



## SENATE

S. No. 2023

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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

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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

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

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

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

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

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

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

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

(g) Make available basic health services in health facilities in all affected areas. Culturally-sensitive nutrition program and activities including supplementary 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).

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

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

- (1) hamleting;
- (2) food blockade;
- (3) intentional delayed reporting of a child in custody;
- (4) false reporting of a child in custody;
- (5) false branding of children or labeling children as children involved in armed conflict; and arrest, arbitrary detention or unlawful prosecution of children allegedly associated with armed groups or armed forces.

Any person found guilty of committing any of the acts enumerated in subparagraphs 1, 2, 3, 4, 5 and 6 of Paragraph (d), of this section shall suffer the penalty of an 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           SEC. 12. *Nonprescription.* – The crimes defined and  
2 penalized under this Act, their prosecution and the  
3 execution of sentences imposed on their account shall not  
4 be subject to any prescription.

## 5   CHAPTER V

### 6                   PRINCIPLES OF CRIMINAL LIABILITY AND

#### 7                                   APPLICATION OF PENALTIES

8           SEC. 13. *Irrelevance of Official Capacity.* – This Act  
9 shall apply equally to all persons without any distinction  
10 based on official capacity. In no case shall the official  
11 capacity exempt a person from criminal responsibility or  
12 constitute a ground for reduction of sentence.

13           SEC. 14. *Responsibility of Superiors.* – In addition  
14 to the grounds of criminal responsibility for crimes defined  
15 and penalized under this Act, a superior shall be criminally  
16 responsible for such crimes committed by subordinates  
17 where:

18           (a) The superior either knew or, owing to the  
19 circumstances at the time, should have known that the

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           SEC. 16. *Unknown Superior.* – Where the crimes  
2 defined and penalized under this Act have been committed  
3 by a person pursuant to an order or command of unknown  
4 superior, any person who in fact directed the others, spoke  
5 for them, signed receipts and other documents issued in  
6 their name, or who has performed similar acts on behalf of  
7 the armed groups, shall be deemed the superior.

## 8                                   CHAPTER VI

### 9                   INVESTIGATION, PROSECUTION AND COURT

10           SEC. 17. *Court, Prosecutors and Investigators.* – The  
11 Family Courts shall have original and exclusive  
12 jurisdiction over the crimes punishable under this Act.

13           The Commission on Human Rights (CHR), the  
14 Department of Justice (DOJ) and its attached agencies, the  
15 Philippine National Police (PNP) or other concerned law  
16 enforcement agencies shall designate prosecutors or  
17 investigators, as the case may be, for cases involving  
18 crimes punishable under this Act.

19           The State shall ensure that judges, prosecutors and  
20 investigators designated for purposes of this Act, receive

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 from or on behalf of the convicted person, child victims or  
2 other interested persons.

3 Nothing in this section shall be interpreted to  
4 prejudice the rights of child victims under national or  
5 international law.

6 SEC. 21. *Immunity from Suit for Persons Providing*  
7 *Assistance.* – Any person who shall take custody of children  
8 involved in armed conflict to ensure their safety or provide  
9 them any form of assistance shall be exempt from any civil,  
10 criminal and administrative liability: *Provided,* That the  
11 person taking custody shall report it to the Local Social  
12 Welfare and Development Office (LSWDO), the PNP or to  
13 the barangay office within forty-eight (48) hours from  
14 custody.

## 15 CHAPTER VII

### 16 RESCUE, RELEASE, REHABILITATION, AND REINTEGRATION

17 SEC. 22. *Rescue, Rehabilitation and Reintegration.* –  
18 The State shall institute policies, programs and services  
19 for the rescue, rehabilitation and reintegration of children  
20 in situations of armed conflict. The programs, which shall

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;

(b) Formulate guidelines and develop programs, in coordination with concerned agencies, for the handling of children involved in armed conflict and monitor/document cases of capture, surrender, arrest, rescue, or recovery by government forces;

(c) Conduct human rights training, advocacy and information campaigns and capability building of LGUs;

(d) Implement a monitoring, reporting and response system for grave child rights violations in situations of armed conflict; and

(e) Work closely with concerned agencies in coordinating and monitoring the implementation of the enhanced CSAC program framework.

## CHAPTER IX

### MONITORING AND REPORTING

SEC. 27. *Monitoring and Reporting System.* – The State, through IAC-CSAC, shall ensure the implementation of the provisions of this Act and shall submit to the President and to Congress of the Philippines the annual report thereof. The IAC-CSAC, through the

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. *Supplementary Application.* – For purposes of  
14 this Act, the Revised Penal Code, as amended, and other  
15 applicable laws shall have supplementary 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,