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SENATE  
S. No. 2233

RECEIVED BY: *R*

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Introduced by Senator Miriam Defensor Santiago

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EXPLANATORY NOTE

The Constitution, Article XV, Section 3, paragraph 2 provides that the State shall defend:

"The right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development."

The child has the rights to survival, development, protection and participation in accordance with the United Nations' Convention on the Rights of the Child. These rights are interdependent, indivisible and should be respected, promoted and protected so that the child can enjoy a full life.

Shaken Baby Syndrome is a form of child abuse affecting thousands of children every year all over the world. According to studies, it is estimated that between one quarter and one-third of Shaken Baby Syndrome victims die as a result of their injuries, while one-third suffer permanent, severe disabilities including paralysis, seizures, loss of hearing or vision, cognitive impairments, and other disabilities, often resulting in a lifetime of extraordinary medical, educational, and care expenses.

Shaken Baby Syndrome is preventable. Prevention programs abroad have demonstrated that educating new parents and other caregivers about the danger of shaking young children, healthy strategies for coping with infant crying, infant soothing skills, and how to protect children from injury can bring about a significant reduction in the number of cases of Shaken Baby Syndrome.

Education programs abroad have been shown to raise awareness about Shaken Baby Syndrome and provide critically important information about the syndrome to caregivers, day

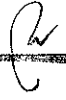
care workers, child protection employees, law enforcement personnel, health care providers, and legal representatives.<sup>1</sup>

*Miriam Defensor Santiago*  
MIRIAM DEFENSOR SANTIAGO

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<sup>1</sup> This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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1 AN ACT  
2 TO ENHANCE THE EFFORTS FOCUSED ON PUBLIC AWARENESS AND  
3 EDUCATION ABOUT THE RISKS AND DANGERS ASSOCIATED WITH SHAKEN  
4 BABY SYNDROME

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

5 SECTION 1. *Short Title.* - This Act shall be known as the "Shaken Baby Syndrome  
6 Prevention Act".

7 SECTION 2. *Declaration of policies.* - It is the policy of the State to prioritize the needs  
8 of the children.

9 SECTION 3. *Definition of Terms.* - The following terms as used in this Act shall be  
10 defined as follows:

11 (a) "Council" shall refer to the Shaken Baby Awareness Advisory Council created under  
12 Section 5 of this Act

13 (b) "Secretary" refers to the Secretary of Health;

14 (c) "Shaken Baby Syndrome" (SBS) is a term used to describe the constellation of  
15 symptoms, trauma, and medical conditions resulting from the violent shaking, or abusive impact  
16 to the head, of an infant, toddler or other young child.

17 SECTION. 4. *Public Health Campaign.* - The Secretary shall develop an effective  
18 national Shaken Baby Syndrome public health campaign.

19 The public health campaign shall inform the general public, and new parents, child care  
20 providers and other caregivers of young children, health care providers, and social workers,  
21 among others, about brain injuries and other harmful effects that may result from shaking, or

1 abusive impact to the head, of infants and children under five (5) years old, and healthy strategies  
2 to cope with a crying infant and related frustrations, in order to help protect children from injury.

3 In carrying out the public health campaign, the Secretary shall also coordinate activities  
4 with providers of other support services to parents and other caregivers of young children.

5 In carrying out the public health campaign, the Secretary shall carry out the activities  
6 described in Section 5.1 to 5.3.

7 SECTION 5. *National Action Plan and Strategies.* -

8 5.1 The Secretary shall:

9 (a) develop a National Action Plan and effective strategies to increase awareness  
10 of opportunities to prevent Shaken Baby Syndrome through activities that  
11 comprehensively and systematically provide information and instruction about healthy  
12 strategies for parents and other caregivers concerning how to cope with a crying infant  
13 and related frustrations; and

14 (b) coordinate the Plan and effective strategies with evidence-based strategies and  
15 efforts that support families with infants and other young children, such as home visiting  
16 programs and respite child care efforts, which have a role to play in prevention of the  
17 syndrome.

