

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



'17 AUG -2 P5:39

SENATE

RECEIVED BY: 

SENATE BILL NO. 1543

Introduced by Senator JOSEPH VICTOR G. EJERCITO

**AN ACT
PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN
IN SITUATIONS OF ARMED CONFLICT AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF**

EXPLANATORY NOTE

The Philippines' future belongs to the Filipino children. Sadly though, in our country's pursuit of genuine peace and development, the present remains marred by continued civil and political unrest. As we shape the future for the Filipino children and their families, armed conflict, clan wars, militarization, rebellion, religious extremism and terrorism disrupt and threaten families and communities that are expected to nurture our children to adulthood. Children become hapless and vulnerable victims who suffer the ravages of these continued conflicts, molded in an environment of anguish, despair, hate and violence.

A report by the United Nations Refugee Agency (UNHCR) and the Mindanao Protection Cluster stated that, "in 2015, a total of 407,397 persons were forced to flee their homes, of which around 37,000 persons were repeatedly displaced mostly because of armed conflict, clan war, and generalized form of violence including human rights violations. These conflict-related displacements recorded an increase of 127% compared to 2014.¹ In Mindanao alone in 2016, more than 283,000 were forcibly displaced to protracted conflict, clan wars and natural disasters."²

¹https://www.humanitarianresponse.info/system/files/documents/files/2015_mindanao_displacement_dashboard_annual_report_lr.pdf

² <https://donate.unhcr.ph/>

The rebellion staged by ISIS-affiliated Maute group has aggravated the number of families and communities affected by armed conflict. Marawi City is now ravaged to the ground as a result of armed clashes and aerial bombings in an attempt by government forces to quash various DAESH-inspired terrorist groups. To date, the United Nations Office for the Coordination of Humanitarian Affairs estimates the number of internally displaced persons (IDPs) in Marawi at 351,168 with about 333,779 living with friends and relatives and 17,389 staying in evacuation camps. Often, the majority of IDPs are children below 18 years of age.

The war against terrorism is not likely to end soon and will not be contained within the boundaries of Marawi City alone or in Mindanao. As such, the rise in the number of children affected by armed conflict is foreseen to reach an unprecedented high by the end of the year and, perhaps in the years to come, if no appropriate interventions are put in place.

Furthermore, after almost 50 years of insurgency and failed Peace Talks attempts, there seems to be no letting up on the incessant clashes between the Armed Forces of the Philippines (AFP) and the New People's Army of the Communist Party of the Philippines (CPP-NPA). Rural areas, and now even urban areas, remain battlegrounds for communist insurgents, secessionists, and religious fundamentalists, pursuing their political agenda or simply sowing chaos and terror in once peaceful communities.

Children in Situations of Armed Conflict (CSAC) are usually left traumatized and wanting of basic needs especially for those who are living in evacuation camps. Some are maimed, physically impaired or handicapped, tortured, separated from their families or left orphaned. They suffer the pain of having witnessed the death of a loved one, the destruction of their homes, schools and places of play and recreation. A few become actively involved as combatants, couriers, or resort to petty crimes while others fall victims to prostitution and human trafficking. CSAC lose their homes and loved ones, their schooling disrupted, and normalcy in their lives is replaced by fears of an uncertain future. Psychosocial trauma and the physical and mental torture of violence are unbearable for

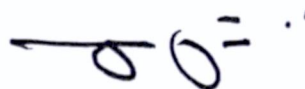
children to suffer. Armed conflict robs children of their childhood, weakens their spirit and dampens their dreams and aspirations.

This law is an attempt to shield children from the ravages of war and save those who will not be able to escape its wrath. This measure prohibits the voluntary and compulsory recruitment and involvement of persons below 18 years of age in armed conflict. It proposes to prohibit and penalize the commission of grave child rights violation in armed conflict situation including killing of children, subjecting them to torture and other inhuman and degrading treatment or punishment, rape or abduction of children, other acts constituting gender-based violence against children, use of children as hostages or human shield, denial of humanitarian access and/or assistance to children, recruitment and involvement of children in armed conflict, and attack of schools, hospitals, places of worship, evacuation centers, settlements and other public places where there are children.

A comprehensive treatment of children involved and situated in armed conflict is ensured, including their rescue and demobilization, rehabilitation and reintegration, so that they may grow to become healthy, capable and responsible adult members of our society, despite their displacement and violent experiences. Government forces, as well as other non-state armed groups shall be liable for the violation of any provisions of this proposed law.

Our children are our greatest resource, the bearers of our future, our 'salinlahi'. It is our obligation to shield them from the long term negative impact of war. It is the State's obligation to ensure their protection from all forms of abuse, deprivation, danger and exploitation. We must therefore, exert all efforts and resources to uphold children's rights and pursue their best interest to survival, protection, development and participation, at all times and at all cost.

Approval of this bill is earnestly requested.



JOSEPH VICTOR G. EJERCITO



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PENALTIES FOR VIOLATIONS THEREOF

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

CHAPTER 1

GENERAL PROVISIONS

1 SECTION 1. *Short Title* - This Act shall be known as the
2 "*Special Protection of Children in Situations of Armed Conflict Act*
3 *of 2017.*"
4

5 SECTION 2. *Declaration of State Policy* - It shall be the policy
6 of the State to provide special protection to Children in Situation of
7 Armed Conflict (CSAC) from all forms of abuse, violence, neglect,
8 cruelty, discrimination and other conditions prejudicial to their
9 development, taking into consideration their gender, cultural,
10 ethnic, and religious background. For this purpose, the state shall:
11

- 12 a. Fully implement the protection guaranteed under the
13 Convention on the Rights of the Child, its Optional Protocol
14 on the involvement of Children in Armed Conflict (CIAC) and
15 all other core human rights treaties, particularly, the
16 International Covenant on Civil and Political Rights and the
17 Convention Against Torture and Other Cruel, Inhumane and

