

Republic of the Philippines
Autonomous Region in Muslim Mindanao
REGIONAL LEGISLATIVE ASSEMBLY
Cotabato City

THIRD REGULAR SESSION

Begun and held in Cotabato City, the twenty seventh day of October,
two thousand and three.

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[MUSLIM MINDANAO AUTONOMY ACT NO. 162]

**“AN ACT GRANTING THE MAGNA CARTA FOR CHILDREN
IN THE AUTONOMOUS REGION IN MUSLIM MINDANAO.”**

Be it Enacted by the Regional Legislative Assembly in Session Assembled:

Article 1. General Provision

Section 1. Title. -This Act shall be known as the “*Magna Carta for Children in ARMM*”

Section 2. Declaration of Policy and Principles. – The members of the Regional Legislative Assembly recognize the need to prioritize the welfare of children in the ARMM who by nature have unique customs, beliefs and traditions, and because of recurring armed conflicts, have been left behind in terms of health, education, and other social services. It is the policy of the Regional Government, that these children, being the region’s most valuable human resource should be afforded the necessary protection and assistance so that they can fully assume their responsibilities within the community; and grow up in a family, in an atmosphere of happiness, love, and understanding for the full and harmonious development of their personalities.

Section 3. Purposes – This Act is enacted with the following purposes:

- a) To ensure the protection of children against all forms of abuse and exploitation;
- b) To advocate for children’s rights and promote their welfare and development;
- c) To ensure that children’s rights are given priority attention, both in government and civil society;
- d) To improve the quality of life of children in ARMM and to enable them to fully develop their potentials and to participate in community life and nation-building.

Section 4. *Duties and Responsibilities of the State.* –Being an integral part of the State, the Regional Government shall defend the right of children and provide them assistance which shall include proper health care, nutrition, education and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

In accordance with the United Nations Convention on the Rights of the Child (UNCRC) to which the Philippines is a State Party, the State shall:

- a. Undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the UNCRC. With regard to economic, social and cultural rights, the State shall undertake such measures to the maximum extent of its available resources and, where needed, within the framework of international cooperation;
- b. Ensure to the maximum extent possible the survival, development, protection and participation rights of the child;
- c. Take the appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent/s, legal guardian/s or any other person/s who has the care of the child;
- d. Assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with his or her age and maturity;
- e. Render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

Section 5. *Definition of Terms*–The following terms used in this Act shall be defined as follows:

- a. Child- refers to a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from the abuse, neglect, cruelty, exploitation or discrimination due to physical or mental disability or condition;
- b. Guardian – refers to any person who is actually exercising substitute parental authority or custody over the person and property of the child, with or without court order of authority
- c. Child abuse - refers to the act inflicting or causing another person to inflict injuries upon a child or unreasonable depriving him of his basic needs for survival such as food, clothing, and shelter to a degree that, if not immediately remedial, could seriously impair the child’s growth and development or result in permanent incapacity or death.
- d. Sexual Exploitation – refers to the act by which a person induces, promotes or coerces children to engage or assist in sexually explicit activities for any consideration or gain.

- e. Sexually Explicit Activity – refers to any physical activity, whether performed or engaged alone or with other persons, where the predominant appeal to the average person, applying contemporary standards, is to prurient interest in nudity or sex, and which goes substantially beyond customary limits of candor without redeeming social importance.
- f. Sale or Trafficking of Children – refers to the illicit transfer of custody of a child from one party to another, for whatever purpose in exchange for monetary or other consideration.
- g. Working Children – refers to children engaged in various types of work.
- h. Employer – refers to any person who exercises control over the child worker.
- i. Armed Conflict – refers to a violent confrontation between government and its armed forces on the one hand opposition and insurgent groups on the other hand. It also includes political feuds and conflicts between clans or families and in between indigenous cultural communities and other conflict resulting to the displacements of the children.
- j. Children in Situations of Armed Conflict – refers to:
 - a. Children facing threat to life due to armed conflict;
 - b. Children of displaced families as a result of armed conflict;
 - c. Those physically weakened, abandoned, lost, orphaned or disabled as a result of armed conflict;
 - d. Emotionally traumatized children due to armed conflict;
 - e. Children whose immediate family member/guardians have been detained, killed or have disappeared due to armed conflict;
 - f. Children combatants and those mobilized for other armed conflict related activities.
 - g. Children whose schooling or lives have been disrupted due to an armed conflict; and
 - h. Children deprived of liberty due to armed conflict.
- k. Survival Rights – deal with the provision in relation to parental and governmental duties and liabilities on adequate living standard and access to basic health services and social security.
- l. Development Rights – pertain to the access of a child to educational opportunities, relevant information, play, leisure and cultural activities and the right to freedom of thought, conscience and religion.
- m. Protection Rights – cover those which guard children against all forms of abuse, exploitation and discrimination particularly in cases where a child is considered to be in extremely difficult circumstances.
- n. Participation Rights – include the child’s freedom to express oneself in matters affecting his/her life as part of preparation for responsible parenthood and freedom to join children associations and activities.

- o. Regional Government- refers to the Autonomous Regional Government of Muslim Mindanao.
- p. Tribal Peoples- those citizens whose social, cultural, economic conditions distinguish them from other sector of the national community.
- q. Bangsa Moro people- those citizens who are believers in Islam and who have retained some or all of their own social economic, cultural and political institutions.
- r. Indigenous Cultural Community- refers to Filipino citizens residing in the autonomous region who are tribal people and Bangsa Moro people.

TITLE I – RIGHTS AND OBLIGATIONS OF CHILDREN

Article 2. Rights of the Child

Section 6. *Survival Rights* – The Regional Government shall ensure the child’s right to life and to the needs that are most basic to existence, the rights to a name and to a nationality, the right to identify and those dealing with parental and governmental duties and obligations, adequate quality standard of living, access to basic health care and medical services, social security, and rehabilitation.

As used in this Act, the following are the Survival Rights:

- a. Every child has the right to be born well, endowed with the dignity and worth of a human being from the moment of his or her conception;
- b. Every child has the right to a wholesome family life that will provide him or her with love, care and understanding, guidance and counseling, and moral and material security. The dependent or abandoned child shall be provided with the nearest substitute of a home;
- c. Every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention, and all the basic physical requirements of a healthy and vigorous life.

Section 7. *Development Rights* – refer to the rights of a child to education to develop his or her cognitive, social, spiritual, emotional, and physical abilities to the fullest. These shall include participation in cultural activities, access to appropriate and relevant information, and opportunities for a wholesome recreational activities.

These development rights are specifically enumerated as follows:

- a. Every child has the right to a well-rounded development of his or her personality to the end that he or she may become a happy, useful, and active member of society, specifically:
 - (1) The gifted child shall be given the opportunity and encouragement to develop his or her special talents;
 - (2) The emotionally disturbed or socially maladjusted child shall be treated with sympathy and understanding, and shall be entitled to treatment and competent care and attention.
 - (3) The physically or mentally differently able child shall be given treatment, education love and care necessary her or his needs.
- b. Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and the strengthening of her or his character;
- c. Every child has the right to grow up as a free individual in an atmosphere of peace, understanding, tolerance, and universal sisterhood/brotherhood, and with the determination to contribute her or his share in the building of a better world;
- d. Every child has the right to education. Primary education must be free and compulsory, secondary education must be free and higher education must be available and accessible to all children based on their capacity and capability of the parents;
 - (1) The development of the child's personality, talents and mental and physical abilities to the fullest extent;
 - (2) The preparation of the child for responsible adult life in a free society;
 - (3) The development of respect for the child's parents, her or his cultural identity, language and values, and the cultural background and values of others;
 - (4) The development of respect for the natural environment;
- e. Every child has the right to full opportunities for safe and wholesome recreation and activities for the wholesome use of her or his leisure hours.
- f. Every child has the right to live in a community and a society that can offer her or him an environment free from pernicious influences and conducive to the promotion of her or his health and the cultivation of her or his desirable traits and attributes.