18 5.2 The Secretary shall carry out communication, education, and training about Shaken  
19 Baby Syndrome prevention, including efforts to communicate with the general public by:

20 (a) disseminating effective prevention practices and techniques to parents and  
21 caregivers through maternity hospitals, child care centers, organizations providing  
22 prenatal and postnatal care, organizations providing programs for fathers, and  
23 organizations providing parenting education and support services;

24 (b) producing evidence-based educational and informational materials in print,  
25 audio, video, electronic, and other media, giving special attention to educating young  
26 men and English language learners through the materials, and coordinating activities  
27 carried out with national awareness activities, such as the activities accompanying

1 Shaken Baby Awareness Week, which shall be determined by the Council, to the extent  
2 possible;

3 (c) carrying out Shaken Baby Syndrome training, which shall aim--

4 (i) to ensure that primary care providers, home visitors, parent educators,  
5 child care providers, foster parents and others involved in the care of young  
6 children, and nurses, physicians, and other health care providers, are aware of  
7 ways to prevent abusive head trauma and other forms of child maltreatment, and  
8 the need to secure immediate medical attention in cases of head trauma; and

9 (ii) to provide health care providers and early childhood educators with the  
10 knowledge, skills, and materials to simply, quickly, and effectively educate  
11 parents, including adoptive and foster parents, as well as others who are  
12 caregivers of young children, about infant crying and thus reduce abuse.

13 5.3 The Secretary, in consultation with the Council, shall work to ensure that the parents  
14 and caregivers of children are connected to effective supports through the coordination of  
15 existing programs and networks or the establishment of new programs.

16 5.4 To the extent practicable, the supports provided under this paragraph shall include the  
17 provision of a 24-hour phone hotline, and the development of an Internet website for round-the-  
18 clock support, for:

19 (i) parents and caregivers who struggle with infant crying and related concerns;

20 (ii) parents and caregivers of surviving children who suffer serious injuries, as a  
21 result of shaking or an abusive impact to the head, as a young child; and

22 (iii) parents and family members of children who do not survive such shaking or  
23 abusive impact.

24 SECTION 6. *Creation of the Shaken Baby Awareness Advisory Council.* - The Shaken  
25 Baby Awareness Advisory Council is hereby created. The Council shall be composed of  
26 members appointed by the Secretary, not later than six (6) months after the date of enactment of  
27 this Act, including, to the maximum extent possible, one (1) representative each from:

1 (a) Shaken Baby Awareness advocacy organizations, including groups formed by  
2 parents and relatives of victims;

3 (b) child protection advocacy organizations;

4 (c) organizations involved in child protection and child maltreatment prevention;

5 (d) disability advocacy organizations;

6 (e) pediatric medical associations;

7 (f) professional associations or institutions involved in medical research related  
8 to abusive head trauma;

9 (g) academic institutions;

10 (h) parenting support organizations, including those providing programs targeted  
11 towards fathers;

12 (i) organizations who come in contact with families and caregivers of infants,  
13 toddlers, and other young children; and

14 (j) other government agencies involved in child abuse prevention activities.

15 The Secretary shall, after consultation with the members of the Council initially  
16 appointed by the Secretary, determine and establish the term of service on the Council that shall  
17 apply to all current and future members.

18 Any vacancy in the Council shall not affect the powers of the Council, but shall be filled  
19 in the same manner as the original appointment.

20 The Council shall meet at least semi-annually -

21 (a) to develop recommendations regarding the National Action Plan and effective  
22 strategies; and

23 (b) to develop recommendations related to support services for families and  
24 caregivers of young children.

25 The members of the Council shall not receive compensation for the performance of  
26 services for the Council, but shall be allowed travel expenses, including per diem in lieu of  
27 subsistence, at rates authorized for employees of agencies under the law, while away from their  
28 homes or regular places of business in the performance of services for the Council. The Secretary  
29 may accept the voluntary and uncompensated services of members of the Council.

1 Any government employee may be detailed to the Council without reimbursement, and  
2 such detail shall be without interruption or loss of civil service status or privilege.

3 The Secretary shall terminate the Council when the Secretary determines, after  
4 consultation with the Council, that it is no longer necessary to pursue the goals and carry out the  
5 activities of the Council.

6 SECTION 7. *Appropriations.* - Such sums as may be necessary for the initial  
7 implementation of this Act shall be taken from the current appropriations of the Department of  
8 Health (DOH). Thereafter, the fund necessary to carry out the provisions of this Act shall be  
9 included in the annual General Appropriations Act.

10 SECTION 8. *Separability Clause.* - If any provision of this Act is held invalid or  
11 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain  
12 valid and subsisting.

13 SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive  
14 order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the  
15 provisions of this Act is hereby repealed, modified or amended accordingly.

16 SECTION 10. *Efectivity Clause.* - This Act shall take effect fifteen (15) days after its  
17 publication in at least two (2) newspapers of general circulation..

Approved,

/ptm06july2010