

SENATE  
S. No. 2022



Office of the Secretary

'18 SEP 20 A 9 :43

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Introduced by Senator Loren Legarda

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**AN ACT CREATING THE PHILIPPINE COMMISSION ON CHILDREN,  
DEFINING ITS POWERS, FUNCTIONS, AND RESPONSIBILITIES, AND  
APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES**

**EXPLANATORY NOTE**

The Republic of the Philippines, through the Council for the Welfare of Children (CWC), has been steadfast in its commitment to promote and protect the rights of children. This obligation is enshrined in the 1987 Constitution, the Presidential Decree No. 603 or the *Child and Youth Welfare Code*, and the United Nations Convention on the Rights of the Child (UN CRC).

Over the years, emerging issues have increased the vulnerability of children to all forms of harm, abuse, exploitation, and violence. Several policies, programs, and mechanisms have been formulated and implemented to address this. However, an enhanced integrated approach must be adopted to safeguard the welfare of children and ensure compliance to our laws and international commitments. Hence, pursuant to Executive Order No. 233, s. 1987, the State created the CWC under the Office of the President by virtue of Presidential Decree No. 603 as the authority on children's concerns, rights, and advocacy, to pursue this endeavor. The council is mandated to coordinate and monitor the implementation of policies, programs, and measures to ensure a child-sensitive society, where every child fully enjoy his/her rights.

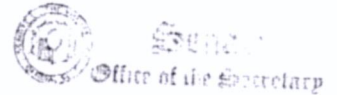
The UN Committee on the Rights of the Child (UN CRC) called on the Philippine government to strengthen CWC being the focal inter-agency body for children. It emphasized the need for CWC to have adequate human, financial, and technical resources to ensure its effective functioning. To support the Philippines' cause for, by, and with children, this Congress pursues its indubitable duty to create a more responsive and focused arm of the government that shall protect and promote the rights of children.

Hence, this bill seeks to abolish the Council for the Welfare of Children and create the Philippine Commission on Children (PCCh) and establish linkages with government agencies and non-government organizations and with the regional and local level through the Local Councils for the Protection of Children (LCPCs) at the *barangay*, municipal, city, and provincial levels, and through the seventeen (17) Regional Committees/Sub-Committees on Children (RC/SCCs).

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

  
**LOREN LEGARDA**  
Senator 

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

1       Section 1. *Short Title.* – This Act shall be known as the “*Philippine*  
2       *Commission on Children Act of 2018.*”

3       Section 2. *Declaration of Policy.* – The child is one of the most important  
4       assets of the nation. Every effort shall be exerted by the State to promote his or her  
5       rights, ensure their holistic development, and enhance his or her opportunities for a  
6       useful and happy life.

7       In pursuit of this, the State shall create the focal agency to coordinate the  
8       implementation and enforcement of all laws relative to the promotion of child  
9       welfare so as to formulate and evaluate policies, programs and services relative to  
10      the development of the general welfare and protection of the best interests of  
11      children.

12      The United Nations Committee on the Rights of the Child notes that the  
13      Council for the Welfare of Children (CWC) continues to be the focal inter-agency  
14      body for children in the Philippines with the mandate to coordinate the

1 implementation and enforcement of all laws, policies, programs and measures for  
2 children.

3 Further, the United Nations Committee on the Rights of the Child welcomed  
4 the Philippines' initiatives to address the lack of implementation at the local level  
5 through the establishment of the Local Councils for the Protection of Children  
6 (LCPCs) at the *barangay*, municipal, city and provincial levels as well as of the  
7 seventeen (17) Regional Committees/Sub-committees for the Welfare of Children  
8 (RC/SCWCs), linking the national government with the local government units  
9 (LGUs). However, the committee expresses concern at the lack of human, financial  
10 and technical resources allocated to the CWC, LCPCs and RC/SCWCs, which may  
11 prevent the effective functioning of such mechanisms.

