

SENATE
S.B. No. 1936

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Introduced by SENATOR ANA THERESIA "RISA" HONTIVEROS-BARAQUEL

AN ACT AMENDING REPUBLIC ACT 8972 OTHERWISE KNOWN AS THE ACT PROVIDING FOR BENEFITS AND PRIVILEGES TO SOLO PARENTS AND THEIR CHILDREN, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES

EXPLANATORY NOTE

Raising a child is daunting, but raising a child alone carries a specific set of challenges and difficulties. In 2015, the Philippine Statistics Authority estimated that there were about three million solo parents — two million of whom were female. The Federation of Solo Parents has a member base of 80,000.

While significant inroads have been made by virtue of Republic Act No. 8972 or the Solo Parents' Welfare Act, there are still many things that need to be done and many reforms that can still be undertaken to alleviate the plight of solo parents, and to mitigate the disadvantages that children in solo parent households have to live with.

This bill introduces many innovations:

- It expands the definition of solo parents, notably to include spouses of low and semi-skilled overseas Filipino workers, who are away from the Philippines for an unbroken period of one (1) year;
- It provides discounts to solo parents and their children for medical, educational and other basic needs, including tuition fees, as well as discounts on recreational activities;
- It provides for the creation of a Solo Parents Affairs Office in local government units;
- It mandates the creation of daycare facilities in companies with more than 100 employees.

The passage of this bill is earnestly sought.


ANA THERESIA "RISA" HONTIVEROS BARAQUEL

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

Section 1. **Title.** - This Act shall be known as the "EXPANDED Solo Parents' Welfare Act of 2018."

Section 2. **Declaration of Policy.** - It is the policy of the State to promote the family as the foundation of the nation, strengthen its solidarity and ensure its total development. It is also the obligation of the State to adhere to international agreements and national laws on families. Towards this end, it shall develop a comprehensive package of social protection services for solo parents and their children to be carried out by the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Department of Justice (DOJ) the Department of Education (DEPED), the Department of the Interior and Local Government (DILG), the Commission on Higher Education (CHED), the Technical Education and Skills Development Authority (TESDA), the National Housing Authority (NHA), the Department of Labor and Employment (DOLE), the Department of Trade and Industry (DTI), the Bureau of Internal Revenue (BIR), the Civil Service Commission (CSCO), the National Economic Development Authority (NEDA), the Philippine Commission on Women (PCW), the Philippine Health Insurance Corporation (PHILHEALTH), the Union of Local Authorities (ULAP), and other concerned government agencies and civil society organizations with recognized credentials in providing services and advocacy for solo parents.

Section 3. **Definition of Terms.** - Whenever used in this Act, the following terms shall mean as follows;

(a) "Solo parent" - any individual who falls under any of the following categories;

(1) A female who gives birth as a result of rape and other crimes against persons even without a final conviction of the offender; provided, that the mother has the custody of the child or children and bears the sole parental responsibility;

(2) Parent left solo or alone with the responsibility of parenthood due the following circumstances:

- 1 A. Death of the spouse;
- 2 B. Spouse is detained or is serving sentence for a criminal conviction;
- 3 C. Physical and/or mental incapacity of spouse as certified by a public or
4 private medical practitioner;
- 5 D. Legal separation or de facto separation from spouse;
- 6 E. Declaration of nullity or annulment of marriage as decreed by [a] the court
7 recognized by law;
- 8 F. Abandonment of spouse for at least six (6) months;
- 9 (3) Actual custody, support, care and exercising sole parental authority over his or
10 her child or children instead of having others care for them or give them up to a
11 welfare institution;
- 12 (4) spouse of an overseas Filipino worker, provided that the said OFW belongs to
13 the low/semi-skilled worker category and is away from the Philippines for an
14 unbroken period of twelve (12) months;
- 15 (5) Any other person who bears sole parental responsibility over a child or children,
16 including a foster parent duly-recognized by the dswd, a legal guardian appointed
17 by the court or a legal single adoptive parent;
- 18 (6) Any family member who bears sole parental responsibility as a result of the
19 death, abandonment, disappearance or prolonged absence of the parent/s. In cases
20 of grandparents who are senior citizens who have the sole parental responsibility
21 over their minor or physical or mentally incapacitated children or grandchildren,
22 they shall be entitled to the benefits of this act in addition to the benefits granted to
23 them by the expanded senior citizens act of 2003;
- 24 A change in the status or circumstance of the parent or qualified family member or
25 guardian claiming benefits under this Act, such that he/she is no longer left alone
26 with the responsibility of parenthood, shall terminate his/her eligibility for these
27 benefits.
- 28 (b) "Children or dependents" - Refer to those living with and dependent upon the solo
29 parent for support who are unmarried, unemployed and not more than twenty one (21)
30 years of age, or even over twenty one (21) years but are incapable of self-support because
31 of mental and/or physical defect/disability.
- 32 (c) "Parental responsibility" - With respect to their minor children shall refer to the rights
33 and duties of the parents as defined in Article 220 of Executive Order No. 209, as amended,
34 otherwise known as the "Family Code of the Philippines."
- 35 (d) "Parental leave" - Shall mean leave benefits granted to a solo parent to enable him/her
36 to perform parental duties and responsibilities where physical presence is required. All
37 solo parents working in the government or private sector shall be qualified to a seven-day
38 parental leave with pay.
- 39 (e) "Flexible work schedule" - Is the right granted to a solo parent employee to vary his/her
40 arrival and departure time without affecting the core work hours as defined by the

