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SENATE

SB No. 2896

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Prepared and submitted jointly by the Committees on Women, Children, Family Relations and Gender Equality; and Finance with Senator Hontiveros as author thereof

**AN ACT
PROVIDING FOR THE MAGNA CARTA OF CHILDREN**

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

**CHAPTER I
General Provisions**

Section 1. Short Title. – This Act shall be known as “The Magna Carta of Children”.

Sec. 2. Declaration of Policy. - It is hereby declared the policy of the State that:

- a. The State recognizes children as bearers of human rights, and values the dignity of every child and guarantees respect for the human rights of the child. The State shall exert every effort to protect, respect, and fulfill the rights of every child as a unique and valuable human being with an individual personality, distinct needs, interests and privacy;
- b. The State recognizes that the child is entitled to special safeguards and care because of their significant vulnerability, evolving capacity, and psychological maturity;
- c. The State recognizes the vital role of children in nation-building and shall promote and protect their physical, moral, spiritual, mental, and social well-being. It shall inculcate patriotism and nationalism, and encourage their responsible involvement in public and civic affairs;
- d. The State shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform to the standards established by competent authorities;
- e. As a State Party to the Convention on the Rights of the Child, the State shall undertake all appropriate legislative, administrative, and other measures for the implementation of the civil and political rights of the child.

1 In matters of economic, social, and cultural rights, the State shall undertake
2 such measures to the maximum extent of available resources and, where
3 needed, within the framework of international cooperation. The State shall also
4 effectively protect every child against and provide remedies for both direct and
5 indirect impacts of environmental degradation;

6 f. The State shall respect the responsibilities, rights, and duties of parents, the
7 members of the extended family or community, as provided by local customs,
8 legal guardians or other persons legally responsible for the child;

9 g. Consistent with Sec. 13, Article II of the Philippine Constitution, the State
10 recognizes the vital role of the youth in nation-building, and promotes and
11 protects their physical, moral, spiritual, intellectual, and social well-being. In
12 the pursuit of this policy, the State shall abolish all traditional and cultural
13 practices and structures that perpetuate discrimination, abuse and exploitation
14 of children;

15 h. As the State recognizes that during emergency situations, particularly in
16 situations of forced displacement, children are placed at heightened risk of
17 violence, abuse, exploitation, and neglect, it shall protect the fundamental
18 rights of children before, during, and after disasters and other emergency
19 situations where children's survival and normal development are gravely
20 threatened;

21 i. Provide special protection to children in situations of armed conflict from all
22 forms of abuse, violence, neglect, cruelty, discrimination, and other conditions
23 prejudicial to their development, taking into consideration their physical and
24 mental capacity, gender, cultural, ethnic, and religious backgrounds; and

25 j. Protect, rehabilitate, and reintegrate children gravely threatened or endangered
26 by circumstances which affect their survival and normal development over
27 which they have no control.

28 **Sec. 3. Guiding Principles of the Rights of the Child.** – As a State Party to the
29 Convention on the Rights of the Child, the State shall at all times seek to ensure the
30 realization of the Convention by respecting and protecting children's rights and
31 avoiding acts or omissions that would result in a breach of the Convention, and
32 fulfilling children's rights by taking steps for its full implementation.

33 The State shall adopt a child rights-based approach to child care and protection
34 whereas a child shall be viewed as a rights holder and not merely a beneficiary of
35 adults' benevolence or others' charity.

36 Further, the State is guided by the following principles:

1 a. **Non-discrimination.** The State shall respect and ensure the rights of every
2 child without discrimination of any kind, irrespective of the child's or their
3 parent's or legal guardian's ethnicity or social origin, sexual orientation, gender,
4 identity, gender expression, color, sex, language, religion, beliefs, political
5 views or expressed opinions, activities, nationality, membership in Indigenous
6 Cultural Communities or Indigenous Peoples (ICC/IPs), asylum-seeking refugee
7 or migrant status, property, disability, birth, and other status.

8 The State shall take all appropriate measures to ensure that the child is
9 protected against all forms of discrimination or punishment on the basis of the
10 status, activities, expressed opinions or beliefs of the child's parents, parent—
11 substitutes, or family members;

12 b. **Life, survival, and development.** The child has the inherent right to life, and
13 the State shall ensure to the maximum extent possible the survival and holistic
14 development of the child, including the child's physical, mental, spiritual, moral,
15 psychological, social, and cultural development;

16 c. **Inclusion and participation.** Children are capable of forming their own views
17 and have the right to express these views freely in all matters affecting them.
18 The State shall work towards fostering a culture of inclusion and
19 representation; and

20 d. **Best interest of the child.** In all actions concerning the child, whether
21 undertaken by public or private social welfare institutions, courts of law,
22 administrative authorities, or legislative bodies, the best interests of the child
23 shall be a primary consideration. This includes the totality of the circumstances
24 and conditions most agreeable to the survival, protection, and feelings of
25 security of the child, and most encouraging to the child's physical,
26 psychological, and emotional development. It also means the least detrimental
27 available alternative for safeguarding the growth and development of the child.

28 CHAPTER II 29 Definition of Terms

30 **Sec. 4. Definitions** – For purposes of this Act, the following terms shall mean:

31 a. **AIDS** refers to Acquired Immune Deficiency Syndrome, a medical condition
32 caused by the Human Immunodeficiency Virus (HIV) which makes an
33 individual susceptible to opportunistic infections;

34 b. **Child** refers to a person below eighteen (18) years of age, or those
35 eighteen (18) and over but are unable to fully take care of themselves or
36 protect themselves from abuse, neglect, cruelty, exploitation or
37 discrimination because of a physical or mental disability or condition.
38 However, existing or subsequent laws expanding this definition to beyond
39 eighteen shall be accepted;

1 c. **Child-at-Risk** refers to a child who is vulnerable to and at risk of committing
2 criminal offenses because of personal, family, and social circumstances;

3 d. **Child in Need of Special Protection (CNSP)** refers to a child below
4 eighteen (18) years of age, or those eighteen (18) years old and over but
5 are unable to take care of themselves because of physical or mental disability
6 or condition, who are vulnerable to, or are victims of abuse, neglect,
7 exploitation, cruelty, discrimination, violence, and other similar
8 circumstances, including but not limited to:

9 (1) *Abuse*, which refers to the maltreatment, whether habitual or not, of
10 a child, which includes any of the following:

11 i. Psychological and physical abuse, neglect, cruelty, sexual abuse,
12 and emotional maltreatment, including bullying, whether offline or
13 online;

14 ii. Any act by deeds or words which debases, degrades, or demeans
15 the intrinsic worth and dignity of a child as a human being;

16 iii. Unreasonable deprivation of the child's basic needs for survival,
17 such as food, shelter, healthcare and adequate clothing; or

18 iv. Failure to immediately give medical treatment to an injured child,
19 resulting in serious impairment of his growth and development, or in
20 their permanent incapacity or death;

21 (2) *Acts of gender-based violence*, which refer to physical or sexual
22 violence other than rape, and psycho-social harm that is committed
23 against a person as a result of power inequities that are based on
24 gender roles, which include, among others, battering, sexual slavery
25 and abuse of children, female genital, mutilation, prostitution, forced
26 marriage, forced pregnancy, or forced sterilization;

27 (3) *Child labor*, which refers to any work or economic activity performed
28 by a child that subjects him/her to any form of exploitation or is
29 harmful to their health and safety or physical, mental, or psychosocial
30 development;

31 (4) *Child prostitution and other sexual abuse*, which refers to a situation
32 where children, whether male or female or those with diverse sexual
33 orientation and gender identity expression, who for money, profit, or
34 any other consideration or due to the coercion or influence of any
35 adult, syndicate, or group, indulge in sexual intercourse or lascivious
36 conduct;

- 1 (5) *Disability or any long-term physical, mental, intellectual, or sensory*
2 *impairments*, which, in interaction with various barriers, may hinder a
3 child's full and effective participation in society on an equal basis;
- 4 (6) *Discrimination*, which refers to unfair or unjust treatment that
5 distinguishes, excludes, restricts, or shows preferences based on any
6 ground such as sex, gender, age, sexual orientation, gender identity
7 and expression, economic status, disability, ethnicity, and HIV status,
8 whether actual or perceived, and which has the purpose or effect of
9 nullifying or impairing the recognition, enjoyment, or exercise by all
10 persons similarly situated, of all their rights and freedoms;
- 11 (7) *Online Sexual Abuse and Exploitation (OSAEC)* and the production,
12 distribution, possession, and access of Child Sexual Abuse or
13 Exploitation Materials (CSAEM) as defined and penalized under R.A.
14 No. 11930, or the "Anti-OSAEC and Anti-CSAEM Act";
- 15 (8) *Rape* as defined in the Revised Penal Code, in Section 2 of R.A. No.
16 8353, or "The Anti-Rape Law of 1997", and Section 5(z) of R.A. No.
17 11188, or the "Special Protection of Children in Situations of Armed
18 Conflict Act";
- 19 (9) *Situations of Armed Conflict*, which include all children involved in
20 armed conflict, children affected by armed conflict, and internally
21 displaced children;
- 22 (10) *Trafficking-in-Persons*, which refers to the recruitment,
23 obtaining, hiring, providing, offering, transportation, transfer,
24 maintaining, harboring, or receipt of persons, with or without the
25 victim's consent or knowledge, within or across national borders, by
26 means of threat, or use of force, or other forms of coercion,
27 abduction, fraud, deception, abuse of power or of position, taking
28 advantage of the vulnerability of the person, or, the giving or
29 receiving of payments or benefits to achieve the consent of a person
30 having control over another person for the purpose of exploitation,
31 which includes at a minimum, the exploitation or the prostitution of
32 others, the engagement of others for the production or distribution,
33 or both, of materials that depict child sexual abuse or exploitation, or
34 other forms of sexual exploitation, forced labor or services, slavery,
35 servitude, or the removal or sale of organs; and
- 36 (11) *Other Circumstances which threaten or endanger a child's*
37 *survival and normal development*, including, but are not limited to,
38 the following:
39 (a) Being in a community where there is armed conflict or being
40 affected by armed conflict-related activities;
41 (b) Working under conditions hazardous to life and safety, which
42 unduly interfere with their normal development;

(c) Living in or fending for themselves in the streets of urban or rural areas without the care of parents or a guardian, being bereaved of parents at a tender age, or being deprived basic services needed for a good quality of life;

(d) Living under conditions of extreme poverty, or in an area, which is underdeveloped and/or lacks or has inadequate access to basic services needed for a good quality of life;

(e) Being a victim of natural, climate, and human-induced hazards; or

(f) Circumstances analogous to those above stated, which endanger the life, safety, or normal development of children;

