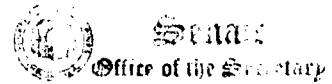


**NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)**



24 FEB -5 P 4 :30

SENATE

S.B. No. 2529

RECEIVED BY: _____

INTRODUCED BY SENATOR RISA HONTIVEROS

**AN ACT
REORGANIZING THE COUNCIL FOR THE WELFARE OF CHILDREN INTO THE
PHILIPPINE COMMISSION ON CHILDREN, APPROPRIATING FUNDS
THEREFOR AND FOR OTHER PURPOSES**

EXPLANATORY NOTE

The children of the Philippines deserve the best country that we can give them. This means dedicating State resources and an efficient bureaucracy to ensure that their needs are being met adequately. While other sectors in the country have dedicated Commissions to serve their needs, Filipino children do not have this privilege.

Addressing this deficiency, this Bill is intended to reorganize the Council for the Welfare of Children into the Philippine Commission on Children. The Philippine Commission on Children shall, among others, serve as an oversight body over committees, councils, and other structures and recommend areas of convergence for an improved and efficient coordination, information-sharing and monitoring of the safety and well-being of a child, and formulate integrated national policy, plans, programs, and pilot projects including services relative to the development of the general welfare and protection of the best interests of the child.

The Philippine Commission on Children Act provides for the composition of the Commission, its powers and functions, the Technical Advisory Group and other provisions especially created to promote the welfare of children. It also mandates the creation of policies that further ensure the protection of children and the preservation of their childhood.

To quote Jan Andres, who is five years old turning six, "children should be loved and protected from bad people." Towards the attainment of this simply-stated aspiration, our entire society must converge.

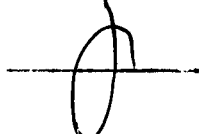
In view of the foregoing, the passage of this Bill is earnestly sought.

RISA HONTIVEROS

NINETEENTH CONGRESS OF THE)
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THEREFOR AND FOR OTHER PURPOSES

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

1 SECTION 1. *Short Title.* – This Act shall be known as the “Philippine Commission
2 of Children Act”.

3 Sec. 2. *Declaration of Policy.* – It shall be the policy of the State to promote the
4 welfare of the children. As children play a big role towards the development of the
5 country, it is only necessary that the formulation of policies and the implementation
6 of laws relative to children’s welfare be ensured by the State.

7 Sec. 3. *Reorganization of the Council for the Welfare of Children (CWC) into the*
8 *Philippine Commission on Children.* – The Council for the Welfare of Children is hereby
9 reorganized into the Philippine Commission on Children, hereinafter referred to as the
10 “Commission”, attached to the Office of the President (OP).

11 Sec. 4. *Composition of the Commission.* – The Commission shall be composed
12 of a Board of Commissioners to be headed by a Chairperson who shall provide the
13 leadership in the realization of the vision and mission of the Commission.

14 The chairperson shall have the rank and privileges of a department
15 undersecretary. The appointive commissioners shall have the rank and privileges of a
16 department undersecretary. The appointive commissioner shall have the ranks and
17 privileges of an assistant secretary of a department.

18 The Board of Commissioners shall be composed of the following:

- 1 a) Heads of the following government officer:
- 2 i. Department of Social Welfare and Development (DSWD);
- 3 ii. Department of Agriculture (DA);
- 4 iii. Department of Budget and Management (DBM);
- 5 iv. Department of Health (DOH);
- 6 v. Department of Interior and Local Government (DILG);
- 7 vi. Department of Justice (DOJ);
- 8 vii. Department of Labor and Employment (DOLE);
- 9 viii. National Economic Development Authority (NEDA);
- 10 ix. National Nutrition Council (NNC);
- 11 x. National Youth Commission (NYC); and
- 12 xi. Convergence of Councils and Committees on Children (Four Cs).
- 13 b) Three (3) private individuals recognized as child advocates representing
- 14 Luzon, Visayas and Mindanao;
- 15 c) One (1) child representative; and
- 16 d) The Executive Director of Commission.

