Senate
Office of the Secretary

20 FEB 26 A10 :19

SENATE

REC'D

COMMITTEE REPORT NO. __52__

Submitted by the Committees on Women, Children, Family Relations and Gender Equality; and Social Justice, Welfare and Rural Development on **FEB 2 6 2020** .

Re: Senate Bill No. ____1373____

Recommending its approval in substitution of Senate Bill No. 162

Sponsor: Senator Risa Hontiveros

MR. PRESIDENT:

The Committees on Women, Children, Family Relations and Gender Equality; and Social Justice, Welfare and Rural Development to which was referred Senate Bill No. 162, introduced by Senator Risa Hontiveros, entitled:

**AN ACT
PROTECTING CHILDREN BY PROHIBITING AND DECLARING
CHILD MARRIAGE AS ILLEGAL, AND IMPOSING PENALTIES
THEREOF**

have considered the same and have the honor to report it back to the Senate with the recommendation that the attached bill, **Senate Bill No.** ____1373____ entitled:

**AN ACT
PROTECTING CHILDREN BY PROHIBITING AND DECLARING
CHILD MARRIAGE AS ILLEGAL AND PROVIDING PROGRAMS
AND PENALTIES THEREOF**

be approved in substitution of Senate Bill No. 162, with Senator Hontiveros, as author thereof.

Respectfully submitted:

Chairpersons:

SEN. LEILA M. DE LIMA
Social Justice, Welfare and
Rural Development
Member, Committee on Women,
Children, Family Relations and
Gender Equality

SEN. RISA HONTEVIROS
Women, Children, Family Relations and
Gender Equality

Vice-Chairpersons:

SEN. IMEE R. MARCOS
Committee on Social Justice,
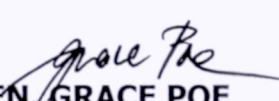Welfare and Rural Development
Member, Committee on Women,
Children, Family Relations and
Gender Equality

SEN. MARIA LOURDES NANCY S. BINAY
Committee on Social Justice, Welfare and Rural
Development
Member, Committee on Women, Children,
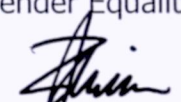Family Relations and Gender Equality

Members:

SEN. GRACE POE
Committee on Women,
Children, Family Relations
and Gender Equality

SEN. PIA S. CAYETANO
Committees on Women, Children,
Family Relations and Gender Equality;
Social Justice, Welfare and Rural Development
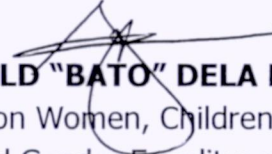
SEN. JOEL VILLANUEVA
Committee on Social Justice,
Welfare and Rural Development
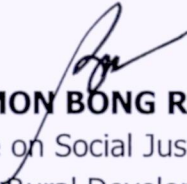
SEN. CYNTHIA A. VILLAR
Committee on Women, Children, Family
Relations and Gender Equality

SEN. WIN GATCHALIAN
Committee on Women, Children,
Family Relations and Gender Equality

SEN. RONALD "BATO" DELA ROSA
Committees on Women, Children, Family
Relations and Gender Equality; and
Social Justice, Welfare and Rural
Development

SEN. RAMON BONG REVILLA JR.
Committee on Social Justice, Welfare
and Rural Development

Ex-Officio Members:

SEN. RALPH G. RECTO
President Pro-Tempore

SEN. JUAN MIGUEL "MIGZ" F. ZUBIRI
Majority Leader

SEN. FRANKLIN M. DRILON
Minority Leader

SEN. VICENTE C. SOTTO III
Senate President

Senate
Office of the Secretary

20 FEB 26 A10 :20

SENATE

S. B. No. 1373

RECEIVED

(In substitution of Senate Bill No. 162)