Section 8. Protection Rights – The protection rights shall cover protection of the child from all forms of abuses and discrimination such as cruelty, torture, arbitrary separation from family, abuses in the justice and penal system, involvement in armed conflict, child labor, drug abuse, sexual abuse and harassment, and exploitation.

Under Presidential Decree 1083, the rights of a Muslim child include:

- a. A legitimate child shall have the right:
 - 1. To bear the surnames of the father and of the mother;

2. To receive support from the father or, in his default, from his heirs in accordance with Articles 65 and 68; and
 3. To share in the legitimate (*furud*) and other successional rights which this Act recognizes in his favor. (Article 62)
- b. Acknowledgment (*igrar*) of a child by the father establishes paternity and confers the right to inherit from the other exclusively in accordance with Article 94, provided the following conditions are complied with:
1. The acknowledgment is manifested by the father's acceptance in public that he is the father of the child who does not impugn it; and
 2. The relation does not appear impossible by reason of disparity in age. (Article 63)
- c. That no adoption in any form shall confer upon any person the status and rights of a legitimate child under Muslim Law, except the said person may receive a gift (*hiba*). (Article 64).
- d. That every parent and every person exercising parental authority shall see to it that the rights of the children are respected, and their duties complied with, and shall particularly by precept and example, imbue them with religious and civic consciousness, love of country, veneration of the national heroes and attachment to the ideal of permanent world peace. (Article 73)
- e. The parents have, with respect to their un-emancipated children:
1. The duty to support them, have them in their company, educate and instruct them in keeping with their means and represent them in all actions which shall redound to their benefits; and
 2. The power to correct, discipline, and punish them moderately.
- f. The father, or in his absence the mother, shall be the legal administrator of the property of the child under parental authority. If the property is worth more than five thousand pesos, the father or the mother shall give a bond to be approved by the court.
- g. The court may deprive a person of parental authority or suspend the exercise thereof if he treats his children with excessive harshness, gives them corrupting or immoral orders and counsel, or abandons them. (Article 77)
- h. The care and custody of children below seven years of age whose parents are divorced shall belong to the mother or, in her absence, to the maternal grandmother, the paternal grandmother, sisters and aunts. In their default, it shall devolve upon the father and the nearest paternal relatives. The minor above seven years of age but below the age of puberty may choose the parent with whom he wants to stay.

- i. The unmarried daughter who has reached the age of puberty shall stay with the father; the son, under the same circumstances, shall stay with the mother.

The pertinent provisions of Presidential Decree 1083 on Filipino Muslim Personal Laws shall apply to Muslim children where appropriate tribal customs and traditions on the protection of the rights of a child shall be recognized as a part of this Act.

Section 9. *Participation Rights* –The Regional Government shall recognize and support child rights to participate in matters that affect him or her most by providing all appropriate venues where he or she can express his or her opinions freely and to have these opinions taken into account, to be involved in decision-making and a consultative process, and to freedom of association and peaceful assembly.

The participation rights of the child are hereby enumerated as follows:

- a. Every child has the right to be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law;
- b. Every child has the right to freedom of thought, conscience and religion, subject to appropriate parental guidance;
- c. Every child has the right to freedom of statement. This right shall include freedom to seek, receive and impart information and ideas consistent with standard morality and legal procedures.
- d. Every child has the right to express his or her views and options freely and to give paramount attention in any procedure affecting him or her;
- e. Every child has a right to privacy and shall be protected against unlawful interference with such privacy, family, home or correspondence, and to unlawful attacks against his or her honor and reputation.

Article 3. Responsibilities of the Child

Section 10. *Responsibilities of the Child* – The responsibilities of every child, regardless of the circumstances of birth, sex, religion, social status, political antecedents and other factors are hereby enumerated as follows:

- a. Strive to live an upright and virtuous life in accordance with the tenets of his or her religion, teaching of elders and visitors, and building of a clean conscience;
- b. Love, respect and obey his or her parents, and cooperate in the strengthening of the family; develop his or her potentials particularly by undergoing a formal

education appropriate to his or her abilities to become asset to himself, family and community;

- c. Extend not only to his or her brothers and sisters love, thoughtfulness, and helpfulness, and endeavor with them to keep the family harmonious and united; It also includes respect to elders, customs and traditions, heroes, duly constituted authorities, laws, constitutional principles and institutions as well as the Sharia'h rules and regulations.
- d. Extend his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his or her abilities, in order that he or she may become an asset to himself or herself and to society;
- e. Respect not only his or her elders but also the customs and traditions of his or her people, the memory of his or her people's heroes, the duly constituted authorities, the laws of the country, and the principles and institutions of democracy;
- f. Actively participate in civic affairs and in the promotion of the general welfare, recognizing the youth who will eventually be called upon to discharge the responsibility of leadership in shaping the nation's future; and
- g. Help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspiration for unity and prosperity, and the furtherance of world peace.

TITLE II – PROGRAMS AND SERVICES

Article 4. Programs and Services on Survival Rights

Section 11. *Under Six Program* – The Regional Government shall ensure to the maximum extent possible the survival and development of every child, which shall include the following measures:

- a. Monitoring of registration of births, deaths and the completion of the immunization series for the prevention of tuberculosis, diphtheria, pertusis, tetanus, measles, poliomyelitis, hepatitis B and such other diseases for which vaccines and other medicines have been developed for administration;
- b. Growth and nutritional status of children to include breastfeeding, complementary feeding and integrated management of child illnesses.
- c. Establishment of a Health Care Center in each barangay for pregnant mothers for reproductive health, prenatal and neonatal care and, in the proper case, for delivery of the infant under conditions which will eliminate or minimize risks to mother and child: PROVIDED, that high-risk pregnancy e.g., teenage mothers shall be discouraged and be referred to the tertiary or secondary care

service personnel or facility and children who are at risk from any condition or illness will be brought thereto for care: PROVIDED further, that “*hilots*” (traditional birth attendants) and barangay health workers are provided the needed basic training for normal delivery and are trained to recognize high-risk pregnancies which should be referred to competent obstetrical and pediatric medical care;

- d. Establishment of a barangay level network of assistance from among the adults of the barangay for the total development and protection of children;
- e. Ensure access to early childhood education through day care centers and alternative delivery schemes such as home- or community-based ECCD;
- f. Provision of a trained day care worker or child development worker on early childhood care and development with satisfactory performance and increased salary subsidy commensurate to actual functions.
- g. Barangay officials and their barangay-level support systems, may call upon law enforcement agencies when there is an abused, neglected, exploited, abandoned and maltreated who needs to be assessed, rescued and given social welfare interventions;

Section 11-A. *Birth Registration-*

- a. **Muslim Naming System-** Executive Order No 157 of the President, and Office of the Civil Registrar General (OCRG) Administrative Order No. 2, series of 1993 have been promulgated for Muslim Civil Registration. A Muslim child may principally use the first name of the father as surname. However, the father or mother may use his or her surname as the surname of the child, subject to Islamic law or existing “*ada*” (customary law).
- b. **Naming of Indigenous People-** the registrant shall use the name-surname birth based entry. Indigenous children may also carry the surname of the father. However pursuant to customary practice they may not use surname.
- c. The Local Civil Registrar is hereby enjoined to register children pursuant to existing Muslim and other civil registry system, and in supplement using the following guidelines:
 - 1. In case of newborn babies, registration of birth must be within thirty (30) days from the date of birth.
 - 2. The name of the child consists of first name, middle name and last name.
 - 3. The first name may consist of one or more given names.
 - 4. The middle name consists of the mother's maiden name, however for Muslim and indigenous children, above-mentioned Muslim and indigenous people naming system may be adopted.