12 To this end, the State hereby adopts an integrated approach, using the  
13 Commission as the authority on children's concerns, rights and advocacy. In  
14 accordance with this integrated and holistic approach, the Commission must be  
15 further redefined as a sustainable, independent, visible, credible, responsive,  
16 proactive and focused arm of the government.

17 Section 3. *Definition of Terms.* – As used in this act:

- 18 a) "Child" refers to a person below eighteen (18) years of age or those  
19 over but is unable to fully take care of themselves or protect  
20 themselves from abuse, neglect, cruelty, exploitation or  
21 discrimination because of physical or mental disability or condition.
- 22 b) "Commission" refers to the Philippine Commission on Children  
23 (PCCh)
- 24 c) "Resource mobilization" refers to all activities undertaken by the  
25 agency to secure new and additional human, financial and  
26 material resources to advance its mission.
- 27 d) "LCPC" refers to the Local Council for the Protection of Children.  
28 The LCPC is an institutional mechanism in all levels of local  
29 government units that:
  - 30 i. advocates child rights;
  - 31 ii. plans, initiates, or recommends interventions, and

1                               iii. monitors children's programs and projects in the  
2                                       locality

3               e) Regional Committee / Sub-Committee on Children (RC/SCC) refers  
4               to a structure created at the regional level composed of the  
5               regional counterparts of the Technical Advisory Group of the  
6               Commission and local government units (LGUs).

7               Section 4. *The Philippine Commission on Children.* – In pursuance of the  
8               abovementioned policies, the Philippine Commission on Children (PCCh) is hereby  
9               created, hereinafter referred to as the Commission.

10              The Commission shall be attached to the Office of the President.

11              Section 5. *The Composition of the Commission.* – The Commission shall be  
12              composed of Board of Commissioners headed by the Chairperson.

13              (a) The Chairperson shall be appointed by the President from a list of  
14              qualified nominees submitted by the Technical Advisory Group. The  
15              Chairperson, who shall also be the Chief Executive Officer of the  
16              Commission Secretariat, shall also be a part of the Cabinet of the  
17              Philippines by virtue of its attachment to the Office of the President,  
18              and shall receive such other allowances and benefits as may be  
19              provided by the law. He/she shall:

- 20                      a. Provide leadership in the realization of the vision and mission of  
21                      the Commission.  
22                      b. Update and advise the President on matters pertaining to  
23                      children.  
24                      c. Serve as the chairperson of the Commission for a period of six  
25                      (6) years.

26              (b) The Board of Commissioners shall be composed the following:

- 27                      a. Four (4) Commissioners on Child Protection, Child Health and  
28                      Nutrition, Child Development, and Child Participation

29              The Commissioners shall be private individuals concerned with the welfare of  
30              children and an active member of a legitimate children's organization.

1       The Commissioners shall be members of duly licensed and registered non-  
2 stock, non-profit, and non-government child/youth-serving organizations operating  
3 in at least three (3) regions including at the national level in the Philippines.

4       They shall be nominated by the Technical Advisory Group (TAG) of the Commission,  
5 for appointment by the President for a term of three (3) years, subject to one (1) re-  
6 appointment.

7                   b. Three (3) Commissioners representing the Luzon, Visayas and  
8                   Mindanao

9       The Commissioners shall be appointed by the President for a term of three  
10 (3) years, subject to one (1) re-appointment from a list of at least three (3) but not  
11 more than five (5) nominees for each position, submitted by child-serving  
12 organizations or institutions in their respective areas duly registered with the  
13 Securities and Exchange Council (SEC).

14       The chairman shall have the rank and privileges of a department secretary  
15 and shall be a member of the Cabinet of the Philippines. The appointive  
16 commissioners shall have the rank and privileges of an undersecretary of a  
17 department.