(12) A child-in conflict with the law, which refers to a child who is alleged as, accused of, or adjudged as, having committed an offense under Philippine laws;

(13) A child living in an alternative child care, which refers to living in child-caring or child-placing agency, and may include foster care, kinship care, family-like care, and residential care; and

(14) A child living with HIV, which includes being infected with HIV and/or being subjected to stigma or discrimination due to their connection to HIV-positive individuals.

e. **Children as Zones of Peace** is a concept that highlights the protection of children from the effects of conflict, violence, and exploitation. It shall extend beyond territorial or geographical boundaries and shall focus on the person of the child whose rights shall be promoted and protected at all times, especially in situations of armed conflict or violence;

f. **Child sexual abuse or exploitation material or child sexual abuse material** refers to any representation, whether offline, or by, through or with the use of information and communications technology (ICT), by means of visual, video, audio, written, artificial intelligence (AI) or any combination thereof, by electronic, mechanical, digital, optical, magnetic or any other means, of a child engaged or involved in real or simulated sexual activities, or depicting acts of sexual abuse, or exploitation of a child as a sexual object. It shall also include materials that focus on the genitalia or other private body parts of a child;

g. **Comprehensive Newborn Screening System** refers to a newborn screening system that includes, but is not limited to, education of relevant stakeholders; collection and biochemical screening of blood samples taken from newborns including blood typing, auditory test tracking, and confirmatory testing to ensure the accuracy of screening results; clinical evaluation and biochemical/medical confirmation of test results; drugs and medical/surgical management and dietary supplementation to address the

1 heritable conditions; and evaluation activities to access long term outcome,
2 patient, compliance and quality assurance;

3 h. **Convention** refers to the United Nations Convention on the Rights of the
4 Child;

5 i. **Emergency** refers to unforeseen or sudden occurrence, especially as it
6 pertains to danger, demanding immediate action;

7 j. **Environmental Degradation** refers to the deterioration of the
8 environment through depletion of resources such as air, water, and soil, and
9 the destruction of ecosystems and the extinction of wildlife. It is any change
10 or disturbance to the environment perceived to be deleterious or
11 undesirable;

12 k. **Evolving Capacities of Children** refers to the notion that children in
13 different environments and cultures with different life experiences will
14 acquire competencies at different ages, with the process varying according
15 to circumstances. Children do not acquire competencies merely as a
16 consequence of age, but rather through experience, culture, and levels of
17 parental support and expectation;

18 l. **Foundling** refers to a deserted or abandoned child or infant with unknown
19 facts of birth and parentage. This shall include those who have been duly
20 registered as a foundling during their infant childhood but have reached the
21 age of majority without benefitting from adoption procedures;

22 m. **HIV** refers to the Human Immunodeficiency Virus. This virus, of the type
23 called retrovirus, infects cells of the human immune system, and destroys or
24 impairs the cells' function. Infection with HIV results in the progressive
25 deterioration of the immune system;

26 n. **Internally Displaced Children** refers to children who have been forced or
27 obliged to flee or to leave their homes or places of habitual residence, in
28 particular, as a result of armed conflict, or to avoid the effects of armed
29 conflict, situations of generalized and/or organized violence, violations of
30 human rights, implementation of development projects, clan wars, or natural
31 or human-induced or human-made disasters and hazards, and who have not
32 crossed an international border;

33 o. **Internet Service Provider** refers to a public telecommunication entity
34 (PTE) or a value-added service (VAS) provider duly authorized by or
35 registered with the National Telecommunications Commission (NTC) that
36 provides users or other entities with data connection allowing access to the
37 internet through physical transport infrastructure, and such access is
38 necessary for internet users to access content and services on the internet,
39 and for content providers to publish or distribute materials online;

- 1 p. **Legal guardian** shall be the father and the mother who jointly exercise
2 legal guardianship over the person and property of their unemancipated
3 common child without the necessity of a court appointment. In the absence
4 of the father or mother, those who have been appointed by the court as the
5 legal guardian;
- 6 q. **Parent-substitute** refers to a person other than the biological parent who
7 has custody over a child and is primarily responsible for their care, and
8 physical, moral and mental development, such as foster care parents, legal
9 guardians and care providers;
- 10 r. **Participative Network Platform Provider** refers to any person or entity,
11 including a social media intermediary that facilitates social communication
12 and information exchanges which is based on online technologies such as
13 the web, instant messaging, or mobile technologies that enable users to
14 contribute to developing, rating, collaborating, and distributing internet
15 content, and developing and customizing internet applications or to conduct
16 social networking. It may also refer to a person or entity that provides a
17 platform or site for blogging, video-sharing, picture-sharing, file-sharing
18 sites, online gaming, or instant messaging, among others;
- 19 s. **Physical and Humiliating Punishment** refers to the use of physical
20 force intended to cause pain or discomfort to a child. It also refers to other
21 forms of punishment that debase, degrade, or demean the intrinsic worth
22 and dignity of the child, or cause a child to feel belittled, humiliated,
23 denigrated, scapegoated, threatened, scared, or ridiculed;
- 24 t. **Positive Parenting** refers to a non-violent and solution-focused
25 parenting approach. It teaches and guides children while respecting their
26 rights to healthy development, protecting them from violence, and
27 encouraging their participation in learning. This parenting mechanism is
28 achieved by providing a warm and caring environment, building the child's
29 competence and confidence, assisting the child in understanding and
30 abiding by the rules, fostering healthy relationships and teaching the child
31 life-long skills and respect for human rights. It is based on effective
32 teaching and parenting, and on the principles of child's rights and
33 development;
- 34 u. **Reasonable Accommodation** refers to the means necessary and
35 appropriate modification and adjustments not imposing a disproportionate
36 and undue burden, where needed in a particular case, to ensure that persons
37 with disabilities enjoy or exercise on an equal basis with others all human
38 rights and fundamental freedoms;
- 39 v. **Social media** refers to forms of media utilizing new information and
40 communication technologies. This includes digital platforms, online
41 applications, and social networking sites, among others;

1 w. **Surrogate parent** refers to any adult member of the family or extended
2 family or a caregiver who chose to act as a substitute parent to a child not
3 legally under their parental authority or care;

4 x. **Traditional media** refers to forms of communication used before the
5 advent of the internet including newspapers, radio, television and billboards
6 among others;

7 y. **Violence** refers to any act against children that causes harm, injury, abuse,
8 neglect or negligent treatment, maltreatment, and/or exploitation, whether
9 accepted as tradition or discipline, including hindering child development;

10 **Violence against children** refers to physical maltreatment, emotional
11 abuse, sexual abuse, neglect or negligent treatment, or commercial and other
12 forms of exploitation, resulting in actual or potential harm to the child's
13 health, survival, development or dignity in the context of a relationship or
14 responsibility, trust or power. Violence against children can happen in settings
15 including home, school, the community, workplace, public spaces and
16 cyberspace; and

17 z. **Worst forms of child labor** shall refer to any of the following:

- 18 i. All forms of slavery as defined under the Republic Act 9028
19 or the Anti-Trafficking in Persons Act of 2003, or practices
20 similar to slavery such as sale and trafficking of children,
21 debt bondage and serfdom, and forced or compulsory labor,
22 including recruitment of children for use in armed conflict;
23 or
24 ii. The use, procuring, offering or exposing of a child for
25 prostitution, for the production of pornography or for
26 pornographic performances;
27 iii. The use, procuring or offering of a child for illegal activities,
28 including the production and trafficking of dangerous drugs
29 and volatile substances prohibited under existing laws; or
30 iv. Work, which by its nature or circumstances in which it is
31 carried out, is hazardous or likely to be harmful to the
32 health, safety or integrity of children.

33 **CHAPTER III**

34 **Duties Related to the Human Rights of Children**

35 **Sec. 5. The State as the Primary Duty-Bearer.** – The State is the primary duty-
36 bearer of child rights. It shall:

- 37 a. Respect the rights of the child and refrain from interfering with the child's
38 rights;
39 b. Protect the rights of the child and prevent violations and abuses; and
40 c. Fulfill the rights of the child and take positive actions to realize children's rights.

1 This includes that the State shall endeavor to take the necessary steps, in
2 accordance with the law and with the provisions of the present Magna Carta, to adopt
3 such legislative or other measures as may be necessary to give effect to the provisions
4 of this law.

5 Nothing in this Magna Carta shall affect any provisions that are more conducive
6 to the realization of the rights and well-being of the child contained in other laws or
7 in any other policies in force. Any custom, tradition, cultural or religious practice that
8 is inconsistent with the rights, duties and obligations contained in this Magna Carta
9 shall, to the extent of such inconsistency be discouraged.

10 The duties of the State shall extend to all state agencies, offices, and
11 instrumentalities at all levels and government-owned and -controlled corporations,
12 subject to the Constitution and pertinent laws that define specific duties of state
13 agencies and entities concerned.

14 **Sec. 6. Role of the Parents and Parent-Substitutes.** – The parents or, where
15 applicable, the parent-substitutes, legal guardians or other persons legally responsible
16 for the child shall provide, in a manner consistent with the evolving capacities of the
17 child, appropriate direction and guidance in the exercise by the child of their rights.
18 They shall promote and employ positive and non-violent parenting techniques in
19 rearing their children.

20 **Sec. 7. Role of the Private Sector.** – The private sector shall respect the rights of
21 the child and act with due diligence to avoid infringing on those rights. The private
22 business sector shall assess and identify its impact on child rights, conduct its core
23 business in a manner that respects, protects, and advances those rights and address
24 any adverse impacts.

25 The private sector shall be guided by a framework provided by the State to ensure
26 that businesses respect children's rights through effective-child-sensitive legislation,
27 regulation, enforcement and policies and remedial, monitoring, coordination,
28 collaboration and awareness-raising measures. This includes requiring businesses to
29 undertake child rights due diligence procedures to identify, prevent, mitigate, and
30 account for their impact on the environment and children's rights.

31 It shall promote child labor law enforcement in the Philippines, ensure safe and just
32 work environments and fair compensation and opportunities for all employed children
33 including children with disabilities and diverse genders. It shall protect them from
34 abuse, exploitation, and gender-based violence, and provide opportunities for their
35 voices to be heard in accordance with their evolving capacities.

36 **Sec. 8. Role of the Media.** - Traditional and social media, whether public or private,
37 shall disseminate information and material for the social, cultural, spiritual, moral well-
38 being, physical, and mental health benefit and development of the child and shall
39 undertake international cooperation in the production, exchange, and dissemination
40 of information and material. It shall take due regard to the linguistic needs of the child

1 who belongs to a minority group, or who is a member of ICCs/IPs, or those with
2 disabilities. It shall develop appropriate guidelines for the protection of the child from
3 information and material injurious to their well-being. It shall, likewise, respect the
4 child's dignity and privacy, and provide safe and inclusive platforms for children to
5 freely express their views. The best interests of the child shall be of primary
6 importance and shall be taken into account before posting, publishing, airing any
7 material or data about the child.