17 The Chairperson and Commissioners shall be appointed by the President from
18 a list of at least three (3) but not more than five (5) nominees from each position,
19 submitted by child-serving organizations or institutions in their respective areas duly
20 registered with the Securities and Exchange Council (SEC). They shall serve for a term
21 of three (3) years, with reappointment for another term.

22 *Sec. 5. Powers and Functions.* – The Commission shall have the following
23 powers and functions:

- 24 a) Formulate an integrated national policy, plan, programs, and pilot
25 projects including services relative to the development of general welfare and
26 protection of the best interests of the child;
- 27 b) Coordinate the implementation and enforcement of policies, plans, and
28 programs relative to the promotion and protection of child’s rights and welfare;
- 29 c) Set up a system of networking and coordination with and among all
30 existing government agencies and non-government organizations for the effective
31 implementation of plans and strategies for children;

1 d) Serve as an oversight body over committees, councils, and other
2 structures and recommend areas of convergence for an improved and efficient
3 coordination information, information-sharing and monitoring of the safety and well-
4 being of a child;

5 e) Conduct research and studies on children in coordination with other
6 government agencies, bureaus, offices, departments, or instrumentalities;

7 f) Review, monitor and evaluate all local and international policies, plans,
8 projects and programs on the right of the child, by establishing a third party monitoring
9 and evaluation system;

10 g) Advocate, recommend for approval of the President and other
11 appropriate agencies, and implement on a nationwide scale when appropriate, new,
12 innovative, programs and services for the general welfare and protection of the child;

13 h) To mainstream the concerns and issues affecting children and to provide
14 and maintain the necessary medium to perform such function;

15 i) Provide avenues for the institutionalization, technical assistance, and the
16 needed capacity building for the effective implementation of policies, programs and
17 projects of the Commission, especially those that involve the setting up or
18 strengthening of mechanisms for, by, and with children;

19 j) Mobilize resource assistance and call upon and utilize a department,
20 bureau, office, agency, or any instrumentalities thereof, public, private, or voluntary,
21 for such assistance as it may require in the performance of its functions;

22 k) Ensure convergence efforts in addressing children's issues and concerns
23 among councils and committees through an improved and efficient coordination in
24 planning, data-sharing and align monitoring and oversight practices;

25 l) Enter into contracts facilitating the implementation of undertakings for
26 children and the acceptance of donations, gifts, bequests, and grants, among others;

27 m) Submit annually to the President and to Congress a comprehensive
28 report on its activities and accomplishments; and

29 n) Perform such other functions as may be necessary to effectively and
30 efficiently carry out the provisions of this Act.

31 *Sec. 6. Technical Advisory Group.* – A Technical Advisory Group (TAG) shall be
32 created under the Commission. The TAG shall deliberate on the concerns and _ the

1 recommendations of the sectoral committees, sub-committees, and other relevant
2 structures. It shall also submit recommendations to the Commission on needed policy
3 guidelines, projects and activities for the welfare of children. It shall be composed of
4 bureau and service heads or equivalent of member agencies and organizations as
5 appropriate. The TAG shall also be composed of one representative each of the Board
6 of Commissioners enumerated in Section 4 hereof.

7 The TAG shall convene quarterly, to be attended by the heads of the
8 aforementioned agencies, to submit policy and programmatic recommendations for
9 adoption of the Commission. All resolutions adopted by the Commission shall be
10 officially forwarded to the Office of the Cabinet Secretary, for endorsement to the
11 President. The TAG may invite relevant government and non-government and other
12 institutions and agencies for technical assistance, as deemed necessary.

13 *Sec. 7. Secretariat.* – The Commission shall organize a secretariat that will serve
14 as its executive arm to be headed by an Executive Director, assisted by a Deputy
15 Executive Director, who shall ensure the implementation of resolutions and decisions
16 and shall take charge of the administration, direction, and shall exercise general
17 supervision and control over the personnel of the Secretariat.