5. The last name consists of the last name of the father, however for Muslim and indigenous children, above-mentioned Muslim and indigenous people naming system may be adopted.

The National Statistics Office in the Autonomous Region shall in collaboration with concern agencies and officials of the Autonomous Regional Government pursue information programs and activities on civil registration, as well as generate statistics on children necessary to carry on the mandates of this law.

Day-care Service – Provision of supplemental parental care to children who are maltreated, neglected, abused, exploited, and abandoned where the parents cannot attend to their needs during day time. There shall be established and maintained a day care center in every barangay that would cater to children, 3-5 years old to provide Early Childhood Care and Development (ECCD) activities for growth and total development. The Day Care Centers shall be manned or handled by a Day Care Worker who has undergone training on Integrated Early Childhood Care and Development and meet the minimum standard of accreditation per R.A. 6972 or the “Barangay-Level Total Development and Protection of Children Act”.

Day Care service includes:

- a. Development of children (Cognitive, Social, Emotional, Spiritual, Physical)
- b. Nutrition Status Monitoring
- c. Immunization Monitoring
- d. Monitoring of Birth Registration
- e. Social Protection of children
- f. Growth and Proper Care

In support of this program, RA 8980 provides that the provincial ECCD Coordinating Committee (PECCCC) shall determine the priority component cities and municipalities using the following criteria:

- a. Number of barangays with the most number of unmet minimum basic needs (MBN) of children, 0-6 years old;
- b. Number of barangays with low participation rate in Grade I and high drop-out rate among Grade I pupils;
- c. Willingness to participate and has ECCD as a priority program; and
- d. Capacity to provide counterpart funds and resources under a viable cost sharing scheme to be developed by the NECCDCC that ensures equitable access to special resources for ECCD by poorest municipalities.

The ECCD Coordinating Committees of component cities and municipalities, as well as of highly urbanized cities shall determine its priority barangays using the same criteria.

Section 11-B. Assistance to Parents – Parents have the primary responsibility for the upbringing and development of the child. The Regional Government shall take necessary steps to strengthen the family and assists parents in the performance of child-rearing responsibilities through parent effectiveness service.

Section 12. *Primary Health Care* – The Regional Government shall implement primary health care and nutrition programs for children in coordination with the Department of Health and the Department of Social Welfare and Development. The barangay health centers on the other hand, shall implement the primary health care program. Each barangay shall appoint a barangay child health officer to monitor children’s health status of children with salary commensurate to the task assigned.

Section 13. *Maternal and Child Health Program* – The Regional Government shall continue to implement and support its maternal and child care service program which shall cater to the health of the mother which affects the child in the womb with the end in view of delivering a healthy baby.

Section 14. *Iodization of Salt*– The Regional Government shall ensure the strict implementation of RA 8172, otherwise known as “An Act Promoting the Salt Iodization Nationwide”. A committee created by the Local Council for the Welfare of Children shall be tasked to supervise the implementation of said law. Any person who is either a salt producer, manufacturer, importer, or trader found to have violated this provision shall be penalized in the following manner after due proceeding by the court of justice having jurisdiction of such offense:

FIRST OFFENSE – A fine of One Thousand Pesos (₱1,000.00) plus three months imprisonment;

SECOND OFFENSE – A fine of Three Thousand Pesos (₱3,000.00) plus six months imprisonment;

THIRD OFFENSE – A fine of Five Thousand Pesos (₱5,000.00) plus one year imprisonment; provided that the penalty for third offense shall be in addition to the revocation of the offender’s license to operate and provided further that in all cases where the subject matter of the offense is a prohibited product, the court shall order the recall and/or withdrawal of the product from the market.

Section 15. *Mother and Baby Friendly Hospital Initiatives* – All hospitals in the Autonomous Region in Muslim Mindanao (ARMM) shall comply with the requirements of the Department of Health – ARMM for a Mother-Baby Friendly Hospital. The Local Council for the Welfare of Children shall establish a committee tasked to monitor and ensure the compliance of all hospitals in ARMM to the mandate of this provision. Any hospital found to have deliberately violated this mandate shall be recommended for appropriate sanctions by the Department of Health – ARMM.

Section 16. *Provision of Supplies and Materials to the Hospitals and Centers* – For the purpose of catering to the problem of lack of supplies and materials in hospitals and centers, the Regional Government, in coordination with the Department of Health, shall provide full support in procuring supplies and materials for hospitals and centers in the ARMM area.

Section 17. *Establishment and/or Rehabilitation of District Hospitals, Municipal Hospitals, Rural Health Units and Barangay Health Stations* – District hospitals, municipal hospitals, rural health units and barangay health stations in strategically located areas in ARMM shall be established and rehabilitated, where applicable.

Article 5. Programs and Services on Development Rights

Section 18. *Early Childhood Care and Development (ECCD)* – This comprise of program concerns on a full range of health, nutrition, early education and social service programs that provide for the basic holistic needs of young children from birth to age five (5) and to provide their optimum growth and development. These include comprehensive health status of children, thus families and community volunteers in coordination with the Provincial Health Office through their barangay health program and parent education through scientific child-rearing of the Department of Social Welfare and Development to ensure healthy growth of children in ARMM. Day Care Centers shall be established as well as private pre-school, kindergarten or school based programs, community or church-based early childhood education programs.

Pursuant to RA 8980, rules and regulations are promulgated which shall provide the concerned national government agencies, local government units, other public institutions, non-government organizations, people's organizations and private institutions with guidelines for the implementation of a comprehensive national policy institutionalizing the National ECCD System to ensure that basic health, nutritional, mental, emotional and social needs of children from conception to age five (5) are adequately and substantially met.

Section 19. *Education System* – The Department of Education in the Autonomous Region in Muslim Mindanao shall undertake an educational program that is culture sensitive and relevant to the needs and existing situation of communities in the region, including indigenous communities. It is directed towards:

- a. The development of the child's personality, talents, moral, spiritual, intellectual, social and physical abilities to their fullest potentials;
- b. The development of respect for human rights and fundamentals of freedom;
- c. The development or respect for the child's parents, his/her own cultural identity, language and values;
- d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all people, ethnic, nationality and religious groups and persons of indigenous origins; and
- e. The development of respect for the natural environment.

Section 20. *Madaris Educational System; Arabic as Medium of Instruction.* – Accredited Madaris in the Autonomous Region shall be supervised by the Department of Education in accordance with the principles of the Constitution and RA 9054. The educational policies should also take into consideration the teaching of the Koran to inculcate respect by individuals for duly constituted authority. A periodic review and supervision of the "Madaris" educational system shall be conducted by the Department of Education and a monthly report shall be submitted by the Department to Congress through the Senate President, the Speaker and the chairs of respective education committees of both houses of Congress or the corresponding committees of the Regional Assembly of the ARMM, if there are such committees in the said assembly.

The Regional Legislative Assembly shall enact legislation for the strengthening and development of the Madrasah educational system in the Autonomous Region.

Arabic is hereby recognized as a medium of instruction in Madaris (schools) and other Islamic institutions.

Existing Madaris and Madaris Ulya are deemed parts of the regional educational system.

The Regional Department of Education shall in coordination with the Commission on Higher Education, conduct periodic competitive qualifying examinations of Madaris teachers for permanent appointments to the regional educational subsystem.

The compensation of Madaris teachers employed in the public schools of the Autonomous Region shall be taken from the funds of the Regional Government.

Section 21. *Vocational and Special Education Program* –The thrust, programs and administration of vocational, non-formal, and special education shall be supported and made relevant to the manpower needs of the region (Article XIV, Sec. 2(e) of R.A. 9054).