1 Degrading Treatment; other pertinent international
2 instruments such as but not limited to the ILO Convention
3 No. 182 concerning the prohibition and immediate action for
4 the elimination of the worst forms of child labor; the Geneva
5 Conventions of 1949 and the Additional Protocols ratified by
6 the Philippines; the Convention on the Prohibition of the Use,
7 Stockpiling, Production and Transfer of Anti-Personnel Mines
8 and on their Destruction, and take into account the Paris
9 Principles on the Principles and Guidelines on Children
10 Associated with Armed Forces or Armed Groups, the United
11 Nations Guiding Principles on Internal Displacement, the
12 United Nations Security Council Resolutions related to CAAC
13 and other pertinent international instruments in the
14 implementation of its treaty obligations and of this Act;
15

16 b. Respect the human rights of children at all times. It shall be
17 recognized that children are entitled to dignity and respect as
18 human beings in need of protection from hunger, medical
19 neglect, degradation, humiliation, maltreatment, exploitation
20 and assault;
21

22 c. Take all feasible measures to prevent the recruitment and use
23 of CIAC and shall take all necessary measures to ensure the
24 effective implementation and enforcement of the provisions of
25 this Act;
26

27 d. Take all the necessary measures to address the root causes of
28 armed conflict that result in involving, affecting or displacing
29 children, which include poverty, lack or absence of quality
30 basic psycho-social services, belief in the ideologies of an
31 armed group, secessionist advocacy, affiliation of family
32 members in armed groups, pursuit of alternative justice for
33 atrocities, abuses and injustices experienced, and persistence
34 of armed conflicts;
35

36 e. Continue to recognize its primary role in providing effective
37 protection and relief to all CSAC;
38

39 f. Continue to fulfill its responsibilities to end impunity and to
40 prosecute those responsible especially for grave child rights
41 violations in armed conflict; and
42

- 1 g. Ensure the right to participation of children in all its policies,
2 actions, decisions concerning CAAC.
3
4

5 SECTION 3. *Scope of Application* - This Act shall apply to all
6 children involved in, affected by or displaced by armed conflict. The
7 application of this Act shall not affect the legal status of any party to
8 an armed conflict.
9

10 SECTION 4. *Interpretation of this Act* - Nothing in this Act
11 shall be construed as precluding provisions in existing Philippine
12 laws, international human rights laws and related instruments, and
13 international humanitarian law that are more conducive to the
14 realization of the rights of children.
15

16 SECTION 5. *Definition of Terms* - As used in this Act
17

- 18 (a) "**Abduction of children**" refers to the seizure,
19 apprehension, taking in custody, detention or capture of
20 one or more children either temporarily or permanently by
21 force, threat of force or coercion, or deception for the
22 purpose of any form of exploitation of such children in the
23 situation of armed conflict.
24
- 25 (b) "**Armed conflict**" refers to armed confrontations occurring
26 between governmental armed forces and one or more
27 armed groups, or between such groups arising in the
28 Philippine territory. These shall include activities which
29 may lead to armed confrontation or armed violence that
30 put children's lives at risk and their rights violated.
31
- 32 (c) "**Armed group**" refers to an armed non-state actor or non-
33 state entities engaged in armed conflict against the state or
34 engaged in armed violence or terrorism;
35
- 36 (d) "**Attacks on schools, hospitals, places of worship,**
37 **evacuation centers and public places where children are**
38 **usually found**" refers to the occupation, shelling, targeting
39 for propaganda of schools, hospitals or places of worship;
40 causing damage to such places, or harm or injury to their
41 personnel; or causing the total or partial physical
42 destruction of such facilities; or disruption of educational
43 activities and health services. It also refers to attacks of

1 such places, which have been temporarily abandoned by
2 the community as a result of armed conflict, unless these
3 places have been declared a "no man's land".
4

5 (e) "**Child protection**" refers to the measures, structures and
6 activities that ensure the prevention and response to abuse,
7 neglect, exploitation and violence affecting children. It
8 shall include the promotion of their development and
9 psychosocial well-being;
10

11 (f) "**Child**" refers to persons below eighteen (18) years of age
12 or those over but are unable to fully take care of
13 themselves or protect themselves from abuse, neglect,
14 cruelty, exploitation or discrimination because of physical
15 or mental disability or condition.
16

17 (g) "**Children In Situations of Armed Conflict (CSAC)**" refers
18 to all Children Involved In Armed Conflict (CIAC),
19 Children Affected By Armed Conflict (CAAC), and
20 Internally Displaced Children (IDC).
21

22 (h) "**Children Involved in Armed Conflict (CIAC)**" refers to
23 children who are either forcibly, compulsorily recruited or
24 who voluntarily joined in any governmental armed forces
25 or any armed group in any capacity to participate directly
26 in armed hostilities as combatants or as fighters, or take
27 support roles such as but not limited to scouting, spying,
28 sabotaging, acting as decoys, assisting in check-points,
29 being couriers, messengers, porters, cooks and being used
30 for sexual purposes.
31

32 (i) "**Children Affected by Armed Conflict (CAAC)**" refers to
33 all children population experiencing or have experienced
34 armed conflict.
35

36 (j) "**Demobilization of children**" refers to the process of
37 formal and controlled disarmament of children and their
38 release from an armed force or armed group. It shall
39 likewise refer to the informal ways in which children leave
40 the governmental armed forces or armed group. It entails a
41 disassociation from the armed force or armed group and
42 the beginning of transition to mainstream society.
43 Demobilization of children can take place during the

1 situation of armed conflict; it is not dependent on the
2 temporary or permanent cessation of hostilities; it is not
3 dependent on children having weapons to forfeit.
4

5 (k) "**Explosive Remnants of War (ERW)**" refers to unexploded
6 ordnance and abandoned explosive ordnance. *Explosive*
7 *Ordnance* refers to munitions that contain explosives,
8 nuclear fission or fusion material, biological and chemical
9 agents. This includes bombs and warheads, guided and
10 ballistic missiles, artillery, mortar, small arms ammunition,
11 mines, torpedoes, depth charges, demolition stores,
12 pyrotechnics, cluster munitions and dispensers, cartridges
13 and propelled actuated devices, electric explosive devices
14 and similar items that are explosive in nature. *Unexploded*
15 *Ordnance* refers to explosive ordnance, which has been
16 primed, fuzed, armed or otherwise prepared for use or
17 used. It could have been fired, dropped, launched,
18 projected yet remains unexploded either through
19 malfunction or design or for any other cause.
20