8 It is also the role of media to raise public awareness about children's rights, help shift
9 attitudes and practices that harm children, and inspire action to address child rights
10 issues and prevent child rights violations.

11 **Sec. 9. Role of Civil Society Organizations (CSOs).** - Civil society organizations
12 play an important role in promoting and safeguarding children's rights, and the State
13 shall respect their independence. As far as practicable, CSOs may work together with
14 the State in fulfilling this role. This includes organizations formed by and composed of
15 children and young adults. It is important for CSOs to work collaboratively and in
16 convergence and synergy with each other, including multisectoral and interdisciplinary
17 cooperation to effectively address the whole range of concerns and challenges faced
18 by children.

19 It is likewise the role of CSOs to secure and advocate for safe and inclusive spaces for
20 children participation, and ensure that children are consulted in the planning,
21 implementation, and evaluation of their programs.

22 **Sec. 10. Role of the Education Sector.** - The education sector shall ensure that
23 the education given shall be inclusive and conform to the minimum standards set by
24 the State. It shall be directed to the development of the child's personality, talents,
25 mental and physical abilities to their fullest potential, the development of respect for
26 human rights and fundamental freedoms, respect for the child's parents, their own
27 cultural identity, language and values of the country in which the child is living, or may
28 originate from, and for cultures different from their own, preparation of the child for
29 responsible life in a free society, in the spirit of understanding, peace, tolerance,
30 equality of sexes, and friendship among all peoples, ethnic, national and religious
31 groups and persons of indigenous origin, and respect for the natural environment.
32 Further, guided by the principle of *parens patriae* the school authorities are considered
33 the legal protectors of children under their jurisdiction, and school discipline shall be
34 administered in a manner consistent with the child's human dignity and in conformity
35 with the Convention.

36 **Sec. 11. Suppletory Effect.** - This chapter shall be deemed integrated into and be
37 suppletory to other provisions of this Act, particularly those that guarantee specific
38 rights to children and define specific roles and require specific conduct of state organs.

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CHAPTER IV THE RIGHT TO LIFE AND SURVIVAL

TITLE I General Principles

5 **Sec. 12.** Every child has the inherent right to life, survival, and development
6 irrespective of their background and where they live. This right includes the fulfillment
7 of their needs that are most basic to existence, such as an adequate standard of living,
8 shelter, nutrition, and access to medical services. Respecting the right to life shall
9 include the non-deprivation of life. The death sentence shall not be imposed for crimes
10 committed by children.

11 **Sec. 13.** Every child has the right to be registered immediately after birth and shall
12 have the right from birth to a name, a nationality, and, as far as possible, the right to
13 know and be cared for by their parents and family. Should circumstances cause late
14 birth registration, the State shall respect and fulfill the child's right to be registered in
15 accordance with their best interests and shall ensure the prompt registration of the
16 child. Accessible and free birth registration systems shall be established locally to
17 guarantee the realization of these rights.

18 Whenever applicable, every child has the right to the speedy restoration of their
19 incomplete and falsified identity in matters relating to adoption, child brides, child
20 trafficking, child in street situations, and other similar circumstances.

21 **Sec. 14.** Every child has the right to the highest attainable standard of healthcare and
22 facilities for the treatment of illness and rehabilitation of health regardless of age,
23 social status, relationships, gender, sexual orientation, identity, expression. The child's
24 capacity to consent to medical procedures in accordance with their evolving capacities
25 shall be respected and shall be in accordance with the law.

26 **Sec. 15.** Every child has the right to an adequate standard of living and equal
27 opportunities from the earliest stage of life for the child's physical, mental, spiritual,
28 moral, and psycho-social development.

29 **Sec. 16.** Every child has the right to the highest quality of education.

30 **Sec. 17.** Every child shall have the right to rest and leisure, to engage in play and
31 recreational activities appropriate to the age of the child, and to participate freely in
32 cultural life and the arts.

33 **Sec. 18.** Every child shall have the right to a clean, healthy and sustainable
34 environment.

35 **Sec. 19.** The State shall:

- 36 a. Ensure that the institutions, services, and facilities responsible for the care or
37 protection of children shall conform to the standards established by competent

1 authorities and shall provide intervention and support. Parents and family
2 members shall be the primary and preferred carers for their children.
3 Institutionalization shall only be used as a last resort and if it is in the best
4 interests of the child. The State shall provide aid to parents to better support
5 their children's upbringing and well-being through non-violent and positive
6 approaches and family strengthening programs;

7 b. Protect children from abuse and violence in State institutions and in all settings,
8 and by State actors including in schools, care centers, youth or residential
9 homes, police custody and justice institutions, armed groups and State military
10 forces;

11 c. Respect the right of the child to preserve their identity, nationality, name, and
12 family relations as recognized by law without unlawful interference. The State
13 shall ensure the implementation of these rights according to national law;

14 d. Provide appropriate assistance and protection where a child is illegally deprived
15 of some or all of the elements of their identity to ensure the speedy re-
16 establishment of their identity;

17 e. Ensure that the child shall not be separated from their parents against their
18 will, except when competent authorities determine, subject to judicial review,
19 in accordance with applicable law and procedure, that such separation is
20 necessary for the best interests of the child; and

21 f. Take steps in addressing discrimination under the law against a child born to
22 parents who are not married to each other.

23 **TITLE II** 24 **Health and Health Care**

25 **Sec. 20.** The State shall provide an integrated, child-friendly, culturally-sensitive
26 healthcare approach to the development of the full range of child health activities
27 considering their family and social environment with due regard to the cultural and
28 traditional healthcare practices of the ICCs and IPs.

29 **Sec. 21.** A child-friendly healthcare approach is a rights-based approach based on
30 child-specific developmental needs and evolving capacities, ensuring children's
31 participation at every level of decision-making, in accordance with their age and
32 degree of maturity.

33 **Sec. 22.** The State shall endeavor a child-friendly healthcare approach in its health
34 services delivery by providing the necessary conditions to ensure that mothers and
35 infants receive quality medical and healthcare services.

1 **Sec. 23.** The State shall ensure the following:

- 2 a. Access to safe, nutritious, and sufficient food;
- 3 b. End all forms of malnutrition, stunting in the first 1,000 days of the child, and
4 wasting in children under five years of age;
- 5 c. Address the nutritional needs of adolescent girls, pregnant and lactating
6 women;
- 7 d. Reduce maternal mortality rate, end preventable deaths of newborns and
8 children under five years of age, and reduce neonatal mortality;
- 9 e. Universal access to sexual and reproductive healthcare services including family
10 planning, information and comprehensive sexuality education, and the
11 integration of reproductive health;
- 12 f. Universal health coverage including quality essential health care services and
13 access to safe, effective, quality, and affordable essential medicines and
14 vaccines for all, particularly access to routine immunization and to eradicate
15 vaccine preventable diseases;
- 16 g. Uphold the right of children to a clean, healthy, and sustainable environment;
- 17 h. Universal and equitable access to safe and affordable drinking water for all;
- 18 i. Adequate and equitable sanitation and hygiene for all;
- 19 j. Improvement of water and sanitation management with the inclusion of local
20 communities;
- 21 k. Protection and promotion of children's mental health and well-being pursuant
22 to Republic Act 11036 the Mental Health Act;
- 23 l. Adoption of programs, plans and policies preventing and reducing non-
24 communicable diseases and its risk factors particularly tobacco, alcohol and
25 illicit drug use;
- 26 m. Integration of road safety education in the curriculum as a public health issue;
27 and
- 28 n. Creation of a Task Force Safe Kids on Roads in every province, city, and
29 municipality, whenever practicable.

30 **Sec. 24.** The State shall take all necessary measures to ensure the full enjoyment by
31 children with disabilities of all rights defined herein on an equal basis with other
32 children. Children with disabilities shall also have the right to be given measures of
33 protection in keeping with their physical and moral needs, and under conditions which

1 ensure their dignity, promote their self-reliance and active participation in the
2 community such as the right to reasonable and safe accommodation.

3 **Sec. 25.** The State shall protect solo parents, child and adolescent mothers/parents,
4 especially their children, against discrimination and provide for their inclusion in the
5 development of their competence through policies and practices, particularly in
6 employment, finances, government benefits, and housing, always taking into
7 consideration the best interests of the child.

8 **Sec. 26.** The State shall promote exclusive breastfeeding during the first six months
9 of life, and complementary feeding in the next eighteen months in both normal and
10 emergency situations. It shall enact policies and practices that promote and remove
11 barriers to breastfeeding and lactation in all public and private spaces and institutions
12 where lactating women are found.

13 **Sec. 27.** The State shall promulgate a comprehensive newborn screening to identify
14 those at increased risk for certain genetic and congenital disorders for which early
15 identification treatment may prevent disability and death.

16 **Sec. 28.** The State shall enact a child's rights-based approach in the policies and
17 programs for the prevention, care, and treatment of HIV and AIDS, ensure
18 confidentiality, non-discrimination and non-stigmatization, and the best interests of
19 the child shall be the primary consideration. This includes making access to preventive
20 measures, treatment and care readily and easily accessible.

21 **Sec. 29.** The State shall integrate measures to address environmental health
22 concerns relevant to children into their national plans, policies and strategies relating
23 to both health and the environment. Legislative, regulatory and institutional
24 frameworks including regulations dealing with the business sector, should effectively
25 protect children's environmental health where they live, study, play and work.

26 **Sec. 30.** Children should be included in decision-making processes about proposed
27 treatment affecting them as well as the effects and outcomes of such treatment. This
28 should be done in a manner consistent with the child's evolving capacities; in case of
29 children with disabilities, the information should be translated in formats appropriate
30 and accessible to them. When a child can demonstrate their capacity to express an
31 informed view on their treatment, this view shall be given due weight.

32 **Sec. 31.** Children shall be provided by physicians and health-care facilities clear and
33 accessible information on their rights concerning their participation in pediatric
34 research and clinical trials. Measures enabling children to contribute their views and
35 experiences to the planning and programming of health services affecting them shall
36 be put in place. Their views shall be sought on all aspects of health provision, including
37 what services are needed, how and where they are best provided, discriminatory
38 barriers to accessing services, quality and attitudes of health professionals, and how
39 to promote their capacities to take increasing levels of responsibility for their own
40 health and development.