18       Section 6. *Technical Advisory Group* – A Technical Advisory Group (TAG) shall  
19 be created under the Commission. The TAG shall deliberate on the concerns and the  
20 recommendations of the sectoral councils, committees, sub-committees, and other  
21 relevant structures. It shall also submit recommendations to the Commission on  
22 needed policy guidelines, projects and activities for the welfare of children. It shall  
23 be composed of the Secretaries, heads, or equivalent of member agencies and  
24 organizations, as may be appropriate. The TAG shall also be composed of one  
25 representative each from the following:

26           (1) Department of Agriculture (DA)

27           (2) Department of Health (DOH)

28           (3) Department of Information and Communications Technology (DICT)

29           (4) Department of Interior and Local Government (DILG)

30           (5) Department of Justice (DOJ)

31           (6) Department of Labor and Employment (DOLE)

32           (7) Department of Social Welfare and Development (DSWD)

1 (8) National Economic Development Authority (NEDA)

2 (9) National Nutrition Council (NNC)

3 (10) National Youth Commission (NYC)

4 (11) Office of the Cabinet Secretary

5 (12) Philippine Information Agency (PIA)

6 (13) Philippine Sports Commission (PSC)

7 (14) Commission Secretariat

8 (15) Three (3) private individuals

9 (16) Child Representative

10 The Chairs of the sectoral councils to be formed, as stated in Section 11, shall  
11 also be part of the TAG. If the chair happens to be also a part of the stated  
12 composition of the TAG, the elected NGO co-chair shall take the position in his/her  
13 stead.

14 The TAG shall convene quarterly, to be attended by the heads of the  
15 aforementioned agencies, to submit policy and programmatic recommendations for  
16 adoption of the Commission. All Resolutions adopted by the Commission shall be  
17 officially forwarded to the Office of the Cabinet Secretary, for endorsement to the  
18 President. The TAG may invite relevant government and non-government and other  
19 institutions and agencies for technical assistance, as deemed necessary.

20 Section 7. *Objectives of the Commission.* – The Objectives of the Commission  
21 are:

22 (a) To provide the leadership in the formulation and implementation of policies  
23 and in the setting of priorities and direction of all child promotion and  
24 development programs and activities;

25 (b) To encourage wide and active participation of the children in all governmental  
26 and non-governmental programs, projects and activities affecting them;

27 (c) To harness and develop the full potential of the children as partners in nation-  
28 building; and

29 (d) To supplement government appropriations for child promotion and  
30 development with funds from other sources.

31 Section 8. *Powers and Responsibilities of the Commission.* – The Commission  
32 shall have the following powers:

- a) To formulate an integrated national policy, plans, programs, and pilot projects including services relative to the development of the general welfare and protection of the best interests of the child;
- b) To augment the delivery of services as a basis for policy formulation and programmatic recommendations, as necessary.
- c) To coordinate the implementation and enforcement of all policies, plans, and programs relative to the promotion and protection of child's rights and welfare;
- d) To set-up a system of networking and coordination with and among all existing government agencies and non-government organizations for the effective implementation of plans and strategies for children;
- e) To serve as an oversight body over the Committees, Councils, and other structures and recommend areas of convergence for an improved and efficient coordination, information-sharing and monitoring of the safety and well-being of a child;
- f) To conduct researches and studies on children in coordination with other government agencies, bureaus, offices, departments, and/or instrumentalities;
- g) To advocate and mainstream the concerns and issues affecting children and provide and maintain the necessary medium to perform such function;
- h) To review, monitor and evaluate all policies (local and international), plans, projects and programs on the rights of the child, by establishing a monitoring and evaluation system which shall serve as the primary monitoring, evaluation, and reporting tool of the Commission;
- i) To advocate, pilot test, and recommend to the President and other appropriate agencies for implementation on a nationwide scale when appropriate, new, innovative, programs and services for the general welfare and protection of the child;

