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SENATE

S. No. 617

RECEIVED BY: *ja*

Introduced by Senator Ralph G. Recto

Explanatory Note

Our Constitution mandates the State to 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. This provision of our supreme law illustrates the *parens patriae* concept or the power of the state to act as the parent of any child or individual who is in need of protection.

This constitutional mandate has spawned a number of legislation aimed at shielding our children against most forms of abuse, neglect and exploitation. However, the inadequacy of our laws becomes apparent in the case of street children, which continue to be a large societal blot in our efforts to safeguard the welfare of the youth. Estimates by the Council for the Welfare of Children (CWC) reveal that there are around 246,000 street children in the country¹. The number could be more at present and no single government program seems to address the problem effectively.

It is in this area where the *parens patriae* concept in which the State acts as parent fails miserably. It is our contention that in this case, if the State alone cannot ensure the welfare of our children, particularly those who roam our streets, the private sector can be tapped to address a seemingly gargantuan social strain. According to ChildHope Asia Foundation, one of the leading NGOs concerned on children welfare and protection, majority of street children still go home to poor communities within a barangay. Thus, this bill aims to strengthen the Barangay Council for the Protection of Children (BCPC)² organized under Presidential Decree (PD) 603 as a preventive approach for the purpose of eliminating the presence of street children in our cities and municipalities.

Aptly entitled the "Street Children Welfare Act of 2013," the bill also provides incentives to private individuals, corporations, non-governmental organizations or entities that offer much-needed facilities or services aimed at providing our street children short- and long-term refuge against the harsh realities of the streets, including donations to such endeavors. It allows these so-called "good Samaritans" to use the amount they allot on such facilities, services or donations as an allowable deduction in their gross income.

We cannot allow the sad plight of our street children to continue. Hence, the immediate passage of this bill is earnestly sought.


RALPH G. RECTO

¹ See "Situation of the Filipino Children", 2012, Council for the Welfare of Children. Accessed at www.cwc.gov.ph on March 11, 2013.

² BCPC is a council organized under PD 603 with mandate to draw and implement plans and programs for the promotion of child and youth welfare. The mandate does not include addressing problems of the community on street children, hence, this bill will provide for an additional responsibility for the BCPC.



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AN ACT
ADVANCING THE RIGHTS OF STREET CHILDREN BY STRENGTHENING THE
BARANGAY COUNCIL FOR THE PROTECTION OF CHILDREN (BCPC) AND
ESTABLISHING AN INCENTIVES SYSTEM FOR THE PRIVATE SECTOR
ENGAGED IN THE PROMOTION OF THE WELFARE OF STREET CHILDREN, AND
FOR OTHER PURPOSES

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

1 **SECTION 1. Title.** - This Act shall be known as the "Street Children Welfare Act of
2 2013."

3 **Sec. 2. Declaration of Policy.** - Article XV of the Constitution provides that the State
4 shall defend the right of children to assistance, including proper care and nutrition, and special
5 protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial
6 to their development.

7 It is also the declared policy of the State to eliminate the presence of street children in its
8 cities and municipalities by promoting their welfare through strengthened programs aimed at
9 protecting their rights at the community level and by encouraging the private sector in aiding
10 government efforts to provide relief for street children who are otherwise deprived of
11 opportunities for growth and development.

12 The State shall also ensure that street children are provided with adequate nutrition,
13 clothing and shelter as well as with social and health services and educational opportunities,
14 including vocational and life-skills training, in order to support their full development and
15 provide them with adequate protection and assistance.

16 The State shall also provide street children who are victims of physical, sexual and
17 substance abuse with adequate rehabilitation and social reintegration services and promote
18 reunification with their families when feasible.

19 **Sec. 3. Definition and Classification of Street Children.** - The term "street children"
20 refers to children under the age of 18 years who spend a large percentage of their time living,
21 working and playing on the street. They are further classified into four groups:

- 1 (a) Children on the street – Children who spend a majority of their time on the
2 street for livelihood but return home to their families on a regular basis.
- 3 (b) Children of the street – Children who also spend a majority of their time
4 living, playing and working on the street, but seldom return to their families in
5 communities or not at all. They generally do not go to school and decide to
6 live on the streets because of problems at home that include extreme poverty,
7 violence and substance abuse.
- 8 (c) Abandoned and neglected children – Children who are on the streets because
9 they have no families; have been abandoned or neglected by their families; or
10 have been displaced from their families. They maintain no connection to their
11 families and are normally out of school.
- 12 (d) Children of street families – Children who live with their families on the street.
13 Their families have often been homeless for long periods of time and earn
14 their livelihood on the streets.