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CHAPTER V RIGHT TO PROTECTION

TITLE I General Principles

5 **Sec. 32.** Every child shall have their best interests as a primary consideration in all
6 matters involving or affecting them, especially when they need special protection, as
7 well as in all measures of prevention.

8 **Sec. 33.** No child shall be subjected to any form of violence, abuse, and exploitation
9 including the use of physical and humiliating punishment. The State shall:

- 10 a. Protect children in need of special protection and shall provide intervention and
11 support when they become victims of hardship and distress;
- 12 b. Take all appropriate legislative, administrative, social and educational measures
13 to protect the child from all forms of violence against children, including physical
14 and humiliating punishment, online and offline sexual abuse, while in the care
15 of parent/s, legal guardian/s or any other person who has the care of the child;
- 16 c. Take such protective measures and should, as appropriate, include effective
17 procedures for the establishment of child protection systems. All cities and
18 districts shall establish a body responsible for delivering protective measures
19 consistent with the National Protocol on the Case Management of Cases of Child
20 Abuse, Neglect, Exploitation, and Discrimination, which includes procedures to
21 provide necessary support for the child and for those who have the care of the
22 child, as well as for other forms of prevention and for identification, reporting,
23 referral, investigation, treatment and follow-up of instances of child abuse,
24 neglect and exploitation or abandonment (or violence) described heretofore,
25 and, as appropriate for judicial involvement;
- 26 d. Protect the child against all other forms of exploitation prejudicial to any aspects
27 of the child's well-being;
- 28 e. Take all appropriate measures to promote physical and psychological recovery
29 and social reintegration of a child victim of: any form of neglect, exploitation,
30 abuse, cruelty or discrimination; torture or any other form of cruel, inhuman or
31 degrading treatment or punishment; environmental harm and climate change;
32 or armed conflicts. Such recovery and reintegration shall take place in an
33 environment which fosters the well-being, self-respect and dignity of the child;
34 and
- 35 f. Grant children in conflict with the law procedural rights and to facilitate the
36 exercise of these rights by ensuring that children are, themselves or through
37 other persons or bodies, adequately informed, represented, and allowed to
38 meaningfully participate in proceedings affecting them before any judicial or
39 administrative authority.

Sec. 34. The State shall establish community-based child protection centers.

- a. It shall develop and support community-based child protection centers. These centers shall spearhead and oversee local child protection efforts and shall be integrated into the Local Council for the Protection of Children and the Local Social Welfare and Development Office;
- b. It shall allocate funding from the national government to LGUs for establishing and maintaining child protection infrastructure. This funding should support facility development, personnel training, and resource procurement;
- c. It shall create standardized guidelines for local child protection programs in accordance with the DSWD's "Revised Guidelines Governing the Registration and Licensing of Social Welfare and Development Agencies and Accreditation of SWD Programs and Services";
- d. It shall implement regular capacity-building and training for child protection personnel to cover the latest practices, legal frameworks, and intervention strategies;
- e. It shall enhance coordination among national government agencies, NGOs, and community-based groups through local inter-agency task forces or committees; and
- f. It shall establish comprehensive monitoring and evaluation mechanisms to assess the impact of child protection programs, identify challenges, and facilitate their continuous improvement.

Sec. 35. The State, through Local Government Units at the Provincial and City level, shall establish Child Advocacy Centers (CACs) to provide a formal, comprehensive, integrated, and multi-disciplinary response to the investigation and disposition of cases involving crimes where children are victims, with a view of reducing the number of times children are questioned and examined in courts or through legal processes, and coordinating therapeutic interventions and services for child victims. The CAC shall provide, at minimum:

- a. a multi-disciplinary team to provide a portfolio of services to child victims, including legal case support, mental health and psycho-social support, protection and custody where relevant;
- b. a victim advocate that will serve as the primary contact and liaison between the child-victim survivor and government agencies, the prosecutor's office, and the courts;
- c. forensic interviews in a child-centered, trauma-informed setting with the child and non-offending family members.

The establishment of the CACs may be funded through grants and donations from foreign and local sources, and may also be sourced from the Gender and Development (GAD) budget if the child victim is a girl.

When the offense involves online sexual abuse and exploitation of children (OSAEC) and distribution of child sexual abuse and exploitation materials (CSAEM), the establishment of the CACs shall be in coordination with the National Coordinating Center Against OSAEC and CSAEM.

TITLE II
Child Labor

Sec. 36. The State shall recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous, or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. To this end, and consistent with R.A. 7658, among others it shall provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms; provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination.

It shall also upscale the implementation of the Philippine Program Against Child Labor, spearheaded by the National Council Against Child Labor by intensifying the social and behavioral change campaign against child labor at the national and local levels, strengthening and harmonizing structures and mechanisms for the implementation of relevant laws, policies, programs and projects, and the generation of data and information on child labor; and expanding access to and improving the delivery of services to child laborers and their families.

It shall also implement a community-based approach in the prevention and response intervention of child labor.

Sec. 37. Local child protection policies should include a localized child protection policy case management flowchart to streamline processes and ensure prompt responses to child labor and other concerns.

Sec. 38. Children legally allowed to work, and those who are shall be afforded with protection to ensure that their rights and welfare are not violated. Children engaged in child labor must be provided assistance to remove them from this situation and be reintegrated into their families and communities.

They must likewise be provided with the opportunity to voice out their perspectives within child-sensitive settings, in order to understand their views surrounding their circumstances and in determining their best interests.

Sec. 39. Children should be included in the search for a solution, which respects the economic and socio-structural constraints as well as the cultural context under which these children work. They should be heard when policies, programs, and interventions are being developed to eliminate the root causes of child labor, in particular with respect to education.

Sec. 40. Children in the labor force have the right to meaningfully participate in the drafting of labor laws and policies concerning them to ensure that their best interests and unique disposition are considered.

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TITLE III Children and Drugs

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Sec. 41. The State shall:

- a. Take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances including other addictive substances such as tobacco, vape, and alcohol products as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances;
- b. Take a public health approach in any intervention on illicit drugs;
- c. Protect children actually or alleged as being involved in drug use and distribution from being included in the Drug Watch List and subjected to all forms of torture, cruel and degrading treatment and punishment, coercion, forced admission/confession, arbitrary detention or used as "assets" in intelligence or operations;
- d. Develop age-appropriate, child-sensitive and responsive intervention, rehabilitation, and reintegration programs for children who are drug users or dependents;
- e. Develop a program to meet the needs of children left behind or orphaned because of the anti-illegal drug campaign; and
- f. Mandate LGUs to form Child Protection Technical Working groups in Anti-Drug Abuse Councils (ADACs) to coordinate and cooperate with Local Councils for the Protection of Children (LCPCs), which shall oversee the implementation of anti-drug abuse programs.

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TITLE IV Sexual Abuse and Exploitation of Children

Sec. 42. The State shall undertake to protect the child from all forms of sexual abuse and sexual exploitation, whether physical or online. For these purposes, in particular, take all appropriate national, bilateral, and multilateral measures to prevent:

- a. The inducement or coercion of a child to engage in any unlawful sexual activity;
- b. The exploitative use of children in prostitution or other unlawful sexual practices;

1 c. The exploitative use of children in the development and production of child
2 sexual abuse or exploitation material, or child sexual abuse performances;
3 and

4 d. All other forms of online sexual abuse and exploitation of children.

5 **Sec. 43.** The State shall take all appropriate national, bilateral and multilateral
6 measures to prevent the abduction of, the sale of, or traffic in children for any
7 purpose or in any form.

8 In cases involving online sexual abuse or exploitation of children under Republic Act
9 No. 11930, where there is an extraterritorial element, the requirement of personal
10 knowledge is deemed complied with when the Philippine law enforcement agent has
11 assessed and vetted information officially submitted or referred to it by the foreign
12 law enforcement entity who confirms the credibility and veracity of the same.

13 **TITLE V**
14 **Children Affected by Armed Conflict**

15 **Sec. 44.** The State shall:

- 16 a. Recognize children as zones of peace pursuant to Republic Act 11188 or the
17 Special Protection of Children in Situations of Armed Conflict Act, and RA 7160
18 or the Special Protection of Children Against Abuse, Exploitation, and
19 Discrimination Act;
- 20 b. Undertake to respect and to ensure respect for rules of international
21 humanitarian law applicable to them in armed conflicts which are relevant to
22 the child;
- 23 c. Take all necessary measures to ensure that persons who have not reached
24 the age of eighteen (18) years do not take a direct part in hostilities;
- 25 d. Ensure that persons who have not reached the age of eighteen (18) years
26 are not compulsorily nor voluntarily recruited into the armed forces or any
27 armed group;
- 28 e. Protect the civilian population in armed conflicts in accordance with its
29 obligations under international humanitarian law, and shall take all feasible
30 measures to ensure the protection and care of children who are affected by
31 an armed conflict;
- 32 f. Lodge safeguards to ensure the security and safety of children in times of
33 conflict, and to provide means of adequate psycho-social support during and
34 post-conflict, as well;
- 35 g. Prioritize the rescue of the child involved in armed conflict, and their return,
36 rehabilitation and reintegration to their family and community; and
- 37 h. Ensure that schools, day care facilities, child caring facilities, and educational
38 institutions shall not be used for any purpose in relation to armed conflict.

39 **Sec. 45.** Armed forces and armed groups should not, under any circumstances, recruit
40 or use in hostilities persons under the age of eighteen (18) years. The State shall take

1 all feasible measures to prevent such recruitment and use, including the adoption of
2 legal measures necessary to prohibit and criminalize such practices. The application
3 of the present section shall not affect the legal status of any party to an armed conflict.

4 **TITLE VI** 5 **Children Affected by Displacement**

6 **Sec. 46.** The State shall ensure that:

- 7 a. In instances where displacement becomes inevitable, authorities, pursuant to
8 their respective mandates and functions, prioritize the provision of adequate
9 accommodation in conditions that ensure safety, nutrition, water and
10 sanitation, as well as health and hygiene for children affected by displacement
11 to the highest extent possible;
- 12 b. Children affected by displacement, especially those who are unaccompanied,
13 shall be entitled to protection and assistance tailored to their needs, with due
14 consideration given to their unique circumstances;
- 15 c. Children affected by displacement, regardless of whether they are located
16 within or outside evacuation centers, shall have secure access to humanitarian
17 support, including mother-and-child-sensitive and disability-inclusive facilities
18 such as sanitary breastfeeding stations, temporary educational facilities, and
19 places of worship, among others;
- 20 d. Measures shall be taken to protect children affected by displacement from all
21 forms of violence, exploitation, trafficking, forced labor, slavery and
22 contemporary forms of slavery, including sale into marriage, and other
23 violations against children's rights;
- 24 e. Immediate efforts shall be made to reunite children separated from their
25 families due to displacement, with appropriate measures taken to expedite the
26 process;
- 27 f. Education for children affected by displacement shall be both free and
28 compulsory for early and basic education. Special efforts shall be made to
29 facilitate the full and equal participation of all children, including those with
30 disabilities, in educational programs, while respecting their cultural identity,
31 language, and religion. Educational and training facilities shall be made
32 available to them whether or not they are living in evacuation facilities,
33 encampments, or other settlements, as soon as circumstances permit; and
- 34 g. Children affected by displacement have the right to actively engage in the
35 planning and management of their displacement situations, as well as decisions
36 regarding return, local integration, or resettlement elsewhere. Their voices and
37 perspectives shall be incorporated into decision-making processes concerning
38 their well-being and future.

