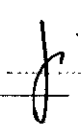


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SENATE
Senate Bill No. 2718

RECEIVED BY: 

Introduced by SENATOR CYNTHIA A. VILLAR

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

EXPLANATORY NOTE

The Philippines is known as one of the hazard-prone countries in the world. With the country's geography and geographical location, about 50.3% of its total area and about 81.3% of the population are vulnerable to natural disasters.¹ In 2012, the country placed third as the most disaster risk country worldwide and first as the country with the most number of people killed due to natural disasters.²

During these unfortunate events, children are among the worst affected and most vulnerable. In November 2013 alone, super typhoon Yolanda affected an estimated six million children in the Philippines. Thousands died and went missing while those who survived suffered psychosocial trauma and experienced difficulties in evacuation centers. Their education also suffered due to indefinite suspension of classes and educational services. Worse, some were exploited and abused due to lack of social protection.

In June 2014, a study by the Save the Children organization showed that more than 10,000 children affected by Typhoon Yolanda are still living in difficult situations in evacuation centers and suffering the uncertainty of their education, welfare and health. Among them, six children died after their tent in the evacuation center was razed by fire. Many of them were not able to go back to school. It was also reported that some children are now engaged in harsh and dangerous labor.

These traumas and sufferings can be avoided or mitigated by establishing clear policies and principles to protect the children in times of calamity and disaster.

In line with the State's commitment 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"³ as well as "promote and protect the physical, moral, spiritual, intellectual, and social well-being of our youth",⁴ this bill aims to provide relief and protection for children in times of calamity, disaster, and other emergency situation.

In view of the foregoing, the passage of this bill is earnestly sought.


CYNTHIA A. VILLAR

¹ **Natural Disasters at a Glance**, Senate Economic Planning Office, https://www.senate.gov.ph/publications/AAG%202013-04%20-%20Natural%20Disasters_final.pdf

² **2012 Philippine Disaster Report**, Citizen's Disaster Response Center, <http://www.cdrc-phil.com/wp-content/uploads/2009/08/PDR-2012.pdf>

³ Section 3 (2), Article XV of the 1987 Philippine Constitution.

⁴ Section 13, Article II of the 1987 Philippine Constitution.

1 The Program shall give priority to the specific needs and nutrition of pregnant women,
2 lactating mothers, newborn babies and children under two years old.

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

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

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

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

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

24 i. Promoting a child-centered training for all first responders;

25 ii. Ensuring that children are provided with adequate access to age-
26 appropriate information on the proper action, role, duties and
27 responsibilities of various government agencies during calamities and
28 other emergency situations;

29 iii. Consulting with the affected children on their needs and priorities for
30 post-disaster relief and recovery; and

31 iv. Providing for an effective mechanism for training and meaningful
32 participation of children in community disaster risk reduction program.

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

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

43 i. the name and location of the school;

44 ii. all alternative sites and the rationale for final site selection; and

- 1 iii. measures being implemented to prevent interference or disruption to
2 the school and educational activities of children.

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

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

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

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

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

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

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

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

47 SEC. 10. ***Implementing Rules and Regulations.*** – Within ninety (90) days
48 from the effectivity of this Act, the Secretary of Social Welfare and Development, in
49 consultation and coordination with the Administrator of the OCD, Secretary of Health,

1 Secretary of Education, PNP Chief and AFP Chief of Staff, shall promulgate the
2 necessary rules and regulations for the effective implementation of this Act.

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

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

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

11 *Approved,*