Section 22. *Alternative Learning System*–The Regional Department of Education shall support an Alternative Learning System to include literacy, numeracy, and intensive skills training of the youth and adults. It shall include a system of accreditation and equivalency for learning acquired through informal and nonformal education (Article XIV, Sec 18 of RA 9054).

Section 23. *School Building Program* – The Regional Government, in cooperation with the Department of Education (National), shall **undertake** a school building program that shall cater to the educational needs of the children in ARMM.

Article 6. Programs and Services on Protection Rights

Section 24. *Programs on Child Abuse, Exploitation and Discrimination* – There should be a comprehensive and appropriate program to be formulated by the Department of Social Welfare and Development – ARMM and the Local Council for the Welfare of the Children in coordination with the Special Office for Children’s Concerns, other government agencies, and the private sector concerned within one (1) year from the affectivity of this Act, to protect children against child prostitution and other sexual abuse, child trafficking, abscent publications and indecent shows and other acts of abuse; and circumstances which endanger child survival and normal development.

Section 25. *Control on Children’s Exposure to Commercial Video Games*- Commercial establishments renting electronic video games to children, 15 years old and below during school days from 7:00 in the morning to 5:00 in the afternoon shall be subjected to suspension of business permit for fifteen (15) days during the first offense and, one (1) month suspension of the same for the second offense. Confiscation of all video units of said establishment and cancellation of business permits shall constitute the penalty for the third offense.

Section 26. *Sanctions* – If any establishment, enterpriser or child-caring institution shall have been found to have engaged in promoting sexual exploitation or sale or trafficking of children, the same shall be immediately closed and penalized under existing laws.

Article 7. Programs and Services on Participation Rights

Section 27. *Participation of Children in Decision-making Processes* – The interest and welfare of children in the family, school, community, association, organization other institution are to insure that the voice of children, 13-17 years old shall be heard through their representatives from the five provinces and one city of the ARMM. This will also include children, 3-5 years old in the day care centers since every year the Department of Social Welfare and Development – ARMM joins in the National Children’s month Celebration every October, through the conduct of Municipal, Provincial and Regional Children Congress with GOs, NGOs and peoples organization where concerns on children shall be coordinated and form part in the preparation and evaluation of the convention or congress.

Every child has the right to express his opinion or views as long as not contrary to laws, customs and traditions, moral public safety and policy and these opinions shall be taken into account in all matters of procedures affecting the child.

Section 28. *Installation of Mechanism for Participation in Policy and Program Formulation in the Local Government.* – It is important to consult children and provide venue for their activities where children can express their relevant views on Regional Government policies. It is therefore proper that children, 7-17 years old are convened through their representatives once a year especially during the celebration of National Children’s Month of every October.

Children in the day care centers are also required to join children’s activities every October with other GOs and NGOs concerned which shall be partners in the preparation and evaluation of the congress or convention. Detailed implementing rules and guidelines shall be done by the concerned agencies in coordination with other GOs and NGOs in ARMM.

TITLE III. SPECIAL CONCERNS

Article 8. Children in Situations of Armed Conflict

Section 29. *Protection for Children* – Children in situations of armed conflict shall be considered victims of disaster and shall be provided full protection in accordance with the provisions of R.A. 7610 “*Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.*”

Section 30. *Creation of Crisis Centers* – Republic Act 8505 mandates the establishment of a crisis center in every province and city. These shall be established in the ARMM areas. Services or interventions shall not be limited to abused children but to other vulnerable groups particularly women, as well.

Section 31. *Children as Zone of Peace* – Children are hereby declared as zones of peace. It shall be the responsibility of the Regional Government and all other sectors to solve armed conflicts in order to promote the realization of policies and programs related to children in

situations of armed conflict. For this purpose, the following steps shall be taken to ensure special protection for children during armed conflict:

- a. Delivery of basic social services such as emergency relief, psychological intervention and education shall be best unhampered.
- b. The safety and protection of these interventions and service providers both from government and non-government institutions shall be pursued. They shall not be subjected to any form of harassment in the performance of their work; and
- c. Public infrastructures such as schools, hospitals and rural health units, day care centers, mosque, barangay shall not be utilized for military purposes such as command posts, barracks, detachments and supply depots.

Section 32. *Special Protection for Children* – The following policies shall be pursued to ensure the rights of children to special protection during armed conflict:

- a. Children shall not be the object of attack and shall be given social attention and respect; they shall be protected for any forms of threat, assault, torture or inhuman act.
- b. Proper care and immediate health and social intervention shall be provided to children;
- c. Children shall not be recruited to become members of the Armed Forces of the Philippines, civilian voluntary groups of other armed groups nor allowed to take part in the fighting, or used as guides, couriers, or spies.
- d. Before, during and after armed conflict, hospitals and safety zones shall be established for the protection of the wounded, sick and older persons, children, expectant mothers and mothers of children under the age of seven (7); and
- e. All concerned agencies GOs and NGOs shall provide sectoral intervention and facilitate the reunion of families temporarily separated.

Section 33. *Evacuation of Children*- Children shall be given priority attention care and respect to minimize trauma and provision of adequate social and health services while in the evacuation sites. All existing GOs, NGOs and community peoples organizations shall be tapped to look after the safety and protection of children during evacuation, operations and assistance shall be provided;

- a. Measures shall be taken into consideration with consent of their parents or guardians, to removed children temporarily from areas in which hostilities are taking place to a safer place and ensure that they are accompanied by persons responsible preferably their mothers; and
- b. Whenever an evacuation occurs pursuant to the preceding paragraph, each child's education, religions and moral obligation shall be decided by their parents to ensure possible continuity.

Section 34. *Family Life and Temporary Shelter*

- a. Whenever possible members of the same family shall be housed be in the same premises and provided accommodation and facilities for the proper family life;
- b. In case a temporary shelter, children expectant and nursing mothers in situation of armed conflict shall be given enough basic needs such as food, medicines, clothing shelters and psychosocial intervention;
- c. Children in situations of armed conflict shall be housed in enough and open space and provided with facilities for physical development such as exercises, sports, indoor and outdoor games and etc.;

Section 35. *Detainment and Imposition of Penalties* – No child shall be deprived of his or her liberty arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time. The following conditions shall apply:

- a. Any child who has been arrested for reasons related to armed conflict shall be held in quarters separated from the quarters of adults, except where families are accommodated as family units, and shall be treated with special respect while in detention. He/she shall be immediately given free legal assistance and shall be referred to the nearest Department of Social Welfare and Development – ARMM within twenty-four (24) hours from the time of arrest;
- b. The parent(s) or guardian(s) of the child shall immediately be notified of the apprehension;
- c. During the hearing of the child case, the judge without delay may commit the child to the care and custody of the Department of Social Welfare and Development – ARMM or any duly licensed child placement agency or individual;
- d. If, after hearing, the court finds that the child has committed the acts charged against him/her, it shall determine the imposable penalty including any civil liability chargeable against him/her. However, the pronouncement of the judgment of conviction shall automatically be suspended until he/she reaches the age of majority.

Section 36. *Monitoring and Reporting of Children in Situations of Armed Conflict* – The Barangay Chairman or Barangay Council for the Protection of Children or any concerned agencies, GOs, NGOs, organizations and individuals shall report to the municipal and provincial service providers of the Department of Social Welfare and Development

Office – ARMM and Department of Health – ARMM, within twenty four (24) hours of occurrence or disaster of evacuation due to armed conflict.

Section 37. *Indemnification of Children in Situation of Armed Conflict* – Financial indemnification shall be given to children who have been handicapped or have lost one or both parent due to situations of Armed Conflict. The surviving family members of children who died due to armed conflict shall also receive financial assistance.