21 (l) "**Food blockade**" refers to armed conflict tactic of forcibly
22 cutting off entry of food supplies in a particular area where
23 children can be found.
24

25 (m) "**Governmental armed forces**" refers to the Armed Forces
26 of the Philippines (AFP) including the paramilitary forces,
27 the Philippine National Police (PNP), and other law
28 enforcement agencies.
29

30 (n) "**Grave child rights violation**" refers to the crimes
31 committed against children that constitute flagrant
32 violations of their human rights and have severe
33 consequences in their lives. These crimes include those
34 enumerated in Section 8 of this Act, such as but not limited
35 to, killing or maiming of children, recruitment or use of
36 CIAC, rape and other forms of sexual violence against
37 children, abduction of children, torture of children, attacks
38 against schools or hospitals, denial of humanitarian access
39 to children.
40

41 (o) "**Hamleting**" refers to an armed conflict strategy that
42 isolates a community of importance to the enemy which is
43 inhabited by children including relocating said community

1 away from crucial zones. This strategy could be used to
2 control the activities of the people in said areas.

- 3
- 4 (p) "**Hospitals or health facilities**" refers to any structure
5 recognized and known by the community as a facility
6 where the sick and wounded are provided with medical
7 and or health care services.
- 8
- 9 (q) "**Humanitarian access**" refers to the right of vulnerable
10 populations to receive international protection and
11 assistance from an impartial humanitarian relief operation
12 to complement efforts of national authorities. Such action is
13 subject to the consent of the State or parties concerned and
14 does not prescribe coercive measures in the event of
15 refusal, however unwarranted.
- 16
- 17 (r) "**Humanitarian assistance**" refers to aid that seeks to save
18 lives and alleviate suffering of a crisis-affected population.
19 Humanitarian assistance must be provided in accordance
20 with the basic humanitarian principles of humanity,
21 impartiality, independence and neutrality. Assistance may
22 be divided into three categories - direct assistance, indirect
23 assistance and infrastructure support, which have
24 diminishing degrees of contact with the affected
25 population.
- 26
- 27 (s) "**Internally Displaced Children (IDC)**" refers to children
28 or group of children, whether separated or together with
29 their families, who have been forced or obliged to flee or to
30 leave their homes or places of habitual residence, in
31 particular, as a result of or in order to avoid the effect of
32 armed conflict and situations of generalized violence.
- 33
- 34 (t) "**Improvised Explosive Device (IED)**" refers to a device
35 that is homemade or fabricated, constructed and deployed
36 in ways other than conventional military action; containing
37 or having contents from indigenous materials or
38 substances that are destructive, lethal, noxious, pyrotechnic
39 or incendiary chemicals, and designed to destroy, kill,
40 incapacitate, harass or distract. IEDs are diverse in design,
41 such as but not limited to, packages or landmine or road-
42 side bombs, and contain many types of initiators,
43 detonators, penetrators, and explosive loads. These include

1 shrapnel-generating objects such as, but not limited to
2 nails, ball-bearings, small-pieces of iron or steel bars, and
3 alike that may be used individually or in combination.
4 These are triggered by various methods such as by remote
5 control or command detonation.

6
7 (u) "**Killing of children**" refers to acts of all kinds in the
8 context of armed conflict that result in the death of one or
9 more children. Among others, they include the death of
10 children as a result of direct targeting and indirect actions,
11 such as cross-fire, use of land mines, cluster munitions,
12 ERW, all forms and types of IED; or house demolitions,
13 search and arrest campaigns, suicide attacks and torture;
14 they also include murder, homicide and such other similar
15 crimes as defined in the Revised Penal Code and other
16 special laws, as amended.

17
18 (v) "**Maiming of children**" refers to acts of all kinds in the
19 context of armed conflict that result in serious or
20 permanent or disabling injury, scarring or defacing, or
21 mutilation to one or more children. It shall cover
22 *intentional maiming* of children where they are directly
23 targeted, and *causal maiming* of children which results
24 from indirect actions, such as cross-fire, use of landmines,
25 cluster munitions, ERW, all forms and types of IED; or in
26 the context of house demolitions, search and arrest
27 campaigns, suicide attacks and torture.

28
29 (w) "**Other acts of gender based violence**" refers to physical,
30 sexual violence other than rape, and psychosocial harm
31 that is committed against a person as a result of power
32 inequities that are based on gender roles. These include,
33 among others, sexual slavery, prostitution, forced
34 marriage, forced pregnancy, or forced sterilization.

35
36 (x) "**Rape**" refers to the crime of rape as defined under Article
37 266-A of the Revised Penal Code, as amended by Republic
38 Act No. 8353 or the Anti-Rape Law.

39
40 (y) "**Recruitment**" refers to compulsory, forced and voluntary
41 conscription or enlistment of children into the
42 governmental armed force and forced or voluntary
43 membership into the armed group.

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(z) **"School"** refers to any structure that is recognized and known by the community as a learning space and marked by visible boundaries.

(aa) **"Zone of Peace"** refers to a site with sacred, religious, historic, educational, cultural, geographical or environmental importance protected and preserved by its own community and officially recognized by a governmental authority. It is not merely a "Demilitarized Zone", but a sanctuary that operates within ethical principles of non-violence, free from weapons, acts of violence, injustice and environmental degradation.

