



HOUSE OF REPRESENTATIVES

H. No. 5285

BY REPRESENTATIVES YAP (S.), PADUANO, SALVACION, NOEL, COJUANGCO (K.), PADILLA, CASTRO, CATAMCO, FORTUN, LOBREGAT, TEJADA, PANCHO, RAMOS, DALOG, VARGAS-ALFONSO, DIMAPORO (I.), MACROHON-NUÑO, CERILLES, MERCADO-REVILLA, SUANSING, DE JESUS, DELA CRUZ, SINGSON (R.), VILLARICA, SALIMBANGON, LACSON-NOEL, GUIAO, SARMIENTO (M.), AGGABAO, AGLIPAY, PRIMICIAS-AGABAS, QUISUMBING, RIVERA, ARENAS, ABUEG, ABAYON, ESCUDERO, RODRIGUEZ (R.), CASTELO, ROMULO AND ANGPING, PER COMMITTEE REPORT NO. 517

AN ACT MANDATING THE PROVISION OF EMERGENCY RELIEF AND PROTECTION FOR CHILDREN DURING A DISASTER, CALAMITY, AND 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 “Children’s
2 Emergency Relief and Protection Act”.

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of the
4 State to protect the fundamental rights of children during disaster, calamity, and
5 other emergency situations when children are gravely threatened or endangered
6 by circumstances that will affect their survival and normal development.
7 Towards this end, the State shall establish and implement a comprehensive and
8 strategic program of action to provide the children affected by a disaster,

1 calamity, and other emergency situations with utmost support and assistance
2 necessary for their immediate recovery and protection against all forms of
3 neglect, abuse, exploitation and other acts prejudicial to their interest and
4 well-being.

5 SEC. 3. *Comprehensive Emergency Program for Children.* – The
6 Department of Social Welfare and Development (DSWD), in coordination with
7 the Office of Civil Defense (OCD) and with the participation of accredited
8 child-focused national and international nongovernment organizations, shall
9 formulate a Comprehensive Emergency Program for Children which shall be
10 implemented immediately after the declaration of a national or local state of
11 calamity to protect the children and support their immediate recovery.

12 The Comprehensive Emergency Program for Children, hereinafter
13 referred to as the Program, shall be gender-sensitive and shall have the
14 following components:

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

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

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

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

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

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

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

27 (g) Promotion of Children's Rights – The Program shall include
28 activities and processes that will promote and uphold the rights of children by:

1 (1) Promoting a child-centered training for all first responders;

2 (2) Ensuring that children are provided with adequate access to
3 age-appropriate information on the proper action, role, duties, and
4 responsibilities of various government agencies during calamities and other
5 emergency situations;

6 (3) Consulting with the affected children on their needs and priorities
7 for post-disaster relief and recovery; and

8 (4) Providing for an effective mechanism for training and meaningful
9 participation of children in community disaster risk reduction program.

10 SEC. 4. *Evacuation Centers.* – Only in cases where there is no other
11 available place or structure which can be used as a general evacuation center
12 may a school be used as an evacuation center.

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

21 (a) The name and location of the school;

22 (b) All alternative sites and the rationale for final site selection; and

23 (c) Measures being implemented to prevent interference or disruption
24 to the school and educational activities of children.

25 When temporary learning spaces or other transitional and
26 semi-permanent structures are used as classrooms after a disaster, the DepED
27 shall continuously monitor and assess the condition of such structures in order
28 to ensure the safety of the children and provide optimal learning environments.

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

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

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

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

1 SEC. 8. *System of Restoring Legal Documents.* – To ensure that vital
2 information pertaining to the personal circumstances of a child are adequately
3 protected and available at all times, the Philippine Statistics Authority (PSA)
4 shall develop a system for the restoration and reconstitution of legal documents
5 that have been destroyed or declared lost or missing during a disaster or
6 calamity, within two (2) weeks after the submission of the application for the
7 reconstitution or replacement of the destroyed or missing document. The PSA
8 shall submit copies of such reconstituted documents to appropriate government
9 agencies for effective monitoring and reporting and to ensure the continued
10 access of the affected children to social services and facilitate the reunification
11 of separated children with their families or immediate relatives.

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

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

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

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

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

1 SEC. 12. *Repealing Clause.* – All laws, executive orders, presidential
2 decrees, rules and regulations or parts thereof inconsistent with any provision
3 of this Act are hereby repealed, amended or modified accordingly.

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

Approved,

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