18 The Secretariat shall be composed of the following Bureaus organized in
19 coordination with the Civil Service Commission (CSC) and the Department of Budget
20 and Management (DBM):

- 21 a) Bureau on Coordinating, Planning and Programming
 - 22 i. Policy and Planning Division
 - 23 ii. Monitoring and Evaluation Division
- 24 b) Bureau of Communication and External Affairs
 - 25 i. Advocacy and Communications Division
 - 26 ii. External Partnership Division
- 27 c) Bureau of Localization and Regional Coordination
 - 28 i. Localization and Institutionalization Division
 - 29 ii. Regional Committees/Sub-Committees for the Welfare
30 of Children(RC/SCWC)
- 31 d) Bureau on Administrative, Finance and Support Services
 - 32 i. Administrative and Finance Division

1 ii. Procurement and Supply Division

2 iii. Internal Audit Division

3 The Executive Director and Deputy Executive Director shall be nominated by
4 the Board of Commissioners and shall be subsequently appointed by the President
5 with the rank, privileges and emoluments Career Executives Service Officer II and
6 Career Services Officer I, respectively, and shall receive such other allowances and
7 benefits as may be provided by law.

8 *Sec. 8. Sectoral Committees and Sub-Committees.* – Sectoral committees shall
9 hereby be created and enumerated in the Implementing Rules and Regulations of this
10 Act, following the concerns of the UN Convention of the Rights of the Child. Should
11 the need arise, committees or sub-committees may be modified or created to address
12 emerging or specific concerns of children.

13 *Sec. 9. Convergence of Councils and Committees on Children (Four Cs).* – The
14 Four Cs shall be created as the system of collaboration and coordination among all
15 councils and committees to specifically address concerns on children. It shall ensure
16 effective and harmonious work relationship among all structures on children and to
17 address their issues at the national, regional and local levels.

18 The Four Cs shall be composed of the Chairperson of the Councils which were
19 created based on already existing laws, as follows:

- 20 1. Committee for the Special Protection of Children;
- 21 2. National Child Labor Committee;
- 22 3. National Council on Children’s Television
- 23 4. Inter-Agency Council Against Trafficking;
- 24 5. Inter-Agency Council on Violence Against Women and their Children;
- 25 6. Juvenile Justice Welfare Council;
- 26 7. Inter-Agency Council Against Child Pornography;
- 27 8. Inter-Agency Committee on Children in Armed Conflict;
- 28 9. Early Childhood Care and Development Council;
- 29 10. National Council on Disability Affairs.

30 All the other and subsequent councils and committees created with direct
31 implications on children shall be a part of the Four Cs. The Commissions shall issue a
32 Resolution to formalize these memberships.

1 The Four Cs shall convene quarterly, to be attended by the Chairperson or the
2 Alternate Chairpersons of the member agencies, to submit policy recommendation for
3 adoption of the Commission, All resolutions adopted by the Commission shall also be
4 officially forwarded to the Chairperson of the Commission.

5 The Commission shall oversee the implementation of the Resolutions among
6 the members of the Four Cs.

7 *Sec. 10. Membership to Agencies Created by Special Laws and issuances on*
8 *Children.* – The Commission shall take the place of the Council for the Welfare of
9 Children as member and ensure coordination with agencies created under special laws
10 and issuances such as:

11 1. The Special Committee for the Protection of Children (under Republic
12 Act 7610 and strengthened under Executive Order No. 53 s. 2011);

13 2. The National Child Labor Committee (created under the DOLE’s
14 Philippine Plan of Action against Child Labor);

15 3. National Council on Children’s Television (under Republic Act No. 8370);

16 4. The Inter-Agency Council Against Trafficking (under Republic Act. No.
17 9208);

18 5. The Inter-Agency on Violence Against Women and their Children (under
19 Republic Act No. 9262);

20 6. The Juvenile Justice Welfare Council (under Republic Act. No. 9344);

21 7. The Inter-Agency Council Against Child Pornography (under Republic Act
22 No. 9775); and

23 8. The Inter-Agency Council on Children in Armed Conflict (Executive Order
24 No. 138 s. 2013).