TITLE VII
Children in Conflict with the Law

Sec. 47. The State shall ensure that:

- a. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen (18) years of age;
- b. No child shall be deprived of their liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- c. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so, and shall have the right to maintain contact with their family through correspondence and visits, except under extraordinary circumstances;
- d. Every child deprived of their liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of their liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action;
- e. Recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth. This reinforces the child's respect for the human rights and fundamental freedoms of others, and which takes into account the child's age, and the desire to promote reintegration based on the assumption of the child's constructive role in society;
- f. In consideration to the relevant provisions of international instruments, the State shall, in particular, ensure that:
 1. No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;
 2. Every child alleged as or accused of having infringed the penal law has, at least the following guarantees:
 - i. To be presumed innocent until proven guilty according to law;

- 1 ii. To be informed promptly and directly of the charges against
2 them, and, if appropriate, through their parents or legal
3 guardians, and to have legal or other appropriate assistance in
4 the preparation and presentation of their defense;
- 5 iii. To have the matter determined without delay by a competent,
6 independent and impartial authority or judicial body in a fair
7 hearing according to law, in the presence of legal or other
8 appropriate assistance and, unless it is considered not to be in
9 the best interest of the child, in particular, taking into account
10 their age or situation, their parents or legal guardians;
- 11 iv. Not to be compelled to give testimony or to confess guilt; to
12 examine or have examined adverse witnesses and to obtain the
13 participation and examination of witnesses on their behalf
14 under conditions of equality;
- 15 v. If considered to have infringed the penal law, to have this
16 decision and any measures imposed in consequence thereof
17 reviewed by a higher competent, independent and impartial
18 authority or judicial body according to law;
- 19 vi. To have the free assistance of a translator if the child cannot
20 understand or speak the language used in judicial and
21 administrative proceedings; and
- 22 vii. To have their privacy fully respected at all stages of the
23 proceedings.
- 24 g. Provide a variety of dispositions, such as care, guidance and supervision orders;
25 counseling; probation; foster care; education and vocational training programs
26 and other alternatives to institutional care to ensure that children are dealt with
27 in a manner appropriate to their well-being and proportionate both to their
28 circumstances and the offense; and
- 29 h. Ensure that a restorative justice approach is adopted when Children in Conflict
30 with the Law (CICL) enter the criminal justice system. It shall prioritize the
31 rehabilitation and reintegration of CICLs, focusing on repairing harm, fostering
32 accountability, and involving the affected community in the process. Its
33 implementation shall be guided by principles that uphold the child's dignity,
34 rights, and best interest, promoting their development into responsible
35 members of society.

36 **TITLE VIII**

37 **Children of Indigenous Cultural Communities and Indigenous Peoples**

38 **Sec. 48.** Every child belonging to ICCs/IPs or of indigenous origin shall have the right,
39 in community with other members of their group, to enjoy their own culture, to profess

1 and practice their own religion, or to use their own language. The right established is
2 conceived to be both individual and collective.

3 Every child belonging to ICCS/IPs shall have the right to cultural integrity. They shall
4 enjoy full recognition of their culture, profess and practice their religion, customs,
5 traditions, and institutions, or use their language. The right established is conceived
6 to be both individual and collective.

7 **Sec. 49.** Every child belonging to ICCs/IPs shall have the right to equal protection
8 with due recognition of their distinct characteristics and identity, and they shall be
9 accorded the rights, the protection, and privileges enjoyed by the rest of the citizenry.
10 It shall extend to them the same opportunities, basic services, educational and other
11 development, rights and privileges available to every child member of society.

12 **Sec. 50.** The State shall take all appropriate measures to eliminate harmful social and
13 cultural practices affecting the well-being, dignity, normal growth and development of
14 the child, and in particular: (a) those customs and practices prejudicial to the health
15 or life of the child; and (b) those customs and practices discriminatory to the child on
16 the grounds of sex or other status.

17 **Sec. 51.** The State shall support all government programs intended for the
18 development and rearing of IP children. It shall establish mechanisms as may be
19 necessary for the protection of the rights of indigenous children, and ensure that
20 they will also reach their full potentials accorded to every child in society.

21 **TITLE IX** 22 **Children In Street Situations**

23 **Sec. 52.** The State shall:

- 24 a. Ensure that children in street situations (CISS) are safe to move in the streets
25 without fear of repressive efforts to prevent begging, loitering, vagrancy,
26 running away or survival behavior such as criminalization of status offenses,
27 street sweeps or "roundups" "rescue" or "reach out", and targeted violence,
28 harassment, and extortion. It shall ensure that the Protocol to Reach Out to
29 Children in Street Situations is followed;
- 30 b. Ensure that CISS have access to public areas, spaces and facilities that cater to
31 the diverse needs and capacities of children in street situation, including areas
32 for economic activities of children and their families, learning, recreation, social
33 interaction, and essential services; and
- 34 c. Ensure that safeguarding policies are adopted and implemented for the
35 prevention and response to exploitation, abuse, harm, and violence that
36 permeates the lives of children in street situations.

1 **Sec. 53.** The State shall:

- 2 a. Adopt holistic and long-term strategies and make the necessary budget
3 allocations for children in street situations;
- 4 b. Assess laws and policies that can be improved to reflect the recommendations
5 of the present general comment;
- 6 c. Develop strategies to address multiple causes, ranging from structural
7 inequalities to family violence;
- 8 d. Introduce or review an act on child protection or children based on a child rights
9 approach and that specifically addresses children in street situations;
- 10 e. Enhance systems to provide a continuum of care across all relevant contexts,
11 including prevention, early intervention, street outreach, helplines, drop-in
12 centers, child development centers, temporary residential care, family
13 reunification, foster care, independent living or other short- or long-term care
14 options;
- 15 f. Invest in good quality initial and in-service basic training on child rights, child
16 protection and the local context of children in street situations for all
17 professionals who may come into direct or indirect contact with children in
18 street situations, in such areas as policymaking, law enforcement, justice,
19 education, health, social work and psychology;
- 20 g. Support local-level, partnership-based, specialized interventions on the basis of
21 a child rights approach, small and flexible, with adequate budgets, often led by
22 civil society organizations with local expertise;
- 23 h. Ensure access of children in street situations who have been victims or are
24 survivors of human rights violations have the right to effective legal and other
25 remedies, including legal representation;
- 26 i. Develop systematic, rights-respecting, participatory mechanisms to collect data
27 and share disaggregated information about children in street situations; and
- 28 j. Guarantee the participation of children in setting the aims and agendas of
29 research and in gathering information, analyzing and disseminating research to
30 inform policy making, and designing specialized interventions.

31 **TITLE X**
32 **Emergencies and Calamities**

33 **Sec. 54.** The State shall secure a response and inclusive evacuation plan that will
34 continuously cater to the development of the children in such a state of emergency
35 and after.

1 **Sec. 55.** The State shall ensure the emergency plans and protocols are also made
2 available in child-friendly versions for children to make informed views and decisions
3 concerning their safety, and to make them accessible in different communication
4 formats for children with disabilities.

5 **Sec. 56.** The State shall ensure the safety and welfare of the child, and guarantee
6 their protection against abuse and all forms of trafficking.

7 **Sec. 57.** The State shall ensure that child-friendly spaces are set up when children
8 and their families are in temporary living arrangements due to emergencies and
9 calamities.

10 **Sec. 58.** The State shall ensure that the child's right to be heard and to express their
11 views freely concerning their best interest shall not be compromised and continue to
12 be given due weight even in emergency situations – either natural or human-induced
13 disasters.

14 **TITLE XI**
15 **CHILDREN SEEKING REFUGEE STATUS**

16 **Sec. 59.** The State shall take appropriate measures to ensure that a child who is
17 seeking refugee status or who is recognized as a refugee in accordance with applicable
18 international or domestic law and procedures shall, whether unaccompanied or
19 accompanied by their parents or by any other person, receive appropriate protection
20 and humanitarian assistance in the enjoyment of applicable rights set forth in the
21 Convention on the Rights of the Child and in other international human rights or
22 humanitarian instruments to which the State is party to.

23 **Sec. 60.** The State shall ensure that the child asylum-seeker shall be protected from
24 all forms of violence including human trafficking and other forms of abuse and
25 exploitation.

26 **Sec. 61.** The State shall guarantee that the asylum process shall remain child-friendly
27 and child-sensitive by ensuring the non-detention of the child applicant, among others.

28 **Sec. 62.** The State shall provide, as it considers appropriate, cooperation in any efforts
29 by the United Nations and other competent intergovernmental organizations or non-
30 governmental organizations cooperating with the United Nations to protect and assist
31 such a child and to trace the parents or other members of the family of any refugee
32 child in order to obtain information necessary for reunification with their family. In
33 cases where no parents or other members of the family can be found, the child shall
34 be accorded the same protection as any other child permanently or temporarily
35 deprived of his or her family environment for any reason, as set forth in the
36 Convention.

1 **TITLE XII**
2 **Identity**

3 **Sec. 63.** Every child has a right to an identity including a name, nationality and family
4 relations.

5 **Sec. 64.** The State has an obligation that the best interest of the child shall be the
6 paramount consideration in any modification to the child's identity.

7 **Sec. 65.** The State shall ensure that full records are kept of any modification to the
8 child's identity and that they are accessible in perpetuity.

9 **Sec. 66.** The State has a responsibility in the speedy restoration of the child's
10 incomplete and falsified identity in matters relating to adoption, child marriages, child
11 soldiers, child trafficking, child in street situations, and in other situations.

12 **Sec. 67.** The State shall ensure that the best interests of the child and their right to
13 identity have been met in cases of inter-country adoption.

14 **Sec. 68.** The State shall take positive steps in addressing discrimination under the
15 law against a child born to parents who are not married to each other.

