

EIGHTEENTH CONGRESS OF THE
REPUBLIC OF THE PHILIPPINES
First Regular Session



Senate
Office of the Secretary

'19 JUL 24 A9 51

SENATE

S. B. NO. 711

RECEIVED

Introduced by **SENATOR JOEL VILLANUEVA**

**AN ACT AMENDING SECTION 16 OF REPUBLIC ACT NO.
7610, AS AMENDED BY REPUBLIC ACT NO. 9231,
OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF
CHILDREN AGAINST CHILD ABUSE,
EXPLOITATION AND DISCRIMINATION ACT**

EXPLANATORY NOTE

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

Regrettably, the results of the 2011 Survey on Children conducted by the Philippine Statistics Authority (PSA) showed that an estimated 2.1 million Filipino children 5 to 17 years of age are engaged in child labor. Worse, those in hazardous child labor was estimated at 2.0 million or 97.7 percent.¹

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

¹ Estimated Number of Working Children 5 to 17 Years Old who Worked During the Past Week was 3.3 Million (Final Results of the 2011 Survey on Children). Philippine Statistics Authority. Retrieved from: <https://psa.gov.ph/content/estimated-number-working-children-5-17-years-old-who-worked-during-past-week-was-33-million> (date last accessed: July 15, 2019).

² Id.

Republic Act No. 7610 as amended by Republic Act No. 9231 provides for the prohibition against worst forms of child labor and punishes employers for such practices, namely: (a) all forms of slavery, as defined under the "Anti-Trafficking in Persons Act of 2003"; (b) the use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illegal or illicit activities; and (d) work which, by its nature or the circumstances in which it is carried out, is hazardous or is likely to be harmful to the health, safety or morals of children.

Unfortunately, since the enactment of Republic Act No. 9231 in 2003, prohibiting worst forms of child labor, child labor remains prevalent in the country. Clearly, this situation shows that the penalties presently imposed are not sufficient to deter the continued illegal employment of children.

Thus, this bill seeks to provide greater penalties for violations of Republic Act No. 7610 as amended by Republic Act No. 9231 by imposing both imprisonment and fine for every instance that a child is engaged in employment other than in the instances permitted by law. This bill also proposes to raise the fines imposed on employers who continue to engage in illegal child labor practices.

The Philippine Development Plan (PDP) 2017-2022 aims to reduce cases of child labor by 30 percent by the end of 2022.³ For this reason, for the period 2017-2022, the goal is to withdraw at least 630,000 children from child labor (*DOLE Administrative Order No. 142 series of 2018*).

This measure seeks to make this goal a reality, and thus, the immediate passage of this bill is earnestly sought.

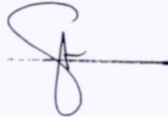

SENATOR JOEL VILLANUEVA

³ Philippine Development Plan 2017-2022 (Abridged Version). National Economic Development Authority. Retrieved from: http://www.neda.gov.ph/wp-content/uploads/2017/12/Abridged-PDP-2017-2022_Final.pdf (date last accessed on April 13, 2018).

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**AN ACT AMENDING SECTION 16 OF REPUBLIC ACT NO. 7610, AS
AMENDED BY REPUBLIC ACT NO. 9231, OTHERWISE KNOWN AS
THE SPECIAL PROTECTION OF CHILDREN AGAINST CHILD
ABUSE, EXPLOITATION AND DISCRIMINATION ACT**

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

1 **SECTION 1.** Section 16 of Republic Act No. 7610, as amended by Republic
2 Act No. 9231, otherwise known as Special Protection of Children Against
3 Child Abuse, Exploitation and Discrimination Act is hereby amended to read
4 as follows:

5
6 Sec. 16. *Penal Provisions* -

- 7
8 a) Any employer who violates Sections 12, 12-A, and Section 14 of this
9 act, as amended, shall be penalized by imprisonment of six (6) months
10 and one (1) day to six (6) years [or] AND a fine of [Fifty thousand
11 (Php50,000.00) but not more than Three hundred thousand pesos
12 (Php300,000.00)] NOT LESS THAN ONE HUNDRED AND FIFTY
13 THOUSAND PESOS (Php150,000.00) [or both at the discretion of the
14 court].
15
16 b) Any person who violates the provision of Section 12-D of this act or the
17 employer of the subcontractor who employs, or the one who facilitates
18 the employment of a child in hazardous work, shall suffer the penalty of
19 a fine of not less than [One hundred thousand pesos (Php100,000.00)
20 but not more than One million pesos (Php1,000,000.00)] THREE
21 HUNDRED THOUSAND PESOS (Php300,000.00) [or] AND
22 imprisonment of not less than twelve (12) years and one (1) day to
23 twenty (20) years [or both such fine and imprisonment at the discretion
24 of the court].

x x x

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4 **SEC. 2. Implementing Rules and Regulations.** – Within sixty (60) days from
5 the implementation of this Act, the Department of Labor and Employment, in
6 coordination with other agencies and relevant stakeholders, shall promulgate
7 the rules and regulations to implement the provisions of this Act.

8
9 **SEC. 3. Repealing Clause.** – All laws, decrees, executive orders, rules,
10 regulations or parts thereof inconsistent with the provisions of this Act are
11 hereby repealed or modified accordingly.

12
13 **SEC. 4. Separability Clause.** – If, for any reason, any section or provision of
14 this bill is declared unconstitutional or invalid, other sections or provisions
15 hereof shall remain in force.

16
17 **SEC. 5. Effectivity.** – This Act shall take effect fifteen days after publication
18 in the Official Gazette or in a newspaper of general circulation.

19
20 **Approved,**