25 *Sec. 11. Honoraria.* – The Chairperson and Board of Commissioners, member
26 of the sectoral committees, sub-committees, task forces and other structures that may
27 be created under the Commissions shall receive honoraria which shall be subject to
28 existing laws.

29 *Sec. 12.* The Commission shall make sure that all municipalities and cities shall
30 have a safe, clean, child-centered outdoor playground where all children can play in
31 for free.

1 Sec. 13. *Transitory Provisions.* — Upon approval of this Act, the officers and
2 staff of the Secretariat of the Council for the Welfare of Children shall continue to
3 perform their duties and responsibilities and receive their corresponding salaries and
4 benefits. Incumbents whose positions are not included in the approved new staffing
5 pattern of the Commission or not reappointed shall be deemed separated from the
6 service. Such incumbents shall receive the retirement benefits to which they may be
7 entitled under existing laws, rules and regulations, or shall be paid the equivalent of
8 one (1) month basic salary for every year of service or the equivalent nearest fraction
9 thereof favorable to them on the basis of the highest salary received, in addition to
10 the retirement benefits or pensions under existing retirement laws.

11 A new position structure and staffing pattern of the Commission Secretariat
12 shall be determined by the Chairperson and Executive Director, in consultation with
13 the Board of Commissioners, and recommended for approval by the Secretary of the
14 Department of Budget and Management with due concurrence of the Civil Service
15 Commission within one hundred and twenty (120) days from the approval of this Act.
16 Authorized positions created thereunder shall be filled with regular appointments. The
17 authority of the Executive Director shall extend to: (1) appointments and other
18 personnel actions in accordance to Section 29, Chapter 6, Book IV of Executive Order
19 No. 292 or the Administrative Code of 1987.

20 Sec. 14. *Delineation of Authority over the Age Groups between the National*
21 *Youth Commission and the Philippine Commission on Children.* – All policy and
22 programmatic concerns of child youth, aged 15-18, shall be the sole mandate of the
23 Philippine Commission on Children. The definition of children and youth shall be clearly
24 differentiated in the Implementing Rules and Regulations of this Act.

25 Sec. 15. *Implementing Rules and Regulations (IRR).* – The Secretariat, in
26 coordination with the Board of Commissioners, shall promulgate the IRR within ninety
27 (90) days after its enactment; Provided, That the rules and regulations issued by other
28 government agencies and instrumentalities for the prevention or abatement of
29 violation of child’s rights not inconsistent with this Act shall supplement the rules and
30 regulations issued by the CWC pursuant to the provisions of this Act.

1 Sec. 16. *Appropriations.* – The amount necessary to cover the initial
2 implementation of this Act shall be charged against the current year’s appropriations
3 of the concerned implementing departments/agencies.

4 There is hereby authorized to be appropriated the initial amount of One
5 hundred million pesos (P 100,000,000.00) as additional funding for the Commission
6 to be charged against the unexpended contingency funds of the Office of the
7 President.

8 Thereafter, the amount necessary for its continued implementation shall be
9 included in the budget of the concerned agency in the annual General Appropriations
10 Act.

11 Adequate funds shall be appropriated annually from any funds in the National
12 Treasury not otherwise appropriated but may be necessary for the operation and
13 maintenance of the Commission including the effective functioning of RC/SCWs and
14 LCPCs.

15 Sec. 17. *Repealing Clause.* – All laws, orders, orders, rules and regulations
16 inconsistent with or contrary of the provision of this act are deemed amended,
17 modified or repealed accordingly.

18 Sec. 18. *Separability Clause.* – If any part or provision of this Act is declared
19 unconstitutional, the same shall not affect the validity and effectiveness of the other
20 provisions hereof.

21 Sec. 19. *Effectivity.* – This Act shall take effect fifteen (15) days after its
22 publication in at least two (2) national newspapers of the general circulations.

Approved,