16 **CHAPTER VI**
17 **THE RIGHT TO DEVELOPMENT**

18 **TITLE I**
19 **General Principles**

20 **Sec. 69.** Every child has the right to quality and inclusive education on the basis of
21 equal opportunity and content that reflects the inherent right and dignity of the child.
22 It shall be child-centered, child-friendly, disability-inclusive, and empowering.
23 Recognizing that children are active participants in their development, it shall comprise
24 a wide range of life experiences and learning experiences to develop their
25 personalities, talents, and abilities to live a full and satisfying life within the social order
26 that goes past formal schooling.

27 **Sec. 70.** The State shall:

- 28 a. Empower the child by developing their skills, learning and other capacities,
29 human dignity, self-esteem, self-confidence, and resilience;
- 30 b. Establish, maintain, and support a complete, adequate, and integrated system
31 of education relevant to the needs of the people and society;
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- 33 c. Establish and maintain a system of free early childhood care and development,
34 and elementary and high school levels. Without limiting the natural right of

1 parents to rear their children, elementary and high school education are
2 compulsory for all children of school age;

3 d. Establish and maintain a system of scholarship grants, student loan programs,
4 subsidies, and other incentives which shall be available to deserving students
5 in both public and private schools, especially to the underprivileged;

6 e. Take measures to encourage regular attendance at schools and the reduction
7 of drop-out rates and ensure that school discipline is administered in a manner
8 consistent with the child's human dignity and in conformity with the
9 Convention;

10 f. Build a safe, healthy, and resilient learning infrastructure and environment, and
11 provide for mental health support to learners;

12 g. Promote and encourage international cooperation with a view to contributing
13 the elimination of ignorance and illiteracy, and facilitating access to scientific
14 and technical knowledge and modern teaching methods;

15 h. Encourage non-formal, informal, and indigenous learning systems, as well as
16 self-learning, independent, and out-of-school study programs and provide the
17 child life skills to strengthen the child's capacity to enjoy the full range of human
18 rights;

19 i. Promote a culture infused by appropriate human rights values through a
20 balanced approach that reconciles diverse values through dialogue and respect
21 for differences in values to overcome the boundaries of religion, nationality and
22 culture, differences in abilities, and neurodiversity;

23 j. Respect and promote the right of the child to participate fully in cultural and
24 artistic life, and shall encourage the provision of appropriate and equal
25 opportunities for cultural, artistic, recreational, and leisure activities; and

26 k. Ensure that a child who is subjected to school or parental discipline shall be
27 treated with humanity and with respect for the inherent dignity of the child and
28 in conformity with the Convention and this Magna Carta.

29 **Sec. 71.** Education of the child shall be directed to the development of respect for
30 human rights and fundamental freedoms and for the principles enshrined in the
31 Charter of the United Nations, the Department of Education shall include human rights
32 education in its curriculum at all grade levels.

33 **Sec. 72.** The curriculum shall cover the UN Convention on the Rights of the Child and
34 its Optional Protocols, as well as other international human rights instruments that the
35 Philippines may have or have not yet ratified.

36 **Sec. 73.** Human rights education shall also be integrated in the alternative learning
37 system for children.

1 **Sec. 74.** Teachers and child development workers shall be provided with pre-service
2 and continuous in-service Teacher Education Programs to develop knowledge and
3 skills to teach human rights education.

4 **Sec. 75.** Education authorities shall take all appropriate measures to ensure that
5 children who become pregnant before completing their education shall have an
6 opportunity to continue with their education on the basis of their individual ability.

7 **CHAPTER VII** 8 **THE RIGHT TO PARTICIPATE**

9 **TITLE I** 10 **General Principles**

11 **Sec. 76.** Every child is a rights-holder and has a right to meaningfully participate
12 according to their evolving capacities, to express their views, to have them heard and
13 given due weight in accordance with their age and maturity. Child participation should
14 be meaningful and ethical, transparent, informative, child-friendly, relevant, safe and
15 sensitive to risks, and adults engaging with children are supported by appropriate
16 training.

17 **Sec. 77.** The State shall provide children a supportive and enabling environment to
18 carry out their own initiatives to fully participate at national and local levels in the
19 conceptualization, design, implementation, coordination, monitoring, and review of
20 policies and programs that affect them.

21 **Sec. 78.** The State shall recognize the right of the child to freely and safely participate
22 in all matters concerning their best interest by ensuring the availability of platforms
23 and capacity-building mechanisms, and the establishment of a safe and enabling
24 environment.

25 **Sec. 79.** Children with disabilities shall be provided with reasonable accommodation.
26 They shall be equipped with, and enabled to use, any mode of communication,
27 including sign language, Braille, Easy Read, or other alternative and augmentative
28 modes of communication necessary to facilitate the expression of their views.

29 **Sec. 80.** Efforts must also be made to recognize the right to expression of views for
30 minority, indigenous and migrant children and other children who do not speak the
31 majority language.

32 **Sec. 81.** Non-verbal forms of communication including play, body language, facial
33 expressions, and drawing and painting, through which very young children
34 demonstrate understanding, choices and preferences, should be recognized and
35 respected.

36 **Sec. 82.** Children's participation in safe and wholesome recreational and cultural
37 activities shall be ensured by providing the means and infrastructure necessary for all

1 children, regardless of ethnicity, age, gender, physical and mental states, social class,
2 and geographical location.

3 **Sec. 83.** Institutional support and capacity development must be provided to service
4 providers/professionals working with children on how to ensure the implementation of
5 child participation principles and strategies consistent with the National Framework on
6 Child and Youth Participation as well as the Guidebook on Child Participation.

7 **Sec. 84.** Children shall be given the opportunity to be heard directly, or through a
8 representative or an appropriate body, in a judicial or administrative proceeding. A
9 child-appropriate and accessible environment shall be provided wherein procedures
10 are employed to protect the best interests of the child. Children also have the right to
11 remain silent and no adverse inference should be drawn when they elect not to make
12 statements. Children should be completely aware of the processes involved and the
13 stages they will have to go through.

14 For children in conflict with the law, the State shall consider the developmental age of
15 the child and the desirability of the child's reintegration in the assumption of a
16 constructive role in society in accordance with the principles of balanced and
17 restorative justice.

18 **Sec. 85.** In cases affecting family relations or where the child is an interested party,
19 the child shall be given the opportunity to express their views. These views shall be
20 considered in the decision-making process of the court.

21 The right to be heard, in this case, applies both to proceedings which are initiated by
22 the child, such as complaints against ill-treatment and appeals against school
23 exclusion, as well as to those initiated by others such as parental separation or
24 adoption.

25 **Sec. 86.** The Rules on Examination of a Child Witness shall be applied to
26 accommodate the right to be heard of the child victim or witness. Procedural rules
27 under RA 9344 or Juvenile Justice Welfare Act, as amended, shall also be strictly
28 adhered to in dealing with a child in conflict with the law, taking into account their
29 distinct circumstances, while assuring all parties of a fair hearing with each party's
30 constitutional and statutory rights recognized and respected. Appropriate disposition
31 measures shall be implemented by law enforcers, social services and the court.

32 **Sec. 87.** The child shall be heard with regard to all matters affecting them such as
33 education, health, environment, living conditions, or protection.

34 **Sec. 88.** Safe spaces shall be created in order to allow the child to express their
35 needs, wishes, or concerns, particularly as regards to what should be deemed their
36 best interests and how such interests can be protected. The special circumstances
37 surrounding the child shall be likewise taken into account and that he or she shall have
38 primary involvement in any decision or plan concerning their future. The child shall be
39 given the opportunity to communicate their experiences and shall be provided with all
40 relevant information tailored in a language understood by them.

1 **Sec. 89.** No restrictions shall be placed that curtail the children's freedom of
2 expression, except in the interest of national security, public safety, or public health,
3 as may be provided by law. The restriction should not undermine or jeopardize the
4 essence of the right; they should not be arbitrary or unreasonable; and they should
5 be proportionate and kept under review.

6 **Sec. 90.** Children shall be protected from harm, such as bullying, arising from the
7 expression of their views.

8 **Sec. 91.** Government agencies, LGUs, civil society organizations and the private sector
9 must provide sufficient time, skills and child-friendly information for children to provide
10 their inputs and recommendations.

11 **Sec. 92.** Government agencies, LGUs, civil society organizations and the private sector
12 must ensure that children with disabilities, children from ICCs/IPs, and other children
13 in vulnerable sectors are consulted.

14 **TITLE II**
15 **Family and Alternative Care**

16 **Sec. 93.** Evidence-based positive parenting programs for young children and
17 adolescents shall be provided to strengthen parent-child relationships, promote
18 positive parenting practices and sustain nurturing relationships between parents or
19 caregivers and their children and thereby preventing and reducing the risk of violence
20 against children and child maltreatment at home and in the community.

21 **Sec. 94.** Positive parenting programs and interventions shall be designed to promote
22 young people's mental health and their active participation must be elicited to promote
23 a child-friendly environment to support and sustain parent/parent-substitute/s
24 relationships at home and in temporary child-care facilities and foster homes. This
25 shall be guided by the National Parenting Framework that will be developed by the
26 DSWD.

27 **Sec. 95.** The DSWD, LGUs and other government agencies and civil society
28 organizations, guided by the National Parenting Framework, shall promote and
29 support age appropriate interventions and active consultations with children in the
30 design and implementation of positive parenting interventions and practices towards
31 building positive parent-child relationships and in the promotion of alternatives to
32 violent discipline to contribute to the prevention and management of disruptive child
33 behaviors, and the reduction of parental stress and depression in all home settings
34 and residential care facilities, and the facilitation of family reunification and
35 reintegration. Local Social Welfare and Development offices shall be guided by
36 evidence-based parenting programs.

1 **Sec. 96.** Children in residential facilities and children with disabilities shall be included
2 in the formulation of policies and monitoring and evaluation of programs, services and
3 activities to ensure that these are responsive to their needs.

4 **Sec. 97.** The Department of Education and the Early Childhood Care and Development
5 Council, in partnership with the Local School Board, LGUs, and the Barangay Council
6 for the Protection of Children, guided by DepEd's Child Protection Policy shall promote
7 and sustain age-appropriate interventions and active consultations with children in
8 designing and implementing positive parenting interventions and practices towards
9 building positive teacher-parent-child relationships. This will promote alternatives to
10 violent discipline that aims to contribute to the prevention and management of
11 disruptive child behaviors, the increase in school performance and achievement, the
12 prevention of school drop-outs and the reduction of parent-teacher stress and
13 depression in the context of blended education setting.

14 **TITLE III**
15 **Education and School**

16 **Sec. 98.** Children, whether in schools or out of school, and regardless of ethnic or
17 social origin, color, sex, language, religion, political or other opinions, national,
18 property, disability, birth, or status, shall be given the space and reasonable
19 accommodation to freely express their views on matters affecting the fulfillment of
20 their right to education. These views shall be given due weight in the decision-making
21 processes.