1 employer.

2 (f) Basic necessities - Refer to rice, corn, bread, fresh, dried and canned fish and other
3 marine products, fresh pork, beef and poultry, meat, fresh eggs, fresh and processed milk,
4 fresh vegetables, root crops, coffee, sugar, cooking oil, salt, laundry soap, detergents,
5 sanitary napkins, diapers, and drugs classified as essential by the DOH and other
6 commodities as maybe classified by the DTI and the DA according to Republic Act no. 7581
7 or The Price Act.

8 Section 4. **Criteria for Additional Financial Assistance.** - Any solo parent whose income in
9 the place of residence falls below the poverty threshold as set by the Philippine Statistics
10 Authority (PSA) and subject to the assessment of the Local Social Welfare and Development
11 Officer in the area where the solo parent resides shall be eligible for additional financial
12 assistance reserved for the poor and indigent solo parents as determined by the proper
13 government agencies. *Provided*, that any solo parent, regardless of the income bracket or
14 financial status shall enjoy the benefits under this act.

15 Section 5. **Comprehensive Package of Social Protection Services.** - A comprehensive
16 package of social PROTECTION services for solo parents and their families SHALL be
17 developed by the DSWD, DOH, DEPED, CHED, TESDA, DOLE, NHA, DOJ, DTI, BIR, CSC, NEDA,
18 PCW, PHILHEALTH, ULAP, DILG, and other concerned government agencies and civil
19 society organization with recognized credentials in providing services to solo parents.

20 The DSWD shall coordinate with concerned agencies the implementation of the
21 comprehensive package of social protection services for solo parents and their families.
22 The package will initially include:

23 (a) Livelihood development services which include trainings on livelihood skills,
24 basic business management, value orientation and the provision of seed capital or
25 job placement;

26 (b) Counseling services which include individual, peer group or family counseling.
27 This will focus on the resolution of personal relationship and role conflicts;

28 (c) Parent effectiveness services which include the provision and expansion of
29 knowledge and skills of the solo parent on early childhood development, behavior
30 management, health care, rights and duties of parents and children;

31 (d) Critical incidence stress debriefing which includes preventive stress
32 management strategy designed to assist solo parents in coping with crisis situations
33 and cases of abuse;

34 (e) Special projects for individuals in need of protection which include temporary
35 shelter, counseling, legal assistance, medical care, self-concept or ego-building, crisis
36 management and spiritual enrichment; and

37 (F) Legal advice and assistance.

38 Section 6. **Flexible Work Schedule.** - The employer shall provide for a flexible working
39 schedule for solo parents: *Provided*, That the same shall not affect individual and company
40 productivity: *Provided*, further, that any employer may request exemption from the above
41 requirements from the DOLE on certain meritorious grounds.

1 Section 7. **Work Discrimination.** - No employer shall discriminate against any solo parent
2 employee with respect to terms and conditions of employment on account of his/her
3 status.

4 Section 8. **Parental Leave.** - In addition to leave privileges under existing laws, parental
5 leave of not more than seven (7) working days every year shall be granted to any solo
6 parent employee who has rendered service of at least six (6) months. This benefit may be
7 availed in both the private or government sector, regardless of employment status.

8 Section 9. **Educational Benefits.** - The DEPED, CHED and TESDA shall provide the following
9 benefits and privileges:

10 (1) Scholarship and/ or grants for qualified solo parents and their children in
11 institutions of basic, higher and technical/ vocational educational and training; and

12 (2) Nonformal education programs appropriate for solo parents and their children.

