



SENATE

S. No. 2023

PREPARED AND SUBMITTED JOINTLY BY THE COMMITTEES
ON WOMEN, CHILDREN, FAMILY RELATIONS AND
GENDER EQUALITY; NATIONAL DEFENSE AND SECURITY;
AND FINANCE WITH SENATORS SOTTO III, VILLANUEVA,
EJERCITO, POE, HONTIVEROS, BINAY, HONASAN II,
LEGARDA, ZUBIRI AND DRILON AS AUTHORS THEREOF

AN ACT PROVIDING SPECIAL PROTECTION OF
CHILDREN IN SITUATIONS OF ARMED
CONFLICT AND PROVIDING PENALTIES
THEREOF

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

1 CHAPTER I

2 GENERAL PROVISIONS

3 SECTION 1. Short Title. – This Act shall be known as
4 “Special Protection of Children in Situations of Armed
5 Conflict Act”.

6 SEC. 2. *Declaration of State Policy.* – It shall be the
7 policy of the State to provide special protection to children

1 in situations of armed conflict from all forms of abuse,
2 violence, neglect, cruelty, discrimination and other
3 conditions prejudicial to their development, taking into
4 consideration their gender, cultural, ethnic and religious
5 background. For this purpose, the State shall:

6 (a) Fully implement the protection guaranteed
7 under the Convention on the Rights of the Child, its
8 Optional Protocol on the involvement of children in armed
9 conflict and all other core human rights treaties,
10 particularly, the International Covenant on Civil and
11 Political Rights and the Convention Against Torture and
12 Other Cruel, Inhuman or Degrading Treatment or
13 Punishment; other pertinent international instruments
14 such as the International Labor Organization Convention
15 No. 182 concerning the prohibition and immediate action
16 for the elimination of the worst forms of child labor; the
17 Geneva Conventions of 1949 and the additional protocols
18 ratified by the Philippines; the Convention on the
19 Elimination of All Forms of Discrimination Against Women
20 (CEDAW) General Recommendation 30 and the

1 Convention on the Prohibition of the Use, Stockpiling,
2 Production and Transfer of Anti-Personnel Mines and on
3 their Destruction;

4 (b) Take into account the United Nations Guiding
5 Principles on Internal Displacement, the United Nations
6 Security Council Resolutions related to children affected by
7 armed conflict, United Nations Security Council Resolution
8 (UNSCR) No. 1820 on Women, Peace and Security, and
9 other pertinent international instruments in the
10 implementation of its treaty obligations and of this Act;
11 respect the human rights of children at all times. It shall
12 be recognized that children are entitled to dignity and
13 respect as human beings in need of protection from
14 degradation, humiliation, maltreatment, exploitation and
15 assault;

16 (c) Consider as paramount the best interests of
17 children, and treat all children involved in, affected by or
18 displaced by armed conflict as victims;

19 (d) Take all feasible measures to prevent the
20 recruitment and use of children in armed conflict and shall

1 take all necessary measures to ensure the effective
2 implementation and enforcement of the provisions of this
3 Act;

4 (e) Take all the necessary measures to address the
5 root causes of armed conflict which include, but are not
6 limited to, poor governance, issues of injustice and wide
7 spread poverty and economic inequity that result in
8 involving, affecting or displacing children;

9 (f) Continue to recognize its primary role in
10 providing effective protection and relief to all children in
11 situations of armed conflict;

12 (g) Continue to fulfill its responsibilities to end
13 impunity and to prosecute those responsible especially for
14 grave child rights violations in armed conflict; and

15 (h) Ensure the right to participation of children
16 affected by armed conflict in all its policies, actions,
17 decisions concerning their rescue, rehabilitation and
18 reintegration.

1 SEC. 3. *Scope of Application.* – This Act shall apply to
2 all children involved in, affected by or displaced by armed
3 conflict.

4 The application of this Act shall not affect the legal
5 status of any party to the armed conflict.

6 SEC. 4. *Interpretation of this Act.* – Nothing in this
7 Act shall be construed as precluding provisions in existing
8 Philippine laws, international human rights laws and
9 related instruments, and international humanitarian laws
10 that are more conducive to the realization of the rights of
11 children.

12 SEC. 5. *Definition of Terms.* – As used in this Act:

13 (a) *Abduction of children* refers to the seizure,
14 apprehension, taking in custody, detention or capture of
15 one or more children either temporarily or permanently by
16 force, threat of force or coercion, or deception for the
17 purpose of any form of exploitation of such children in the
18 situations of armed conflict;

19 (b) *Acts of gender-based violence* refer to physical or
20 sexual violence other than rape, and psychosocial harm

1 that is committed against a person as a result of power
2 inequities that are based on gender roles. These include,
3 among others battering, sexual slavery and abuse of
4 children, female genital mutilation, prostitution, forced
5 marriage, forced pregnancy or forced sterilization;

6 (c) *Armed conflict* refers to armed confrontations
7 occurring between governmental armed forces and one or
8 more armed groups, or between such groups arising in the
9 Philippine territory. These shall include activities which
10 may lead to or in preparation of armed confrontation or
11 armed violence that put children's lives at risk and their
12 rights violated;

13 (d) *Armed group* refers to an armed non-state actor
14 or non-state entity engaged in armed violence against the
15 state and/or its governmental armed forces or against
16 other non-state armed groups, actors or non-state entities;

17 (e) *Attacks on schools, hospitals, places of worship,*
18 *child development or day care centers, evacuation centers*
19 *and other public places such as recreation parks,*
20 *playgrounds and malls* refer to the attacks, occupation,

