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



SENATE S. B. No. <u>1014</u>

19 SEP -4 P5:36

RECEIVED BY

Introduced by SENATOR IMEE R. MARCOS

AN ACT AMENDING REPUBLIC ACT NO. 8972 OTHERWISE KNOWN AS THE "SOLO PARENTS' WELFARE ACT OF 2000", AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Article XV, Section 3 of the 1987 Constitution states that the State shall defend the rights of the children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development.

The enactment of Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" embodies this intent to fulfill the Constitutional mandate, such as the Child Protection Program granted by the Department of Justice and the designation of several Regional Trial Courts as family courts to hear cases involving children.

However, given the rising rates of migration, domestic violence, and teenage pregnancy, solo parents, in lieu of the traditional family, have become more and more commonplace; the daunting challenges of parenting in the modern age, already difficult for two parents, are well-nigh insurmountable for the single, unsupported parent.

A study, conducted in March 2007, by the Department of Health and the University of the Philippines – National Institute for Health (UP-NIH), funded by the

World Health Organization, reveals that solo parents constitute up to 14 to 15 percent of the estimated 94 million Filipinos, or roughly 14 million¹, while data from the Philippine Statistics Authority on 2015 showed that 15.2 percent of the poor children belong to single-parent households2.

This bill intends to establish a framework of support and assistance to solo parents, daycare, social workers, educators of children of single parents, employees and financiers of single-parent households, seeking to provide safety nets in daycare, employment and basic needs.

Thus, the passage of this bill is earnestly sought.

 $^{^1\ \}text{https://www.dswd.gov.ph/dswd-holds-first-national-solo-parents-summit/}$

http://openstat.psa.gov.ph/Portals/0/downloads/ChildPoverty.pdf?ver=2018-11-10-001824-813×tamp=1553672022425

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AN ACT AMENDING REPUBLIC ACT NO. 8972 OTHERWISE KNOWN AS THE "SOLO PARENTS' WELFARE ACT OF 2000", AND FOR OTHER PURPOSES

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

Section 1. Section 2 of R.A. No. 8972 is hereby amended to read as follows:

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"Section 2. Declaration of Policy. - It is the 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 to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the [Department of Education, Culture and Sports (DECS)] **DEPARTMENT OF EDUCATION (DEPED)**, the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE), **THE DEPARTMENT OF TRADE AND INDUSTRY (DTI)**, **THE BUREAU OF INTERNAL REVENUE (BIR)**, **THE CIVIL SERVICE COMMISSION (CSC)**, **THE**

| 1 | NATIONAL ECONOMIC DEVELOPMENT AUTHORITY (NEDA), THE |
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| 2 | PHILIPPINE COMMISSION ON WOMEN (PCW), THE PHILIPPINE |
| 3 | HEALTH INSURANCE CORPORATION (PHILHEALTH), and other |
| 4 | related government and nongovernment agencies." |
| 5 | SEC. 3. Section 3 of RA 8972 is hereby amended to read as follows: |
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| 7 | "Section 3. Definition of Terms Whenever used in this Act, the following |
| 8 | terms shall mean as follows: |
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| 10 | (a) "Solo parent" - any individual who falls under any of the following |
| 11 | categories: |
| 12 | (1) A woman who gives birth as a result of rape [and other] OR crimes |
| 13 | against chastity even without a final conviction of the offender: Provided, |
| 14 | That the mother keeps and raises the child AND BEARS SOLE |
| 15 | PARENTING RESPONSIBILITY; |
| 16 | (2) Parent left solo or alone with the responsibility of parenthood due |
| 17 | to death of spouse; |
| 18 | (3) Parent left solo or alone with the responsibility of parenthood while |
| 19 | the spouse is [detained or is] serving sentence for a criminal conviction |
| 20 | for at least one (1) year; |
| 21 | (4) Parent left solo or alone with the responsibility of parenthood due |
| 22 | to physical and/or mental incapacity of spouse as certified by a public |
| 23 | medical practitioner; |
| 24 | (5) Parent left solo or alone with the responsibility of parenthood due |
| 25 | to legal separation AS JUDICIALLY DECLARED BY COURT OF |
| 26 | COMPETENT JURISDICTION [or de facto separation from spouse for |
| 27 | at least one (1) year,] AND as long as he/she is [entrusted with] |
| 28 | AWARDED the custody of the CHILD/children; |
| 29 | (6) Parent left solo or alone with the responsibility of parenthood due |
| 30 | to THE declaration of nullity or annulment of marriage as decreed by a |
| 31 | court OF COMPETENT JURISDICTION [or by a church], AND as long |

