

Thirteenth Congress of the)
Republic of the Philippines)
Third Regular Session)

2012

SENATE

S.B. No. 2544

Introduced by Senator Ramon Bong Revilla, Jr.

EXPLANATORY NOTE

The spirit of the 1987 Constitution, national and local legislation have given priority to the protection of children from abuse and exploitation.

The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being, under Section 13, Article II and the right of children to assistance including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other condition prejudicial to their development, Section 3, paragraph 2, Article 15 of the 1987 Constitution.

Violence is found in schools, institutions, on the streets, in the workplace. Children experience violence at home, within their family and from other children. A small proportion of violence against children leads to death, but most often the violence does not even leave visible marks. Yet it is one of the most serious problems affecting children today. Much violence is hidden. Children may not feel able to report acts in violence for fear of retribution from the abuser. Both child and abuser may not see anything unusual or wrong in the child being subjected to violence.

Violence pervades the societies within which children grow up. It is part of the economic, cultural and societal norms that make up the child's environment. It has its roots in issues such as the power relations associated with gender, exclusion, absence of a primary care given and societal norms that are not protective or respectful of children. Other factors include drugs, availability of firearms, alcohol abuse, unemployment, crime, impurity and cultures of silence.

Republic Act No. 7610 otherwise known as *The Special Protection of Children against Child Abuse, Exploitation and Discrimination Act* is a landmark legislation that provides protection against abuse, commercial sexual exploitation, trafficking and employment in illicit activities.

This bill seeks to amend RA No. 7610 to effectively implement the two principles cited under the 1987 Constitution.

Immediate passage of this bill is highly needed.

RAMON BONG REVILLA, JR.
Senator


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OFFICE OF THE SECRETARY

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AN ACT INSTITUTING CHILDREN'S WELFARE FUND FOR THE PROTECTION AND REHABILITATION OF ABANDONED, ABUSED AND SEXUALLY EXPLOITED CHILDREN AMENDING FOR THIS PURPOSE REPUBLIC ACT NUMBERED 7610, OTHERWISE KNOWN AS THE SPECIAL PROTECTION OF CHILDREN AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION ACT.

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

Section 1. It shall be the policy of the State to recognize the vital role of the youth in nation-building. Towards this end, it shall promote and protect their physical, moral, spiritual, intellectual and social being.

Section 2. There shall be incorporated after Section 30 of RA No. 7610 three new sections to read as follows:

SECTION 30-A. CHILDREN'S WELFARE FUND FOR ABANDONED, ABUSE, AND SEXUALLY EXPLOITED CHILDREN. – IN ORDER TO EFFECTIVELY PROTECT AND REHABILITATE CHILDREN WHO ARE VICTIMS OF ALL FORMS OF ABUSE AND SEXUAL EXPLOITATION, THERE IS HEREBY ESTABLISHED A PROTECTION AND REHABILITATION FUND FOR ABUSED AND SEXUALLY EXPLOITED CHILDREN IN THE AMOUNT OF ONE HUNDRED MILLION PESOS (P100,000,000.00) TO BE KNOWN AS CHILDREN'S WELFARE FUND, TO BE TAKEN FROM THE FOLLOWING SOURCES:

- A) FIFTY MILLION PESOS (P50,000,000.00) FROM THE FUNDS IN THE NATIONAL TREASURY WHICH IS NOT OTHERWISE APPROPRIATED RELEASED WITHIN THE SPAN OF FIVE YEARS;**
- B) THIRTY MILLION PESOS (P30,000,000.00) FROM THE PRESIDENT'S CONTINGENCY FUND RELEASED WITHIN THE SPAN OF THREE YEARS AND;**
- C) TWENTY MILLION PESOS (P20,000,000.00) FROM THE PROCEEDS OF LOTTERY OPERATIONS OF THE PHILIPPINE CHARITY SWEEPSTAKES OFFICE (PCSO) RELEASED WITHIN THE SPAN OF TWO YEARS.**

THEREAFTER, SUCH SUMS AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT SHALL BE INCLUDED IN THE SUBSEQUENT GENERAL APPROPRIATIONS ACT WHICH SHALL IN NO CASE BE LOWER THAN THE PREVIOUS APPROPRIATIONS.

SECTION 30-B. USES OF FUND FOR ABANDONED, ABUSED AND SEXUALLY EXPLOITED CHILDREN. – THE FUND CREATED UNDER THE IMMEDIATELY PRECEDING SECTION SHALL BE USED EXCLUSIVELY TO:

- A) PROVIDE PROTECTION AND ASSISTANCE TO ABANDONED OR ABUSED OR SEXUALLY EXPLOITED CHILDREN;**
- B) ESTABLISH, OPERATE AND MAINTAIN SUCH FACILITIES NECESSARY TO REHABILITATE SUCH CHILDREN;**
- C) PROVIDE BASIC EDUCATION; AND**
- D) ASSIST THE STATE IN CURTAILING ALL FORMS OF CHILD ABUSE.**

SECTION 30-C. MANAGEMENT OF THE FUND UNDER THIS ACT, ANNUAL REPORT BY THE DEPARTMENT OF SOCIAL WELFARE AND DEVELOPMENT (DSWD). – THE CHILDREN’S WELFARE FUND FOR ABANDONED, ABUSED AND SEXUALLY EXPLOITED CHILDREN SHALL BE UNDER THE SUPERVISION, CONTROL AND MANAGEMENT OF THE DSWD. THE DSWD SECRETARY SHALL SUBMIT TO THE PRESIDENT OF THE PHILIPPINES AND TO THE PRESIDING OFFICERS OF BOTH HOUSES OF CONGRESS, WITHIN FIFTEEN (15) DAYS FROM THE OPENING OF THE REGULAR SESSION, AN ANNUAL REPORT ON THE CHILD ABUSE AND EXPLOITATION SITUATION IN THE COUNTRY WHICH SHALL INCLUDE A DETAILED ACCOUNT OF THE PROGRAMS AND PROJECTS UNDERTAKEN, STATISTICS ON CHILD ABUSE AND SEXUAL EXPLOITATION CASES AND CRIMES RELATED THERETO, EXPENSES INCURRED PURSUANT TO THE PROVISIONS OF THIS ACT, RECOMMEND LEGISLATION, IF NEEDED, AND SUCH OTHER RELEVANT FACTS AS IT MAY DEEM PROPER TO REPORT: PROVIDED THAT, THIS REPORT SHALL BE INCORPORATED AS A SEPARATE AND DISTINCT ITEM IN THE ANNUAL STATE OF THE NATION ADDRESS OF THE PRESIDENT BEFORE BOTH HOUSES OF CONGRESS.

Section 3. If any provision of this Act is declared unconstitutional or the application thereof to any person, circumstances or transaction is held invalid, the validity of the remaining provisions of this Act or the applicability of such provisions to other persons, circumstances or transactions shall not be affected thereby.

Section 4. The provisions of all other laws, decrees, orders, rules or regulations or part thereof inconsistent with this Act are hereby repealed accordingly.

Section 5. This Act shall take effect after fifteen (15) days following its complete publication in the Official Gazette, or in at least two (2) national newspapers of general circulation, whichever comes earlier.

Approved,