22 **Sec. 99.** The children may be consulted or provide their inputs individually or through
23 their selected representatives in the student governing bodies.

24 **Sec. 100.** The Department of Education shall:

- 25 a. Ensure that each school will have a student governing body, the Supreme
26 Learner Government or its equivalent for elementary, and the Supreme
27 Secondary Learner Government or its equivalent for junior high school and
28 senior high school. The elections for the student governing body shall embody
29 the ideals, principles and practice of participatory democracy and citizenship;
- 30 b. Provide a platform for children to provide inputs to the development of the
31 school curriculum and the school's structure of the day and activities and shall
32 provide support to all schools in gathering inputs from children;
- 33 c. Provide a platform for children to review, evaluate, and suggest
34 improvements to school policies and programs as well as the school's physical
35 environment; and
- 36 d. Provide support to all schools in gathering inputs of children.

1 **Sec. 101.** No restrictions shall be placed in schools that will curtail the children's
2 freedom of association and freedom of peaceful assembly, except in the interest of
3 national security, public safety, or public health, as may be provided by law.

4 **Sec. 102.** The views of children regarding the school curriculum, school policies, and
5 other school matters shall be respected and given due weight. Children subjected to
6 any form of violence as a result of expressing an opinion shall be protected under the
7 Department of Education's Child Protection Policy.

8 **Sec. 103.** The children's expression of views may include, but not limited to, spoken,
9 written and sign language and such non-verbal expressions as images and objects of
10 art. Children's means of expression may include, but not limited to, newspapers,
11 pamphlets, posters, banners, digital and audiovisual media, as well as dress and
12 personal style.

13 **Sec. 104.** All educational institutions shall establish a Learner Rights and Protection
14 Committee, a child-friendly and accessible complaint mechanism that shall, among
15 others, develop and implement a school-based referral system.

16 **TITLE IV**
17 **Play, Recreation, Sports, and Cultural Activities**

18 **Sec. 105.** The Department of the Interior and Local Government and the LGUs shall
19 provide a platform for children in the development planning cycle. Children shall be
20 given the space to freely express their views on matters affecting the fulfillment of
21 their right to play, recreation, sports, and cultural activities. These views shall be given
22 due weight in the decision-making processes.

23 **Sec. 106.** LGUs and government agencies such as, but not limited to, the Department
24 of the Interior and Local Government, Department of Education, Department of
25 Environment and Natural Resources, Department of Public Works and Highways,
26 Department of Transportation and Communications, Department of Tourism,
27 Department of Trade and Industry shall mainstream a child rights approach and
28 meaningful child participation in their planning, implementation, and evaluation of
29 urban and rural development proposals/projects, and housing and development
30 programs; the development and maintenance of educational environments, such as
31 public libraries; and the development and maintenance of public parks including
32 freedom parks, playgrounds, and sports facilities and equipment, and other similar
33 facilities.

34 **Sec. 107.** The State shall encourage and promote, as far as practicable the
35 participation to the fullest extent possible of children with disabilities in mainstream
36 activities at all levels. It shall also ensure that children with disabilities have an
37 opportunity to organize, develop, and participate in disability-specific sporting and
38 recreational activities.

1 **Sec. 108.** Children shall be consulted about the accessibility and appropriateness of
2 urban and rural development proposals/projects, including housing and development
3 programs as well as their impact on children's access to nature, exposure to unsafe
4 and hazardous environments, and conservation of their culture.

5 **Sec. 109.** Children shall enjoy their freedom of expression, freedom of association,
6 and freedom of peaceful assembly in voicing out their dissent against urban and rural
7 development proposals/projects that they deem to curtail the enjoyment of their right
8 to play, recreation, sports, and cultural activities without fear of reprisal.

9 **TITLE V**
10 **Media**

11 **Sec. 110.** Children shall be given the safe space to freely express their views on
12 matters affecting the fulfillment of their rights in traditional and social media. These
13 views shall be given due weight in the decision-making processes.

14 **Sec. 111.** Children shall have access to information and material from a diversity of
15 national and international sources, especially those aimed at the promotion of their
16 social, spiritual, and moral well-being and physical and mental health.

17 **Sec. 112.** Children should have access to information conveyed in a culturally-
18 sensitive manner and in a language that they understand, including sign language and
19 Braille.

20 **Sec. 113.** Children shall be consulted by traditional media companies in the
21 development of programs, programming, or publications aimed at children, subject to
22 the principles of child participation.

23 **Sec. 114.** Children shall be consulted by social media companies, internet service
24 providers, and mobile game developers in the development of policies, subject to the
25 principles of child participation.

26 **Sec. 115.** Children have the freedom to seek, receive and impart information and
27 ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form
28 of art, or through any other media of the child's choice.

29 **Sec. 116.** Children shall be made aware of how and where to file complaints should
30 their freedom of expression using traditional and social media is violated.

31 **Sec. 117.** Children shall have an absolute right to privacy and confidentiality. The
32 highest ethical and professional standards in reporting and covering cases of children
33 must be observed such that in all publicity concerning children, the best interests of
34 the child shall be the primary concern.

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TITLE VI Situations of Violence

3 **Sec. 118.** The State shall ensure that:

- 4 a. All children regardless of gender, ethnicity, religion, educational background,
5 disability, or nationality, most especially the marginalized and disadvantaged,
6 are included in consultations and enabled to genuinely participate in drafting
7 laws and policies, implementation plans, and evaluation concerning violence
8 against children;
- 9 b. Children should be fully informed of any policies, laws, or programs designed
10 to protect them from any form of violence in all settings;
- 11 c. All efforts must be taken to ensure that children are not excluded from
12 consultations concerning the creation of legislations and formulation of policies
13 aimed towards their protection;
- 14 d. Support be given to child-led initiatives made to address and combat violence
15 against children;
- 16 e. Child-led organizations must be included in the establishment and evaluation
17 of anti-violence programs to ensure that children play a key role in the
18 advancement of their own protection;
- 19 f. All children are aware of and understand their right to be protected from all
20 forms of violence;
- 21 g. Provide effective and child-friendly mechanisms that allow children in situations
22 of violence to reach out and be heard, and enable them to report instances of
23 violence committed against them including receiving feedback on the reports
24 made by them;
- 25 h. Adopt cross-sectoral measures to address the drivers of violence against
26 children linked to environmental degradation; and
- 27 i. Ensure that vulnerable children including children with disabilities shall be
28 provided with reasonable accommodation and support for their protection and
29 rehabilitation.

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TITLE VII Child Participation

32 **Sec. 119.** The State shall ensure that meaningful children's participation, as set forth
33 in the UNCRC General Comment 12 on the right of children to be heard, is recognized
34 and enabled in national and international platforms by establishing appropriate
35 structures in the government and through bilateral and multilateral international
36 cooperation.

1 **Sec. 120.** The State shall establish and maintain linkages with international child and
2 child-serving organizations, institutions, and counterpart agencies of foreign
3 governments to ensure the participation of Filipino children in international functions
4 and affairs.

5 **TITLE VIII**
6 **Governance**

7 **Sec. 121.** The State shall:

- 8 a. Ensure that the views of children on laws, policies, judicial and administrative
9 procedures, and other matters concerning their best interest and the
10 implementation thereof, are given due weight by explaining in a child-friendly
11 manner how such views were considered and applied, and the resulting
12 outcomes;
13 b. Promote child-friendly local governance by encouraging local government units
14 to prioritize children's concerns in planning, budgeting, legislation, and delivery
15 of services;
16 c. Mandate local government units to identify priority areas to improve the
17 situation of children based on a child-friendly local governance audit;
18 d. Mandate all national agencies and local government units to tag child-focused
19 investment programs, budget proposals, appropriations, allotments,
20 obligations, and disbursements to make funds allocated for children visible
21 and useable in crafting national and local development plans and investment
22 programs for children. This should also be made in child-friendly versions to
23 inform and engage children on the budget processes of programs affecting their
24 well-being;
25 e. Make available to the public through various media the child-sensitive and
26 disability-inclusive version of investment programs, appropriations, allotments,
27 obligations, and actual disbursements; and
28 f. Provide means of consultation regarding the needs of the children that must be
29 taken in utmost consideration in appropriations.

30 **TITLE IX**
31 **Ombudsman for Children**

32 **Sec. 122.** Consistent with its constitutional mandate and functions, the CHR is hereby
33 designated as the Ombudsman for Children (Child Ombud). In general, as the Child
34 Ombud, the CHR shall:

- 35 a. Advocate for the promotion and protection of children's rights;
36 b. Strengthen its Child Rights Education Program in coordination with the
37 Department of Education;
38 c. Investigate violations including those committed by private institutions or by
39 private individuals;

- d. Monitor the government's compliance with its treaty obligations particularly the UNCRC;
- e. Recommend appropriate measures to Congress and the concerned departments of the government for its prompt and immediate action on matters affecting children; and
- f. Establish effective reporting and feedback mechanisms.

Sec. 123. In order to protect and promote children's rights, the CHR as Ombud for Children shall have the following functions:

- a. Endeavor to represent the rights and interests of children in view of the Philippine's commitments under the UNCRC through submission of independent reports to the Committee on Rights of the Child;
- b. Monitor and assess the implementation of children's rights in the Philippines, particularly the domestic implementation of the UNCRC. It shall undertake to regularly prepare and submit an independent report to the State's report on the status of children's rights in the Philippines to the UN Committee on the Rights of the Child;
- c. Monitor with the Philippine Commission on Children (PCCh) and other concerned agencies, compliance with the Act. In developing indicators and issuance of guidelines for its implementation by concerned agencies, CHR shall ensure that the human rights of children, specifically their right to survival, development, protection and participation are promoted and guaranteed. As such, the best interest of the child is the primordial consideration at all times;
- d. Establish avenues, processes, guidelines and mechanisms that will facilitate access of children to legal remedies under the Act and other related laws, and enhance the protection and promotion of the rights of children, especially the vulnerable and marginalized;
- e. Assist in the filing of cases against individuals, agencies, institutions, organizations or establishments that violate the provisions of this Act. For this purpose, the CHR shall:
 - 1. Provide legal assistance such as preparation of necessary pleadings, referral letters, and counseling;
 - 2. Enter into Memorandums of Agreement with Bar Associations, NGOs, law firms, civil society organizations and academic institutions providing legal aid to ensure adequate and competent legal representation for complainants;
 - 3. Accredite lawyers who will accept pro bono cases under this Act; and
 - 4. Create an efficient system of case referrals to appropriate government departments or agencies.

