

SENATE

S. B. NO. 2502

RECORDED BY: *J.*

Introduced by Senator Loren Legarda

**AN ACT PROVIDING EMERGENCY RELIEF AND PROTECTION
FOR CHILDREN DURING DISASTERS, CALAMITIES AND OTHER
EMERGENCY SITUATIONS**

EXPLANATORY NOTE

Apart from women, children are one of the highly exposed sectors during the onset and aftermath of humanitarian emergencies. Partly due to their natural dependence on adults—whether parents, relatives or other guardians, and their youth, children constitute a big percentage of victims of natural and man-made disasters. In 2013 for example when the country was hit by several crisis namely Typhoon Haiyan, a 7.2 magnitude earthquake in Bohol and Cebu, and Zamboanga City siege, the United Nations Children's Fund (UNICEF) estimated that 41.5% or 7.4 million out of the 17.8 million total affected population were children. While international aid agencies and their local partners have recognized this issue and prioritized the establishment of child-friendly spaces and provision of qualified caregivers for psychosocial services, there is a lot more that can be done on the part of the government.

This measure aims to improve the provision of emergency relief and protection for children during humanitarian emergencies by directing the Department of Social Welfare and Development (DSWD) in coordination with the Office of Civil Defense (OCD) to formulate a Comprehensive Emergency Program for Children upon the declaration of a national or a local state of calamity. In order to support the immediate recovery of the children, the said program shall have the following components:

- Establishment of shelter for displaced children
- Assurance for immediate delivery of basic necessities and services
- Measures to ensure safety and security of the affected children
- Timely delivery of health and medical services
- Plan of action for prompt resumption of educational services for children
- Establishment of emergency center

- Promotion of children's rights

For these abovementioned reasons, passage of the measure is earnestly sought.



LOREN LEGARDA
Senator

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Office of the Secretary: *J*

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OTHER EMERGENCY SITUATIONS**

*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
2 “*Children’s Emergency Relief and Protection Act of 2014.*”

3

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

15

1 **Section 3. Comprehensive Emergency Program for**
2 **Children.** - The Department of Social Welfare and Development
3 (DSWD), in coordination with the Office of Civil Defense (OCD),
4 shall formulate a Comprehensive Emergency Program for Children
5 which shall be implemented immediately after the declaration of a
6 national or local state of calamity to protect the children and
7 support their immediate recovery.

8 The Comprehensive Emergency Program for Children,
9 hereinafter referred to as Program, shall have the following
10 components:

11 a) *Establishment of Shelter for Displaced Children.* - The
12 Program shall prioritize and provide housing options for displaced
13 children, families with children and of children separated from
14 their families or relatives. The DWSD shall, in coordination with
15 the local government units of the areas declared under the state of
16 calamity, immediately establish an option for shelter or permanent
17 housing. The shelter shall have emergency latrines, bathing
18 cubicles and hand washing facilities and shall provide child-
19 friendly spaces where children can take part in child activities. It
20 shall also have provisions for maternal and baby care and rooms to
21 protect and ensure the right to privacy.

22 b) *Assurance for Immediate Delivery of Basic Necessities*
23 *and Services.* - The Program shall facilitate and ensure the
24 immediate delivery of basic necessities and services specifically
25 needed by the affected children and youth in different stages of
26 development. It shall provide the affected children with basic
27 necessities for survival which include food, water, nutrition,
28 medicines, clothing, sanitary and hygiene kits and other

1 emergency needs such as blankets, mosquito nets, cooking ware
2 and flashlights. The Program shall give priority to the specific
3 needs and nutrition of pregnant women, lactating mothers,
4 newborn babies and children under two years old.

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

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

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

24 f) *Establishment of Emergency Center.* – Within five (5)
25 days from the declaration of a national or local state of calamity,
26 the DSWD shall set-up a Children's Emergency Center in every city
27 or municipality declared under the state of calamity which shall
28 provide the necessary child care services and shall coordinate with

1 the lead agencies to effectively respond to the needs of children in
2 the area.

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

6 i) Promoting child-centered training for all first
7 responders;

8 ii) Ensuring that children are provided with
9 adequate access to age-appropriate information on the
10 proper action, role, duties and responsibilities of various
11 government agencies during calamities and other emergency
12 situations;

13 iii) Consulting with the affected children on their
14 needs and priorities for post-disaster relief and recovery; and

15 iv) Providing for an effective mechanism for training
16 and meaningful participation of children in community
17 disaster risk reduction program.

18

19 **Section 4. Evacuation Centers.** – Only in cases where there
20 is no other available place or structure which can be used as a
21 general evacuation center, that a school may be used as an
22 evacuation center.

23 When a school is used as an evacuation center, the use shall
24 be limited to the areas or spaces in the school that are not used as
25 classrooms such as gymnasiums, auditoriums and other open
26 spaces. The use of the school premises shall not exceed thirty (30)
27 days after the declaration of a state of national or local calamity,
28 unless the extension is absolutely necessary. If the use exceeds

1 thirty (30) days, the National Disaster Risk Reduction and
2 Management Council (NDRRMC) shall, in coordination with the
3 Local DRRMC, provide written documentation to the DepEd on the
4 following:

- 5 (a) the name and location of the school
- 6 (b) all alternative sites and the rationale for final site
7 selection; and
- 8 (c) measures being implemented to prevent interference or
9 disruption to the school and educational activities of
10 children.

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

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

1 ensure the early reunion of unaccompanied or separated children
2 with their families or immediate relatives.

3

4 **Section 6. Data Gathering and Reporting.** – The collection
5 and reporting of data at all levels shall be disaggregated by age and
6 gender in the aftermath of a national or local state of calamity.
7 Such collected data shall be utilized to understand and respond
8 better to the needs of children affected by disasters and calamities.

9

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

22

23 **Section 8. System of Reporting of Legal Documents** – In
24 case of destroyed or missing legal documents of children in areas
25 declared under the state of calamity, the Philippine Statistics
26 Authority (PSA) shall develop a system for the restoration and
27 reconstitution of the destroyed or missing legal documents within
28 two (2) weeks after the submission of the application for the

1 reconstitution or replacement of the destroyed or missing
2 document. The PSA shall submit copies of such reconstituted
3 documents to appropriate government agencies for effective
4 monitoring and reporting and to ensure the continued access of
5 the affected children to social services.

6

7 **Section 9. Training of First Responders.** – The NDRRMC
8 shall promote and conduct child-centered trainings for all first
9 responders in the calamity area such as community and barangay
10 leaders, school personnel and other rescuers. The trainings shall
11 include the following:

12 (a) Proper procedures and measures to safeguard and
13 protect the affected children during and after emergencies and
14 disasters; and

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

18

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

26

27 **Section 11. Separability Clause.** – If any provision or part
28 of this Act is declared invalid or unconstitutional, the remaining

1 parts or provisions not affected shall remain in full force and effect.

2

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

7

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

11 **Approved.**