- as he/she is [entrusted with] AWARDED the custody of the 1 2 CHILD/children; Parent left solo or alone with the responsibility of parenthood due (7)3 to abandonment of spouse for at least one (1) year; 4 Unmarried mother/father who has preferred to keep and rear 5 her/his child/children instead of having others care for them or give them 6 up to a welfare institution; 7 Any other person who solely provides parental care and support to 8 a child or children, PROVIDED, HE/SHE IS A FOSTER PARENT DULY-9 LICENSED BY THE DSWD, A LEGAL GUARDIAN DULY APPOINTED 10 BY THE COURT, OR A LEGAL SINGLE ADOPTIVE PARENT; AND 11 (10) Any family member who assumes the responsibility of head of 12 family as a result of the death, abandonment, disappearance or prolonged 13 absence of the parents or solo parent. 14 15 A change in the status or circumstance of the parent claiming benefits 16 under this Act, such that he/she is no longer left alone with the 17 responsibility of parenthood, shall terminate his/her eligibility for these 18 benefits. 19 20 "Children" - refer to those living with and dependent upon the solo 21 (b) parent for support who are unmarried, unemployed and not more than 22 eighteen (18) years of age, or even over eighteen (18) years but are 23 incapable of self-support because of mental and/or 24 25 defect/disability. 26 "Parental responsibility" - with respect to their minor children shall 27 (c) 28
 - 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."

(d) "Parental leave" - shall mean leave benefits granted to a solo parent to enable him/her to perform parental duties and responsibilities where physical presence is required.

(e) "Flexible work schedule" – [is] the right granted to a solo parent employee to vary his/her arrival and departure time without affecting the core work hours as defined by the employer."

SEC. 4. Section 4 of RA 8972 is hereby amended to read as follows:

"Section 4. Criteria for Support. - Any solo parent whose income in the place of domicile falls below the poverty threshold as set by the [National Economic and Development Authority (NEDA)] Philippine Statistics Authority (PSA) and subject to the assessment of the [DSWD worker in the area] LOCAL SOCIAL WELFARE DEVELOPMENT OFFICER IN THE AREA WHERE THE SOLO PARENT RESIDES, shall be eligible for ADDITIONAL FINANCIAL assistance RESERVED FOR POOR OR INDIGENT SOLO PARENTS, AS MAY BE DETERMINED BY THE CONCERNED GOVERNMENT AGENCIES. [: Provided, however, That any solo parent whose income is above the poverty threshold shall enjoy the benefits mentioned in Sections 6, 7 and 8 of this Act.] PROVIDED, THAT, ANY SOLO PARENT, REGARDLESS OF INCOME BRACKET OR FINANCIAL STATUS, SHALL ENJOY THE BENEFITS UNDER THE COMPREHENSIVE PACKAGE OF SOCIAL DEVELOPMENT AND WELFARE SERVICES, AS MENTIONED IN THIS ACT."