CHAPTER 2

RIGHTS OF CHILDREN IN ARMED CONFLICT

SECTION 6. **Rights of Children in Situations of Armed Conflict (CSAC).** - Children in Situations of Armed Conflict (CSAC) shall have the following rights:

- (a) the right of special respect and protection against any form of abuse, neglect, exploitation and violation, especially in the context of armed conflict;
- (b) the right of **all** children involved in, affected by or displaced by armed conflict to be treated as victims. They shall be treated in accordance with this Act, and other applicable laws, consistent with the State obligation under international law, within the framework of restorative justice, social rehabilitation and promotion of their protection;
- (c) the right to be considered as object of special respect and to be protected from any form of direct or indiscriminate attacks and acts of violence especially protection from the grave child rights violations as enumerated in Section 8 of this Act;
- (d) the right to be protected from recruitment into the governmental armed forces or armed groups and from

1 participation in armed conflict. This shall include the right
2 to be protected from torture or any cruel, inhuman or
3 degrading practices that compel compliance or punish
4 non-compliance with recruitment or participation in armed
5 conflict;

6
7 (e) the right to be immediately provided and have safe
8 access to essential, adequate and culturally appropriate
9 food and nutrition; basic shelter and housing; culturally
10 appropriate clothing; water, sanitation, and hygiene; basic
11 health services including essential drugs, medicines and
12 vaccines, health professional evaluation and appropriate
13 intervention; education, including religious and moral
14 education; Early Childhood Care and Development
15 (ECCD) programs, psychosocial support and social
16 services. All services provided for children must be child
17 and gender sensitive or responsive;

18
19 (f) the right to enjoy their freedom of thought, conscience,
20 religion or belief, opinion and expression; to associate
21 freely and participate equally in legitimate community
22 affairs; to communicate in a language they understand
23 even in situations of armed conflict and whether or not
24 they have been internally displaced or are living in
25 evacuation centers or settlements;

26
27 (g) the right of the wounded and sick children to be cared
28 for and provided with aid or assistance or medical services,
29 whether because of their age or for any other reason;

30
31 (h) the right of all children to be treated humanely in all
32 circumstances, without any adverse distinction founded on
33 race, color, religion or faith, gender, birth or wealth, or any
34 other similar criteria;

35
36 (i) the right not to be interned in or confined in camp,
37 especially IDC and their families;

38
39 (j) the right of IDC, unaccompanied minors, expectant
40 mothers, children with disabilities, the wounded and the
41 sick children to protection and assistance required by their
42 condition, and to treatment which takes into account their
43 special needs, such as but not limited to their health needs,

1 reproductive health care as well as appropriate counseling,
2 prevention of contagious and infectious diseases, including
3 HIV / AIDS, and access to psychosocial services;

4
5 (k) the right of children to be with their families, especially
6 with their mothers, during evacuations and in evacuation
7 centers;

8
9 (l) the right to, liberty of movement and freedom to choose
10 their residence especially the IDC and their families who
11 shall have the right to move freely in and out of evacuation
12 centers or other settlements, subject to existing rules and
13 regulations in those centers or settlements;

14
15 (m) the right especially of IDC and their families to: leave
16 the country; seek safety in another part of the country; seek
17 other service providers; seek asylum in another country;
18 and be protected against forcible return to resettlement in
19 any place where their life, safety, liberty or health would
20 be at risk;

21
22 (n) the right of all children to be reunited with their families in
23 case of separation due to armed conflict;

24
25 (o) the right to obtain necessary document/s to enjoy their
26 legal rights. The State shall have the duty to expedite
27 services in the issuance of new documents or the
28 replacement of documents lost in the course of
29 displacement, without imposing unreasonable conditions,
30 and without discrimination against female child and male
31 child, who shall have equal rights to obtain and to be
32 issued the same in their own names;

33
34 (p) the right of access to justice including free legal aid when
35 filing cases against the perpetrators;

36
37 (q) the right for the property and possessions of children and
38 their families to be protected in all circumstances.

39
40 The rights enumerated in this Section shall not hinder the
41 application of other rights recognized and guaranteed in the
42 Constitution and other existing laws in keeping with the best
43 interests of the child.

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CHAPTER 3

UNLAWFUL AND PROHIBITED ACTS

SECTION 7. *Unlawful or Prohibited Acts.*

- (a.) It shall be unlawful for any person, to commit the following acts of grave Child Rights Violations:
1. Killing of children;
 2. Torture committed against children. For the purposes of this Act, torture shall include those enumerated in Section 4 of Republic Act 9745 or the Anti-Torture Act;
 3. Intentional or causal maiming of children;
 4. Sexual Abuse and Rape of children;
 5. Cruel, inhuman and degrading treatment or punishment committed against children. For the purposes of this Act. Cruel, inhuman and degrading treatment or punishment shall include those enumerated in Section 5 of Republic Act 9745 or the AntiTorture Act;
 6. Abduction of children;
 7. Taking children as hostages or using them as human shield;
 8. Recruitment, conscription, or enlistment of children into governmental armed forces and other armed groups;
 9. Trafficking of Children
 10. Other acts of gender-based violence against children;
 11. Refusal or denial of humanitarian access and/or assistance to children;
 12. Use or involvement of CIAC in any capacity as defined in Section 5(h) of this Act;
 13. Attack on schools, hospitals, places of worship, evacuation centers and settlements and other public places where children can usually be found.

1 (b.) Likewise, it shall be unlawful for any person to commit the
2 following acts:

- 3 1. Hamleting
- 4 2. Food Blockade
- 5 3. Intentional Delayed Reporting of a child in custody
- 6 4. False Reporting of a child in custody
- 7 5. False Branding of children or labeling children as
8 children involved in armed conflict

9
10 (c.) It shall also be unlawful for parents, ascendants, guardians,
11 step parents or collateral relatives within the third degree of
12 consanguinity or affinity or any person having control or
13 moral ascendancy to the child to allow, willfully encourage,
14 compel, coerce, or influence their child or children to be part
15 of an armed group or a governmental armed force.
16

17 CHAPTER 4

18 PENALTIES AND PRESCRIPTION OF CRIME

19
20
21 SECTION 8. *Penalties* - The following penalties and sanctions
22 are hereby imposed for the offenses enumerated in this Act:
23

24 (a) Any person found guilty of committing any of the acts
25 enumerated in subparagraphs 1,2,3 and 4 of paragraph (a)
26 Section 7 of this Act shall suffer the penalty of life
27 imprisonment and a fine of not less than Two Million
28 Pesos (P2, 000,000.00) but not more than Five Million Pesos
29 P5,000,000.00)
30

31 (b) Any person found guilty of committing any of the acts
32 enumerated in subparagraphs 5,6,7,8,9,10,11 and 12 of
33 paragraph (a) Section 7 of this Act shall be punished with
34 an imprisonment of not less than fourteen (14) years but
35 not more than twenty (20) years and a fine of not less than
36 One Million Pesos (P1,000,000.00) but not more than Two
37 Million Pesos (P2,000,000.00); *Provided* where the crimes
38 committed resulted in the killing, torture, maiming, or rape
39 of children in subparagraphs 1,2,3 and 4 of paragraph (a)
40 Section 7, the penalty imposed shall be that of Section 8 (0)
41 of this Act;
42

1 (c) Any person found guilty of committing any of the acts
2 enumerated in subparagraphs 1,2,3,4 and 5 paragraph (b)
3 Section 7 of this Act shall be punished with an
4 imprisonment of not less than six (6) years but not more
5 than twelve (12) years and a fine of not less than Five
6 Hundred Thousand Pesos (P500,000.00) but not more than
7 One Million Pesos (P 1,000,000.00).

