

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

'18 MAY -8 P3:50

RECEIVED



SENATE

S. B. NO. 1797

Introduced by Senator JOEL VILLANUEVA

AN ACT AMENDING SECTIONS 16 (A) AND 16 (B) OF REPUBLIC ACT NO. 9231, OTHERWISE KNOWN AS "AN ACT PROVIDING FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOR AND AFFORDING STRONGER PROTECTION FOR THE WORKING CHILD, AMENDING FOR THIS PURPOSE REPUBLIC ACT NO. 7610, AS AMENDED, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT"

EXPLANATORY NOTE

Every Filipino child has the right to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with his or her education, or to be harmful to his or her health or physical, mental, spiritual, moral or social development (*Article 32 of Convention on the Rights of the Child*).

Regrettably, the results of the 2011 Survey on Children conducted by the Philippine Statistics Authority (PSA) showed that an estimated 2.1 million Filipino children 5 to 17 years of age are engaged in child labor. Worse, those in hazardous child labor was estimated at 2.0 million or 97.7 percent¹.

The aforesaid study also revealed that across regions, Central Luzon (10.5%) and Bicol Region (10.4%) had the largest share of the country's child labor population. Large shares were also observed in Northern Mindanao (8.5%), CALABARZON (8.3%) and Western Visayas (8.2%)².

¹ <https://psa.gov.ph/content/estimated-number-working-children-5-17-years-old-who-worked-during-past-week-was-33-million> accessed on April 13, 2018

² *ibid.*

Republic Act No. 9231 otherwise known as "*An Act Providing the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610, as Amended Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploration and Discrimination Act"*" provides for the prohibition against worst forms of child labor and punishes employers for such practices namely: (a) all forms of slavery, as defined under the "Anti-trafficking in Persons Act of 2003"; (b) the use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illegal or illicit activities; and (d) work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children.

Fifteen years have passed since the enactment of RA 9231 in 2003 but child labor remains prevalent in the country. Clearly, this situation shows that the penalties presently imposed are not sufficient to deter the continued illegal employment of children.

Hence, this proposed measure seeks to provide greater penalties for violations of RA 9231 by imposing both imprisonment and fine for every instance that a child is engaged in employment other than in the instances permitted by law. The bill also proposes to raise the fines imposed on employers who continue to engage in illegal child labor practices.

The Philippine Development Plan (PDP) 2017-2022 aims to reduce cases of child labor by 30 percent by the end of 2022³. Thus, for the period 2017-2022, the goal is to withdraw at least 630,000 children from child labor (*DOLE Administrative Order No. 142 series of 2018*).

This proposed measure can help make this goal a reality, bring home child laborers and make their rights happen. For these reasons, the passage of this bill is most urgently sought.


SENATOR JOEL VILLANUEVA

³ http://www.neda.gov.ph/wp-content/uploads/2017/12/Abridged-PDP-2017-2022_Final.pdf accessed on April 13, 2018

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

1 **SECTION 1.** Section 16 of Republic Act No. 9231 otherwise known as "An
2 Act Providing for the Elimination of the Worst Forms of Child Labor and
3 Affording Stronger Protection for the Working Child, Amending for this
4 Purpose Republic Act No. 7610, as Amended, otherwise known as the
5 'Special Protection of Children Against Child Abuse, Exploitation and
6 Discrimination Act'" is hereby amended to read as follows:

7
8 Sec. 16. *Penal Provisions* -
9

10 a) Any employer who violates Sections 12, 12-A, and Section 14 of this
11 act, as amended, shall be penalized by imprisonment of six (6) months
12 and one (1) day to six (6) years [or] **AND** a fine of [Fifty thousand
13 (Php50,000.00) but not more than Three hundred thousand pesos
14 (Php300,000.00)] **NOT LESS THAN ONE HUNDRED AND FIFTY**
15 **THOUSAND PESOS (Php150,000.00)** [or both at the discretion of the
16 court].
17

18
19 b) Any person who violates the provision of Section 12-D of this act or the
20 employer of the subcontractor who employs, or the one who facilitates
21 the employment of a child in hazardous work, shall suffer the penalty of
22 a fine of not less than [One hundred thousand pesos (Php100,000.00)
23 but not more than One million pesos (Php1,000,000.00)] **THREE**

1 **HUNDRED THOUSAND PESOS (Php300,000.000) AND**
2 imprisonment of not less than twelve (12) years and one (1) day to
3 twenty (20) years [or both such fine and imprisonment at the discretion
4 of the court].
5

6
7 **SEC. 2. Implementing Agency.** – The Department of Labor and
8 Employment (DOLE) shall promulgate rules and regulations to implement the
9 provisions of this Act.
10

11
12 **SEC. 3. Repealing Clause.** – All laws, decrees, executive orders,
13 rules, regulations or parts thereof inconsistent with the provisions of this Act
14 are hereby repealed or modified accordingly.
15

16
17 **SEC. 4. Separability Clause.** – If, for any reason, any section or
18 provision of this bill is declared unconstitutional or invalid, other sections or
19 provisions hereof shall remain in force.
20

21
22 **SEC. 5. Effectivity.** This Act shall take effect fifteen days after
23 publication in a newspaper of general circulation.
24

25
26 **Approved,**
27