1 shelling, targeting for propaganda of schools, hospitals or
2 places of worship and their personnel; causing damage to
3 such places, or harm or injury to their personnel; or
4 causing the total or partial physical destruction of such
5 facilities; or disruption of educational activities and health
6 services. It also refers to attacks of such places which have
7 been temporarily abandoned by the community as a result
8 of armed conflict;

9 (f) *Camps* refer to structures or spaces occupied by
10 governmental armed forces and armed groups;

11 (g) *Child* refers to:

12 (1) A person below eighteen (18) years of age; or

13 (2) A person (18) years of age or older but who is
14 unable to fully take care of one's self; or protect one's self
15 from abuse, neglect, cruelty, exploitation or discrimination;
16 and unable to act with discernment because of physical or
17 mental disability or condition;

18 (h) *Child protection* refers to measures, structures
19 and activities that ensure the prevention and response to
20 abuse, neglect, exploitation and violence affecting children.

1 It shall include the promotion of their development and
2 psychosocial well-being;

3 (i) *Children affected by armed conflict* refers to all
4 children population experiencing or who have experienced
5 armed conflict;

6 (j) *Children involved in armed conflict (CIAC)* refers
7 to children who are either forcibly, compulsorily recruited
8 or who voluntarily joined any governmental armed forces
9 or any armed group in any capacity to participate directly
10 in armed hostilities as combatants or as fighters, or take
11 support roles such as scouting, spying, sabotaging, acting
12 as decoys, assisting in checkpoints being couriers,
13 messengers, porters, cooks, and being used for sexual
14 purposes;

15 (k) *Children in situations of armed conflict* refers to
16 all children involved in armed conflict, children affected by
17 armed conflict and internally displaced children;

18 (l) *False branding of children or labeling children as*
19 *children involved in armed conflict* refers to the voluntary
20 and intentional act of referring to, calling, defining,

1 reporting, or any other form of communication that
2 incorrectly defines children as children involved in armed
3 conflict, when the status or condition of such children are
4 such that they are not involved in armed conflict as defined
5 in this Act;

6 (m) *False reporting of a child in custody* refers to the
7 voluntary and intentional act of any person of providing
8 false, incorrect, and mistaken information in relation to a
9 child in custody in relation to situations of armed conflict;

10 (n) *Food blockade* refers to an armed conflict tactic of
11 forcibly cutting off entry of food supplies in a particular
12 area where children can be found;

13 (o) *Governmental armed forces* refer to the Armed
14 Forces of the Philippines (AFP), together with its reserve
15 and auxiliary forces, including other government forces
16 providing support to governmental armed forces;

17 (p) *Grave child rights violations* refer to the crimes
18 committed against children that constitute flagrant
19 violations of their human rights and have severe
20 consequences on their lives. These crimes include those

1 enumerated in Section 9 of this Act such as killing or
2 maiming of children, recruitment or use of CIAC, rape and
3 other forms of sexual violence against children, abduction
4 of children, attacks against schools or hospitals, or denial
5 of humanitarian access to children;

6 (q) *Hamleting* refers to an armed conflict strategy
7 used by one party involved in armed conflict that isolates a
8 community of importance to the other party which is
9 inhabited by children, including relocating a community
10 away from crucial zones and could be used to control the
11 activities of the people in said areas;

12 (r) *Hospitals or health facilities* refer to any
13 structure including diagnostic clinics or multi-specialty
14 clinics recognized and known by the community as a
15 facility where the sick and wounded are provided with
16 medical or health care services;

17 (s) *Humanitarian access* refers to the right of
18 vulnerable populations to receive international protection
19 and assistance from an impartial humanitarian relief
20 operation to complement efforts of national authorities.

1 Such action is subject to the consent of the State or parties
2 concerned and does not prescribe coercive measures in the
3 event of refusal, however unwarranted;

4 (t) *Humanitarian assistance* refers to any aid that
5 seeks to save lives and alleviate suffering of a crisis-
6 affected population. Humanitarian assistance must be
7 provided in accordance with the basic humanitarian
8 principles of humanity, impartiality, independence and
9 neutrality. Assistance may be divided into three (3)
10 categories: direct assistance, indirect assistance and
11 infrastructure support, which have diminishing degrees of
12 contact with the affected population;

13 (u) *Internally displaced children* refer to children or
14 group of children, whether separated or together with their
15 families, who have been forced or obliged to flee or to leave
16 their homes or places of habitual residence, in particular,
17 as a result of or in order to avoid the effect of armed
18 conflict and situations of generalized violence;

19 (v) *Killing of children* refers to acts of all kinds in
20 the context of armed conflict that result in the death of one

1 or more children. They include the death of children as a
2 result of direct targeting and indirect actions, such as
3 cross-fire, use of landmines and improvised explosive
4 device (IED), cluster munitions, biological weapons of
5 destruction, all other forms and types of explosives; or
6 house demolitions, search and arrest campaigns, suicide
7 attacks and torture; they also include murder, homicide
8 and such other similar crimes as defined in the Revised
9 Penal Code, as amended, and other special laws;

10 (w) *Law enforcement agency* refers to the Philippine
11 National Police (PNP) and other law enforcement agencies;

12 (x) *Maiming of children* refers to acts of all kinds in
13 the context of armed conflict that result in serious or
14 permanent or disabling injury, scarring or defacing, or
15 mutilation of children. It shall cover intentional maiming
16 of children where they are directly targeted, and maiming
17 of children which result from indirect actions, such as
18 cross-fire, use of landmines, IED, cluster munitions,
19 biological weapons of destruction, all forms and types of

1 explosives; or in the context of house demolitions, search
2 and arrest campaigns, suicide attacks and torture;

3 (y) *Rape* is a sexual assault that violates a person's
4 right to personal security and bodily integrity with the
5 essential lack of consent and shall include those
6 enumerated in Section 2 of Republic Act No. 8353 or the
7 "Anti-Rape Law of 1997".