Victims of violations of the Magna Carta of Children shall be considered victims of human rights violations, and shall be entitled to other forms of assistance available in the CHR;

1 f. Submit to Congress, while furnishing a copy to the Philippine Commission on
2 Children annually an assessment report on the implementation of the Magna
3 Carta. It shall also submit its recommendations, which shall include the filing of
4 any possible administrative or criminal action. Acting on the CHR's
5 recommendations, the Office of the President, the Civil Service Commission, or
6 other concerned agencies may issue any of the following:

- 7 i. Administrative and/or Executive Orders
- 8 ii. Memorandum Circulars
- 9 iii. Proclamations
- 10 iv. Resolutions, and
- 11 v. Other advisories or issuances;

12 g. Advise and propose to the Government the adoption or amendment of laws,
13 programs, policies or measures that promote the rights and interests of
14 children;

15 h. Ensure child participation in all its programs and undertakings where
16 appropriate. It shall establish programs that will increase the knowledge of
17 children of their rights. It shall, likewise, promulgate rules that will facilitate
18 regular consultations with children on issues concerning the realization of
19 children's rights;

20 i. Undertake, promote or publish research and conduct advocacy activity on
21 matters relating to the rights and welfare of children; and

22 j. Work in collaboration and coordination with stakeholders in dealing with
23 issues concerning children.

24 **Sec. 124.** The CHR En Banc shall designate one (1) focal Commissioner, who,
25 together with the Child Rights Center (CHR-CRC), shall be primarily responsible for
26 spearheading and overseeing the discharge of the functions of the CHR as Child
27 Ombud. In particular, they shall spearhead and oversee the formulation of protocols,
28 guidelines, policies and the implementation of programs and activities related to the
29 promotion and protection of the rights of children.

30 **Sec. 125.** The Regional Offices of the Commission shall discharge the functions of
31 the Ombud for Children within their respective jurisdictions in collaboration with the
32 Local Council for the Protection of Children (LCPC), and Local School Boards. They
33 shall implement programs, undertake investigations of complaints of discrimination
34 and violations of rights under the Magna Carta.

35 **Sec. 126.** Within one (1) year from the adoption of the Rules and Regulations, the
36 CHR with the assistance of the DBM shall rationalize the structure and its staffing
37 pattern particularly of the CHR-CRC and the Regional Offices to effectively and
38 efficiently execute its functions.

TITLE X
PHILIPPINE COMMISSION FOR CHILDREN

Sec. 127. There is hereby created a Philippine Commission for Children (PCCh), which is an independent and autonomous body that has the status akin to a national government agency (NGA). It shall be attached to the Office of the President.

The creation of the Commission abolishes the Council for the Welfare of Children (CWC). The appropriations, personnel, programs, and activities of the CWC, including its membership to existing committees, councils, and other inter-agency bodies, shall be transferred to the Commission.

Sec. 128. The Commission shall be composed of a Board of Commissioners headed by the Chairperson. The Chairperson and the members of the Board of Commissioners shall be appointed by the President for a term of three (3) years, subject to one (1) reappointment. The Board of Commissioners shall be composed of the following members:

- a. One (1) Commissioner-at-Large;
- b. Four (4) Commissioners on Child Protection, Child Health and Nutrition, Child Development, and Child Participation;
- c. Executive Director of the Commission; and
- d. Four (4) Child Representatives.

The Chairperson of the Commission shall have the rank and privileges of a Department Secretary. The appointive Commissioners shall have the rank and privileges of a Department Undersecretary. They shall be entitled to compensation and other emoluments and shall be subject to the same disqualification.

The Child Representatives shall be selected through a transparent and participatory selection process ensuring that the chosen representative reflects the diverse voices and experiences of Filipino children across the country. The Child Representative shall be an active member of a legitimate children's organization and shall be appointed by the President for a term of three (3) years, and subject to one (1) reappointment.

Sec. 129. To achieve the objectives of the Commission, it shall have the following powers and functions:

- a. Provide leadership in the formulation of policies and the setting of priorities and direction of all child promotion and development programs and activities;
- b. Act as the leading advocate for child rights and wellbeing, promoting their integration into all relevant government policies, plans, and programs;
- c. Formulate integrated national plans, policies, programs, and projects including services relative to the development of general welfare and protection of the best interests of the child;
- d. Coordinate the implementation and enforcement of policies, plans, and programs relative to the promotion and protection of children's rights and welfare;

- e. Set up a system of networking and coordination with and among all existing government agencies and non-government organizations (NGOs) for the effective implementation of plans and strategies for children;
- f. Serve as an oversight body over committees, councils, and other structures and recommend areas of convergence for improved and efficient coordination, information-sharing, and monitoring of the safety and well-being of a child;
- g. Review, monitor, and evaluate all local and international policies, plans, and programs on the rights of the child, by establishing a monitoring and evaluation system that shall serve as the primary monitoring, evaluation, and reporting tool of the Commission;
- h. Ensure the establishment of a 24/7 monitoring, reporting, and response system that would cater to all children's concerns;
- i. Provide technical assistance and capacity building at all levels for the effective implementation of policies, plans, and programs of the Commission, especially those that involve the setting up or strengthening of mechanisms for, by, and with children;
- j. Maintain strong partnerships with the LGUs and local communities to facilitate closer collaboration, tailored interventions, and responsive action to the specific needs of children at the grassroots level;
- k. Mobilize resource assistance and call upon and utilize NGAs, LGUs, and other public and private instrumentalities, for such assistance as it may require in the performance of its functions;
- l. Ensure convergence of efforts in addressing children's issues and concerns among council and committees through improved and efficient coordination in planning, data-sharing, and aligning monitoring and oversight practices;
- m. Submit an annual comprehensive report on its activities and accomplishments to the President and to Congress;
- n. Prepare and submit country reports to the CRC Committee, ASEAN bodies and other treaty bodies;
- o. Accept grants, contributions, donations, endowments, bequests, or gifts in cash, or in kind from local and foreign sources in support of the development and implementation of child rights and welfare programs and plans: Provided, That in case of donations from foreign governments, acceptance thereof shall be subject to prior clearance and approval of the President of the Philippines upon recommendation of the Secretary of Foreign Affairs; Provided, further, That such donations shall not be used to fund personal services expenditures and other operating expenses of the Commission; and
- p. Perform such other functions as may be necessary to effectively carry out the provisions of this Act.

Sec. 130. The Commission shall be supported by a Secretariat that will serve as its executive arm to be headed by an Executive Director, who shall take charge of the day-to-day operations of the Commission and shall serve as a member of the Board of Commissioners. The Executive Director shall take charge of the administration, direction, and supervision of the Secretariat and ensure the implementation of the Commission's resolutions and decisions.

1 There shall be two (2) Deputy Executive Directors, who shall assist and advise the
2 Executive Director on child-related concerns and on the overall direction and
3 supervision of the day-to-day operations of the Secretariat. They may take charge of
4 any special projects and programs assigned by the Executive Director.

5 The Executive Director and Deputy Executive Directors shall be appointed by the
6 President and shall respectively have the rank, privileges, and emoluments of a Career
7 Executive Service Officer I and Career Executive Service Officer II and shall receive
8 other allowances and benefits as may be provided by law.

9 The Commission shall determine its organizational structure and create new bureaus
10 as it may deem necessary and shall appoint its officers and employees in accordance
11 with the civil service law, rules, and regulations.

12 **Sec. 131.** The Convergence of Councils and Committees on Children (4Cs) shall be
13 created as a system of collaboration and coordination among all Councils and
14 Committees to specifically address concerns on children. It shall ensure effective and
15 harmonious work relationships among all structures on children and address their
16 issues at the national, regional, and local levels.

17 **Sec. 132.** The Commission shall take the necessary measures to ensure the
18 implementation of its National Plan of Action for Children and all other related
19 frameworks in all the geographic regions of the country through the establishment of
20 Regional Offices on Children under the Commission Secretariat.

21 Further, pursuant to Republic Act No. 4881, there shall be a Local Council for the
22 Protection of Children (LCPC) at all levels, which shall spearhead the development and
23 implementation of the Local Development Plan for Children, Local Investment Plan for
24 Children, and the Local Code for Children. The LCPC shall submit to their respective
25 Regional Office on Children an annual Local State of Children's Report for consolidation
26 and submission to the Commission Secretariat.

27 In recognition of the crucial role of LCPCs in promoting child well-being at the local
28 level, their annual budget allocation shall be increased from the current one percent
29 (1%) to at least two percent (2%) of the total annual budget appropriations of their
30 respective LGUs.

31 The Commission on Audit (COA) shall, together with the Commission, conduct an
32 annual audit on the use of the allotted budget to determine its judicious use and the
33 efficiency and effectiveness of interventions in addressing child-related issues towards
34 the realization of the objectives of the country's commitments, plans, and policies on
35 children.

CHAPTER VIII
FINAL PROVISIONS

Sec. 133. *Monitoring and Reporting System.* – The State, through the PCCh, shall ensure the implementation of the provisions of this Act and shall submit to the President and to Congress of the Philippines the annual report thereof.

Sec. 134. *Appropriations.* – The amount necessary to cover the initial implementation of this Act shall be charged against the current year's appropriations of the concerned implementing departments/agencies. Thereafter, the amount necessary for its continued implementation shall be included in the budgets of the concerned departments/agencies in the annual General Appropriations Act.

Sec. 135. *Implementing Rules and Regulations.* – The PCCh, together with its member agencies, in consultation with non-government organizations with advocacy on the upholding of the Rights of the Child, shall promulgate the implementing rules and regulations of this Act within ninety (90) days from its approval.

Sec. 136. *Congressional Oversight Committee on the Magna Carta of Children* – There is hereby created an oversight committee on the MCC which shall be composed of the chairpersons of the Committee on Children in the Senate and in the House of Representatives, PCCh, CHR, DSWD, DepEd, and one CSO representative which shall be determined by the aforementioned government agencies.

Sec. 137. *Suppletory Application.* – For purposes of this Act, the Revised Penal Code, as amended, Presidential Decree No. 603, Republic Act No. 7610, Republic Act No. 8972, Republic Act No. 9208, Republic Act No. 9231, Republic Act No. 9851, Republic Act No. 10364, Republic Act No. 11148, Republic Act No. 11188, Republic Act No. 11166, Republic Act No. 11596, Republic Act No. 11930 and other applicable laws shall have suppletory application.

Sec. 138. *Separability Clause.* – If any part or provision of this Act is declared invalid or unconstitutional, the other parts hereof not affected thereby shall remain valid.

Sec. 139. *Repealing Clause.* – All laws, acts, presidential decrees, executive orders, administrative orders, rules and regulations inconsistent with or contrary to the provisions of this Act are deemed amended, modified or repealed accordingly.

Sec. 140. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.