- 1 j) To provide avenues for the institutionalization, technical assistance,  
2 and the needed capacity building for the effective implementation  
3 of policies, programs, and projects of the Commission up to the  
4 level of the cities and municipalities, especially those that involve  
5 the setting up or strengthening of mechanisms for, by, and with  
6 children;
- 7 k) To mobilize resource assistance and call upon and utilize any  
8 department, bureau, office, agency, or instrumentalities, public,  
9 private, or voluntary, for such assistance as it may require in the  
10 performance of its functions;
- 11 l) To call upon and coordinate with relevant government and non-  
12 government and other institutions and agencies for assistance in  
13 any form;
- 14 m) To enter into contracts facilitating the implementation of  
15 undertakings for children and the acceptance of donations, gifts,  
16 bequests, and grants, among others;
- 17 n) To submit annually to the President a comprehensive report on its  
18 activities and accomplishments; and,
- 19 o) To perform such other functions as may be necessary to effectively  
20 and efficiently carry out the provisions of this Act.

21 Section 9. *Commission Secretariat.* – The Commission shall organize a  
22 secretariat that will serve as its executive arm to be headed by a Chief Executive  
23 Officer who shall also act as the chair of the Commission. He/she shall take charge  
24 of the administration, direction, and supervision of the Secretariat and ensure the  
25 implementation of Commission resolutions and decisions.

26 The Secretariat shall be composed of the following divisions organized in  
27 coordination with the Civil Service Commission and the Department of Budget and  
28 Management:

- 29 1. Coordinating, Planning and Programming Bureau  
30 a. Policy and Planning Division  
31 b. Monitoring and Evaluation Division  
32 2. Communications and External Affairs Bureau

- 1           a. Advocacy and Communications Division
- 2           b. External Partnerships Division
- 3       3. Localization and Regional Coordination Bureau
- 4           a. Localization and Institutionalization Division
- 5           b. Regional Committees/Sub-Committees on Children (RC/SCC)
- 6       4. Administrative, Finance, and Support Services Bureau
- 7           a. Administrative and Finance Division
- 8           b. Procurement and Supply Division
- 9           c. Internal Audit Division

10           Section 10. *Convergence of Councils and Committees on Children (Four C's).*

11       – The Four C's shall be created as the system of collaboration and coordination  
12 among all councils and committees to specifically address concerns on children. It  
13 shall ensure effective and harmonious work relationship among all structures on  
14 children and to address their issues at the national, regional and local levels.

15           As the focal governmental inter-agency body on children's concerns and the  
16 overarching mechanism on child protection, the Commission shall ensure the  
17 convergence of efforts in addressing children's issues and concerns among these  
18 councils and committees through an improved and efficient coordination in planning,  
19 data-sharing and align monitoring and oversight practices.

20           The Four C's shall be composed of the Chairpersons of the Councils, which  
21 were created based on already existing laws, as follows:

- 22       1. Committee for the Special Protection of Children
- 23       2. National Child Labor Committee
- 24       3. National Council on Children's Television
- 25       4. Inter-Agency Council Against Trafficking
- 26       5. Inter-Agency Council on Violence Against Women and their Children
- 27       6. Juvenile Justice Welfare Council
- 28       7. Inter-Agency Council Against Child Pornography
- 29       8. Inter-Agency Committee on Children in Armed Conflict
- 30       9. Early Childhood Care and Development Council
- 31       10. National Council on Disability Affairs

1 All other and subsequent councils and committees to be further created with  
2 direct implications on children shall be a part of the Four C's. The Commission shall  
3 issue a Resolution to formalize the membership of these others and the prospective  
4 councils and committees to the Four C's.

5 The Four C's shall convene quarterly, to be attended by the Chairpersons or  
6 the Alternate Chairpersons of the member agencies, to submit policy  
7 recommendations for adoption of the Commission. All Resolutions adopted by the  
8 Commission shall also be officially forwarded to the Office of the Cabinet Secretary.

