

SENATE

S. No. 370

13

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

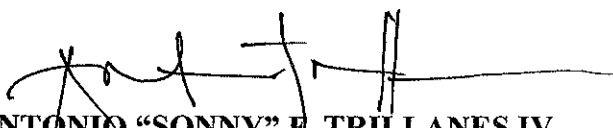
Article II, Section 13 and Article XIV, Section 3 (2) of the 1987 Constitution both provide for the protection and development of the youth. However, it has been evident that there has been nationwide rise of drop-outs and the slump of children's school participation and cohort survival. In fact, according to the government education agency, drop-out rates for both elementary and secondary levels, went up by above 7% and nearly 13% in school year 2005-2006, from 6.98% and 7.99%, respectively, in school year 2004-2005.¹

It could not be concealed that the frequent habit of cutting classes or the act of skipping classes due to peer pressure, or an act of juvenile rebellion has often resulted to the formation of illiterate drop-outs who resort to deviant behaviors such as stealing, gang wars, drug addiction, teenage pregnancy, vandalism, and other crimes against persons, property and even the state.

The development of our young people is in jeopardy because of various influences and activities that destroy their lives and future, causing them to become illiterate and irresponsible drop-outs who resort to deviant behaviors and rebellion against established institutions and authorities.

Given this situation, a legislation that will ensure the promotion of general welfare of the youth and their protection from acts, conditions, or influences that are prejudicial to their development is therefore deemed necessary.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹ <http://www.philippinestoday.net/index.php?module=article&view=994>

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
S. No. 370

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
ENSURING THE WELFARE AND PROTECTION OF MINORS
AND FOR OTHER PURPOSES

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

1 **SECTION 1. *Title.*** – This Act shall be known as the “*Youth Welfare and Protection*
2 *Act.*”

3
4 **SEC. 2. *Declaration of Policy.*** – It is hereby declared the policy of the State to adopt
5 and impose policies and regulations that would ensure the welfare and protection of minors, both
6 in-school and out-of-school youth. Their development shall be given consideration in all of its
7 government programs.

8
9 **SEC. 3. *Coverage.*** – All persons below eighteen (18) years old, both in-school and out-
10 of-school, as well as all establishments that cater to such, shall be covered by this Act.

11
12 **SEC. 4. *Definition of Terms.*** – For purposes of this Act, the followings terms shall
13 mean:

- 14 a) Child/Juvenile/Minor – any person below eighteen (18) years old;
15 b) Department – Department of Social Welfare and Development;
16 c) Community Service – a penalty imposed upon a minor for violation of this Act, as
17 defined and within the parameter of the Diversion Program as provided for in

1 Republic Act 9344 otherwise known as “An Act Establishing a Comprehensive
2 Juvenile Justice and Welfare System”.

3 d) Fraternity – a group of people associated or formally organized for a common
4 purpose, interest, or pleasure;

5 e) Gambling –

6 1) playing games of chance or betting in the hope of winning money;

7 2) wagering money or something of material value on an event with an uncertain
8 outcome with the primary intent of winning additional money and/or material
9 goods.

10 f) Gang -- a group of persons acting in accord who are believed to engage in improper
11 acts or to be influenced by self-seeking, corrupt, or unworthy motives;

12 g) Hazing – an initiation rite being conducted as a prerequisite for admission as member
13 in a fraternity, sorority, or organization by placing the recruit, neophyte, or applicant
14 in an embarrassing or humiliating situation such as forcing him/her to do menial, silly
15 foolish, and other similar tasks or activities, or otherwise subjecting him/her to
16 physical suffering or injury;

17 h) Liquor - an alcoholic drink, especially of the type produced by distillation;

18 i) Recruiter – a person who enlists or causes other persons to join or become a member
19 of a fraternity, sorority, or gang;

20 j) Republic Act No. 8049 - An Act regulating hazing and other forms of initiation rites
21 in fraternities, sororities, and other organizations.

22
23 **SEC. 5. Loitering During School Hours.** – Students or schoolchildren are banned from
24 loitering in public places outside their school grounds/campuses during school hours unless they
25 are accompanied by their parents/guardians or are attending an official school function/duty. To
26 curtail this practice, students and/or school children who will be caught loitering in public places
27 outside their school grounds/campuses during school/class hours, without being accompanied by

1 their parents/guardians or attending an official school function/duty, shall be sanctioned
2 accordingly.

3

4 **SECTION 6. *Restricted Areas for Minors.*** – The following areas shall be restricted for
5 minors:

- 6 a) Videoke Bars/Beer Houses – It shall be unlawful for establishments such as, but not
7 limited to videoke bars, beer houses, night clubs, and/or any establishment that offer
8 similar services, to allow the entry of minors within their premises at any time and
9 any day, whether or not they are in the company of their parents, guardians, elders,
10 or relatives who are not otherwise covered by these prohibition;
- 11 b) Hotels/Motels/Lodging Houses – It shall be unlawful for all hotels, motels, lodging
12 houses, and/or similar establishments to allow the entry of minors within their
13 premises, unless such minors are in the company of their parents, guardians, or adult
14 relatives.