8
9 (d) Parents, ascendants, guardians, step parents or collateral
10 relatives within the third degree of consanguinity or
11 affinity or any person having control or moral ascendancy
12 to the child to allow, willfully encourage, compel, coerce,
13 or influence their child or children to be part of an armed
14 group shall be punished with not less than six years but
15 not more than twelve years. *Provided, However That,*
16 parents, ascendants, guardians, step parents or collateral
17 relatives within the third degree of consanguinity or
18 affinity or any person having control or moral ascendancy
19 to the child found guilty hereof may be allowed to serve
20 the minimum period of imprisonment based on the sound
21 discretion of the courts guided by the principles of *parens*
22 *patriae*.

23
24 SECTION 9. *Non-implementation or Violation of any other*
25 *Provisions of this Act or the Rules and Regulations in General -*
26 Any public officer, who shall knowingly and maliciously prevent,
27 prohibit, refuse or discontinue the implementation of any provisions
28 of this Act or any rules and regulations promulgated in accordance
29 thereof, or in any other way *violate* them, if such officer has the duty
30 to implement shall be punished by imprisonment of not less than six
31 years but not more than twelve years and perpetual absolute
32 disqualification.

33
34 Any such officer who shall prevent, prohibit, refuse or
35 discontinue the implementation of this Act or its rules and
36 regulations, or in any other way violate them by reason of
37 inexcusable negligence or ignorance, shall be punished with an
38 imprisonment of not less than one month but not more than six
39 months and temporary special disqualification. The public officer
40 liable under this Section shall, in addition to the imprisonment, be
41 held administratively liable under existing applicable laws.

1 Any person who shall commit any other act not covered in
2 Section 8, which shall result in prejudicing the rights of CIAC,
3 CAAC or IDC protected under this Act shall be punished with an
4 imprisonment of not less than six months but not more than six
5 years.

6
7 SECTION 10. *Forfeiture of Proceeds, Property and Assets* -
8 The court shall order the forfeiture of proceeds, property and assets
9 derived, directly or indirectly, from the crimes defined and
10 penalized in this Act, without prejudice to the rights of the *bona fide*
11 third party. The court shall impose the corresponding accessory
12 penalties under the Revised Penal Code, especially where the
13 offender is a public officer.

14
15 The liabilities imposed in this Act shall not prejudice the
16 application of other existing criminal, civil and administrative
17 liabilities that may additionally be imposed upon the person.

18
19 SECTION 11. *Non-prescription*. - The crimes defined and
20 penalized under this Act, their prosecution, and the execution of
21 sentences imposed on their account, shall not be subject to any
22 prescription.

23 CHAPTER 5

24 PRINCIPLES OF CRIMINAL LIABILITY AND APPLICATION 25 OF PENALTIES

26
27 SECTION 12. *Individual Criminal Responsibilities* - Any
28 person committing such as crime shall be criminally liable for a
29 crime defined and penalized in this Act, whether as an individual,
30 jointly with another or through another person, regardless of
31 whether that other person is criminally responsible.

32
33 SECTION 13. *Irrelevance of Official Capacity* - This Act shall
34 apply equally to all persons without any distinction based on official
35 capacity. In no case shall the official capacity exempt a person from
36 criminal responsibility or constitute a ground for reduction of
37 sentence.

38
39 SECTION 14. *Responsibility of Superiors* - In addition to
40 other grounds of criminal responsibility for crimes defined and
41 penalized under this *Act*, a superior shall be criminally responsible
42 for such crimes committed by subordinates where:
43

1
2 (a) That superior either knew or, owing to the circumstances
3 at the time, should have known that the subordinates were
4 committing or about to commit such crimes;

5
6 (b) That superior failed to take all necessary and reasonable
7 measures within his/her power to prevent or repress their
8 commission or to submit the matter to the competent
9 authorities for investigation and prosecution.

10
11 SECTION 15. *Orders from a Superior* - The fact that a crime
12 defined and penalized under this Act has been committed by a
13 person pursuant to an order of a superior, shall not relieve that
14 person of criminal responsibility unless all of the following elements
15 occur:

- 16
17 (a) The person was under a legal obligation to obey orders of
18 the superior in question;
19 (b) The person did not know that the order was unlawful; and
20 (c) The order was not manifestly unlawful.

21
22 For the purposes of this section, orders to commit grave child
23 rights violations enumerated in Section 7 are manifestly unlawful
24 and shall be punished by this Act and other applicable existing laws.
25

26 SECTION 16. *Unknown Superior* - Where the crimes defined
27 and penalized under this Act have been committed by a person
28 pursuant to an order or command of unknown superior, any person
29 who in fact directed the others, spoke for them, signed receipts and
30 other documents issued in their name, or who has performed similar
31 acts, on behalf of the armed groups shall be deemed the superior.
32

33 34 CHAPTER 6

35 36 INVESTIGATION, PROSECUTION AND COURT

37
38 SECTION 17. *Court, Prosecutors and Investigators* - The
39 Family Courts shall have original and exclusive jurisdiction over the
40 crimes punishable under this Act.
41

42 The Commission on Human Rights (CHR), the Department of
43 Justice (DOJ) and its attached agencies, the Philippine National

1 Police (PNP) or other concerned law enforcement agencies shall
2 designate prosecutors or investigators, as the case may be, for cases
3 involving crimes punishable under this Act.

4
5 The State shall ensure that judges, prosecutors and
6 investigators, especially those designated for purposes of this Act,
7 receive effective training in human rights particularly on
8 Convention on the Rights of the Child and its Optional Protocol on
9 involvement of CIAC and related international instruments,
10 International Humanitarian Law and International Criminal Law.

