
Introduced by Senator Miriam Defensor Santiago

AN ACT
PROVIDING EMERGENCY RELIEF AND PROTECTION FOR CHILDREN
DURING DISASTER, CALAMITY AND OTHER EMERGENCY SITUATIONS

EXPLANATORY NOTE

A series of typhoons in the recent past have highlighted the fact that disaster risk reduction strategies must give special attention to vulnerable groups such as children.

In November 2013, Super Typhoon Yolanda affected an estimated 6 million children in the Philippines. According to the Office of the Presidential Assistant on Rehabilitation & Recovery (OPARR), Western Visayas had the most number of families affected by Typhoon Yolanda with 770,905 families or 3.8 million families. From this account, an estimated 1.5 million children were affected.

Typhoon Pablo, another disaster, hit Mindanao on Dec 4, 2012, affecting a total 6.2 million people. Of this number, 2.3 million are estimated to be children under 18 years old. In the 3 provinces most seriously damaged by Typhoon Pablo--Davao Oriental, Compostela Valley and Agusan del Sur--700,000 people were affected, and out of this number, an estimated 294,000 are children.¹

Children are the most vulnerable in times of disaster, at higher risk of disease, abuse and exploitation. Children are place-oriented and cannot cope well to changes that

¹ Joint Statement on Education in Emergencies after Typhoon Pablo (Plan International, Save the Children, UNICEF Philippines, World Vision Development Foundation) available at : http://www.unicef.org/philippines/mediacentre_20277.html#.VFfHMfnUeAU

Children are the most vulnerable in times of disaster, at higher risk of disease, abuse and exploitation. Children are place-oriented and cannot cope well to changes that result from disaster. Children's lives are severely disrupted after a disaster as a result of school closures, interrupting education, lack of spaces to play, lack of security, lack of social interaction with friends, the resulting psychological impact of experiencing a disaster and the risk of trafficking and abuse.²

Thus, in order for a disaster response to effectively meet the needs and priorities of children, it is essential that all actors, and especially the national and local governments, have child-centered policies in place before a disaster.

Although we have laws which address the issue of children in especially difficult circumstances, these laws do not include enough provisions which pertain to child protection during a state of calamity.

This proposed bill³, once passed into law, will:

- 1) Enhance and institutionalize protection of children affected by natural disasters and calamities;
- 2) Provide Congress a strengthened oversight mandate to ensure child protection in disasters; and
- 3) Address policy gaps in current law of importance to child welfare.

A recent study⁴ on the situation of displaced families by Typhoon Yolanda showed that about 26,000 people remain in evacuation centers, tent cities and bunkhouses seven (7) months after the devastating storm struck. That's more than 10,000 children living in difficult conditions and with uncertainty on their education, welfare, health. Among them, six (6) children died after their tent in an evacuation center was razed by fire. The same study cited Yolanda-areas with children reportedly involved in harsh and dangerous

² Children's Charter Progress Report: Disaster Risk Reduction and Typhoon Yolanda. Save the Children, June 2014.

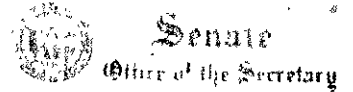
³ This bill was originally filed in the House of Representatives during the 16th Congress by Rep. Susan Yap.

⁴ Supra, note 2.

labor and while many others are no longer able to go to school. Two schools remained to be used as an evacuation center. These are some issues which this proposed Act intends to address.

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MIRIAM DEFENSOR SANTIAGO

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



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SENATE
S. No. 2446

RECEIVED BY: *ji*

Introduced by Senator Miriam Defensor Santiago

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

1 AN ACT
2 PROVIDING EMERGENCY RELIEF AND PROTECTION FOR CHILDREN
3 DURING DISASTER, CALAMITY AND OTHER EMERGENCY SITUATIONS

4 SECTION 1. *Short Title.* – This Act shall be known as the “Children’s Emergency
5 Relief and Protection Act.”

6 SECTION 2. *Declaration of Policy.* – It is hereby declared the policy of the State
7 to protect the fundamental rights of children during disaster, calamity and other
8 emergency situation^s when children are gravely threatened or endangered by ✓
9 circumstances that will affect their survival and normal development. Towards this end,
10 the State shall establish and implement a comprehensive and strategic program of action
11 to provide the children affected by disaster, calamities and other emergency situations
12 with utmost support and assistance necessary for their immediate recovery and protect
13 them against all forms of neglect, abuse, exploitation and other acts prejudicial to their
14 interest and well-being.