Article 9. Working Children

Section 38. *Work Conditions* – Unless otherwise covered by existing laws, the conditions of work of children shall be based on the following:

- a. The employed child shall not be exposed to:
 1. Hazardous conditions such as:
 - i. Conditions that would endanger the life and limb of the child;
 - ii. Conditions that are injurious to the health, development, safety and morals of the child.
 2. Exploitative or discriminatory conditions taking into consideration the following criteria:
 - i. System and level of remuneration;
 - ii. Duration and arrangement of working time;
 - iii. Training and skill acquisition;
 - iv. Welfare facilities and social services.
- b. Employer must secure a work permit for the child from the Department of Labor and Employment and a certificate of enrollment from the Department of Education.

Section 39. *Protected Work Conditions* – Children below eighteen (18) years of age shall not be employed except when it is unavoidable and under additional protective conditions as follows:

- a. Light work;
- b. Development and progressive extension of arguable facilities for protection and welfare of working children;
- c. Provision for right work and adequate rest.

Section 40. *Education for Working Children*- The Department of Education – ARMM through the Madaris Education shall promulgate a course design under its non-formal education program aimed at promoting the intellectual, moral and vocational efficiency of working children who have undergone or finished secondary education. Such course design shall integrate the learning process deemed most effective under given circumstances.

Section 41. *Duty of Employer to Submit Report* – The employer shall submit to the Department of Labor – ARMM a report on all children employed by him/her. A separate

report shall be made of all such children who are found to be handicapped after medical examination. The Regional Secretary of the Department of Labor and Employment shall refer such handicapped children to the proper government agencies for vocational guidance, physical and vocational rehabilitation and placement in employment.

Section 42. Register of Children – Every employer in any commercial industrial or agricultural establishment or enterprises shall keep:

- a. A register of all children employed by him, indicating the dates of their birth;
- b. A separate file for the written consent to their employment given by their parents or guardians;
- c. A separate file for their educational and medical certificates; and
- d. A separate file for special work permits issued by the Regional Secretary of Labor in accordance with the existing laws.

Article 10. Abused and Exploited Children

Section 43. Child Abuse –The penalty of *arresto mayor* may be in its medium period to prison correctional in its minimum period shall be imposed upon any person who shall commit child abuse as defined in Paragraph C (1) of Section 5 hereof.

The penalty of *arresto mayor* in its medium period of prison correctional shall be imposed upon any person who shall commit child abuse as defined in Paragraph C (2) of Section 5 hereof.

The penalty of prison correctional shall be imposed upon any person who shall commit child abuse as defined in Paragraph C (3) of Section 5 hereof.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon any person who shall commit child abuse as defined in Paragraph C (4) of Section 5 hereof.

Section 44. Child Prostitution – Child Prostitution and Other Sexual Abuse.- Children whether male or female, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and sexual abuse.

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed on the following:

- a. Those who engage in or promote facilities or induce child prostitution, which acts constitute but are limited to the following:
 1. Acting as a procurer of a child prostitute;

2. Inducing a person to be a client of a child prostitute by means of written or oral advertisement or other similar means;
 3. Taking advantage of influence or relationship to procure a child to engage him/her as prostitute;
 4. Threatening or using violence toward a child to engage him/her as prostitute; or,
 5. Giving monetary consideration, goods or others, pecuniary benefit to a child with the intent to make such child as a prostitute.
- b. Those who have carnal knowledge with or lascivious conduct upon a child exploited in prostitution: PROVIDED, that when the victim is under eighteen (18) years of age, the perpetrators shall be persecuted under Article 335, Paragraph 3 and Article 336 of Act No. 3815, as amended, the Revised Penal Code for rape or lascivious conduct as the case may be.
- c. Those who derive profit or advantage from child prostitution whether as manager or owner of the establishment where the prostitution takes place: PROVIDED, that when the establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has expired or has been revoked, the penalty in its maximum period shall be imposed upon the manager or owner of the said establishment.

Section 45. *Sale or Trafficking of Children.* – Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of *reclusion temporal* to *reclusion perpetua*. *The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.*

The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon any person who shall engage in trading and dealing either children including the act of buying and selling of a child or any other consideration or barter.

Section 46. *Illegal Recruitment* – The penalty of *reclusion temporal* in its medium period to *reclusion perpetua* shall be imposed upon any person who recruits a child under the pretext of lawful employment but actually for the purpose of turning over such a child to another or others to work as a prostitute. When the person who recruits the child is also the perpetrator, he shall be prosecuted both for illegal recruitment and for the offense committed against the child.

Section 47. *Obscene Publications and Indecent Shows* – Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibition and indecent shows, whether live or in video, pose, or model in obscene exhibition or pornographic materials or to sell or distribute said materials shall suffer the penalty of *prison mayor* in its medium period.

If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.

Any ascended, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of *prison mayor* in its medium period.

Section 48. *Other Forms of Sexual Exploitation* – The penalty of *prison mayor* in its medium period shall be imposed upon any person who shall commit but are not limited to the following acts:

- a. Those who exhibit children in lewd or indecent shows;
- b. Those who hire, employ, use, persuade, induce, entice or coerce a child to perform in obscene exhibitions and indecent shows whether live or in videos, posing or modeling in obscene publication or pornographic materials or advertisement, or selling or distributing said materials.

The penalty for the commission of acts punishable under Article 336, 387 and 339 of Act. No. 3815, as amended, of the Revised Penal Code, for the crimes of acts of lasciviousness and qualified seduction with the consent of the offended party, respectively shall be one (1) degree higher than that imposed by law.

Section 49. *Other Acts of Neglect, Abuse, Cruelty and Other Conditions Prejudicial to Child's Development* – The penalty of *reclusion perpetua* shall be imposed when the child abuse results to death and mutilation of the victims.

The penalty of *reclusion temporal* in its maximum period shall be imposed when child abuse results in serious physical injuries.

- a. Any person who shall commit any other act of child abuse including those covered by Article 59 of Presidential Decree 603 as amended, but not covered by the Revised Penal Code as amended, shall be punished by prison mayor in its minimum period.
- b. Any person who shall keep or have in his company a minor, twelve (12) years or under or who is ten (10) years or more his junior in any public place, hotel, motel, beer joint, discotheque, cabaret, pension house, sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the penalty of *prison mayor* in its maximum period and a fine of not less than Fifty Thousand Pesos (P50,000.00): Provided, That this provision shall not apply to any person who is related within the fourth degree of consanguinity or affinity or any bond recognized by law, local custom and tradition, or acts in the performance of a social, moral or legal duty.
- c. Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph shall suffer the penalty of *prison mayor* in its medium period and a fine of not less than Forty Thousand Pesos (P40,000.00):

Provided however, That should the perpetrator be an ascendant, stepparent or guardian of the minor, the penalty to be imposed shall be *prison mayor* in its maximum period, a fine of not less than Fifty Thousand Pesos (P50,000.00), and the loss of parental authority over the minor.

- d. Any person, owner, manager or one entrusted with the operation of any public or private place of accommodation, whether occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor described shall be imposed a penalty of *prison mayor* in its medium period and a fine of not less than Fifty Thousand Pesos (P50,000.00), and the loss of the license to operate such a place or establishment.
- e. Any person who shall use, coerce, force or intimidate a street child or any other child to:
 - 1. Beg or use begging as a means of living;
 - 2. Act as conduit or middlemen in drug trafficking or pushing; or
 - 3. Conduct any illegal activities, shall suffer the penalty of *prison correccional* in its medium period to *reclusion perpetua*.

