gender sensitivity training,

using the 1% IRA allocation efficiently according to the determined priorities

- (d) **Processes, Programs, Protocols, Interventions:** Monitoring tools and guidelines provided by national agencies to the Local Councils for the Protection of Children use mostly simple indicators for record-keeping, and data generated are not sufficient for result-based management and monitoring, which measure the outcomes of the programs such as changes in the behavior of the children, parents and other stakeholders as a result of the program
- (e) **Budgeting:** Agency-members do not have clear line items or specific allocations within their respective GAAs as regards their roles, responsibilities, and deliverables as council members. Data on how each agency within each inter-agency council uses its budget is not readily available and is usually just inferred from the amount of agency investments in specific sector programmes. The allocation of 1% of LGU's Internal Revenue Allotment budget sources and allocation for child protection initiatives need to be reviewed. At the local level, the specific types of activities and projects wherein the 1% Internal Revenue Allotment allocation was used should be reviewed to determine if these directly promote the fulfillment of child rights. For instance, in some LGUs, the allocation is used for roads and other infrastructure projects which indirectly affect children but do not directly promote their rights.

WHEREAS, important recommendations of the study should be taken into consideration in the conduct of the oversight and as the basis for future legislative action:

- (a) **Structures and Functions:** Mainstream the "4Cs Strategy" (Convergence of Councils and Committees for Children) which encourage coordination and cooperation among child-focused councils (including the CSPC, JJWC, and IACAT). The convergence mechanism covers systematic planning and program development; policy development and legislative agenda; research and integrated information management system, monitoring and evaluation; advocacy, communication, and research mobilization; and capacity building. The Council for the Welfare of Children (CWC), being the main policy coordinating body for children, may be assigned a focal oversight function to coordinate all the existing interagency councils. At the local level, the LCPC needs to be re-organized to serve as a single, umbrella unit for all local interagency councils. This will improve the efficiency and effectiveness of the individual members comprising the LCPC and the local interagencies.
- (b) **Capacities and resources:** BCPCs and LCPCs need to be further trained to analyze the situation of children and identify child protection issues, to formulate

action and budget plans, and to establish monitoring and evaluation. Specific funding and a comprehensive programme for local capacity building may be made official through a national policy.

- (c) **Processes, Programs, Protocols, Interventions:** Instead of using separate and reactive approaches, a system—based lens which integrates the various child protection issues covered by the child protection laws into a single approach should be implemented to achieve cohesion among existing framework and strategic plans. An omnibus set of guidelines is necessary to rationalize or redefine LCPC structures and functions ensuring sustainability of human and financial resources. Integration and improvement of database systems and information management systems among the inter-agency councils is critical to streamline case handling and management along the same continuum care of all five laws: prevention, protection, recovery, rehabilitation and reintegration. Data needs to be updated, disaggregated and standardized in a common database system.
- (d) **Budgeting:** Member-agencies should specifically allot funds in their specific budget line items in their respective GAA to fulfill their interagency roles, responsibilities, projects, and activities. At the local level results-based budgeting, which focuses on the expected results and outputs and the equitable distribution of the internal revenue allotment or IRA, cost-sharing should be strengthened. Non-traditional sources of funds such as civil society organizations, international funding agencies and faith-based organizations, must be sought and tapped. A national policy issuance directing local government units to allocate a fixed percentage of the IRA dedicated to a "Children's Budget," similar to the Gender and Development (GAD) Fund may be enacted.

WHEREAS, there is a need for the Senate Committee on Women, Children, Family Relations and Gender Equality to exercise its oversight mandate and look into the quality of implementation of the above-mentioned laws at the local level in order to more effectively provide a holistic and comprehensive child protection system.

WHEREFORE, be it resolved as it is hereby resolved that the Senate Committee on Women, Children, Family Relations and Gender Equality conduct an inquiry, in aid of legislation, to ascertain the status and quality of implementation of laws providing for special protection of children, including but not limited to, Republic Acts 7610, 9208, 9262, 9344, and 9775.

Adopted,



SONNY ANGARA