- SEC. 5. Section 5 of RA 8972 is hereby amended to read as follows:
- "Section 5. Comprehensive Package of Social Development and Welfare Services. A comprehensive package of social development and welfare services for solo parents and their families [will] **SHALL** be developed by the DSWD, DOH, **DOJ**, **DEPED** [DECS], CHED, TESDA, **DTI**, **BIR**, **CSC**,

NEDA, PCW, PHILHEATH, DOLE, NHA and DILG, in coordination with 1 local government units and a nongovernmental organization with proven 2 track record in providing services for solo parents. 3 4 The DSWD shall coordinate with concerned agencies the implementation 5 of the comprehensive package of social development and welfare services 6 for solo parents and their families. The package will initially include: 7 8 (a) Livelihood development services which include trainings on livelihood 9 skills, basic business management, value orientation and the provision of 10 seed capital or job placement[.]; 11 (b) Counseling services which include individual, peer group or family 12 counseling. This will focus on the resolution of personal relationship and 13 role conflicts[.]; 14 (c) Parent effectiveness services which include the provision and 15 expansion of knowledge and skills of the solo parent on early childhood 16 development, behavior management, health care, rights and duties of 17 parents and children. 18 (d) Critical incidence stress debriefing which includes preventive stress 19 management strategy designed to assist solo parents in coping with crisis 20 situations and cases of abuse[.]; AND 21 (e) Special projects for individuals in need of protection which include 22 temporary shelter, counseling, legal assistance, medical care, self-concept 23 or ego-building, crisis management and spiritual enrichment." 24 25 SEC. 6. Section 8 of RA 8972 is hereby amended to read as follows: 26 "Section 8. Parental Leave. - In addition to leave privileges under existing 27

laws, parental leave of not more than seven (7) working days **WITH PAY**

every year shall be granted to any solo parent employee who has rendered

service of at least one (1) year."

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| SEC. 7. ACCESS TO CHILD CARENATIONAL GOVERNMENT |
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| AGENCIES WITH MORE THAN THREE HUNDRED (300) EMPLOYEES, |
| INCLUDING GOVERNMENT-OWNED AND-CONTROLLED CORPORATIONS, |
| SHALL ESTABLISH DAY CARE CENTERS TO ACCOMMODATE THE CHILDREN |
| OF THEIR EMPLOYEES, AGED FIVE (5) YEARS AND BELOW, WHICH SHALL |
| BE AVAILABLE FOR FREE TO ITS EMPLOYEES WHO ARE SOLO PARENTS, AS |
| DEFINED UNDER THIS ACT. PROVIDED THAT, PRIVATE EMPLOYERS WITH |
| TWO HUNDRED (200) OR MORE EMPLOYEES SHALL GRANT THE SAME |
| PRIVILEGE TO ITS EMPLOYEES; PROVIDED FURTHER THAT, SUCH CENTERS |
| SHALL ALSO OFFER DAY CARE SERVICES TO THE ACCOMODATED CHILDREN |
| WHICH SHALL HAVE THE FOLLOWING ORIECTIVES: |

- (A) PROPER CARE AND NUTRITION;
- (B) DEVELOPMENT OF SOCIAL, MENTAL, AND INTELLECTUAL SKILLS; AND
- (C) SPIRITUAL, SOCIO-CULTURAL, AND NATIONALISTIC VALUES.

THESE SERVICES SHALL BE PROVIDED WITHIN THE WORKPLACE OR IN NEARBY AREAS ACCESSIBLE TO THE PARENTS.

WORKING SOLO PARENTS WHO ARE EMPLOYED AT GOVERNMENT OR PRIVATE INSTITUTIONS BUT CHOOSE NOT TO AVAIL FREE DAY CARE SERVICES SHALL BE GIVEN A MONTHLY STIPEND, TO BE DETERMINED BY THE DSWD, TO PAY FOR THE SERVICES OF A PERSON, AT HIS/HER CHOOSING, TO CARE FOR HIS/HER CHILD WHILE AT WORK. PROVIDED THAT, SOLO PARENTS WHO STAY AT HOME SHALL ALSO BE ENTITLED TO THE SAME STIPEND ALLOWANCE.