11
12 SECTION 18. *Requirement and Procedures on Age*
13 *Verification and Presumption of Minority* - The child involved in,
14 affected or displaced by armed conflict shall enjoy the presumption
15 of minority and shall enjoy all the rights of a child recognized in this
16 Act and other applicable laws unless proven to be eighteen (18)
17 years or older.

18
19 The age of a child may be determined from the child's birth
20 certificate, baptismal certificate or any other pertinent documents. In
21 the absence of these documents, age may be based on information
22 from the child, testimonies of other persons, the physical appearance
23 of the child and other relevant evidence. In case of doubt as to the
24 age of the child, it shall be resolved in favor of minority.

25
26 Any person contesting the age of the child prior to the filing of
27 the information in any appropriate court may file a case in a
28 summary proceeding for the determination of age before the Family
29 Court, which shall decide the case within twenty four (24) hours
30 from receipt of the
31 appropriate pleadings of all interested parties.

32
33 If a case has been filed against the child and is pending in the
34 appropriate court, the person shall file a motion to determine the age
35 of the child in the same court where the case is pending. Pending
36 hearing on the said motion, proceedings on the main case shall be
37 suspended.

38
39 In all proceedings, law enforcement officers, prosecutors,
40 judges and other government officials concerned shall exert all
41 efforts at determining the age of the child in armed conflict.
42

1 SECTION 19. *Protection of Victims and Witnesses* - In
2 addition to existing provisions in Philippine law for the protection of
3 victims and witnesses, the following measures shall be undertaken:
4

5 (a) The Court shall take appropriate measures to protect the; safety,
6 physical and psychological well-being, dignity and privacy of
7 child victims and witnesses. In so doing, the Court shall have
8 regard of all relevant factors, including age, gender and health,
9 and the nature of the crime, in particular, but not limited to,
10 where the crime involves sexual or gender based violence or
11 violence against children;
12

13 (b) The Court shall protect the privacy of child victims and witnesses
14 and observe confidentiality consistent with existing rules on
15 examination of child victims and witnesses;
16

17 (c) Where the personal interests of the child victims are affected, the
18 court shall consider the child victim's views and concerns in
19 accordance with established rules of procedure and evidence;
20

21 (d) Where the disclosure of evidence or information may be
22 prejudicial to the security of the child witness or the family, the
23 prosecution may withhold such evidence or information and
24 instead submit a summary thereof consistent with the rights of the
25 accused to a fair and impartial trial.
26

27 SECTION 20. *Reparation to Victims* - In addition to existing
28 provisions in Philippine law and procedural rules for reparations to
29 victims, the following measures shall be undertaken:
30

31 (a) The Court shall follow the principles relating to the reparations
32 to, or in respect of, child victims, including restitution,
33 compensation and rehabilitation taking into consideration the
34 scope and extent, of any damage, loss or injury suffered by child
35 victims;
36

37 (b) The Court shall make an order directly against a convicted
38 person specifying appropriate reparations to child victims,
39 including restitution, compensation and rehabilitation; and
40

41 (c) Before making an order under this section, the court may invite
42 and shall take account of representations from or on behalf of the
43 convicted person, child victims or other interested persons.

1 Nothing in this section shall be interpreted to prejudice the rights
2 of child victims under national or international law.

3
4 SECTION 21. *Immunity from Suit for Persons Providing*
5 *Assistance* - Any person who shall take custody of children involved
6 in armed conflict to ensure their safety or provide them any form of
7 assistance shall be exempt from any civil, criminal and
8 administrative liability provided that the person shall report it to the
9 Local Social Welfare and Development Office (LSWDO), Philippine
10 National Police (PNP) or to the Barangay office within forty eight
11 (48) hours.

12 13 14 CHAPTER 7

15 16 PREVENTION, REHABILITATION AND REINTEGRATION, 17 RESCUE, DEMOBILIZATION

18
19 SECTION 22. *Prevention* - The State shall take all feasible
20 measures to prevent the recruitment, re-recruitment, use or
21 displacement of CIAC. It shall take all necessary measures to ensure
22 the effective implementation and enforcement of the provisions of
23 this Act. Towards this end the State shall:

- 24
25 (a) prioritize children's issues in the peace program of the
26 Government and include children's concerns, specifically the
27 effects of armed conflicts, in peace negotiations;
28
29 (b) include peace, human rights, and protective behavior skills as
30 fundamental subjects in the education system;
31
32 (c) provide educational assistance, whether formal or alternative
33 learning system, that is child and culturally sensitive;
34
35 (d) develop and implement training programs and campaign
36 towards 'promoting a culture of peace and respect for human
37 rights in collaboration with civil society organizations;
38
39 (e) provide capacity building for Local Governance and
40 Community Development, and ensure the participation of
41 various organizations, especially of children's and people's
42 organization at the community level. These organizations shall be
43 involved in consultation and decision-making processes and in

1 the development and implementation of programs, projects and
2 activities established for them;

3
4 (f) establish livelihood programs which shall be made available to
5 communities in identified priority areas in order to alleviate the
6 living conditions of the people;

7
8 (g) make available basic health services in health facilities in
9 identified priority areas, culturally sensitive nutrition program
10 and activities including but not limited to supplementary feeding
11 shall also be made available, Efforts to support traditional health
12 practices in indigenous peoples area shall also be initiated;

13 (h) establish basic facilities and infrastructure needed;

14
15 (i) ensure that child protection mechanisms are present and
16 functional; and

17
18 (j) establish a comprehensive, effective and efficient system for
19 monitoring and reporting and response for violations as
20 provided in Section 7 of this Act.

21
22 SECTION 23. *Rescue, Rehabilitation and Reintegration* - The
23 State shall institute policies, programs and services for rescue,
24 rehabilitation and reintegration of children involved in, affected by
25 or displaced by armed conflict, The programs shall aim at providing
26 services for children while involving their families, communities and
27 other entities to facilitate the children's reintegration process.

28
29 These services shall include but not be limited to psychosocial
30 support, health and nutrition, education, livelihood for families and
31 other basic services, and legal services as may be necessary.