9 All existing councils and committees on children shall be institutionally created  
10 through this law and shall be a part of the Four C's. The Commission shall oversee  
11 the implementation of the Resolutions among the members of the Four C's.

12 Section 11. *Sectoral Councils, Committees and Sub-Committees.* – Sectoral  
13 councils shall hereby be created following the five (5) areas of concerns of the UN  
14 Convention of the Rights of the Child. Additional committees or sub-committees may  
15 be created to address emerging or specific concerns of children. The five areas of  
16 concern are:

- 17 (1) Children in Need of Special Protection;
- 18 (2) Family Environment and Alternative Care;
- 19 (3) Civil Rights and Freedom;
- 20 (4) Basic Health and Nutrition; and
- 21 (5) Education, leisure, and cultural activities.

22 The created structures shall submit their policy, programmatic, and other  
23 recommendations to the Technical Advisory Group.

24 Section 12. *Regional Committee / Sub-Committee on Children (RC/SCC).* –  
25 There shall be a Regional Committee / Sub-Committee on Children (RC/SCC) in each  
26 region. The RC/SCC will be under the administration and supervision of the  
27 Commission Secretariat. The chair and vice-chairpersons of the RC/SCC shall be  
28 elected by its members to come from government agencies and/or non-government  
29 organizations. They shall ensure the effective implementation of this Act at the  
30 regional and LGU levels and coordination among the member agencies.

31 The RC/SCC will be composed of permanent representatives who shall have a rank  
32 not lower than an assistant regional director or its equivalent to be designated by

1 the concerned department heads from the following agencies and shall receive  
2 emoluments as may be determined by the Commission in accordance with existing  
3 budget and accounting rules and regulations:

4 (a) Department of Social Welfare and Development (DSWD);

5 (b) Department of Justice (DOJ);

6 (c) Department of Labor and Employment (DOLE);

7 (d) Department of Education (DepEd);

8 (e) Department of Health (DOH);

9 (f) Department of Interior and Local Government (DILG);

10 (g) Department of Agriculture (DA);

11 (h) Department of Information and Communications Technology (DICT);

12 (i) National Economic Development Authority (NEDA);

13 (j) National Nutrition Council (NNC);

14 (k) League of Provinces of the Philippines (LPP);

15 (l) Three (3) representatives from NGOs operating within the region selected by  
16 the RCSC based on the criteria established by the Commission; and

17 (m) One (1) sectoral representative from the children sector within the region.

18 Section 13. *Establishing and Strengthening the Local Councils for the*  
19 *Protection of Children (LCPC).* – The LCPC shall be responsible for planning and  
20 spearheading programs for children at the local level. The Commission shall work in  
21 coordination with the DILG and other relevant agencies to ensure the establishment  
22 and strengthening of the LCPC.

23 The LCPCs shall be allotted at least 7% of the local government's total budget  
24 appropriations.

25 The Commission on Audit (COA) shall conduct an annual audit on the use of  
26 the allotted budget for the purpose of determining its judicious use and the  
27 efficiency, and effectiveness of interventions in addressing child-related issues  
28 towards the realization of the objectives of the country's commitments, plans, and  
29 policies on children.

30 Section 14. *Honoraria.* – The chairperson and the members of the  
31 Commission, members of the sectoral committees, sub-committees, task forces and  
32 other structures that may be created under the Commission shall receive honoraria

1 for every meeting actually attended. The amount of which shall be determined by  
2 an appropriate Commission resolution and authorized by the Department of Budget  
3 and Management.

4 Section 15. *Delineation of Authority over the Age Groups Between the*  
5 *National Youth Commission and the Philippine Commission on Children.* – All policy  
6 and programmatic concerns of a child youth, aged 15-18, shall be the sole mandate  
7 of the Philippine Commission on Children. The definition of children and youth shall  
8 be clearly differentiated in the Implementing Rules and Regulations of this Act.