Section 50. *Prima Facie Presumptions* – The following persons are presumed to be engaged in sexual exploitation or sale or trafficking of children:

- a. Any person found alone under suspicious circumstances with the said child inside the room or cubicle of an inn, hotel, pension house, apartelle or other similar establishments;
- b. Any person who is found exhibiting pornographic films, photographs and other similar materials to such child;
- c. Any establishments where the acts constituting sexual exploitation and sale or trafficking under this Act, or in violation of the Revised Penal Code, as amended, occur in the premises of said establishment. Any establishment or enterprise which promotes sexual exploitation or sale or trafficking as part of a tour for foreign tourists; exhibits children in lewd or indecent shows; solicits children to promote facilities or induce sexual exploitation and sale or trafficking of children.
- d. Any pregnant mother who executes an affidavit of consent for adoption consideration.
- e. Any agency, establishment or child-caring institution, which recruits women or couples to bear children for purposes of sale or trafficking of children.
- f. Any doctor, hospitals, clinics, nursery, or local civil registrar who simulate birth for purposes of sale or trafficking of children.

- g. Any person who engages in baby hunting among low-income families, hospitals, clinics, nurseries, day care centers, and other child-caring institutions to find children who can be offered for adoption.

Section 51. *Sanctions for Establishments, Enterprises or Child Caring Institutions* – If any establishment, enterprise or child-caring institution shall have been found to have engaged in promoting sexual exploitation or sale of trafficking of children, the same shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under this Act/or the Revised Penal Code, as amended, or special laws.

Article 11. Children of Indigenous Communities

Section 52. *Survival, Protection and Development* – In addition to the rights guaranteed to children under this Act and other existing laws, children of indigenous tribal communities shall be entitled to an upbringing and environment consistent with the traditions of their community that promote their protection, survival and development.

Section 53. *System and Access to Education* – The Department of Education – ARMM shall develop and institute an alternative system of education for children of indigenous cultural tribal communities which is culture specific and relevant to the needs and existing situation in the communities. The Department of Education – ARMM through the Madaris Education shall also accredit and support non-formal but functional indigenous educational programs conducted by non-governmental organizations in indigenous tribal communities.

Section 54. *Health and Nutrition* – Delivery of basic social services in health and nutrition to children of indigenous tribal communities shall be given priority by all government agencies. Hospital and other health institutions shall ensure that children of indigenous tribal communities shall be given equal attention. The provision of health and nutrition services to children of indigenous health practices shall be respected and recognized.

Section 55. *Discrimination* – Discrimination shall mean the deprivation and curtailment of the enjoyment of rights due to an individual because of the nature of the person and the nature of his/her right. Children of indigenous tribal communities shall not be subjected to any and all forms of discrimination. Any person who discriminates against children of indigenous tribal communities shall suffer a penalty of *arresto mayor* in its maximum period and a fine of not less than Five Thousand Pesos (₱5, 000.00) but not more than Ten Thousand Pesos (₱10,000.00).

TITLE IV. ROLES AND FUNCTIONS OF STAKEHOLDERS

Article 12. Regional Government

Section 56. *The Role of Regional Government* –The Regional Government shall uphold and protect the fundamental rights of women and children including the right of women to engage in lawful employment. Women and children, specially orphans of tender age shall be protected from exploitation, abuse or discrimination (Article III, Section 10 of R.A 9054).

The Regional Government in coordination with Local Government Units shall make sure that warnings signs be built and situated in all points of entries, hotels, resorts, and other areas susceptible to all kinds of abuse and exploitation as cited in Article 10 of this Act.

Article 13. Local Government Units

Section 57. *The Role of Local Government Units* – Local government units (LGUs) shall extend their full support and assistance and come up with policies, comprehensive programs/projects for children and allocate appropriate budgets and integration of children projects/ activities in the local development plan for implementation, such as a minimum of One Thousand Pesos (P1,000.00) monthly honorarium of accredited day care workers.

Section 58. *The Role of Provincial/City Governments* – The provincial/city government shall exercise general supervision, control and integrate budget allocation of programs, projects/services, and activities of the LGUs in their provincial/city development plan related to children and women welfare.

Section 59. *The Role of Municipal Governments* – The Municipal/City Council for the Welfare of Children shall review the Barangay budget and ensure the allocations of funds for programs.

Municipal governments shall be actively involved in planning and implementation of programs and services for children and women and integrate a minimum of One Thousand Pesos (P1,000.00) monthly honorarium of accredited Day Care Workers in their Municipal Local Development Plan for Children.

Section 60. *The Role of Barangay Governments-* The barangay government shall give priority to the welfare of children and women in their respective barangays like integration and provision of a minimum of One Thousand Pesos (P1,000.00) monthly honorarium of accredited day care workers in every Barangay with existing day care centers.

Section 61. *Role of Local Councils for the Welfare of Children* – These councils shall, in addition to their existing duties and functions, coordinate with, and assist their corresponding LGUs in coming up with comprehensive programs for children and be the primary body to oversee the implementation of such programs.

Section 62. *Role of the Sangguniang Kabataan-* The Sangguniang Kabataan (SK) as established under the Local Government Code shall, in addition to its powers and functions, actively involve itself in the formulation and implementation of prevention and protection programs for children in the community. It shall coordinate with the local councils for the welfare of children for their purpose. The SK is encouraged to devote at least 30% of its annual budget to prevention programs for the youth.

Article 14. Families

Section 63. *The Family* – The family is the central unit responsible for the primary socialization of children, which is important in the prevention of violations of child rights. Governmental and social efforts to preserve the integrity of the family, including the extended family, shall be pursued.

Section 64. *Primary Rights of Parents* – The family has the primary responsibility of nurturing and protecting children from infancy to adolescence. Introduction of children to the culture, values and norms of their society shall begin in the family. The parents shall have the right to the company of their children and, in relation to all other persons or institutions dealing with children’s development, the primary right and obligation to provide for their upbringing.

Section 65. *Rights Under the Family Code* – Parents shall continue to exercise the rights mentioned in Article 209 to 237 of the Family Code over the person and property of their children.

Section 66. *Rights to Discipline Children* – Parents have the right to discipline their children as may be necessary for the formation of their good character, provided it does not fall under the prohibited acts mentioned in this Code. Parents may require from their children obedience to just and reasonable rule, suggestions and admonitions.

Section 67. *General Duties of Parents* – Parents shall have the following general duties toward their children:

- a. To give them love and affection, companionship and understanding;
- b. To extend to them the benefits of moral guidance, self-discipline and religious instruction;
- c. To supervise their activities, including their recreation;
- d. To inculcate in them the value of industry, thrift and self-reliance;
- e. To stimulate their interest in civic affairs, teach them the duties of citizenship, and develop their commitment to their country;
- f. To advise them properly on any matter affecting their development and well-being;
- g. To always set a good example;
- h. To provide them with adequate support, as defined in Article 194 of the Family Code; and
- i. To administer their property, if any, according to their best interest, subject to the provisions of Article 225 of the Family Code.

Section 68. *Separation of Children from their Families* – Every effort shall be made to prevent the separation of children from their families. Whenever children are separated from their families owing to *force majeure* or in their own best interest, arrangements shall be made for appropriate alternative family care or institutional placement, due regard being paid to the desirability of continuity in children’s upbringing in their own cultural milieu. Provided however, that in case of adoption, it shall not contravene the Islamic Law.

Extended families, relatives and community institutions shall be given support to help meet the special needs of orphaned, displaced and abandoned children. Efforts must be made to ensure that no child is treated as an outcast of society.

Section 69. *The Role of Women* – Women in their various roles play a critical role in the well being of children. Efforts for the enhancement of women’s status and their roles in development must begin with girl children. The enhancement of the status of women and their equal access to education, training, credit, reproductive health, and other extension services constitute a valuable contribution to nation’s social and economic development.