32
33 Any program interventions shall be designed with due respect
34 to the culture of each child, family and community. The child shall,
35 at all times, be provided with legal assistance and physical security
36 upon rescue.

37
38 The State shall take into account the following in the rescue,
39 rehabilitation and reintegration of children:

40
41 (a) *Rescue*: The state shall provide for adequate measures and
42 mechanisms to facilitate the recovery, either voluntary or
43 involuntary, of children from armed groups or governmental

1 armed forces, It shall provide legal and physical security to
2 children involved in armed conflict including services such as
3 family tracing and system of referral or response on various
4 psychosocial services needed by the victims;

5
6 (b) *Rehabilitation*: The State shall facilitate the *normal* development of
7 children victims in their post-involvement phase. It shall provide
8 services including therapeutic counseling, security and
9 protection, educational assistance and livelihood opportunities to
10 their parents, relatives or guardians or to *the* victims when they
11 become of age;

12
13 (b) *Reintegration*: The State shall bring children back to their families
14 or communities whenever possible. This shall involve services
15 including provision of alternative parental care. Trainings aimed
16 to enhance community readiness in the reintegration of these
17 children shall also be undertaken. Whenever possible,
18 interventions for children shall be done with respect to their
19 opinion. Interventions for indigenous peoples (IP) children shall
20 be conducted in recognition of the traditional structures and
21 institutions of their communities.

22
23 SECTION 24. *Demobilization of Children Involved in Armed*
24 *Conflict (CIAC)* - The State shall take all feasible measures to ensure
25 that children recruited or used in hostilities contrary to this Act are
26 demobilized or otherwise released from service. For the purposes of
27 this Act, demobilization activities shall be initiated independent of
28 any negotiated peace agreements.

29
30 The State, through its concerned agencies, in coordination with
31 other stakeholders shall have the following duties:

32
33 (a) Develop a child-specific demobilization program. This
34 demobilization program should not make as a requirement the
35 surrender of arms by CIAC who have assumed non-combatant
36 roles;

37
38 (b) Monitor and document the status of CIAC who undergo
39 either formal or informal demobilization process;

40
41 (c) With due regard to the right to privacy of CIAC, their security
42 and safety, and considering the confidentiality of records, share
43 data and information by both government and non-government

1 organizations to assess the needs of demobilized CIAC and to
2 formulate ways to address these needs, and be informed of their
3 status and updates of demobilized CIAC;

4
5 (d) Mobilize and strengthen networks for referrals;

6
7 (e) Provide free legal assistance to demobilized CIAC ensuring
8 that the legal needs of the former CIAC will be addressed, such
9 as, the prohibition or stoppage of filing charges or dismissal of
10 cases against CIAC as criminal or political offenders irrespective
11 of their association with any armed group or force;

12
13 (f) Ensure the formal demobilization of CIAC through various
14 approaches such as negotiating through the Government Peace
15 Negotiating Panel (GPNP). Other criminal armed groups that
16 utilize children and are not involved in formal peace negotiation
17 with the government shall however, be dealt, in accordance with
18 peace and order or security policy as may be provided by the
19 appropriate government agency. *Provided, That* in any
20 demobilization action, the best interest of the child shall prevail.

21
22 SECTION 25. *Rescued or Surrendered Children Involved in*
23 *Armed Conflict (CIAC)* - Where the CIAC have been rescued or
24 surrendered they shall at all times be treated in a child-friendly and
25 sensitive manner. The State at all times shall consider the safety and
26 security of the CIAC. The following procedures shall apply without
27 prejudice to the application of other existing laws that will uphold
28 the best interests of the child:

29
30 (a) The identity of rescued CIAC shall be protected. Any
31 identifying information regarding them shall remain confidential;

32
33 (b) Rescued CIAC shall not be used for any political propaganda
34 nor be unnecessarily exposed to media in violation of child rights
35 to privacy, security and confidentiality of their cases;

36
37 (c) Upon the rescue or surrender of CIAC, the government agencies,
38 in particular, the Armed Forces of the Philippines (AFP), the
39 Philippine National Police (PNP), Department of National
40 Defense (DNDJ, Local Government. Units (LGUs), other
41 concerned government agencies and/or Non-Government
42 Organizations (NGOs) in possession of CIAC shall report
43 immediately within twenty four (24) hours the incident to the

1 Local Social Welfare and Development Office (LSWDO) and
2 Council for the Welfare of Children (CWC);

3
4 (d) The Local Social Welfare and Development Office (LSWDO)
5 shall coordinate with the agency and/or NGO in possession of
6 CIAC for the turn-over of custody of CIAC to DSWD;

7
8 (e) The turnover to LSWDO shall take place within 24 hours or in
9 cases where turnover is not possible within the prescribed 24
10 hour period due to valid reasons and without the fault of the
11 person having the custody of the child, the turnover shall be
12 done within the next seventy two (72) hours;

13
14 (f) The LSWDO shall facilitate the family tracing and coordinate
15 with parents, relatives or guardian of the CIAC to inform them of
16 the turnover;

17
18 (g) The Local Health Office (LHO) in coordination with the
19 LSWDO shall check and assess the medical and physical
20 condition of CIAC. In cases where medical needs are apparent,
21 the LHO shall ensure that medical services or treatment are
22 received by the CIAC;

23
24 (h) The LSWDO shall assess the needs of the CIAC and refer to
25 concerned agencies to provide immediate assistance or
26 appropriate services;

27
28 (i) The LSWDO, in coordination with other agencies, shall enter the
29 CIAC into the child-specific demobilization programs;

30
31 (j) The CIAC shall be reintegrated into the community. In- cases
32 where reintegration to original community of origin is not
33 feasible for reasons of the CIAC's security, a foster community or
34 institution shall be identified.

