



HOUSE OF REPRESENTATIVES

H. No. 4480

BY REPRESENTATIVES TEODORO, CLIMACO, LACSON-NOEL, MERCADO-
REVILLA, ERIGUEL, CERILLES, CRUZ-GONZALES AND BATAOIL, PER
COMMITTEE REPORT NO. 844

AN ACT PROVIDING FOR THE SPECIAL PROTECTION OF CHILDREN
IN SITUATIONS OF ARMED CONFLICT AND PROVIDING
PENALTIES FOR VIOLATIONS THEREOF

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

1 CHAPTER I

2 GENERAL PROVISIONS

3 SECTION 1. *Short Title.* – This Act shall be known as the “Special
4 Protection of Children in Situations of Armed Conflict Act of 2011”.

5 SEC. 2. *Declaration of State Policy.* – It shall be the policy of the
6 State to provide special protection to children in situations of armed conflict
7 from all forms of abuse, violence, neglect, cruelty, discrimination and other
8 conditions prejudicial to their development, taking into consideration their
9 gender, cultural, ethnic and religious background. For this purpose, the State
10 shall:

11 (a) Fully implement the protection guaranteed under the Convention on
12 the Rights of the Child, its Optional Protocol on the Involvement of Children
13 in Armed Conflict and all other core human rights treaties, particularly, the
14 International Covenant on Civil and Political Rights and the Convention

1 Against Torture and Other Cruel, Inhuman or Degrading Treatment or
2 Punishment; other pertinent international instruments such as, but not limited
3 to, the ILO Convention No. 182 concerning the prohibition and immediate
4 action for the elimination of the worst forms of child labor; the Geneva
5 Conventions of 1949 and the additional protocols ratified by the Philippines;
6 and the Convention on the Prohibition of the Use, Stockpiling, Production and
7 Transfer of Anti-Personnel Mines and on Their Destruction;

8 (b) Take into account the Paris Principles on the Principles and
9 Guidelines on Children Associated with Armed Forces or Armed Groups, the
10 United Nations Guiding Principles on Internal Displacement, the United
11 Nations Security Council Resolutions related to children affected by armed
12 conflict and other pertinent international instruments in the implementation of
13 its treaty obligations and of this Act;

14 (c) Respect the human rights of children at all times. It shall be
15 recognized that children are entitled to dignity and respect as human beings in
16 need of protection from degradation, humiliation, maltreatment, exploitation
17 and assault;

18 (d) Consider as paramount the best interests of children and treat all
19 children involved in, affected by or displaced by armed conflict as victims;

20 (e) Take all feasible measures to prevent the recruitment and use of
21 children in armed conflict and shall take all necessary measures to ensure the
22 effective implementation and enforcement of the provisions of this Act;

23 (f) Take all the necessary measures to address the root causes of armed
24 conflict that result in involving, affecting or displacing children, which include
25 poverty, lack or absence of quality basic psychosocial services, belief in the
26 ideologies of an armed group, secessionist advocacy, affiliation of family
27 members in armed groups, pursuit of alternative justice for atrocities, abuses
28 and injustices experienced, and persistence of armed conflicts;

1 (g) Continue to recognize its primary role in providing effective
2 protection and relief to all children in situations of armed conflict;

3 (h) Continue to fulfill its responsibilities to end impunity and to
4 prosecute those responsible especially for grave child rights violations in
5 armed conflict; and

6 (i) Ensure the right to participation of children affected by armed
7 conflict in all its policies, actions, decisions concerning their rescue,
8 rehabilitation and reintegration.

9 SEC. 3. *Scope of Application.* – This Act shall apply to all children
10 involved in, affected by or displaced by armed conflict.

11 The application of this Act shall not affect the legal status of any party
12 to an armed conflict.

13 SEC. 4. *Interpretation of this Act.* – Nothing in this Act shall be
14 construed as precluding provisions in existing Philippine laws, international
15 human rights laws and related instruments, and international humanitarian laws
16 that are more conducive to the realization of the rights of children.

17 SEC. 5. *Definition of Terms.* – As used in this Act:

18 (a) *Abduction of children* refers to the seizure, apprehension, taking in
19 custody, detention or capture of one or more children either temporarily or
20 permanently by force, threat of force or coercion, or deception for the purpose
21 of any form of exploitation of such children in the situation of armed conflict.