SEC. 8. OPTION TO WORK FROM HOME. – EMPLOYERS MAY ENTER INTO AGREEMENTS WITH THEIR EMPLOYEES FOR A TELECOMMUTING PROGRAM, AS PROVIDED IN R.A. NO. 11165 OTHERWISE KNOWN AS THE

| "TELECOMMUTING ACT OF 2018." PROVIDED THAT, EMPLOYEES WHO AR | E |
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| SOLO PARENTS SHALL BE GIVEN PRIORITY BY THEIR EMPLOYERS. | |

THE DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) AND THE DTI SHALL PRIORITIZE SOLO PARENTS' EMPLOYMENT IN ONLINE JOBS IN THE GOVERNMENT AND PRIVATE SECTOR FOR SUCH PARENTS WHO CHOOSE TO WORK FROM HOME.

PRIVATE ENTITIES THAT ENTER INTO VOLUNTARY AGREEMENTS WITH SOLO PARENTS TO WORK-FROM-HOME SHALL BE ENTITLED TO AN ADDITIONAL DEDUCTION, FROM THEIR GROSS INCOME, EQUIVALENT TO TWENTY FIVE PERCENT (25%) OF THE TOTAL AMOUNT PAID AS SALARIES AND WAGES TO SOLO PARENTS: PROVIDED, HOWEVER, THAT SUCH ENTITIES SHALL PRESENT PROOF, AS CERTIFIED BY THE DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE), THAT SUCH SOLO PARENT ARE UNDER THEIR EMPLOY.

SEC. 9. Section 9 of RA 8972 is hereby amended to read as follows:

"Section 9. *Educational Benefits.* - The [DECS] **DEPED**, CHED and TESDA shall provide the following benefits and privileges:

(1) Scholarship programs for qualified solo parents and their children in institutions of basic, tertiary and technical/skills education; and

(2) Nonformal education programs appropriate for solo parents and their children.

The [DECS] **DEPED**, CHED and TESDA shall promulgate rules and regulations for the proper implementation of this program".

SEC. 10. ALTERNATIVE EDUCATION PROGRAMS. – ALTERNATIVE EDUCATION PROGRAMS SHALL PERTAIN TO ANY OF THE FOLLOWING ARRANGEMENTS:

- 1 (A) THE PARENT ACTING AS THE TEACHER OF HIS/HER CHILD AT 2 HOME;
- 3 (B) DISTANCE/REMOTE/ONLINE EDUCATIONAL PROGRAMS FOR THE
 4 CHILD/CHILDREN OF A SOLO PARENT; OR
- 6 PROVIDERS.

 (C) INSTITUTIONS ACCREDITED BY THE DEPED WITH HOMESCHOOL
 - IN EACH CASE, THE DEPED SHALL ASSIST THE SOLO PARENTS OR ACCREDITED INSTITUTIONS BY PROVIDING THE APPROPRIATE CURRICULA, EQUIVALENCY AND RESOURCES FOR HOMESCHOOLED CHILDREN.
- SEC. 11. BENEFITS. IN ADDITION TO THE FOREGOING BENEFITS,

 SOLO PARENTS, WHO HAVE BEEN QUALIFIED BY THE DSWD, SHALL BE

 ENTITLED TO THE FOLLOWING BENEFITS:
 - (1) TWENTY PERCENT (20%) DISCOUNT FROM ALL PURCHASES OF INFANT CLOTHING AND CLOTHING MATERIALS FOR A PERIOD OF TWO (2) YEARS FROM BIRTH OF THE CHILD;
 - (2) TWENTY PERCENT (20%) DISCOUNT FROM ALL PURCHASES OF INFANT'S MILK AND FOOD SUPPLEMENTS FOR A PERIOD OF TWO (2) YEARS FROM BIRTH OF THE CHILD;
 - (3) FIFTEEN PERCENT (15%) DISCOUNT FROM ALL PURCHASES OF MEDICINES AND OTHER MEDICAL SUPPLEMENTS/SUPPLIES FOR THE CHILD FOR A PERIOD OF TWO (2) YEARS FROM THE BIRTH OF THE CHILD;
 - (4) TEN PERCENT (10%) DISCOUNT FROM ALL PURCHASES OF SCHOOL SUPPLIES FOR THE CHILD UNTIL HE/SHE REACHES EIGHTEEN (18) YEARS OF AGE; AND
- 27 (5) TEN PERCENT (10%) TUITION FEE DISCOUNT FROM PRIVATE
 28 SCHOOLS FOR THE CHILD/CHILDREN FROM GRADE SCHOOL TO
 29 COLLEGE.