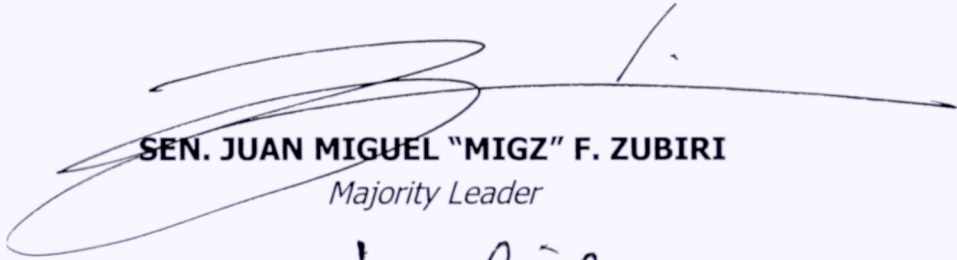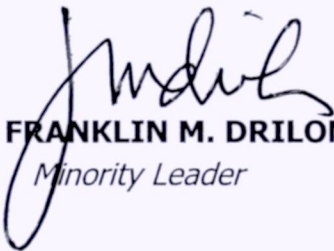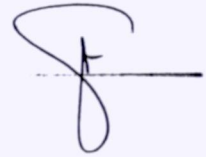Prepared jointly by the Committees on Women, Children, Family Relations and Gender Equality; and Social Justice, Welfare and Rural Development, with Senator Hontiveros, as author thereof

**AN ACT
PROTECTING CHILDREN BY PROHIBITING AND DECLARING CHILD MARRIAGE AS ILLEGAL AND PROVIDING PROGRAMS AND PENALTIES THEREOF**

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

1   Section 1. *Declaration of State Policy.* – The State recognizes the role of
2 women and children in nation building and shall therefore protect and promote their
3 empowerment which entails the abolition of the unequal structures and practices
4 that perpetuate discrimination and inequality.

5   The State affirms children's rights as part of women's rights and human rights
6 and shall intensify its efforts to fulfil its duties under the UN Convention on the
7 Rights of Child and the Special Protection of Children Against Child Abuse,
8 Exploitation and Discrimination Act to recognize, respect, protect, fulfil, and promote
9 all human rights and fundamental freedoms of women and children, especially the
10 girls, in the economic, social, political, cultural, and other fields.

11   Sec. 2. *Affirmation of the Principles of Human Rights of Women and children.*
12 – Human rights are universal, inalienable and indivisible. Human rights are inherent
13 to the dignity of every human being regardless of age and gender whether they
14 relate to civil, cultural, economic, political, or social issues.

15   Child Marriage is an act of child abuse as it debases, degrades and demeans
16 the intrinsic worth and dignity of children under the Special Protection of Children

Against Child Abuse, Exploitation and Discrimination Act (R.A. No. 7610). It is likewise considered discrimination relating to marriage and family relations sought to be eliminated by the Convention on the Elimination of Discrimination Against Women (CEDAW).

The state affirms that marriage shall be entered into only with the free and full consent of the intending spouses and that betrothal and child marriages shall have no legal effect.

Sec. 3. *Definition of Terms*:

a. *Children* - refers to persons below 18 years of age, or those unable to fully take care of themselves or protect themselves from abuse, exploitation or discrimination because of a physical or mental disability or condition.

b. *Child Marriage* - any marriage entered into where one or both parties are children as defined in the paragraph above, and solemnized in civil or church proceedings, or in any recognized traditional, cultural or customary manner.

c. *Solemnizing Officer* - any person authorized by law as defined in the Family Code or recognized by reason of religion, tradition, culture or customs, to solemnize marriage.

d. *Parents* - refer to biological parents or adoptive parents.

e. *Guardians* - refer to legal guardians, relatives taking custody of the child or minor in the absence of the parents, or anyone to whom a child or minor was given or left for care or custody.

Sec. 4. *Facilitation of Child Marriage.* – Any person, who causes, fixes, facilitates or arranges a child marriage shall suffer the penalty of *prision mayor* in its medium period and a fine of not less than Forty Thousand pesos (P40,000.00); Provided, however, that should the perpetrator be an ascendant, stepparent, or guardian of the minor, the penalty imposed shall be *prision mayor* in its maximum period, a fine of not less than Fifty thousand pesos (P50,000.00) and the loss of parental authority over the same.

Sec. 5. *Solemnization of Child Marriage.* – Any person who performs or officiates the formal rites of child shall suffer the penalty of *prision mayor* in its

2

medium period and a fine of not less than Forty Thousand pesos (P40,000.00), in addition to perpetual disqualification from office if he or she is a public officer.