15 SECTION 3. *Comprehensive Emergency Program for Children.* – The
16 Department of Social Welfare and Development (DSWD), in coordination with the
17 Office of Civil Defense (OCD), shall formulate a Comprehensive Emergency Program
18 for Children which shall be implemented immediately after the declaration of a national
19 or local state of calamity to protect the children and support their immediate recovery.

1 The Comprehensive Emergency Program for Children, hereinafter referred to as
2 Program, shall have the following components:

3 a) *Establishment of Shelter for Displaced Children.* – The Program shall
4 prioritize and provide housing options for displaced children, families with children and
5 of children separated from their families or relatives. The DWSD shall, in coordination
6 with the local government units of the areas declared under the state of calamity,
7 immediately establish an option for shelter or permanent housing. The shelter shall have
8 emergency latrines, bathing cubicles and hand washing facility and shall provide child-
9 friendly spaces where children can take part in child activities. It shall also have
10 provisions for maternal and baby care and rooms to protect and ensure the right to
11 privacy.

12 b) *Assurance for Immediate Delivery of Basic Necessities and Services.* – The
13 Program shall facilitate and ensure the immediate delivery of basic necessities and
14 services specifically needed by the affected children and youth in different stages of
15 development. It shall provide the affected children with basic necessities for survival
16 which include food, water, nutrition, medicines, clothing, sanitary and hygiene kits and
17 other emergency needs such as blankets, mosquito nets, cooking ware and flashlights.
18 The Program shall give priority to the specific needs and nutrition of pregnant women,
19 lactating mothers, newborn babies and children under two years old.

20 c) *Stronger Measures to Ensure the Safety and Security of the Affected*
21 *Children.* – Under the Program, the DSWD shall, in coordination with the Armed Forces
22 of the Philippines (AFP) and Philippine National Police (PNP), monitor and ensure the
23 safety and the security of the affected children in the areas declared under the state of
24 calamity and shall protect them against all forms of abuse and exploitation.

25 d) *Timely Delivery of Health and Medical Services.* – Under the Program, the
26 DSWD shall, in coordination with the Department of Health (DOH), immediately

1 provide the health and medical needs of children in the areas declared under the state of
2 calamity including psychosocial interventions for children and youth in different stages
3 of development. The DOH shall give highest priority to the treatment and rehabilitation
4 of pregnant mothers and babies.

5 e) *Plan of Action for Prompt Resumption of Educational Services for*
6 *Children.* – The DSWD shall, in coordination with the Department of Education
7 (DepEd), ensure the prompt resumption of educational services for children.

8 f) *Establishment of Emergency Center.* – Within five (5) days from the
9 declaration of a national or local state of calamity, the DSWD shall set-up a Children’s
10 Emergency Center in every city or municipality declared under the state of calamity
11 which shall provide the necessary child care services and shall coordinate with the lead
12 agencies to effectively respond to the needs of children in the area.

13 g) *Promotion of Children’s Right.* – The Program shall include activities and
14 processes that will promote and uphold the rights of children by:

- 15 i) Promoting a child-centered training for all first responders;
- 16 ii) Ensuring that children are provided with adequate access to age-
17 appropriate information on the proper action, role, duties and responsibilities of
18 various government agencies during calamities and other emergency situations;
- 19 iii) Consulting with the affected children on their needs and priorities
20 for post-disaster relief and recovery; and
- 21 iv) Providing for an effective mechanism for training and meaningful
22 participation of children in community disaster risk reduction program.

23 SECTION 4. *Evacuation Centers.* – Only in cases where there is no other
24 available place or structure which can be used as a general evacuation center, that a
25 school may be used as an evacuation center.

1 When a school is used as an evacuation center, the use shall be limited to the areas
2 or spaces in the school that are not used as classroom such as gymnasiums, auditoriums
3 and other open spaces. The use of the school premises shall not exceed thirty (30) days
4 after the declaration of a state of national or local calamity, unless the extension is
5 absolutely necessary. If the use exceeds thirty (30) days, the National Disaster Risk
6 Reduction and Management Council (NDRRMC) shall, in coordination with the Local
7 DRRMC, provide written documentation to the DepEd on the following:

- 8 i. the name and location of the school
- 9 ii. all alternative sites and the rationale for final site selection; and
- 10 iii. measures being implemented to prevent interference or disruption to
11 the school and educational activities of children.

12 When temporary learning spaces or other transitional and semi-permanent
13 structures are used as classrooms after a disaster, the DepEd shall continuously monitor
14 and assess the condition of such structures in order to ensure the safety of the children
15 and provide optimal learning environments. Where temporary learning spaces or other
16 transitional and semi-permanent structures are used for more than six (6) months after the
17 declaration of a state of calamity, the regional DepEd office shall conduct quarterly site
18 inspections and shall certify to the Secretary of Education that such spaces are in good
19 physical condition and sufficient to ensure the safety of the children and their
20 environment.