8 (z) *Recruitment* refers to compulsory, forced or
9 voluntary conscription or enlistment of children into the
10 governmental armed force or forced or voluntary
11 membership into the armed group;

12 (aa) *Release of children* refers to the process of formal
13 and controlled disarmament and demobilization of children
14 and their release from an armed force or armed group as
15 well as informal ways in which children leave by escaping,
16 being captured or by other means. It entails a
17 disassociation from the armed force or armed group and
18 the beginning of transition from military to civilian life.
19 Release can take place during a situation of armed conflict;
20 it is not dependent on the temporary or permanent

1 cessation of hostilities; it is not dependent on children
2 having weapons to forfeit;

3 (bb) *School* refers to any structure or space, with or
4 without marked visible boundaries, which is recognized
5 and known by the community as a learning space for
6 children; and

7 (cc) *Zone of peace* refers to a site with sacred,
8 religious, historic, educational, cultural, geographical or
9 environmental importance, which is protected and
10 preserved by its own community. It is not merely a
11 “Demilitarized Zone”, but a sanctuary that operates within
12 ethical principles of nonviolence, free from weapons, acts of
13 violence, injustice and environmental degradation;
14 children are declared zones of peace in accordance with the
15 policies stipulated under Article X, Section 22 of Republic
16 Act No. 7610 or the “Special Protection of Children Against
17 Child Abuse, Exploitation and Discrimination Act”.

18 CHAPTER II

19 RIGHTS OF CHILDREN IN SITUATIONS OF ARMED CONFLICT

1 SEC. 6. *Children as Zones of Peace.* – Treatment of
2 children as zones of peace shall extend beyond territorial
3 or geographical boundaries and shall focus on the person of
4 the child whose rights shall be promoted and protected at
5 all times, especially in situations of armed conflict or
6 violence. The State and all sectors concerned shall have the
7 responsibility to resolve armed conflict in order to promote
8 the goal of children as zones of peace. As such, the
9 community, governmental authority and, if appropriate,
10 religious leadership shall preserve the peaceful integrity of
11 children, exemplify mutual respect and nonviolent
12 behavior in the presence of children, and share their
13 resources to further peace and cooperation.

14 SEC. 7. *Rights of Children in Situations of Armed*
15 *Conflict.* – Children in situations of armed conflict shall
16 have the following rights:

- 17 (a) The right to life, survival and development;
- 18 (b) The right of special respect and protection
19 against any form of abuse, neglect, exploitation and
20 violation, especially in the context of armed conflict;

1 (c) The right to be treated as victims. They shall be
2 treated in accordance with this Act and other applicable
3 laws, consistent with the State obligation under
4 international law, within the framework of restorative
5 justice, social rehabilitation and promotion of their
6 protection;

7 (d) The right to be accorded with special respect and
8 to be protected from any form of direct or indiscriminate
9 attacks and acts of violence especially protection from the
10 grave child rights violations as enumerated in Section 9 of
11 this Act;

12 (e) The right to be protected from recruitment into
13 governmental armed forces or armed groups and from
14 participation in armed conflict including the right to be
15 protected from torture or any cruel, inhuman or degrading
16 practices that compel compliance or punish noncompliance
17 with recruitment or participation in armed conflict;

18 (f) The right to be protected from extra judicial
19 killings, maiming, torture, abduction, and rape;

1 (g) The right to be immediately provided and have
2 safe access to essential, adequate and culturally
3 appropriate food and nutrition; basic shelter and housing;
4 culturally appropriate clothing; water, sanitation and
5 hygiene; basic health services including essential drugs,
6 medicines and vaccines, minimum initial service package
7 for reproductive health, and health professional evaluation
8 and appropriate intervention; education, including
9 religious and moral education; early childhood care and
10 development programs, psychosocial support and social
11 services. All services provided for them must be child-
12 specific and gender sensitive and responsive;

13 (h) The right to enjoy their freedom of thought,
14 conscience, religion or belief, opinion and expression; to
15 associate freely and participate equally in legitimate
16 community affairs; to communicate in a language they
17 understand even in situations of armed conflict and
18 whether or not they have been internally displaced or are
19 living in evacuation centers or settlements;

1 (i) The right to be treated humanely in all
2 circumstances, without any adverse distinction founded on
3 race, color, religion or faith, gender, birth or wealth, or any
4 other similar criteria;

5 (j) The right not to be interned in or confined in
6 camp;

7 (k) The right of the wounded and the sick, those with
8 disabilities, unaccompanied minors, expectant and
9 lactating mothers, to care, protection, and assistance
10 required by their condition; and to prevention, treatment,
11 care, and support for contagious and infectious diseases;

12 (l) The right to be with their families, especially
13 with their mothers, during evacuations and in evacuation
14 centers;

15 (m) The right to be reunited with their families in
16 case of separation due to armed conflict;

17 (n) The right to privacy and confidentiality in all
18 proceedings;

19 (o) The right to nondiscrimination;

1 (p) The right to liberty of movement and freedom to
2 choose their residence; in particular, internally displaced
3 children and their families have the right to move freely in
4 and out of evacuation centers or other settlements, subject
5 to existing rules and regulations in those centers or
6 settlements and to other government regulations and
7 directives;