Section 70. *The Role of Fathers* – Fathers play a vital role in their children’s lives. Policies and legislation shall be enacted and programs shall be designed and implemented for the inclusion of their critical role. Fathers shall be equally responsible in the rearing and nurturing of the children in the home and be their role models.

Equal opportunity shall be provided the children for them to benefit from the health, nutrition, education and other basic services for their full growth.

Article 15. The Role of Non-Government Organizations/Peoples Organizations

Section 71. *The Role of Non-Governmental Organizations* – The participation and assistance of non-governmental organizations in the pursuance of the objectives of this Act are hereby encouraged. The Regional Government shall, whenever possible, give full support to these organizations and may extend resources to attain the objectives of this Act.

Article 16. Other Support Institutions

Section 72. *The Role of Educational Institutions* – Educational institutions shall work together with parents, community organizations and agencies concerned with the activities of children and youth. Educational institution shall incorporate into their curriculum a subject on the rights and responsibilities of children, subject to guidelines set by the Department of Education and the Commission on Higher Education (CHED).

Section 73. *The Role of the Mass Media* – The mass media shall be aware of their extensive social role and responsibility in communication relating to children. They should use their power to protect the rights of children by relaying consistent messages through a balanced approach. Special attention should be given to effective anti-drug awareness campaigns and delinquency prevention.

Section 74. *The Role of Judicial Institution* – In the administration of justice, courts, prosecutors and other actors shall ensure that the rights of children are protected and promoted at all times. They shall conduct programs and activities geared towards enhancing children’s rights.

TITLE V. IMPLEMENTING MECHANISMS

Section 75. *Creation of the Regional Sub-Committee for the Welfare of Children (RSCWC), Provincial Council for the Welfare of Children (PCWC) and Municipal Council for the Welfare of Children (MCWC)* – The Regional Government shall create the RSCWC as sub-committee under the Regional Social Development Committee (RSDC). The Sanggunian Panlalawigan shall create a council for children known as the Provincial Council for the Welfare of Children (PCWC) and coordinate with LGUs in the creation and organization of the City/Municipal Council for the Welfare of the Children (C/MCWC) and the Barangay Council for the Protection of Children (BCPC) at the barangay level.). The RSCWC shall coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection and participation of children in the local councils. It shall also ensure the effective implementation of the Philippine Government’s commitment to the Convention on the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and Child 21. The Local Councils for the Welfare of Children shall formulate development and investment

plans and implement programs and services for children and render annual reports on the situation of children by virtue of the local government's power and authority as conferred by law.

Section 76. *Composition of the Regional Sub-Committee for the Welfare of Children*

Members of the RSCWC shall include the following agencies/units or offices, and other agencies it deems important depending on the current specific situation/problems of the locality:

1. Department of Social Welfare and Development
2. Department of Education
3. Department of Health
4. Regional Planning and Development Office
5. Commission On Bangsa Moro Women
6. Commission On Human Rights
7. Technical Education and Skills Development Authority
8. Bangsa Moro Youth Affairs
9. National Statistics Office
10. National Commission for Indigenous People
11. Department of Agriculture and Fisheries
12. Department of Labor and Employment
13. National Nutrition Council
14. Philippine National Police
15. Department of Justice
16. Office On Muslim Affairs
17. Bureau of Public Information
18. NGO representatives
19. LGU Representatives

The RSCWC may invite appropriate agencies to join the committee. The committee shall be chaired by any of the member agencies to be elected during the first organizational meeting of the fiscal year.

Section 77. *Composition of the Provincial Council for the Welfare of Children (PCWC).*

Members of the PCWC shall include the following agencies/units or offices, and other agencies it deems important depending on the current specific situation/problems of the locality:

- a. The Provincial Governor;
- b. The Chairperson of the Sangguniang Panlalawigan Committee on Women and Family Affairs;
- c. The Provincial Planning and Development Coordinator;
- d. The Provincial Social Welfare and Development Officer;
- e. The Provincial Health Officer;
- f. The Provincial Head of National Statistics Office
- g. The Provincial Head of National Commission for Indigenous People
- h. The Schools Division Superintendent;
- i. The Provincial Labor and Employment Officer;

- j. The Provincial Prosecutor;
- k. The President of the Provincial Federation of the Sangguniang Kabataan (SK);
- l. Three (3) NGO representatives;
- m. One (1) child representative;
- n. The President of the Provincial Association of Barangay Councils (ABC);
- o. The President of the League of Municipalities of the Philippines (LMP) ARMM chapter;

Section 78. *Creation of the Municipal/City Councils for the Welfare of Children (MCWC)* – The Sangguniang Bayan shall create a council for children known as Municipal Council for the Welfare of the Children (MCWC) and coordinate with the barangays within its jurisdiction in the organization of the Barangay Council for the Protection of Children (BCPC) at the barangay level. This is in keeping with the mandate of the Council for the Welfare of Children (CWC) to coordinate the formulation, implementation and enforcement of all policies, programs, and projects relative to the survival, development and protection of children of the local councils.

The MCWC shall ensure the effective implementation of the Philippine Government’s commitment to the Convention on the Rights of the Child, World Declaration on the Survival, Development and Protection of Children, and the Philippine National Strategic Framework for Plan Development For Children, 2000-2025 (Child 21).

The MCWC shall be composed of the following:

- a. The Municipal or City Mayor;
- b. The Chairperson of the Sangguniang Bayan, Committee on Women and Family Affairs;
- c. The Municipal Planning and Development Coordinator;
- d. The Municipal Social Welfare and Development Officer;
- e. The Municipal Health Officer;
- f. The Municipal Head/District of National Statistics Office
- g. The Municipal Head of National Commission for Indigenous People
- h. The Schools District Superintendent;
- i. The President of the Municipal Federation of the SK;
- j. Three (3) NGO Representatives;
- k. One (1) child representative;
- l. The President of the Municipal Association of Barangay Councils.

Section 79. *Creation of Barangay Councils for the Protection of Children (BCPC)* – The Barangay Council shall create or function as a Barangay Council for the Protection of Children (BCPC), the composition of which shall be determined by the former depending on the needs and circumstances in the area. The BCPC shall have the following functions:

- a. To ensure that every child in the barangay acquires at least an elementary education;
- b. To encourage the proper performance of the duties of parents and provide learning opportunities on the adequate rearing of children and on positive parent-child relationships;

- c. To report all cases of child abuse to the proper authorities;
- d. To protect and assist abandoned, maltreated and abused children and facilitate their cases filed against child abusers;
- e. To prevent child labor in their area and to protect working children from abuse and exploitation;
- f. To take steps to prevent juvenile delinquency and to assist children with behavioral problems so that they can get expert advice;
- g. To adopt measures to promote the health and nutrition of children;
- h. To promote the opening and maintenance of playgrounds and day care centers and other services that are necessary for child and youth welfare;
- i. To secure the cooperation of organizations devoted to the welfare of children and coordinate their activities;
- j. To promote wholesome entertainment in the community especially in movie houses;
- k. To assist parents whenever necessary in securing expert guidance counseling from the proper governmental or private welfare agencies;
- l. To advocate for the passage of child-friendly barangay ordinances in response to child-related issues and concerns;
- m. To prepare the barangay plan of action for children which addresses the needs of children in the community and ensure their integration into the Barangay Development Plan and implementation by the barangay;
- n. To submit quarterly barangay accomplishment reports on the implementation of the plan to the C/MCWC; and
- o. To render an annual report on the situation of children in the barangay.

Section 80. *Representation of Non-governmental Organizations in the Councils for Children* – The local legislative council shall invite NGOs with child-focused programs shall be for membership in the council for the welfare of children, provided that these non-government organizations are duly accredited by the local Sanggunian concerned based on its criteria of accreditation.