15 **Sec. 4. *Barangay Council for the Protection of Children (BCPC)***³. – The BCPC created
16 under Presidential Decree (PD) 603 shall have the following members, who shall be chosen from
17 among the responsible members of the community:

- 18 Punong Barangay,
19 Barangay Kagawad (Chairperson on Women and Family)
20 Barangay Nutrition Scholar
21 Barangay Day Care Worker
22 Barangay Health Nurse / Midwife
23 Barangay Health Worker
24 DepEd Principal / Teacher-in-charge
25 Chief Tanod
26 SK Chairperson
27 Parents-Teachers Association (PTA) President or his/her representative
28 Two (2) representatives from a Non-Government Organization (NGO) concerned
29 with the welfare of children and youth

30 Upon assumption to office, the Punong Barangay is hereby mandated to convene the
31 BCPC. In its first meeting, the Punong Barangay shall call for an election of the BCPC
32 chairperson from among its members.

33 **Sec. 5. *Roles and Functions of the BCPC.*** – In addition to its functions under PD 603, the
34 BCPC shall perform the following functions consistent with the declared policies of this Act:

- 35 (a) Coordinate with the Council for the Welfare of Children (CWC) and the
36 Department of Social Welfare and Development (DSWD) in drawing and

³ PD 603 provides a generic composition of the BCPC, stating that members shall be from among the responsible members of the community, with representatives from the youth, government and private agencies concerned with the welfare of children and youth.

1 implementing plans for the promotion of child and youth welfare, particularly
2 on issues concerning street children;

3 (b) Monitor the existence of children on the street in their respective
4 communities.

5 (c) Prepare a report on the number of street children in its respective area of
6 responsibility, discussing every case in full detail, including a brief history of
7 how the child had been forced to spend most of his or her time on the streets.
8 The said report shall be submitted to the CWC and the DSWD, including the
9 local Social Welfare Department of its respective city or municipality.

10 (d) Prepare an intervention plan for each of the cases, which should be
11 specifically based on the peculiarity of the circumstances of each child.

12 (e) Coordinate with the local government unit and non-government organizations
13 promoting the welfare of street children in addressing the problem of street
14 children in each barangay.

15 **Sec. 6. Incentives.** – In order to encourage private sector participation, all expenses
16 incurred by any private individual, corporation or a non-governmental organization, in the
17 establishment of facilities or in the performance of services, including donations, which are
18 consistent with the declared policies of this Act, shall be considered as allowable deductions
19 from the gross income as defined under Section 32, Chapter VI, Title II of the National Internal
20 Revenue Code of 1997, as amended.

21 **Sec. 7. Applicability of Existing Laws.** –

22 (a) If the child is a victim of abuse, physical violence, neglect, sexual abuse and
23 similar circumstances, provisions of Republic Act No. 9262 or the "Anti-
24 Violence Against Women and Their Children Act of 2004" and Republic Act
25 7610 or the "Special Protection of Children Against Abuse, Exploitation and
26 Discrimination Act", as amended, shall apply insofar as it is applicable.

27 (b) For children in conflict with the law, Republic Act 9344 or the "Juvenile
28 Justice and Welfare Act of 2006" shall apply.

29 **Sec. 8. Issuance of Implementing Rules and Regulations.** – Within thirty (30) days from
30 the effectivity of this Act, the DSWD and the Bureau of Internal Revenue (BIR) shall issue the
31 necessary rules and regulations to carry out the effective implementation of this Act which shall
32 include the creation of a system of accreditation of private sector entities engaged in the
33 promotion of the welfare of street children.

34 **Sec. 9. Separability Clause.** - If, for any reason, any part or provision of this Code shall
35 be held to be unconstitutional or invalid, other parts or provisions hereof which are not affected
36 thereby shall continue to be in full force and effect.

1 **Sec. 10. Repealing Clause.** - All laws, decrees, executive orders, rules and regulations, or
2 parts thereof, which are inconsistent with this Act, are hereby repealed, amended or modified
3 accordingly.

4 **Sec.11. Effectivity.** - This Act shall take effect fifteen days (15) days following its
5 publication in at least two (2) newspapers of general circulation or the Official Gazette.

Approved,