35
36
37 **CHAPTER 8**

38
39 **INVOLVEMENT OF GOVERNMENT AND NON-**
40 **GOVERNMENT ORGANIZATIONS**

41
42 **SECTION 26. *Involvement of Government Organizations***
43 **(GOs) and Non-Government Organizations (NGOs) - To effectively**

1 address the issue of CSAC, the Council for the Welfare of Children
2 together with its member agencies shall be assisted by the following
3 government organizations (GOs) for the proper implementation of
4 this Act:

- 5
- 6 (a) Armed Forces of the Philippines (AFP)
- 7 (b) Commission on Human Rights (CHR)
- 8 (c) Department of National Defense (DND)
- 9 (d) Local Government Units (LGUs)
- 10 (e) National Commission on Indigenous Peoples (NCIP)
- 11 (f) National Commission on Muslim Filipinos (NCMF)
- 12 (g) National Disaster Risk and Reduction Management Council
13 (NDRRMC)
- 14 (h) Office of the Presidential Adviser on the Peace Process
15 (OPAPP)
- 16 (i) Philippine Commission on Women
- 17 (j) Philippine National Police (PNP)
- 18 (k) Department of Social Welfare and Development (DSWD)
- 19 (l) Department of Health (DOH)
- 20 (m) Department of Education (DepEd)

21

22 Child-focused non-government organizations (NGOs) in
23 caring for CSAC shall take active part in and strengthen their
24 programs on protecting these children. For proper implementation
25 of this Act, all GOs and NGOs including but not limited to those
26 identified herein, shall provide their respective counterpart support
27 including but not limited to technical, logistical and financial
28 assistance relative to the implementation of programs, projects and
29 activities for CSAC, in accordance with their mandate and in
30 accordance with existing accounting and auditing rules and
31 regulations.

32

33 All programs should be participatory and should ensure the
34 involvement of children, their communities, NGOs, faith-based
35 organizations or groups, and other concerned groups.

36

37

38 CHAPTER 9

39

40 MONITORING AND REPORTING

41

42 SECTION 27. *Monitoring and Reporting System* - The State,
43 through the CWC in coordination with other concerned government

1 organizations shall ensure the implementation of the provisions of
2 this Act and shall submit to the President and to Congress of the
3 Philippines, the annual report thereof. CWC shall establish and
4 maintain a database for the monitoring and reporting of CSAC
5 concerns integrated in its monitoring system.

6
7 The CWC may hire additional personnel to complement its
8 present Secretariat to perform its functions relative to this Act.

9 10 11 CHAPTER 10

12 13 TRANSITORY PROVISIONS

14
15 SECTION 28. *Children Involved in Armed Conflict* - Upon the
16 effectivity of this Act, criminal cases against children involved in
17 armed conflict shall immediately be dismissed and the child shall be
18 referred to the LSWDO. Such office, upon thorough assessment of
19 the child, shall

20 determine whether to release the child to the custody of the parents,
21 or refer the child to prevention, rehabilitation, reintegration
22 programs as provided under this Act. Those with suspended
23 sentences and undergoing rehabilitation at the youth rehabilitation
24 center shall likewise be released, *Provided, That* the Family Court
25 shall, in consultation with concerned agencies determine and order
26 the appropriate prevention, rehabilitation, reintegration programs
27 the person shall undergo as provided in this Act.

28
29 SECTION 29. *Inventory of Custody of CSAC* - The AFP, the
30 PNP, the BJMP, the DSWD, the NCIP, NCMF, and the concerned
31 LGUs are hereby directed to submit to the CWC, within ninety (90)
32 days from the effectivity of this Act, an inventory of all CSAC under
33 their custody.

34
35 SECTION 30. *Children Who Reach the Age of Eighteen (18)*
36 *Years Pending Court Proceedings or in Suspended Sentences* - If a
37 child reaches the age of eighteen (18) years pending court
38 proceedings, the Family Court shall dismiss the case against the
39 person and determine in consultation with concerned agencies for
40 the need to undergo appropriate rehabilitation and reintegration
41 programs provided in this Act.

1 Those with suspended sentences and undergoing
2 rehabilitation at the youth rehabilitation center shall likewise be
3 released: Provided, That the Family Court shall, in consultation with
4 concerned agencies, determine and order the appropriate
5 rehabilitation, reintegration programs the person shall undergo as
6 provided in this Act.
7

8 SECTION 31. *Children Who Have Been Convicted and are*
9 *Serving Sentence.* -Persons who have been convicted and are serving
10 sentence at the time of the effectivity of this Act and who were
11 below the age of eighteen (18) years at the time the commission of
12 the offense for which they were convicted and are serving sentence,
13 shall likewise benefit from the retroactive application of this Act.
14 They shall be entitled to appropriate dispositions provided under
15 this Act and their sentences shall be adjusted accordingly. They shall
16 be immediately released if they are so qualified under this Act or
17 other applicable law.

18 CHAPTER 11

19 FINAL PROVISIONS

20
21
22 SECTION 32. *Implementing Rules and Regulations* - The
23 CWC together with its member agencies and OPAPP, with the
24 involvement of CSOs, shall promulgate the implementing rules and
25 regulations of this act within 90 days from the approval of this Act.
26 All government agencies enumerated in Sec. 26 of this Act shall be
27 consulted in so far as the drafting of their responsibilities are
28 concerned.

29
30 NGOs involved in caring for CSAC shall likewise be consulted
31 in the drafting of the implementing rules and regulations of this act.
32

33 SECTION 33. *Appropriations* -The amount of Ten Million is
34 hereby appropriated to the CWC for the initial implementation of
35 this Act. Said amount shall be funded from the gross income of the
36 Philippines Amusement and Gaming Corporation (PAGCOR) and
37 shall be directly remitted to a special account of the CWC.
38 Thereafter, for the continued implementation of this Act, such sums
39 shall be included in the annual General Appropriations Act (GAA).
40

41 SECTION 34. *Repealing Clause* - Article X Sections 22 to 26 of
42 RA 7610, all laws, acts, presidential decrees, executive orders,
43 administrative orders, rules and regulations inconsistent with or

1 contrary to the provisions of this Act are deemed amended,
2 modified or repealed accordingly.

3

4 SECTION 35. *Separability Clause* - If any part or provision of
5 this Act is declared invalid or unconstitutional, the other parts
6 thereof not affected thereby shall remain valid.

7

8 SECTION 36. *Effectivity Clause* - This Act shall take effect
9 fifteen (15) days upon completion of its publication in at least two (2)
10 national newspapers of general circulation

11

12 Approved,