

SENATE  
S. B. No. 1010

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Introduced by Sen. Jinggoy Ejercito Estrada

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**EXPLANATORY NOTE**

The 1987 Constitution provides that it is duty of the State to defend the rights of the children, assist and protect them from all forms of neglect, abuse; cruelty, exploitation and other conditions prejudicial to their development.

Pursuant to this Constitutional mandate, the government has instituted various policies and laws that would protect children below 18 years old and those who, upon evaluation, are found to be incapable of taking care of themselves fully because of a physical or mental disability.

However, despite the existence of all these laws and programs, the number of children subjected to various forms of abuse and exploitation seems to rise and is becoming more alarming. Based on the Department of Social Welfare and Development data, the number of child abuse cases reported increased from 644 in 1991 to 4,105 in 1996. Among the cases of abuse, the most prevalent is sexual abuse and exploitation, constituting 69 percent of all cases, physical abuse with 20 percent and incest with 16%. For the year 1997 alone, a total of 4,395 cases of child abuse and exploitation were reported to and handled by the Department.

Indeed, taking care of these children and helping them cope with, as well as overcome, their dire situation requires a lot of our resources, human, financial or otherwise.

It is in the light that this proposed measure seeks to establish a fund to be managed by the DSWD which shall be used mainly for the protection and rehabilitation of abandoned, abused and sexually exploited children. As such, it hopes to compliment the existing laws and programs which are solely intended for these disadvantaged children.

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

  
JINGGOY EJERCITO ESTRADA  
Senator

THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

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SENATE  
S.B. No. 1010

RECEIVED BY: *dlr*

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**AN ACT  
INSTITUTING CHILDREN'S WELFARE FUND FOR THE PROTECTION AND  
REHABILITATION OF ABANDONED, ABUSED AND SEXUALLY EXPLOITED  
CHILDREN AMENDING FOR THIS PURPOSE RA NO. 7610, OTHERWISE  
KNOWN AS "THE SPECIAL PROTECTION OF CHILDREN AGAINST CHILD  
ABUSE, EXPLOITATION AND DISCRIMINATION ACT"**

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

SECTION 1. It is hereby declared the policy of the State to recognize the vital role of the youth in nation building. Towards this end, it shall promote and protect their physical moral spiritual, intellectual and social well being.

SECTION 2. There shall be incorporated after Sec. 30 of Republic Act No. 7610, three (3) new sections which shall read as follows:

SEC. 31. CHILDREN'S WELFARE FUND FOR ABANDONED, ABUSED, AND SEXUALLY EXPLOITED CHILDREN. - IN ORDER TO EFFECTIVELY PROTECT AND REHABILITATE CHILDREN WHO ARE VICTIMS OF ALL FORMS OF ABUSE AND SEXUAL EXPLOITATION, THERE IS HEREBY ESTABLISHED A PROTECTION AND REHABILITATION FUND FOR ABUSED AND SEXUALLY EXPLOITED CHILDREN IN THE AMOUNT OF ONE HUNDRED MILLION PESOS (P100,000,000.00) TO BE KNOWN AS CHILDREN'S WELFARE FUND TO BE ONSTITUTED FROM THE FOLLOWING SOURCES:

- A) FIFTY MILLION PESOS (P50,000,000.00) FROM THE FUNDS IN THE NATIONAL TREASURY WHICH IS NOT OTHERWISE APPROPRIATED;

- B) THIRTY MILLION PESOS (P30,000,000.00) FROM THE CONTINGENCY FUND OF THE PRESIDENT; AND
- C) TWENTY MILLION PESOS (P20,000,000.00) FROM THE PROCEEDS OF LOTTERY OPERATIONS OF THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE.

THEREAFTER, SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE SUBSEQUENT GENERAL APPROPRIATIONS ACTS WHICH SHALL IN NO CASE BE LOWER THAN THE PREVIOUS APPROPRIATION.

SEC. 32. USES OF THE CHILDREN'S WELFARE FUND – THE FUND CREATED UNDER THE PRECEDING SECTION SHALL BE USED EXCLUSIVELY TO:

- A) PROVIDE PROTECTION AND ASSISTANCE TO ABANDONED OR ABUSED SEXUALLY EXPLOITED CHILDREN.
- B) ESTABLISH, OPERATE AND MAINTAIN SUCH FACILITIES NECESSARY TO REHABILITATE SUCH CHILDREN;
- C) PROVIDE BASIC EDUCATION;AND
- D) ASSIST THE STATE IN COMBATTING AND CURTAILING ALL FORMS OF CHILD ABUSE.

SEC. 33 . MANAGEMENT OF THE FUND UNDER THIS ACT; ANNUAL REPORT BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT AUTHORITY (DSWD). – THE CHILDREN'S WELFARE FUND FOR ABANDONED. ABUSED AND SEXUALLY EXPLOITED CHILDREN SHALL BE UNDER THE CONTROL AND MANAGEMENT OF THE DSWD. THE DSWD SECRETARY SHALL SUBMIT TO THE PRESIDENT OF THE PHILIPPINES AND TO CONGRESS, WITHIN FIFTEEN (15) DAYS FROM THE OPENING OF THE REGULAR SESSION, AN ANNUAL REPORT ON THE CHILD ABUSE AND EXPLOITATION SITUATION IN THE COUNTRY WHICH SHALL INCLUDE A DETAILED ACCOUNT OF THE CHILD ABUSE AND SEXUAL EXPLOITATION CASES AND CRIMES RELATED THERETO, EXPENSES INCURRED PURSUANT TO THE PROVISIONS OF THIS ACT, RECOMMENDED LEGISLATION, IF NEEDED, AND SUCH

OTHER RELEVANT FACTS AS IT MAY DEEM PROPER TO REPORT: PROVIDED, THAT THIS REPORT SHALL BE INCORPORATED AS A SEPARATE AND DISTINCT ITEM IN THE ANNUAL STATE OF THE NATION ADDRESS OF THE PRESIDENT BEFORE BOTH HOUSES OF CONGRESS.

**SECTION 3. Separability Clause.** If any provision of this Act is declared unconstitutional of the application thereof to any person, circumstance or transaction is held invalid, the validity of the remaining provisions of this Act or the applicability of such provision to other persons, circumstances or transactions shall not be affected thereby.

**SECTION 4. Repealing Clause.** This provisions of all other laws, decrees, orders, rules or regulations or parts thereof inconsistent with this Act are hereby repealed accordingly.

**SECTION 5. Effectivity.** The Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette, or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved;