



or the “*Anti-Trafficking in Persons Act of 2003*” was legislated, giving special emphasis to the protection of children against exploitation through trafficking; RA No. 9231 or the “*Anti-Child Labor Law*” dealt with the protection of children from being engaged in labor, especially against the worst forms of child labor; RA No. 9262 or the “*Anti-Violence Against Women and Their Children Act of 2004*” ensured the protection of the dignity of children as well as their personal safety and security where they are subjected to violence, in whatever form, arising from the relationships of their mothers; RA 9344 or the “*Juvenile Justice and Welfare Act of 2006*” provided for the protection, rehabilitation and safety of children in conflict with the law as well as children-at-risk; and finally, RA9775 or the “*Anti-Child Pornography Act of 2009*”, which defined child pornography and provided for its punishment;

**WHEREAS**, the Philippine Legislators’ Committee on Population and Development Foundation, Inc. (PLCPD), with the support of UNICEF, conducted a qualitative study on the quality of implementation and harmonization of laws protecting children. The study gathered evidence in four LGUs (Zamboanga City, Quezon City, and the Municipalities of Bobon, Northern Samar and Aroroy, Masbate) to support the call to rationalize the different structures/inter-agency councils created by the laws, and harmonize the policies being introduced. The significant findings of the study on the gaps and challenges of the current system are as follows:

- (a) **Structures and Functions:** The various inter-agency councils created by the child protection laws have caused fragmentation and duplications in functions of national member agencies.

At the local level, this has translated to the non- or low functionality of the Local Council for the Protection of Children (LCPCs) and Barangay Councils for the Protection of Children (BCPCs). Limitations in the sustained availability and capacity of the human resources comprising the LCPC and the local inter-agency councils, affect mobilization, efficiency, and effectiveness of the LCPCs and/or the local inter-agency councils. Based on the assessment of the four LGUs, there are still many BCPCs which are not fully functioning evidenced by the absence of policies, plans, budget and accomplishment reports. Furthermore, the functionality of LCPCs depends, to an extent, on the priority and political will of the LCEs. There still remains limited awareness on what are the functions and roles of the council, what projects or activities to be undertaken, and how to allocate budget.



- (b) **Capacities and Resources:** There is usually just one focal point representing the member-agencies and one licensed social worker who fills the C/MSWDO post. Regular or consistent participation from the agency focal points and C/MSWDO cannot be expected since they also perform other responsibilities and tasks outside of the councils. There is no sustainability in capacities of the LCPCs/BCPCs, considering that posts within such bodies are either elected or appointed by the LCE. Broad areas identified for local capacity building include: the child protection laws and national guidelines, gender sensitivity training, how to use the 1% IRA allocation (prioritization and utilization).
- (c) **Processes, Programs, Protocols, and Interventions:** Monitoring tools and guidelines provided by national agencies to the Local Councils for the Protection of Children use mostly nominal measures, and data generated do not lend much utility towards results-based management and monitoring.
- (d) **Budgeting:** Agency-members do not have clear budget lines within their respective GAAs in regard to their roles, responsibilities, and deliverables as council members. Monitoring of budget utilization per agency within each inter-agency council is therefore not readily available and is usually just inferred according to agency investments in specific sector programmes. The allocation of 1% of LGU's Internal Revenue Allotment budget sources and allocation for child protection initiatives need to be reviewed.

**WHEREAS**, the DSWD, with its attached agency, the Juvenile Justice and Welfare Council, and with the support of UNICEF, commissioned a study on the current status of the implementation of the Juvenile Justice and Welfare Act particularly on intervention and diversion, through Universalialia, and have raised several issues that need to be acted upon to improve the juvenile justice system, specifically those that need legislative intervention.

**WHEREAS**, efforts are being exerted to revisit the age of sexual consent to better protect children against sexual exploitation, taking note that it is still fixed at 12 years old. It is to be noted that the current law does not address the legitimate relationship between minors and young adults, where the parents file a case against the young adult to forcefully separate them from the minor.

**WHEREAS**, some parents have been reported to be abusing their parental authority by using their children to file child abuse cases against law enforcement officers who have performed their duties within the bounds of the

law, and then forcing these officers to settle negating the intent of Republic Act No. 7610 to protect children from abuse.

**WHEREAS**, based on the aforementioned concerns, there is a need for the Senate Committee on Women, Children, Family Relations and Gender Equality to exercise its oversight function to look into the implementation of the aforementioned laws both at the local and national level with the aim of improving effectiveness in providing a holistic, efficient, implementable and comprehensive child protection system.

**WHEREFORE**, be it resolved as it is hereby resolved that the Senate Committee on Women, Children, Family Relations and Gender Equality conduct an inquiry, in aid of legislation, to assess the status, effectiveness, and limitations of laws providing for special protection of children and their implementation, including but not limited to, Republic Acts 7610, 8353, 9208, 9231, 9262, 9344, and 9775.

Adopted.

  
**ANA THERESIA "RISA" HONTIVEROS-BARAQUEL**