8 (q) The right especially of internally displaced
9 children and their families to: leave the country; seek
10 safety in another part of the country; seek other service
11 providers; seek asylum in another country; and be
12 protected against forcible return to resettlement in any
13 place where their life, safety, liberty or health would be at
14 risk;

15 (r) The right to obtain necessary document/s to enjoy
16 their legal rights. The State shall have the duty to expedite
17 services in the issuance of new documents or the
18 replacement of documents lost in the course of
19 displacement, without imposing unreasonable conditions
20 and without discrimination against female child and male

1 child, who shall have equal rights to obtain and to be
2 issued the same in their own names;

3 (s) The right of access to justice including free legal
4 aid when filing cases against the perpetrators;

5 (t) The right for protection of their family's
6 properties and possessions in all circumstances; and

7 (u) The right to be consulted and to participate in all
8 matters affecting them. Whenever feasible, views of
9 children, as well as families and the communities to which
10 these children return, should be sought in all stages of
11 assessment, planning, implementation, and evaluation
12 activities to aimed at preventing the association of children
13 with armed forces and armed groups; as well as in the
14 development and design of policies, programs, and services
15 for the rescue, rehabilitation, and reintegration of children
16 involved in armed conflict.

17 The rights enumerated in this section shall not
18 hinder the application of other rights recognized and
19 guaranteed in the Constitution and other existing laws in
20 keeping with the best interests of the child.

CHAPTER III

PREVENTION

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3 SEC. 8. *Prevention.* – The State shall take all
4 feasible measures to prevent the recruitment, re-
5 recruitment, use, grave violations or displacement of
6 children involved in armed conflict. It shall take all
7 necessary measures to ensure the effective implementation
8 and enforcement of the provisions of this Act. Towards
9 this end, the State shall:

10 (a) Prioritize children's issues in the peace program
11 of the government and include children's concerns,
12 specifically the effects of armed conflicts, in peace
13 negotiations;

14 (b) Mainstreaming of peace education programs and
15 the promotion of culture of peace and non-violence shall be
16 pursued in both formal and non-formal settings;

17 (c) Provide educational assistance, whether formal
18 or alternative learning system, that is child and culturally
19 sensitive. Girls should have an equal right to education
20 irrespective of their status as mothers or wives;

1 (d) Develop and implement training programs and
2 campaign towards promoting a culture of peace and
3 respect for human rights and international humanitarian
4 law in collaboration with civil society organizations;

5 (e) Provide capacity building on Local Governance
6 and Community Development, and ensure the
7 participation of the Local Councils for the Protection of
8 Children, various organizations, especially of children's
9 and people's organizations at the community level. These
10 organizations shall be involved in consultation and
11 decision-making processes and in the development and
12 implementation of programs, projects and activities
13 established for them;

14 (f) Establish livelihood programs which shall be
15 made available to communities in identified priority areas
16 in order to alleviate the living conditions of the people;

17 (g) Make available basic health services in health
18 facilities in all affected areas. Culturally-sensitive
19 nutrition program and activities including supplementary
20 feeding shall also be made available. Efforts to support

1 traditional health practices in indigenous peoples' area
2 shall also be initiated;

3 (h) Establish basic facilities and infrastructure
4 needed;

5 (i) Ensure that child protection mechanisms are
6 present and functional; and

7 (j) Establish a comprehensive, effective and efficient
8 system for monitoring and reporting and response for
9 violations as provided in Section 9 of this Act.

10 CHAPTER IV

11 PROHIBITED ACTS, PENALTIES AND PRESCRIPTION OF CRIME

12 SEC. 9. Prohibited Acts and Penalties. –

13 (a) It shall be unlawful for any person to commit the
14 following acts of grave child rights violations:

15 (1) killing of children;

16 (2) torture committed against children. For purposes
17 of this Act, torture shall include those enumerated in
18 Section 4 of Republic Act No. 9745 or the "Anti-Torture
19 Act";

20 (3) intentional maiming of children; and

1 (4) rape of children and other forms of sexual
2 violence.

3 Any person found guilty of committing any of the acts
4 enumerated in subparagraphs 1, 2, 3 and 4 of Paragraph
5 (a) of this section shall suffer the penalty of life
6 imprisonment and a fine of not less than Two million pesos
7 (P2,000,000.00) but not more than Five million pesos
8 (P5,000,000.00).

9 (b) The following acts of grave child rights violations
10 are also hereby prohibited:

11 (1) cruel, inhuman and degrading treatment or
12 punishment committed against children. For purposes of
13 this Act, cruel, inhuman and degrading treatment or
14 punishment shall include those acts enumerated in Section
15 5 of the Anti-Torture Act;

16 (2) abduction of children;

17 (3) maiming of children;

18 (4) taking children as hostages or using them as
19 human shield;

1 (5) recruitment, conscription or enlistment of
2 children into governmental armed forces and other armed
3 groups;

4 (6) acts of gender-based violence against children;

5 (7) refusal or denial of humanitarian access and/or
6 assistance to children;

7 (8) use or involvement of children involved in armed
8 conflict in any capacity as defined in Section 5(i) of this
9 Act; and

10 (9) attack on schools, hospitals, places of worship,
11 evacuation centers and settlements and other public places
12 such as recreation parks, playgrounds and malls.

13 Any person found guilty of committing any of the acts
14 enumerated in subparagraphs 1, 2, 3, 4, 5, 6, 7, 8, and 9 of
15 Paragraph (b), of this section shall suffer the penalty of an
16 imprisonment of not less than fourteen (14) years but not
17 more than twenty (20) years and a fine of not less than
18 One million pesos (P1,000,000.00) but not more than Two
19 million pesos (P2,000,000.00).