13 The DEPED, CHED and TESDA shall promulgate rules and regulations for the proper
14 implementation of this program.

15 Section 10. **Housing Benefits.** - Solo parents shall be given allocation in housing projects
16 and shall be provided with liberal terms of payment on said government low-cost housing
17 projects in accordance with housing law provisions prioritizing applicants below the
18 poverty line as declared by the Philippine Statistics Authority.

19 Section 11. **Medical Assistance.** - The DOH shall develop a comprehensive health care
20 program for solo parents and their children. The program shall be implemented by the
21 DOH through their retained hospitals and medical centers and the local government units
22 (LGUs) through their provincial/district/city/municipal hospitals and rural health units
23 (RHUs).

24 Section 12. **Additional Powers and Functions of the DSWD.** — The DSWD shall perform
25 the following additional powers and functions relative to the welfare of solo parents and
26 their families:

27 (a) Conduct research necessary to: (1) develop a new body of knowledge on solo
28 parents; (2) define executive and legislative measures needed to promote and
29 protect the interest of solo parents and their children; and (3) assess the
30 effectiveness of programs designed for disadvantaged solo parents and their
31 children;

32 (b) Coordinate the activities of various governmental and nongovernmental
33 organizations engaged in promoting and protecting the interests of solo parents and
34 their children; and

35 (c) Monitor the implementation of the provisions of this Act and suggest
36 mechanisms by which such provisions are effectively implemented.

37 Section 13. **Solo Parent Identification Card (SPIC).** - The Local Social Welfare and
38 Development Office (LSWDO) shall issue the solo parent identification card upon the
39 presentation of the applicant of the following documents:

40 (a) Barangay certification certifying that the solo parent is a resident of the
41 barangay for the last six (6) months preceding the application;

(b) Certification from the relevant government agency or court as proof of birth of child/children, death of parents or spouse, decree of annulment, declaration of nullity, or legal separation, or any form of dissolution of marriage, status as overseas Filipino worker, and other documentary support to attest the circumstances that qualifies the applicant as a solo parent;

The SPIC shall be issued within thirty (30) days from application thereof and shall be valid for one (1) year upon issuance subject to renewal.

Section 14. **Additional Benefits**- A solo parent shall be entitled to the following additional benefits:

(a) Twenty (20) percent discount from all purchases of infant formula, food, food supplements and sanitary diapers for purchases made from child's birth until three (3) years of age, provided that the discount on infant formula can only be availed of when the solo parent is not the mother;

(b) twenty (20) percent discount from all purchases of medicines, vaccines and other medical supplements, supplies, accessories and equipment for the child, as prescribed by a licensed medical practitioner, for purchases made from the child's birth until eighteen (18) years of age;

(c) twenty (20) percent discount from all purchases of the child's basic necessities;

(d) Twenty (20) percent discount from tuition fees per child from kindergarten to college level in both private and public colleges and universities and schools, on top of any scholarship grants if any;

(e) Twenty (20) percent discount from hospital bill of the solo parent's child if admitted for medical care and attention, both in private and public hospitals;

(f) Tax amnesty and/ or reduction of real estate or inheritance taxes of solo parents;

(g) Twenty (20) percent discount on consultation and laboratory diagnostic fees and purchase of medicines for solo parents and their children;

(h) basic personal exemption from individual income tax in the amount of fifty thousand pesos (p50,000.00) in addition to the existing exemption that the solo parent may claim for their children;

(j) Twenty (20) percent discount from all private and public recreational facilities, provided that the discount can only be availed when the solo parent and children are together. Companies and business establishments where the said discounts were availed, shall be entitled to claim said discounts as part of their business expense, provided that they maintain a detailed and separate records of the discounted purchases.

SECTION 15. **CREATION OF THE SOLO PARENTS' SPECIAL INTER-AGENCY REVIEW COMMITTEE AND TASK FORCE** - An inter-agency committee shall be created to coordinate and monitor the implementation of this act. The committee shall be comprised of the following agencies:

(a) Department of Social Welfare and Development (DSWD), as chair;

- (b) Department of the Interior and Local Government (DILG) as co-chair;
- (c) Department of Health (DOH);
- (d) Department of Justice (DOJ);
- (e) Department of Education (DEPED);
- (f) Commission on Higher Education (CHED);
- G) Technical Education and Skills Development Authority (TESDA);
- H) National Housing Authority (NHA);
- I) Department of Labor and Employment (DOLE);
- J) Bureau of Internal Revenues (BIR);
- K) Philippine Health Insurance Corporation (PHILHEALTH);
- L) At least two (2) non-government or civil society organization with proven credentials in advocating for the rights and welfare, as well as providing services to solo parents.