Section 81. *Internal Rules of the Councils for the Welfare of Children* –The Local Councils for the Welfare of Children shall adopt their own internal rules of procedures and regulations to serve as guidelines for the members in the discharge of their official functions such as the organization’s structure, parliamentary procedure, order of meeting and quorum, discipline and such other rules the council may adopt.

Section 82. *Creation of a Desk for Children’s Concerns* – There shall be created a Desk for Children’s Concerns under the Office of the Provincial/City Social Welfare and Development.

Section 83. *Functions of the Desk for Children’s Concerns* – The Desk for Children’s Concerns shall:

- a. Act as secretariat for the PCWC;
- b. Oversee and coordinate the implementation of this Code; and
- c. Be in charge of the day-to-day operations of PCWC.

Section 84. *Consultations with the Desk for Children’s Concerns* – The Desk for Children’s Concerns shall be consulted by local government units and other bodies whenever

they are considering proposals to change or repeal existing legislation or to introduce new legislation likely to affect children's lives.

Section 85. *Reporting to the United Nations Committee on the Rights of the Child* – The Desk for Children's Concerns shall be consulted over the reporting obligations under the UN Convention on the Rights of the Child. Concerned government agencies in the province are required to consult the Desk for Children's Concerns in the process of drafting their inputs to the national report to the Committee on the Rights of the Child and to give due consideration to their comments.

Section 86. *Child Impact Statements* – Local government units are required to prepare "child impact statements" indicating the likely repercussions of proposed legislation or policy on children and submit these to the Desk for Children's Concerns.

Section 87. *Mandatory Consultations* – Prior to the implementation of any national project by any and all national government agencies, bureaus, or offices affecting children, the express approval by the governor/mayor and the Sangguniang Panlalawigan shall be obtained after the holding of public hearings on the matter and after consultation with the Desk for Children's Concerns.

Section 88. *Functions of the Provincial/City Council for the Welfare of Children*

1. To act upon the problems of the children.
2. To plan and monitor and evaluate programs and activities that involve children, either by the government or the NGOs.
3. To formulate and consolidate plans and projects that are to be implemented.
4. To spearhead and facilitate programs or activities that will help children through seminars, training, skills development and community outreach programs.
5. To set rules and regulations of the councils.
6. To promote allocation of funds by the Sanggunian based on the development and investment plan for children.
7. Discuss issues and concerns and information from the MCWCs, and
8. Prepare an annual state of children report for delivery of the chief executive

Section 89. *Child Representatives* – Aside from the youth representative from the Sangguniang Kabataan, a seat shall be provided for a child representative in the provincial, municipal and city councils for the welfare of children coming from the Children's Council as created under Section 75 and Section 77 Article 6 hereof to represent children below 15 years of age. The Local Government Councils should see to it that the child is able to genuinely participate in decision-making particularly in matters involving children's concerns.

Section 90. *Implementing Rules and Regulations* – The Implementing Rules and Regulations (IRR) of this Act shall be drafted by the RSCWC within one (1) year from the effectivity of this Act.

Article 17. Final Provisions

Section 91. *Persons Who May File a Complaint* – Complains on unlawful acts committed against children as enumerated herein may be filed by the following:

- a. Offended party;
- b. Parents or guardians;
- c. Ascendant or collateral relative within the third degree of consanguinity;
- d. Officer, social worker or representative of a licensed child-caring institutions;
- e. Officer or social worker of the Department of Social Welfare and Development;
- f. Barangay chairperson; or
- g. At least three (3) concerned responsible citizens residing in the community where the violation occurred.

Section 92. *Protective Custody of the Child* – The offended party shall be immediately placed under the protective custody of the Department of Social Welfare and Development through the local social welfare and development officer pursuant to Executive Order No. 56, series of 1986 in the regular performance of this function, the officer of the Department of Social Welfare and Development shall be free from any administrative, civil or criminal liability. Custody proceedings shall be in accordance with the provision of Presidential Decree No. 603.

Section 93. *Confidentiality*- At the instance of the offended party, his/her name maybe withheld from public records until the court acquires jurisdiction over the case.

It shall be unlawful for any editor, publisher, and reporter or columnist in case of printed materials, announcer or producer in case of television and radio broadcasting, producer and director of the film in case of the movie industry, to cause undue and sensationalized publicity of any in case in violation of this Act which results in the moral degradation and suffering of the offended party.

Section 94. *Reporting* – Any person who may have knowledge of any violation of this Act shall report the same to the proper authorities and such person shall be given witness protection. Such report shall be treated with utmost confidentiality and shall be filed with the DSWD - ARMM or the Office of the Fiscal.

The penalty of imprisonment of not more than one (1) year shall be imposed on any person who has knowledge of any violation of the provision of this Act but fails, refuses or neglects to report.

Section 95. *Mandatory Reporting* – The head of any public or private hospital, medical clinic and similar institution, as well as the attending physicians and nurses, shall report, either orally or in writing, to the above-mentioned department or agency the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from the knowledge of the same.

Section 96. *Duty of Government Workers to Report*- It shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, correction officers and other government officials

and employees whose work involves dealing with children to report of possible child abuse to the authorities mentioned in the preceding sections.

Section 97. *Failure to Report* – Any individual mentioned in Section 93 who possesses knowledge of a possible child abuse and fails to report the case to the proper authorities shall be punishable under R.A. 7610/ R.A. 7658 as amended.

Section 98. *Immunity for Reporting*- Any person who, acting in good faith, reports a case of child abuse shall be free from any civil or administrative liability arising there from. There shall be a presumption that any such person acted in good faith.

Section 99. *Penalties* – The penalty of any violation of this Act, which is not penalized elsewhere in other section of this Act or in a national law, shall be imprisonment of six (6) months to one (1) year and/or a fine ranging from ₱500.00 to ₱1, 000.00.

For first time offenders, in case where the offender is the parent or teacher of the child or relatives within the fourth degree of consanguinity, if the offender admits the offense and is sincere and willing to reform, the penalty may be waived subject to the consent of the child, and the following measures imposed instead:

- a. Attendance in a parenting or any appropriate seminar;
- b. Community service of ten to fifteen (10-15) days;
- c. Counseling sessions;
- d. Family therapy;
- e. Participation in appropriate training courses.

For offenses punishable under R.A 7610, R.A. 7658, the Revised Penal Code or any other law as well as this Act, the offended party and/or any party so authorized shall file a complaint under the national law, and the penalty in such national law shall be imposed.

Failure to comply with the pertinent provisions of this Act by the concerned local chief executive, members of legislative bodies and/or head of offices or bodies shall constitute dereliction of duty subject to penalties prescribed under the Local Government Code and other pertinent laws.

Section 100. *Appropriations for Children’s Programs* – The initial amount of ₱5,000,000.00 necessary to carry out the provisions of this Act is hereby authorized to be appropriated out of the regional local funds in the year following its enactment into law and thereafter. The programming of the said appropriation shall be done by the Regional Sub-Committee for the Welfare of Children (RSCWC) in consultation with Local Councils for the Protection of Children.

Section 101. *Separability Clause*- should any provision of this Act be declared unconstitutional, such provision shall not affect the force and effect of the remaining provisions of this Act.

Section 102. *Applicability Clause* – All other matters relating to the imposition or regulations provided in this Code shall be governed by the pertinent provisions of existing laws and other ordinances. This Code shall apply to all the people within the territorial

jurisdiction of the ARMM, and to all persons, who may be subject to the provisions of this Act.

Section 103. *Repealing Clause* – All Regional Laws, Ordinances, Rules and Regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 104. *Effectivity Clause* – This Act shall take effect upon its publication in any two (2) newspapers of regional circulation.

APPROVED, _____.

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