1 (c) Where the crimes committed under paragraph (b)
2 of this section resulted in the killing, torture, maiming or
3 rape of children as enumerated in subparagraphs 1, 2, 3
4 and 4 of Paragraph (a), Section 9, the penalty imposed
5 shall be that of Section 9 (a) of this Act.

6 (d) Likewise, it shall be unlawful for any person to
7 commit the following acts:

8 (1) hamleting;

9 (2) food blockade;

10 (3) intentional delayed reporting of a child in
11 custody;

12 (4) false reporting of a child in custody;

13 (5) false branding of children or labeling children as
14 children involved in armed conflict; and arrest, arbitrary
15 detention or unlawful prosecution of children allegedly
16 associated with armed groups or armed forces.

17 Any person found guilty of committing any of the acts
18 enumerated in subparagraphs 1, 2, 3, 4, 5 and 6 of
19 Paragraph (d), of this section shall suffer the penalty of an
20 imprisonment of not less than six (6) years but not more

1 than twelve (12) years and a fine of not less than Five
2 hundred thousand pesos (P500,000.00) but not more than
3 One million pesos (P1,000,000.00).

4 SEC. 10. *Non-implementation or Violation of Any*
5 *Other Provisions of this Act or the Rules and Regulations in*
6 *General.* – Any public officer who shall knowingly and
7 maliciously prevent, prohibit, refuse or discontinue the
8 implementation of any provision of this Act or any rules
9 and regulations promulgated in accordance thereof, or in
10 any other way violate them if such officer has the duty to
11 implement, shall be punished by imprisonment of not less
12 than six (6) years but not more than twelve (12) years and
13 perpetual absolute disqualification from public office.

14 Any such officer who shall prevent, prohibit, refuse or
15 discontinue the implementation of this Act or its rules and
16 regulations, or in any other way violate them by reason of
17 inexcusable negligence or ignorance, shall suffer the
18 penalty of an imprisonment of not less than one (1) month
19 but not more than six (6) months and temporary special
20 disqualification from public office.

1 The public officer liable under this section shall, in
2 addition to the imprisonment, be held administratively
3 liable under existing applicable laws.

4 Any person who shall deliberately commit any other
5 act not covered in Section 9, which shall result in
6 prejudicing the rights of children in situations of armed
7 conflict shall suffer the penalty of an imprisonment of not
8 less than six (6) months but not more than six (6) years.

9 SEC. 11. *Forfeiture of Proceeds, Property and Assets.*

10 – The court shall order the forfeiture of proceeds, property
11 and assets derived, directly or indirectly, from the crimes
12 defined and penalized in this Act, without prejudice to the
13 rights of the *bona fide* third party. The court shall impose
14 the corresponding accessory penalties under the Revised
15 Penal Code, as amended, especially where the offender is a
16 public officer.

17 The liabilities imposed in this Act shall not prejudice
18 the application of other existing criminal, civil and
19 administrative liabilities that may additionally be imposed
20 upon the person.

1 subordinates were committing or were about to commit
2 such crimes; or

3 (b) The superior failed to take all necessary,
4 legitimate and reasonable measures to prevent or repress
5 their commission or to submit the matter to the competent
6 authorities for investigation and prosecution.

7 SEC. 15. *Orders from a Superior.* – The fact that a
8 crime defined and penalized under this Act has been
9 committed by a person pursuant to an order of a superior
10 shall not relieve that person of criminal responsibility
11 unless all of the following elements occur:

12 (a) The person was under a legal obligation to obey
13 orders of the superior in question;

14 (b) The person did not know that the order was
15 unlawful; and

16 (c) The person acted under duress or coercion.

17 For purposes of this section, orders to commit grave
18 child rights violations enumerated in Section 9 are
19 manifestly unlawful and shall be punished under this Act
20 and other applicable existing laws.

1 effective training in human rights particularly on the
2 Convention on the Rights of the Child and its Optional
3 Protocol on the Involvement of Children Involved in Armed
4 Conflict and related international instruments,
5 International Humanitarian Law, International Criminal
6 Law and National Guidelines and Protocols on the
7 Handling and Treatment of CIAC.

8 SEC. 18. *Requirement and Procedures on Age*
9 *Verification and Presumption of Minority.* – The child
10 involved in, affected by or displaced by armed conflict shall
11 enjoy the presumption of minority and shall enjoy all the
12 rights of a child recognized in this Act and other applicable
13 laws unless proven to be at least eighteen (18) years of age
14 or older.

15 The age of a child may be determined from the child's
16 birth certificate, baptismal certificate or any other
17 pertinent document. In the absence of these documents,
18 age may be based on information from the child,
19 testimonies of other persons, the physical appearance of
20 the child and other relevant evidence such as dental

1 records. In case of doubt as to the age of the child, it shall
2 be resolved in favor of the child being deemed a minor.

3 Any person contesting the age of the child prior to the
4 filing of the information in any appropriate court may file a
5 case in a summary proceeding for the determination of age
6 before the Family Court, which shall decide the case within
7 twenty-four (24) hours from receipt of the appropriate
8 pleadings of all interested parties.

9 If a case has been filed against the child and is
10 pending in the appropriate court, the person shall file a
11 motion to determine the age of the child in the same court
12 where the case is pending. Pending hearing on the said
13 motion, proceedings on the main case shall be suspended.

14 In all proceedings, law enforcement officers,
15 prosecutors, judges and other government officials
16 concerned shall exert all efforts to determine the age of the
17 child involved in armed conflict.