15

16 **SECTION 7. *Fraternities and Gangs.*** –

- 17 a) All newly formed youth organizations must apply for accreditation from the office of
18 the city mayor of that particular place, upon the recommendation of its youth and
19 sports council, and, accordingly, be issued a Certificate of Accreditation. The youth
20 and sports council of each city is hereby tasked to guide, monitor, and supervise these
21 organizations.
- 22 b) No person shall force, coerce, bully, or deceive any juvenile into joining any
23 organization, fraternity, sorority, gang, or association. Recruiters from any
24 organization or fraternity/sorority must secure permission from the parents/guardians
25 of the child/juvenile being recruited.
- 26 c) Hazing or initiation rites are prohibited under Republic Act 8049.
- 27 d) If the juvenile/minor subjected to hazing or other forms of initiation rites suffers any
28 physical injury or dies as a result thereof, the officers (whether or not they

1 participated) and members of fraternity, sorority, or organization who actually
2 participated in the infliction of physical harm shall be liable as principals and will
3 suffer the sanctions as provided under Republic Act 8049.
4

5 **SECTION 8. *Other Acts Prejudicial to the Child's Development.* –**

- 6 a) **Selling of Specific Products.** – It shall be unlawful for any person or establishments
7 such as, but not limited to groceries, department stores, eateries, restaurants, bakeries,
8 market stalls, bazaars, general merchandise, hardware and construction supplies to
9 sell liquor and/or any intoxicating drink, tobacco products, illegal drugs, “rugby” and
10 other habit-inducing solvents, or pornographic materials to minors, such as videos,
11 magazines or any publication, books or tapes, and other materials that are detrimental
12 to the development of the child.
- 13 b) **Smoking Ban for Minors.** – It shall be unlawful for any minor within the meaning of
14 this Act to smoke cigarettes, cigars, and other tobacco products in any form
15 whatsoever, whether or not they are in the company of their parents, guardians,
16 elders, or relatives who are not otherwise covered by this prohibition.
- 17 c) **Ban on Rugby and other Habit-Inducing Solvents.** – It shall be unlawful for any
18 minor within the meaning of this Act to sniff “Rugby” or any habit-inducing solvent.
- 19 d) **Ban on Liquor and/or any Intoxicating Drink.** – It shall be unlawful for all minors
20 within the meaning of this Act to drink liquor and/or any intoxicating drink, whether
21 or not they are in the company of their parents, guardians, elders, or relatives who are
22 not otherwise covered by this prohibition.
- 23 e) **Gambling Ban for Minors.** – Minors are banned from engaging in any form of
24 gambling. Minors who are caught from engaging in any form of gambling, such as,
25 but not limited to jueteng, lotto, all card games, cara y cruz, mahjong, bingo, and
26 ending shall be properly sanctioned

27
28 **SEC. 9. *Penalties for Specific Violations.* –**

- 1 a) The parents/guardians of the offender shall be sanctioned to attend a Parents'
2 Orientation Seminar for the First Offense, and a fine in the amount of One Thousand
3 Pesos (P 1,000.00) or four (4) hours of community service for subsequent offenses.
- 4 b) The Principal, Guidance Counselor, or Class Adviser of students who were
5 apprehended while roaming in all parks, amusement centers, and other similar places
6 during their prescribed school hours shall be notified by the apprehending officers
7 concerning the matter, and the above school authorities shall bring the offenders to
8 school for counseling and/or appropriate disciplinary action.
- 9 c) Commercial establishments such as, but not limited to malls, video arcades,
10 restaurants, fast food chains, carinderias, videoke bars, billiard pool halls, and other
11 forms of recreation, amusement centers, movie houses, parlors or barber shops, and
12 groceries or supermarkets that allow school children to loiter in their premises during
13 school days from 7:00 o'clock in the morning to 5:00 o'clock in the afternoon shall
14 be subjected to a fine of Three Thousand Pesos (P 3,000.00) for every student caught.
- 15 d) Violators whose business involve recreational/sports/amusement related activities
16 shall suffer the same fine, plus the confiscation of all their gadgets, equipment,
17 machines, and other paraphernalia such as computers, videos, billiard pools, bowling
18 balls, machines, karaoke/videoke, television sets, and the like.
- 19 e) The penalty for the commission of Section 8 (a) shall be as follows:
- 20 1) *First Offense - Fine of Three Thousand Pesos (P 3,000.00) plus three (3)*
21 *months suspension of Business Permit;*
- 22 2) *Second Offense - Fine of Five Thousand Pesos (P 5,000.00) and cancellation*
23 *of Business Permit without prejudice to the filing of appropriate legal action.*
- 24 f) Any person caught in the act of forcing or deceiving any minor/juvenile, or those who
25 have forced and deceived minors into joining any organization, fraternity/sorority, or
26 gang within the campus or outside the school grounds will be sanctioned with two (2)
27 hours of counseling at the Department and four (4) hours of community service to
28 that particular City Government if the offender is a minor, or a fine of One Thousand

1 Pesos (P 1,000.00) and eight (8) hours of community service if the offender is an
2 adult, without prejudice to filing of appropriate legal action.

- 3 g) Any minor who is found violating Section 8 (d) of this Act shall be placed under
4 preventive custody in holding centers until sober so as not to inflict harm on himself
5 and others, and shall be subject to a corresponding penalty as listed in Section 9 of
6 this Act.

7
8 **SEC. 9. *General Penal Clause.*** –

9 Violations of the provisions of this Act shall have the following penalties:

- 10 a) First Offense - Fine in the amount of One Thousand Pesos (P 1,000.00) or four (4)
11 hours of community service and two (2) hours of counseling;
12 b) Repeated Offense - Fine in the amount of Two Thousand Pesos (P 2,000.00) or six
13 (6) hours of community service and four (4) hours of counseling.

14
15 **SEC. 10. *Separability Clause.*** – If any provision of this Act shall at any time be found to
16 be unconstitutional or invalid, the remainder thereof not affected by such declaration shall
17 remain in full force and effect.

18
19 **SEC. 11. *Repealing Clause.*** – All laws, decrees, rules or regulations inconsistent with
20 the provisions of this Act are hereby repealed or modified accordingly.

21
22 **SEC. 12. *Effectivity Clause.*** – This Act shall take effect after fifteen (15) days following
23 its complete publication in two (2) newspapers of general circulation.

Approved,