

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



Senate
Office of the Secretary

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SENATE

Senate Bill No. 133

RECEIVED BY: *ji*

INTRODUCED BY SEN. JINGGOY EJERCITO ESTRADA

EXPLANATORY NOTE

Every child has the right to live the life of a child: to play, to be carefree, to attend school, and to enjoy a healthy environment. However, rising incidence of poverty and the lack of good employment opportunities for parents deprive many children the pleasures of childhood and are immediately immersed into the world of labor.

Per the 2011 Survey on Children conducted by the National Statistics Office (NSO), 5.59 million children aged 5 to 17 are already part of the Philippine labor force. This figure represents 18.9 percent of the 29 million Filipino children under the same age bracket. And of the 5.59 million working children, 2.993 million are exposed to hazardous forms of child labor.

Republic Act No. 9231, otherwise known as "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, which amended Republic Act No. 7610, otherwise known as the 'Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act', clearly prohibits, as a general rule, employment of children below 15 years old and punishes employers for such practice. However, the rising incidence of child labor in the country shows that the penalties presently imposed are not sufficient to deter the continued employment of children.

This proposed measure, therefore, seeks to provide stiffer penalties for violations of R.A. No. 9231 by imposing both imprisonment and fine for every instance that a child is engaged in employment other than in the instances permitted by law. Moreover, this bill proposes to raise the fines imposed on employers who continue to engage in illegal child labor practices.


JINGGOY EJERCITO ESTRADA
Senator



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Senate Bill No. 133

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AN ACT
AMENDING SECTIONS 16(A) AND 16(B) OF REPUBLIC ACT NO. 9231,
OTHERWISE KNOWN AS "AN ACT PROVIDING FOR THE ELIMINATION OF THE
WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION
FOR THE WORKING CHILD, AMENDING FOR THE PURPOSE REPUBLIC ACT
NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION
OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION
ACT"

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

SECTION 1. Section 16 of Republic Act No. 9231 otherwise known as "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as Amended, otherwise known as the 'Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act'" is hereby amended to read as follows:

"Sec.16. Penal Provisions

- a) Any employer who violates Sections 12, 12-A, and Section 14 of this Act, as amended, shall be penalized by imprisonment of six (6) months and one (1) day to six (6) years [or] **AND** a fine of [Fifty thousand (P50,000.00) but not more than Three hundred thousand pesos (P300,000.00)] **NOT LESS THAN ONE HUNDRED AND TWENTY FIVE THOUSAND PESOS (P125,000.00)** [or both at the discretion of the court].
- b) Any person who violates the provision of Section 12-D of this act or the employer of the subcontractor who employs, or the one who facilitates the employment of a child in hazardous work, shall suffer the penalty of a fine of not less than [One hundred thousand pesos (P100,000.00) but not more than One million pesos (P1,000,000.00)] **TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00)** **AND** imprisonment of not less than twelve (12) years and one (1) day to twenty (20) years, or both such fine and imprisonment at the discretion of the court."

SEC. 2. Implementing Agency. The Department of Labor and Employment (DOLE) shall promulgate rules and regulations to implement the provisions of this Act.

SEC. 3. Repealing Clause. All laws, decrees, order, rules and regulations, or portions thereof, inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 4. Reparability Clause. Should any part or provision of this Act be declared unconstitutional or invalid, other parts or provisions hereof not otherwise affected thereby shall remain in full force and effect.

SEC. 5. Effectivity. This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,