18 SEC. 19. *Protection of Victims and Witnesses.* – In
19 addition to existing provisions in Philippine law for the

1 protection of victims and witnesses, the following measures
2 shall be undertaken:

3 (a) The court shall take appropriate measures to
4 protect the safety, physical and psychological well-being,
5 dignity and privacy of child victims and witnesses.
6 Pursuant thereto, the court shall give due regard to all
7 relevant factors, including age, gender and health, and the
8 nature of the crime, particularly where the crime involves
9 sexual or gender-based violence or violence against
10 children;

11 (b) The court shall protect the privacy of child
12 victims and witnesses and observe confidentiality
13 consistent with existing rules on examination of child
14 victims and witnesses;

15 (c) Where the personal interests of the child victims
16 are affected, the court shall consider the child victim's
17 views and concerns in accordance with established rules of
18 procedure and evidence; and

19 (d) Where the disclosure of evidence or information
20 may be prejudicial to the security of the child, witness or

1 the family, the prosecution may withhold such evidence or
2 information and instead submit a summary thereof
3 consistent with the rights of the accused to a fair and
4 impartial trial.

5 SEC. 20. *Reparation to Victims.* – In addition to
6 existing provisions in Philippine law and procedural rules
7 for reparations to victims, the following measures shall be
8 undertaken:

9 (a) The court shall follow the principles relating to
10 the reparations to, or in respect of, child victims, including
11 restitution, compensation and rehabilitation, taking into
12 consideration the scope and extent of any damage, loss or
13 injury suffered by child victims;

14 (b) The court shall make an order directly against a
15 convicted person specifying appropriate reparations to
16 child victims, including restitution, compensation and
17 rehabilitation; and

18 (c) Before making an order under this section, the
19 court may invite and shall take account of representations

1 be provided by local and national government agencies in
2 partnership with nongovernment organizations, shall aim
3 at providing services for children while involving their
4 families, communities and other entities to facilitate the
5 children's reintegration process.

6 These services shall include psychosocial support,
7 health and nutrition, education, livelihood for families,
8 other basic and legal services, as may be necessary.

9 Any program intervention shall be designed with due
10 respect to the culture of each child, family and community.
11 The child shall, at all times, be provided with legal
12 assistance and physical security upon rescue.

13 Regardless of the perceived association of those
14 children to one of the side of the conflict, they shall benefit
15 from all available medical, psycho-social, legal, shelter and
16 educational response mechanism services for the victims of
17 armed conflict.

18 The State shall take into account the protocol in the
19 rescue, rehabilitation and reintegration of children
20 specified below:

1 (a) Rescue: The State shall provide for adequate
2 measures and mechanisms to facilitate the recovery, either
3 voluntary or involuntary, of children from armed groups or
4 governmental armed forces. It shall provide legal and
5 physical security to children involved in armed conflict
6 including services such as family tracing and system of
7 referral or response on various psychosocial services
8 needed by the victims;

9 (b) Rehabilitation: The civilian national or local
10 government agencies and civil society organizations shall
11 facilitate the normal development of children victims in
12 their post-involvement phase. It shall provide services
13 including therapeutic counseling, security and protection,
14 educational assistance and livelihood opportunities to their
15 parents, relatives or guardians or to the victims when they
16 become of age;

17 (c) Reintegration: The civilian national or local
18 government agencies and civil society organizations shall
19 bring children back to their families or communities
20 whenever possible. This shall involve services including

1 the provision of alternative parental care. Trainings aimed
2 to enhance community readiness in the reintegration of
3 these children shall also be undertaken. Processes to
4 facilitate the reintegration, healing and reconciliation of
5 CIAC with their communities shall also be undertaken.
6 Whenever possible, interventions for children shall be done
7 with respect to their opinion. Interventions for indigenous
8 peoples (IP) children shall be conducted in recognition of
9 the traditional structures and institutions of their
10 communities.

11 SEC. 23. *Release of Children Involved in Armed*
12 *Conflict (CIAC).* – The State shall take all feasible
13 measures to ensure that children recruited or used in
14 armed conflict are demobilized, dissociated or otherwise
15 released from the armed force or armed group.

16 For purposes of this Act, release activities shall be
17 initiated independent of any negotiated peace agreements.

18 The State, through its concerned agencies, in
19 coordination with other stakeholders shall have the
20 following duties:

1 (a) Develop a child-specific release program. This
2 release program should not make as a requirement the
3 surrender of arms by CIAC;

4 (b) Monitor and document the status of CIAC who
5 undergo either a formal or informal release process;

6 (c) With due regard to the right to privacy of CIAC,
7 their security and safety, and considering the
8 confidentiality of records, there will be data and
9 information sharing between government and
10 nongovernment organizations to assess the needs of
11 released CIAC and to formulate ways to address these
12 needs, and be informed of their status and updates of
13 released CIAC;

14 (d) Mobilize and strengthen networks for referrals;

15 (e) Provide free legal assistance to released CIAC
16 ensuring that the legal needs of the former CIAC will be
17 addressed, such as the prohibition or stoppage of filing
18 charges or dismissal of cases against CIAC as criminal or
19 political offenders irrespective of their association with any
20 armed group or force; and

1 (f) Ensure the release of CIAC through various
2 approaches such as advocacy of concerned groups, through
3 the Government Peace Negotiating Panel (GPNP), and
4 others.