21 SECTION 5. *Unaccompanied or Separated Children.* – In case of children who
22 lost their families or who are separated from their families and relatives, the DSWD shall
23 document and provide adequate care, initiate tracing of immediate relatives and proceed
24 with reunification services. All appropriate steps shall be taken to ensure the early
25 reunion of unaccompanied or separated children with their families or immediate
26 relatives.

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- 2 (a) Equip, maintain, administer and operate an integrated medical institution
- 3 which shall specialize in geriatric health services;
- 4 (b) Promote medical and scientific research relative to the prevention,
- 5 diagnosis, treatment, care, rehabilitation and relief of disease of older
- 6 persons;
- 7 (c) Finance, sponsor, hold or participate in congresses, conventions,
- 8 conferences, seminars, workshops, and training programs on geriatric
- 9 health services or related fields in the Philippines or abroad;
- 10 (d) Encourage and assist in the education and training of physicians, nurses,
- 11 health officers, social workers and other medical and technical personnel in
- 12 the practical and scientific implementation of health services to older
- 13 persons; and
- 14 (e) Coordinate the various efforts and activities of other government agencies
- 15 and local government units for the purpose of achieving a more effective
- 16 approach to the delivery of geriatric health services.

17 SECTION 6. *Data Gathering and Reporting.* – The collection and reporting of

18 data at all levels shall be disaggregated by age and gender in the aftermath of a national

19 or local state of calamity. Such collected data shall be utilized to understand and respond

20 better to the needs of children affected by disasters and calamities.

21 SECTION 7. *Heightened Surveillance against Child Trafficking, Child Labor,*

22 *Child Prostitution, and Violence on Children.* – Upon the declaration of a national and

23 local state of calamity, the PNP and the DSWD shall immediately heighten

24 comprehensive surveillance and monitoring to prevent child trafficking, labor, and

25 prostitution including domestic and sexual violence in the areas declared under the state

26 of calamity. Within three (3) days from the declaration of a local or national state of

1 calamity, the PNP Chief and the Secretary of Social Welfare and Development shall
2 jointly submit written documentation and report on their surveillance and monitoring to
3 the appropriate committees of the Senate and the House of Representatives.

4 SECTION 8. *System of Restoring Legal Documents.* – In case of destroyed or
5 missing legal documents of children in areas declared under the state of calamity, the
6 Philippine Statistics Authority (PSA) shall develop a system for the restoration and
7 reconstitution of the destroyed or missing legal documents within two (2) weeks after the
8 submission of the application for the reconstitution or replacement of the destroyed or
9 missing document. The PSA shall submit copies of such reconstituted documents to
10 appropriate government agencies for effective monitoring and reporting and to ensure the
11 continued access of the affected children to social services.

12 SECTION 9. *Training of First Responders.* – The NDRRMC shall promote and
13 conduct child-centered trainings for all first responders in the calamity area such as
14 community and barangay leaders, school personnel and other rescuers. The trainings
15 shall include the following:

16 (a) Proper procedures and measures to safeguard and protect the affected
17 children during and after emergencies and disasters; and

18 (b) Appropriate training on psycho-social interventions for children and youth
19 in different stages of development who are victims of calamities.

20 SECTION 10. *Implementing Rules and Regulations.* – Within ninety (90) days
21 from the effectivity of this Act, the Secretary of Social Welfare and Development, in
22 consultation and coordination with the Administrator of the OCD, Secretary of Health,
23 Secretary of Education, PNP Chief and AFP Chief of Staff, shall promulgate the
24 necessary rules and regulations for the effective implementation of this Act.

25 SECTION 11. *Appropriations.* – The amount necessary for the initial
26 implementation of this Act shall be charged against the current appropriations of the

1 DSWD, the DepEd, the OCD and the PSA. Thereafter, the amount needed for the
2 continued implementation of this Act shall be included in the annual *General*
3 *Appropriations Act*. For LGUs, the implementation of the programs may be charged
4 against the internal revenue allotment and other internally generated funds of the LGU
5 concerned.

6 SECTION 12. *Separability Clause*. - If any provision or part hereof, is held invalid
7 or unconstitutional, the remainder of the law of the provision not otherwise affected shall
8 remain valid and subsisting.

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

13 SECTION 14. *Effectivity Clause*. - This Act shall take effect fifteen (15) days after
14 its publication in at least two (2) newspapers of general circulation.

Approved.

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