COMPANIES OR BUSINESSES FROM WHOM DISCOUNTED PURCHASE ARE MADE, IN ACCORDANCE WITH THIS ACT, SHALL BE ENTITLED TO CLAIM THE SAID DISCOUNTS AS TAX DEDUCTIONS BASED ON THE NET COST OF THE GOODS SOLD OR SERVICES RENDERED: PROVIDED, HOWEVER, THAT THE COST OF THE DISCOUNT SHALL BE ALLOWED AS DEDUCTION FROM THE GROSS INCOME FOR THE SAME TAXABLE YEAR THAT THE DISCOUNT IS GRANTED: PROVIDED, FURTHER, THAT THE TOTAL AMOUNT OF THE CLAIMED TAX DEDUCTION NET OF VALUE-ADDED TAX, IF APPLICABLE, SHALL BE INCLUDED IN THEIR GROSS SALES RECEIPTS FOR TAX PURPOSES AND SHALL BE SUBJECT TO PROPER DOCUMENTATION AND TO THE PROVISIONS OF THE NATIONAL INTERNAL REVENUE CODE (NIRC), AS AMENDED.

ALL THE BENEFITS PROVIDED UNDER THIS ACT SHALL BE WITHOUT PREJUDICE TO OTHER BENEFITS WHICH THE SOLO PARENTS MAY AVAIL OF, SUCH AS LOAN PACKAGES AND PROGRAMS.

SEC. 12. LOW-COST HOUSING. – SOLO PARENTS WHOSE ANNUAL INCOME DOES NOT EXCEED TWO HUNDRED FIFTY THOUSAND PESOS (P 250, 000.00) SHALL BE GIVEN PREFERENCE TO LOW COST-HOUSING PROJECTS BY THE GOVERNMENT AGENCIES AND PRIVATE INSTITUTIONS.

SEC. 13. Section 13 of RA 8972 is hereby amended to read as follows:

"Section 13. *Implementing Rules and Regulations.* - An interagency committee headed by the DSWD, in coordination with the DOH, [DECS] **DEPED**, CHED, TESDA, **DTI**, **BIR**, **CSC**, **NEDA**, **PCW**, **PHILHEATH**, DOLE, NHA, and DILG is hereby established which shall formulate, within sixty (60) days upon the effectivity of this Act, the implementing rules and regulations in consultation with the local government units, nongovernment organizations and people's organizations."

SEC. 14. ABUSED, ABANDONED, OR NEGLECTED SOLO PARENTS OR SOLO PARENTS WHO ARE VICTIMS OF DOMESTIC VIOLENCE. — IN CASES WHERE A PARENT HAD BEEN ABUSED, ABANDONED, OR NEGLECTED BY HIS/HER CO-PARENT, HE/SHE MAY SEEK THE HELP OF THE DSWD, WHICH, IN TURN, SHALL COORDINATE WITH THE RESPECTIVE BARANGAY OFFICIALS AND/OR POLICE OFFICERS ASSIGNED IN THE NEAREST PNP STATION WHERE THE ABUSED, ABANDONED, OR NEGLECTED PARENT RESIDES, IN ORDER TO PROVIDE IMMEDIATE ASSISTANCE. IF THE CO-PARENT IS GAINFULLY EMPLOYED, THE ABUSED, ABANDONED, OR NEGLECTED PARENT SHALL HAVE THE RIGHT TO RETAIN A PORTION OF THE FORMER'S INCOME, TO BE AGREED UPON BY BOTH PARENTS OR BY A VALID ORDER ISSUED BY A COURT OF COMPETENT JURISDICTION, FOR THE SUPPORT OF THEIR CHILD.