5 SEC. 24. *Rescued, Taken into Custody, or Surrendered*
6 *Children Involved in Armed Conflict (CIAC)*. – Where the
7 CIAC have been rescued, taken into custody, or
8 surrendered, they shall at all times be treated in a child-
9 friendly and sensitive manner. The State, at all times,
10 shall consider the safety and security of the CIAC, and
11 ensure that they are not subjected to tactical interrogation
12 or any similar forms of investigation, especially by the
13 police and military. The following procedures shall apply
14 without prejudice to the application of other existing laws
15 that will uphold the best interests of the child:

16 (a) The identity of rescued CIAC shall be protected.
17 Any identifying information regarding them shall remain
18 confidential;

19 (b) Rescued CIAC shall not be used for any political
20 propaganda nor be unnecessarily exposed to media in

1 violation of child rights to privacy, security and
2 confidentiality of their cases;

3 (c) Upon the rescue or surrender of CIAC,
4 government agencies, in particular, the AFP, the PNP, the
5 Department of National Defense (DND), the local
6 government units (LGUs), other concerned government
7 agencies or nongovernment organizations in possession of
8 the CIAC shall report immediately within twenty-four (24)
9 hours the incident to the Local Social Welfare Development
10 Office, (LSWDO), Local Council for the Welfare of Children
11 (LCPC) and the Council for the Welfare of Children (CWC);

12 (d) The LSWDO or BCPC shall coordinate with the
13 agency or nongovernment organization in possession of
14 CIAC for the handover of custody of the children to the
15 Department of Social Welfare and Development (DSWD);

16 (e) The handover to the LSWDO shall take place
17 within twenty-four (24) hours or in cases where handover
18 is not possible within the prescribed twenty-four (24)-hour
19 period due to valid reasons and without the fault of the

1 person having custody of the child, the handover shall be
2 done within the next seventy-two (72) hours;

3 (f) The LSWDO shall facilitate the family tracing
4 and coordinate with parents, relatives or guardians of the
5 CIAC to inform them of the handover;

6 (g) The Local Health Office (LHO), in coordination
7 with the LSWDO, shall check and assess the medical and
8 physical condition of CIAC. In cases where medical needs
9 are apparent, the LHO shall ensure that medical services
10 or treatment are received by the CIAC;

11 (h) The LSWDO shall assess the needs of the CIAC
12 and refer to concerned agencies to provide immediate
13 assistance or appropriate services. The LSWDO shall
14 require the parents of the child in situations of armed
15 conflict to undergo counseling or any other intervention
16 that, in the opinion of the court will advance the welfare
17 and best interest of the child. Relevant government
18 agencies should provide social welfare and social protection
19 interventions for parents and children to ensure family
20 support, reintegration and rehabilitation, when necessary.

1 As used in this Act, "parents" shall mean any of the
2 following:

3 (1) Biological parents of the child; or

4 (2) Adoptive parents of the child; or

5 (3) Individuals who have custody of the child; or

6 (4) A duly licensed foster parent, pursuant to
7 Republic Act No. 10165, otherwise known as the "Foster
8 Care Act of 2012".

9 (i) The LSWDO, in coordination with other
10 agencies, shall enter the CIAC into the child-specific
11 reintegration programs; and

12 (j) The CIAC shall be reintegrated into the
13 community and reunited with his or her family, or within a
14 family or community setting where they can be adequately
15 cared for and protected. In cases where reintegration to
16 original community of origin is not feasible for reasons of
17 CIAC's security, a conflict-free foster community or
18 institution shall be identified. For other cases where
19 children associated with armed forces or armed groups
20 remain with their family and community or maintain close

1 ties, reintegration shall entail the reorientation of children
2 towards civilian life.

3 CHAPTER VIII

4 INVOLVEMENT OF GOVERNMENT AND NONGOVERNMENT

5 ORGANIZATIONS

6 SEC. 25. *Inter-Agency Committee on Children In*
7 *Situations of Armed Conflict.* – To effectively undertake
8 the protection of the welfare of children in situations of
9 armed conflict and for proper implementation of this Act,
10 the Inter-Agency Committee on Children Involved in
11 Armed Conflict (IAC-CIAC) created in Executive Order No.
12 138 shall now be known as the Inter Agency Committee on
13 Children in Situations of Armed Conflict (IAC-CSAC). It
14 shall be chaired by the CWC, with the following
15 government organizations (GOs) as members:

- 16 (a) Armed Forces of the Philippines (AFP);
17 (b) Commission on Human Rights (CHR);
18 (c) Department of the Interior and Local
19 Government (DILG);
20 (d) Department of Health (DOH);

- 1 (e) Department of Education (DepEd)
2 (f) Department of Justice (DOJ);
3 (g) Department of National Defense (DND);
4 (h) Department of Social Welfare and Development
5 (DSWD);
6 (i) National Commission on Indigenous Peoples
7 (NCIP);
8 (j) National Commission on Muslim Filipinos
9 (NCMF);
10 (k) National Disaster Risk Reduction and
11 Management Council (NDRRMC);
12 (l) Office of the Presidential Adviser on the Peace
13 Process (OPAPP);
14 (m) Philippine Commission on Women (PCW);
15 (n) Philippine National Police (PNP); and
16 (o) Two civil society organizations working in the
17 same field.

18 In caring for children in situations of armed conflict,
19 child-focused NGOs, shall take active part in and

1 continually strive to strengthen their programs and
2 capabilities to deliver protection to these children.

3 For proper implementation of this Act, all GOs and
4 NGOs including those identified herein shall provide their
5 respective counterpart support including technical,
6 logistical and financial assistance relative to the
7 implementation of programs, projects and activities for
8 children in situations of armed conflict, in accordance with
9 their mandate and in accordance with existing accounting
10 and auditing rules and regulations.

11 All programs should be participatory and should
12 ensure the involvement of children, their communities,
13 NGOs, faith-based organizations or groups, and other
14 concerned groups.

