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

SENATE

RECEIVED BY: *Jr*

Senate Bill No. 2448

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By Senator Teofisto "TG" L. Guingona III

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

Children are among the worst affected and most vulnerable during disasters worldwide. In November 2013, Super Typhoon Yolanda affected an estimated 6 million children in the Philippines. The exact number of children killed, injured and missing cannot be tabulated, but is estimated to be in the thousands. The "Children of Yolanda," who survived, experienced psycho-social trauma, difficulties in evacuation centers, loss of education opportunities, lack of social protection, and many other challenges. Past disasters in the Philippines, including earthquakes, volcanic eruptions, floods and others, saw similar scenes of suffering and distraught children.

Some of the trauma and suffering experienced by the "Children of Yolanda" can be avoided or mitigated in future disasters by Congress acting now to establish clear policies and principles regarding the welfare of children in situations of natural disaster. This would only happen if lessons from Typhoon Yolanda will be translated into specific measures for child protection. Our children, being this country's future, deserve specific attention and better services from the grim realities of disasters, better support so they can grow resilient, and a specific law to set standards and obligate concerned government agencies, and guide humanitarian actors accordingly.

The current laws to protect children in situations of natural disasters lack clarity and detail. Enacted in 1992, Republic Act 7610 entitled "An Act Providing For Stronger Deterrence and Special Protection Against Child Abuse, Exploitation And Discrimination, and For Other Purposes" declares:

"It shall be the policy of the State to protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control." (Section 2)

The law enumerates circumstances which gravely threaten or endanger the survival and normal development of children and this includes "*being a victim of a man-made or natural disaster or*

*calamity.”*

Closer scrutiny of RA 7610, however, clearly reveals that the law fails to include specific provisions on how to protect children who are victims of disasters or calamities.

In 2011, the Children's Charter for Disaster Risk Reduction (DRR) was published after consultations with more than 600 children in 21 countries in Africa, Asia (including the Philippines) and Latin America where children were asked about the impact of disasters on their lives and their priorities for DRR going forward. Five (5) priorities were identified by these children themselves, which reflects the policies in this proposed Act.

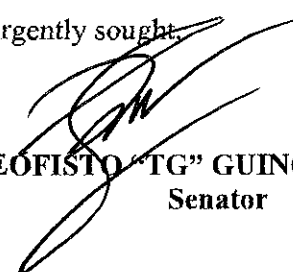
More recently, a study by Save the Children in June 2014 on the situation of displaced families by Typhoon Yolanda showed that about 26,000 people remain in evacuation centers, tent cities and bunkhouses seven (7) months after the devastating storm struck. That is more than 10,000 children living in 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 engaged in harsh and dangerous work and many no longer going to school. Two schools are also being utilized as evacuation centers. These are some issues which this proposed Act intends to address.

The Philippines has to expect and prepare for more disasters and “Yolanda-like” typhoons and with it have the readiness in terms of high level policy and specific interventions to give more protection to millions of children who will be affected by the impact of future disasters.

Once passed into law, this legislation will also provide Congress basis for oversight in terms of how disaster responders and local governments address the needs of affected children.

Three months after Typhoon Yolanda, 174 children were consulted by Save the Children, World Vision and Plan, with support from UNICEF, to learn more about children's post-storm priorities. One child said “*Adults need to take the initiative and look to the children who don't have school, food or clothes. They need to think about what children need.*” (sic) Let's listen to them. This proposed bill echoes the voices of the “Children of Yolanda”


Based on the foregoing, the immediate approval of the bill is urgently sought.

  
**TEOFISTO “TG” GUINGONA III**  
Senator

SENATE

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Senate Bill No. **2448**

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By Senator Teofisto "TG" L. Guingona III

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

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

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

3  
4 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the State to  
5 protect the fundamental rights of children during disaster, calamity and other emergency  
6 situation when children are gravely threatened or endangered by circumstances that will affect  
7 their survival and normal development. Towards this end, the State shall establish and  
8 implement a comprehensive and strategic program of action to provide the children affected by  
9 disaster, calamities and other emergency situations with utmost support and assistance necessary  
10 for their immediate recovery and protect them against all forms of neglect, abuse, exploitation  
11 and other acts prejudicial to their interest and well-being.

12  
13 SEC. 3. *Comprehensive Emergency Program for Children.* – The Department of  
14 Social Welfare and Development (DSWD), in coordination with the Office of Civil Defense  
15 (OCD), shall formulate a Comprehensive Emergency Program for Children which shall be  
16 implemented immediately after the declaration of a national or local state of calamity to protect  
17 the children and support their immediate recovery.

18  
19 The Comprehensive Emergency Program for Children, hereinafter referred to as  
20 Program, shall have the following components:

21  
22 a) *Establishment of Shelter for Displaced Children.* – The Program shall prioritize  
23 and provide housing options for displaced children, families with children and of children  
24 separated from their families or relatives. The DWSD shall, in coordination with the local  
25 government units of the areas declared under the state of calamity, immediately establish an  
26 option for shelter or permanent housing. The shelter shall have emergency latrines, bathing  
27 cubicles and hand washing facility and shall provide child-friendly spaces where children can  
28 take part in child activities. It shall also have provisions for maternal and baby care and rooms to  
29 protect and ensure the right to privacy.