9 Section 16. *Abolition of the Council for the Welfare of Children.* – The Council  
10 for the Welfare of Children (CWC) is hereby abolished. The appropriations,  
11 personnel, programs and activities of the CWC, including its membership to existing  
12 committees, councils and other inter-agency bodies, shall be transferred to the  
13 Commission.

14 Section 17. *Transitory Provisions.* – Upon approval of this act, the officers and  
15 staff of the CWC Secretariat shall, in a hold over capacity, continue to perform their  
16 duties and responsibilities in a holdover capacity and receive their corresponding  
17 salaries and benefits. The current Executive Director of the CWC Secretariat shall  
18 also serve as the first Chief Executive Officer of the Commission, for a period of six  
19 (6) years.

20 Those incumbents whose positions are not included in the approved new  
21 staffing pattern of the Council Secretariat or not reappointed shall be deemed  
22 separated from the service. Such shall receive the retirement benefits to which they  
23 may be entitled under existing laws, rules and regulations. Otherwise, they shall be  
24 paid the equivalent of one and one-fourth (1 1/4) month basic salary for every year  
25 of service or the equivalent nearest fraction thereof favorable to them on the basis  
26 of the highest salary received or the equivalent nearest fraction thereof favorable to  
27 them on the basis of the highest salary received, in addition to the retirement  
28 benefits or pensions under existing retirement law.

29 The new position structure and staffing pattern by the Commission shall be  
30 recommended by the Chief Executive Officer for approval by the Secretary of the  
31 Department of Budget and Management with due concurrence of the Civil Service  
32 Commission within one hundred and twenty (120) days from the approval of this

1 Act. Authorized positions created thereunder shall be filled with regular  
2 appointments. The authority of the Chief Executive Officer of the Commission shall  
3 be extended to: (1) appointments and other personnel actions in accordance to  
4 Section 29, Chapter 6, Book IV of Executive Order No. 292 or the *Administrative*  
5 *Code of 1987*.

6 Section 18. *Implementing Rules and Regulations*. – The Commission  
7 Secretariat, in coordination with the proper standing committees of both Houses of  
8 Congress and in consultation with the Board of Commissioners, shall promulgate the  
9 implementing rules and regulations (IRR) for this Act within ninety (90) days after its  
10 enactment; Provided, that the rules and regulations issued by other government  
11 agencies and instrumentalities for the prevention and/or abatement of violation of  
12 child's rights not inconsistent with this Act shall supplement the rules and regulations  
13 issued by the Commission pursuant to the provisions of this Act.

14 Section 19. *Appropriations*. – The amount necessary to cover the initial  
15 implementation of this Act shall be charged against the current year's appropriations  
16 of the concerned implementing departments/agencies.

17 There is hereby authorized to be appropriated the initial amount of one  
18 hundred million pesos (P 100,000,000) as additional funding for the Commission to  
19 be charged against the unexpended contingency funds of the Office of the President.  
20 Thereafter, the amount necessary for its continued implementation shall be included  
21 in the budgets of the Commission in the annual General Appropriations Act.

22 Adequate funds shall be appropriated annually from any funds in the National  
23 Treasury not otherwise appropriated but may be necessary for the operation and  
24 maintenance of the Commission, including the effective functioning of RC/SCCs and  
25 LCPCs.

26 Additional funds may be appropriated annually from any funds in the National  
27 Treasury not otherwise appropriated but may be necessary for the operation and  
28 maintenance of Commission.

29 Section 20. *Repealing Clause*. – All laws, orders, orders, rules and regulations  
30 inconsistent with or contrary to the provisions of this act are deemed amended,  
31 modified or repealed accordingly.

1           Section 21. *Separability Clause.* - If any part or provision of this Act is  
2 declared unconstitutional, the same shall not affect the validity and effectiveness of  
3 the other provisions hereof.

4           Section 22. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
5 upon completion of its publication in the *Official Gazette* or at least two (2) national  
6 newspapers of general circulation

7 Approved.