SEC. 15. PENALTIES. — ANY PERSON, CORPORATION, ENTITY OR AGENCY WHO REFUSES OR FAILS TO PROVIDE THE BENEFITS GRANTED UNDER THIS ACT SHALL BE PUNISHED BY IMPRISONMENT FOR A PERIOD NOT LESS THAN SIX (6) MONTHS TO ONE (1) YEAR AND/OR A FINE NOT LESS THAN TEN THOUSAND PESOS (PHP10,000.00) TO FIFTY THOUSAND PESOS (PHP 50,000.00) OR BOTH FOR THE FIRST OFFENSE, AND IMPRISONMENT FOR A PERIOD NOT LESS THAN ONE (1) YEAR TO TWO (2) YEARS AND/OR A FINE NOT LESS THAN ONE HUNDRED THOUSAND PESOS (PHP 100,000.00) TO TWO HUNDRED THOUSAND PESOS (PHP 200,000.00) OR BOTH FOR THE SUCCEEDING OFFENSE.

ANY PERSON WHO SHALL WILFULLY MISREPRESENT HIS/ HER STATUS, OR FALSIFY ANY DOCUMENT TO AVAIL OF THE BENEFITS GRANTED UNDER THIS ACT, SHALL BE PUNISHED BY IMPRISONMENT FOR A PERIOD NOT LESS THAN SIX (6) MONTHS AND/OR A FINE NOT LESS THAN TEN THOUSAND PESOS (PHP 10,000.00) BUT NOT MORE THAN FIFTY THOUSAND PESOS (PHP 50,000.00) OR BOTH.

IF THE OFFENDER IS A CORPORATION, PARTNERSHIP OR ASSOCIATION OR OTHER JURIDICAL ENTITY, THE PENALTY MAY, AT THE DISCRETION OF THE COURT, BE IMPOSED UPON SUCH JURIDICAL ENTITY AND/OR UPON THE OFFICER OR OFFICERS OF THE CORPORATION, PARTNERSHIP, ASSOCIATION OR ENTITY RESPONSIBLE FOR THE VIOLATION, AND IF SUCH PERSON OR OFFICER IS AN ALIEN, HE SHALL IN ADDITION TO THE PENALTIES PRESCRIBED, BE DEPORTED WITHOUT FURTHER PROCEEDINGS AFTER SERVICE OF SENTENCE.

UPON FILING OF AN APPROPRIATE COMPLAINT, AND AFTER DUE NOTICE AND HEARING, THE PROPER AUTHORITIES MAY ALSO CAUSE THE CANCELLATION OR REVOCATION OF THE BUSINESS PERMIT, PERMIT TO OPERATE, FRANCHISE AND OTHER SIMILAR PRIVILEGES GRANTED TO ANY BUSINESS ENTITY THAT VIOLATES THIS ACT.

UPON FINDING OF THE INTERAGENCY COMMITTEE THAT A DEPARTMENT, AGENCY OR A GOVERNMENT-OWNED OR CONTROLLED CORPORATION (GOCC) OR A LOCAL GOVERNMENT UNIT HAD VIOLATED ANY PROVISION OF THIS ACT, SACTIONS UNDER THIS ADMINISTRATIVE LAW, CIVIL SERVICE OR OTHER LAWS MAY BE RECOMMENDED TO THE CSC OF THE DILG AGAINST THE HEAD OF THE AGENCY OR THE LOCAL CHIEF EXECUTIVE AND THE PERSON DIRECTLY RESPONSIBLE FOR THE VIOLATION."

SECTION 16. APPROPRIATIONS. – THE AMOUNT NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE BUDGET OF THE CONCERNED GOVERNMENT AGENCIES IN THE GENERAL APPROPRIATIONS ACT (GAA).

Section 17. Repealing Clause. - All laws, decrees, executive orders, administrative orders or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended or modified accordingly.

Section 18. Separability Clause. - If any provision of this Act is held invalid or unconstitutional, other provisions not affected thereby shall continue to be in full force and effect.

Section 19. *Effectivity Clause*. - This Act shall take effect fifteen (15) days following its complete publication in the Official Gazette or in at least two (2) newspaper of general circulation.

Approved,