15 SEC. 26. *Functions of the IAC-CSAC.* – The IAC-
16 CSAC shall perform the following functions:

17 (a) Ensure that international instruments such as
18 the UN CRC, the optional protocol on the involvement of
19 children in armed conflict and other related human rights
20 treaties are considered as actions taken;

1 CWC, shall continue to maintain and strive to improve the
2 database established by Executive Order No. 138 for the
3 monitoring and reporting of children in situations of armed
4 conflict concerns integrated in its monitoring system which
5 should have demographic data on children disaggregated
6 by sex, age, disability and ethnicity.

7 The CWC may hire additional personnel to
8 complement its present secretariat to perform its functions
9 relative to this Act.

10 CHAPTER X

11 TRANSITORY PROVISIONS

12 SEC. 28. *Dismissal of Criminal Cases.* – Upon the
13 effectivity of this Act, criminal cases against children
14 involved in armed conflict shall immediately be dismissed
15 and the child shall be referred to the LSWDO. Such office,
16 upon thorough assessment of the child, shall determine
17 whether to release the child to the custody of the parents,
18 or refer the child to prevention, rehabilitation and
19 reintegration programs as provided under this Act. Those
20 with suspended sentences and undergoing rehabilitation at

1 a youth rehabilitation center shall likewise be released:
2 *Provided*, That the Family Court shall, in consultation
3 with concerned agencies, determine and order the
4 appropriate prevention, rehabilitation and reintegration
5 programs the person shall undergo as provided under this
6 Act.

7 SEC. 29. *Inventory of Custody of Children in*
8 *Situations of Armed Conflict.* – The AFP, the PNP, the
9 Bureau of Jail Management and Penology (BJMP), the
10 DSWD, the NCIP, the NCMF and the concerned LGUs are
11 hereby directed to submit to the CWC, within ninety (90)
12 days from the effectivity of this Act, an inventory of all
13 children in situations of armed conflict under their
14 custody.

15 SEC. 30. *Children Who Reach the Age of Eighteen*
16 *(18) Years Pending Court Proceedings or in Suspended*
17 *Sentences.* – In cases when a child with a pending case
18 reaches the age of eighteen (18) years, the Family Court
19 shall dismiss the case against the person and determine, in
20 consultation with concerned agencies, whether or not there

1 is a need for the person to undergo appropriate
2 rehabilitation and reintegration programs provided under
3 this Act.

4 Those with suspended sentences and undergoing
5 rehabilitation at a youth rehabilitation center shall
6 likewise be released: *Provided*, That the Family Court
7 shall, in consultation with concerned agencies, determine
8 and order the appropriate rehabilitation and reintegration
9 programs the person shall undergo as provided under this
10 Act.

11 SEC. 31. *Children Who Have Been Convicted and*
12 *are Serving Sentence.* – Persons who have been convicted
13 and are serving sentence at the time of the effectivity of
14 this Act and who were below the age of eighteen (18) years
15 at the time of the commission of the offense for which they
16 were convicted, and are serving sentence, shall likewise
17 benefit from the retroactive application of this Act. They
18 shall be entitled to appropriate dispositions provided under
19 this Act, and their sentences shall be adjusted accordingly.

1 They shall be immediately released if they are so qualified
2 under this Act or other applicable law.

3 CHAPTER XI

4 FINAL PROVISIONS

5 SEC. 32. *Appropriations.* – The amount necessary
6 to cover the initial implementation of this Act shall be
7 charged against the current year's appropriations of the
8 concerned implementing departments/agencies. Thereafter,
9 the amount necessary for its continued implementation
10 shall be included in the budgets of the concerned
11 departments/agencies in the annual General
12 Appropriations Act.

13 SEC. 33. *Implementing Rules and Regulations.* –
14 The CWC, together with its member agencies in the IAC-
15 CSAC, in consultation with civil society organizations,
16 shall promulgate the implementing rules and regulations
17 of this Act within ninety (90) days from its approval. All
18 government agencies enumerated in Section 26 of this Act
19 shall be consulted insofar as the drafting of their
20 responsibilities are concerned.

1 Nongovernment organizations involved in caring for
2 children in situations of armed conflict shall likewise be
3 consulted in the drafting of the Implementing Rules and
4 Regulations of this Act.

5 SEC. 34. *Congressional Oversight Committee on*
6 *Children in Situations of Armed Conflict.* – There is hereby
7 created an Oversight Committee on CSAC which shall be
8 composed of the chairpersons of the Committee on
9 Children in the Senate and in the House of
10 Representatives, CWC, OPAPP, CHR, DSWD, and one
11 CSO representative which shall be determined by the
12 aforementioned government agencies.

13 SEC. 35. *Suppletory Application.* – For purposes of
14 this Act, the Revised Penal Code, as amended, and other
15 applicable laws shall have suppletory application.

16 SEC. 36. *Separability Clause.* – If any part or
17 provision of this Act is declared invalid or unconstitutional,
18 the other parts hereof not affected thereby shall remain
19 valid.

1 SEC. 37. *Repealing Clause.* – Article X, Sections 22 to
2 26 of Republic Act No. 7610, Executive Order No. 138, all
3 laws, acts, presidential decrees, executive orders,
4 administrative orders, rules and regulations inconsistent
5 with or contrary to the provisions of this Act are deemed
6 amended, modified or repealed accordingly.

7 SEC. 38. *Effectivity.* – This Act shall take effect fifteen
8 (15) days after its publication in the *Official Gazette* or in a
9 newspaper of general circulation.

 Approved,