30 b) *Assurance for Immediate Delivery of Basic Necessities and Services.* – The  
31 Program shall facilitate and ensure the immediate delivery of basic necessities and services

1 specifically needed by the affected children and youth in different stages of development. It shall  
2 provide the affected children with basic necessities for survival which include food, water,  
3 nutrition, medicines, clothing, sanitary and hygiene kits and other emergency needs such as  
4 blankets, mosquito nets, cooking ware and flashlights. The Program shall give priority to the  
5 specific needs and nutrition of pregnant women, lactating mothers, newborn babies and children  
6 under two years old

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

12 d) *Timely Delivery of Health and Medical Services.* – Under the Program, the  
13 DSWD shall, in coordination with the Department of Health (DOH), immediately provide the  
14 health and medical needs of children in the areas declared under the state of calamity including  
15 psychosocial interventions for children and youth in different stages of development. The DOH  
16 shall give highest priority to the treatment and rehabilitation of pregnant mothers and babies.

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

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

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

- 27  
28 i) Promoting a child-centered training for all first responders;  
29 ii) Ensuring that children are provided with adequate access to age-  
30 appropriate information on the proper action, role, duties and responsibilities of various  
31 government agencies during calamities and other emergency situations;  
32 iii) Consulting with the affected children on their needs and priorities for  
33 post-disaster relief and recovery; and  
34 iv) Providing for an effective mechanism for training and meaningful  
35 participation of children in community disaster risk reduction program.  
36

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

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

- 47 i. the name and location of the school  
48 ii. all alternative sites and the rationale for final site selection; and  
49 iii. measures being implemented to prevent interference or disruption to the  
50 school and educational activities of children.

51 When temporary learning spaces or other transitional and semi-permanent structures are  
52 used as classrooms after a disaster, the DepEd shall continuously monitor and assess the

1 condition of such structures in order to ensure the safety of the children and provide optimal  
2 learning environments. Where temporary learning spaces or other transitional and semi-  
3 permanent structures are used for more than six (6) months after the declaration of a state of  
4 calamity, the regional DepEd office shall conduct quarterly site inspections and shall certify to  
5 the Secretary of Education that such spaces are in good physical condition and sufficient to  
6 ensure the safety of the children and their environment.

7  
8 **SEC. 5. *Unaccompanied or Separated Children.*** – In case of children who lost  
9 their families or who are separated from their families and relatives, the DSWD shall document  
10 and provide adequate care, initiate tracing of immediate relatives and proceed with reunification  
11 services. All appropriate steps shall be taken to ensure the early reunion of unaccompanied or  
12 separated children with their families or immediate relatives.

13  
14 **SEC. 6. *Data Gathering and Reporting.*** – The collection and reporting of data at  
15 all levels shall be disaggregated by age and gender in the aftermath of a national or local state of  
16 calamity. Such collected data shall be utilized to understand and respond better to the needs of  
17 children affected by disasters and calamities.

18  
19 **SEC. 7. *Heightened Surveillance against Child Trafficking, Child Labor, Child***  
20 ***Prostitution, and Violence on Children.*** – Upon the declaration of a national and local state of  
21 calamity, the PNP and the DSWD shall immediately heighten comprehensive surveillance and  
22 monitoring to prevent child trafficking, labor, and prostitution including domestic and sexual  
23 violence in the areas declared under the state of calamity. Within three (3) days from the  
24 declaration of a local or national state of calamity, the PNP Chief and the Secretary of Social  
25 Welfare and Development shall jointly submit written documentation and report on their  
26 surveillance and monitoring to the appropriate committees of the Senate and the House of  
27 Representatives.

28 **SEC. 8. *System of Restoring Legal Documents.*** – In case of destroyed or missing  
29 legal documents of children in areas declared under the state of calamity, the Philippine  
30 Statistics Authority (PSA) shall develop a system for the restoration and reconstitution of the  
31 destroyed or missing legal documents within two (2) weeks after the submission of the  
32 application for the reconstitution or replacement of the destroyed or missing document. The  
33 PSA shall submit copies of such reconstituted documents to appropriate government agencies for  
34 effective monitoring and reporting and to ensure the continued access of the affected children to  
35 social services.

36  
37 **SEC. 9. *Training of First Responders.*** – The NDRRMC shall promote and  
38 conduct child-centered trainings for all first responders in the calamity area such as community  
39 and barangay leaders, school personnel and other rescuers. The trainings shall include the  
40 following:

41  
42 (a) Proper procedures and measures to safeguard and protect the affected children  
43 during and after emergencies and disasters; and

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

46  
47 **SEC. 10. *Implementing Rules and Regulations.*** – Within ninety (90) days from the  
48 effectivity of this Act, the Secretary of Social Welfare and Development, in consultation and  
49 coordination with the Administrator of the OCD, Secretary of Health, Secretary of Education,  
50 PNP Chief and AFP Chief of Staff, shall promulgate the necessary rules and regulations for the  
51 effective implementation of this Act.

52

1           SEC. 11.       *Separability Clause.* – If any provision or part of this Act is declared  
2 invalid or unconstitutional, the remaining parts or provisions not affected shall remain in full  
3 force and effect.

4           SEC. 12.       *Repealing Clause.* – All laws, executive orders, presidential decrees, rules  
5 and regulation or parts thereof inconsistent with any provisions of this Act are hereby repealed,  
6 amended or modified accordingly.

7  
8           SEC 13.       *Effectivity.* – This Act shall take effect fifteen (15) days after its  
9 publication in the Official Gazette or in a newspaper of general circulation

10  
11           Approved,