This committee shall submit an annual report to the congress on the status of implementation of this act, following its effectivity.

SECTION 16. *Solo Parents Affairs Office*- A solo parent affairs office shall be established in every local government unit. In line with this requirement, a Solo Parents help desk shall be placed in every barangay for the immediate assistance of solo parents and their children.

SECTION 17. *National Solo Parents Day And Week*- To commemorate the role and significance of every solo parent in the Philippines, solo parents week shall be every third (3rd) week of April and the National Solo Parents day shall be every third (3rd) Saturday of April of every year.

SECTION 18. *Penalties*- Any person, corporation, entity or agency which refuses or fails to provide the benefits granted to Solo Parents in violation of this act, or discriminates against solo parents in employment hiring, shall suffer the following penalties:

(1) For the first violation - A fine of not less than ten thousand pesos (P10,000.00) but not more than fifty thousand pesos (P50,000.00) or imprisonment of not less than six (6) months but not more than one (1) year, or both, at the discretion of the court.

(2) For any subsequent violation - A fine of not less than one hundred thousand pesos (P100,000.00) but not more than two hundred thousand pesos (P200,000.00) or imprisonment of not less than one (1) year but not more than two (2) years, or both, at the discretion of the court. any person who misinterprets the status or falsifies any document to avail of the benefits provided under this act or any person who abuses the privileges granted herein shall be punished with a fine not less than ten thousand pesos (P10,000.00) but not more than fifty thousand pesos (P50,000.00) and imprisonment of not less than six (6) months.

If the offender is a corporation, partnership or organization or any similar entity, the

1 employees and officials therefore directly involved shall individually be held liable
2 therefore. If the violator is an alien or a foreigner, he shall be deported immediately after
3 service of sentence without further deportation proceedings.

4 Upon filing of an appropriate complaint and after due notice and hearing, the proper
5 authorities may also cause the cancellation or revocation of the business permit, permit to
6 operate, franchise and other similar privileges granted to any business that fails to abide by
7 the provision of this act.

8 Upon finding by the solo parents' special review committee that a department, agency or
9 instrumentality of the government, a Government-Owned or Controlled Corporation
10 (GOCC) or a Local Government Unit had violated any provision of this act, sanctions under
11 the administrative law, civil service or other laws may be recommended to the CSC or the
12 DILG against the head of the agency or the local chief executive and the person directly
13 responsible for the violation.

14 Any person who claims to be a solo parent for the purpose of availment of the benefits
15 under this act, with intent to defraud shall be penalized with a fine of not less than ten
16 thousand pesos (P10,000.00) but not more than fifty thousand pesos (P50,000.00) or
17 imprisonment of not less than six (6) months but not more than one (1) year, or both, at
18 the discretion of the court.

19 Section 19. **Daycare Facilities.** - Government agencies and private companies with one
20 hundred (100) or more employees shall provide daycare facilities within the premises for
21 children aged five and below of its employees, handled by qualified and competent
22 personnel with proven experience in child care, provided that these facilities shall also be
23 made available to children aged ten years old and below of solo parents.

24 Section 20. **Implementing Rules and Regulations.** - Within ninety (90) days upon the
25 effectivity of this act, the DSWD, in consultation and coordination with the members of the
26 Solo Parents' special review committee, shall issue the necessary rules and regulations for
27 the effective implementation of this Act.

28 Section 21. **Appropriations.** - The amount necessary to carry out the provisions of this Act
29 shall be included in the budget of the concerned government agencies in the General
30 Appropriations Act (GAA). Government agencies may also utilize a portion of their
31 respective gender and development (gad) budget to implement this act anchored on the
32 guidelines issued by the DBM, NEDA, and PCW.

33 Section 22. **Repealing Clause.** - All laws, decrees, executive orders, administrative orders
34 or parts thereof inconsistent with the provisions of this Act are hereby repealed, amended
35 or modified accordingly.

36 Section 23. **Separability Clause.** - If any provision of this Act is held invalid or
37 unconstitutional, other provisions not affected thereby shall continue to be in full force and
38 effect.

39 Section 24. **Effectivity Clause.** - This act shall take effect fifteen (15) days following its
40 complete publication in the official gazette or in at least two (2) newspaper of general
41 circulation.

42 Approved,