Sec. 6. *Public Crimes.* – The prohibited act of child marriage, its facilitation and solemnization, are considered public crimes and can be initiated by any concerned individual.

Sec. 7. *Legal Effect of Child Marriage.* – Child Marriage is considered as void ab initio, hence, the action for annulment of child marriage does not prescribe. The legal effect of Child Marriage insofar as Support, Property Relations and Custody shall be governed by Articles 50-55 of the Family Code.

Sec. 8. *Programs and Services.* – There shall be a culturally-appropriate comprehensive program and services to be formulated by the Department of Social Welfare and Development in coordination with other government agencies identified herein as duty-bearers and with the concerned CSOs and NGOs. This shall be made and initiated by the DSWD within six (6) months from the effectivity of this Code to ensure the over-all support, health and development of the children.

Section 9. *Duty-Bearers and Responsibilities.* – In order to prevent and eventually end child marriages and protect the children from this form of abuse and exploitation, the following government offices shall be responsible to take the necessary actions:

a. Department of Social Welfare and Development (DSWD) - shall take the lead in the implementation of this Act and create programs that will address the prevalence of child marriage and provide appropriate services to children who were forced to enter into child marriage. It shall include information and awareness campaigns on the negative effects of child marriage.

b. Council for the Welfare of Children (CWC) - shall work closely with the DSWD in strengthening policies to prohibit and end child marriage. It shall include the advocacy to prevent child marriage in the Philippine plan of action to end violence against children.

c. Department of Justice (DOJ) - shall assume responsibility in ensuring that the penal provisions of this Act are carried out and provide access to justice and legal services to victims.

3

d. Department of the Interior and Local Government (DILG) - shall ensure that LGUS are monitoring the implementation of the law by maintaining a Children's Desk in all Philippine National Police (PNP) headquarters and Barangay offices through the Local/Barangay Council for the Protection of Children.

e. Department of Education (DepEd) - shall include the discussion on the impact and effects of child marriage in the comprehensive sexuality education curriculum.

f. Department of Health (DOH) - shall ensure access to health services for the prevention of child marriage, as well as reproductive health and mental health services for children in child marriages.

g. Family And Executive Courts' Judges – shall undergo trainings on the impacts and effects of child marriage to the over-all health and development of children and hall ensure strict application and implementation of the law

h. Philippine Commission on Women (PCW) - shall integrate dissemination of the provisions of this Act in programs on public awareness and behavior-change communications.

i. Commission on Human Rights (CHR) - shall monitor the implementation of this Act as Gender Ombud and through its Child Rights Center/Desk.

j. National Commission on Muslim Filipinos (NCMF) - shall include in its program of action the awareness of Muslim communities on the impacts and effects of child marriage in the over-all health and development of children; the provisions of this law; ensure the implementation of this Act; monitor and report cases of child marriages in communities of jurisdiction.

k. National Commission for Indigenous People (NCIP) - shall include in its program of action the raising of awareness of indigenous people communities on the impacts and effects of child marriage in the over-all health and development of children, ensure the implementation of this Act, and monitor and report cases of child marriages in the communities of jurisdiction.

Sec. 10. *Participation of Women and Girls.* – Duty-bearers should ensure that women and girls are not only consulted, but are able to participate fully in every step and stage of decision-making.

1   Sec. 11. *Implementing Rules and Regulations.* – Within ninety (90) days from
2   the effectivity of this Act, the Department of Social Welfare and Development as lead
3   agency, The Department of Education, and the Department of Health in coordination
4   with other concerned government agencies, and three women and children
5   organizations, shall promulgate the necessary rules and regulations for the effective
6   implementation of this Act. They shall likewise incorporate the resources for
7   programs and services in their Annual Budget.

8   Sec. 12. *Repealing Clause.* – All other laws, decrees, executive orders,
9   issuances, rules and regulations or parts thereof inconsistent with the provisions of
10   this Act are hereby repealed or modified accordingly.

11   Sec. 13. *Effectivity.* – This Act shall take effect fifteen (15) days after is
12   complete publication in the Official Gazette or in at least two (2) national papers of
13   general circulation.

        Approved,