22 (b) *Armed conflict* refers to armed confrontations occurring between
23 governmental armed forces and one or more armed groups, or between such
24 groups arising in the Philippine territory. These shall include activities which
25 may lead to armed confrontation or armed violence that put children's lives at
26 risk and their rights violated.

27 (c) *Armed group* refers to an armed non-state actor or non-state entity
28 engaged in armed conflict against the State or engaged in armed violence.

1 (d) *Attacks on schools, hospitals, places of worship, evacuation centers*
2 *and public places where children are usually found* refer to the occupation,
3 shelling, targeting for propaganda of schools, hospitals or places of worship;
4 causing damage to such places, or harm or injury to their personnel; or causing
5 the total or partial physical destruction of such facilities; or disruption of
6 educational activities and health services. It also refers to attacks of such
7 places which have been temporarily abandoned by the community as a result of
8 armed conflict, unless these places have been declared as a “no man’s land”.

9 (e) *Child protection* refers to the measures, structures and activities that
10 ensure the prevention and response to abuse, neglect, exploitation and violence
11 affecting children. It shall include the promotion of their development and
12 psychosocial well-being.

13 (f) *Child* refers to a person below eighteen (18) years of age or one
14 over but is unable to fully take care of one’s self or protect one’s self from
15 abuse, neglect, cruelty, exploitation or discrimination because of physical or
16 mental disability or condition.

17 (g) *Children in Situations of Armed Conflict (CSAC)* refers to all
18 Children Involved in Armed Conflict (CIAC), Children Affected by Armed
19 Conflict (CAAC) and Internally Displaced Children (IDC).

20 (h) *Children Involved in Armed Conflict (CIAC)* refers to children who
21 are either forcibly, compulsorily recruited or who voluntarily joined in any
22 governmental armed forces or any armed group in any capacity to participate
23 directly in armed hostilities as combatants or as fighters, or take support roles
24 such as, but not limited to, scouting, spying, sabotaging, acting as decoys,
25 assisting in checkpoints, being couriers, messengers, porters, cooks and being
26 used for sexual purposes.

1 (i) *Children Affected by Armed Conflict (CAAC)* refers to all children
2 population experiencing or have experienced armed conflict.

3 (j) *Demobilization of children* refers to the process of formal and
4 controlled disarmament of children and their release from an armed force or
5 armed group. It shall likewise refer to the informal ways in which children
6 leave the governmental armed forces or armed group. It entails a disassociation
7 from the armed force or armed group and the beginning of transition to
8 mainstream society. Demobilization of children can take place during the
9 situation of armed conflict; it is not dependent on the temporary or permanent
10 cessation of hostilities; it is not dependent on children having weapons to
11 forfeit.

12 (k) *Explosive Remnants of War (ERW)* refers to unexploded ordnance
13 and abandoned explosive ordnance. *Explosive Ordnance* refers to munitions
14 that contain explosives, nuclear fission or fusion material, biological and
15 chemical agents. These include bombs and warheads, guided and ballistic
16 missiles, artillery, mortar, small arms ammunition, mines, torpedoes, depth
17 charges, demolition stores, pyrotechnics, cluster munitions and dispensers,
18 cartridges and propelled actuated devices, electric explosive devices and
19 similar items that are explosive in nature. *Unexploded Ordnance* refers to
20 explosive ordnance, which have been primed, fuzed, armed or otherwise
21 prepared for use or used. They could have been fired, dropped, launched,
22 projected yet remain unexploded either through malfunction or design or for
23 any other cause.

24 (l) *Food blockade* refers to an armed conflict tactic of forcibly cutting
25 off entry of food supplies in a particular area where children can be found.

1 (m) *Governmental armed forces* refer to the Armed Forces of the
2 Philippines (AFP) including the paramilitary forces, the Philippine National
3 Police (PNP) and other law enforcement agencies.

4 (n) *Grave child rights violations* refer to the crimes committed against
5 children that constitute flagrant violations of their human rights and have
6 severe consequences in their lives. These crimes include those enumerated in
7 Section 8 of this Act such as, but not limited to, killing or maiming of children,
8 recruitment or use of CIAC, rape and other forms of sexual violence against
9 children, abduction of children, attacks against schools or hospitals, or denial
10 of humanitarian access to children.

11 (o) *Hamleting* refers to an armed conflict strategy that isolates a
12 community of importance to the enemy which is inhabited by children
13 including relocating community away from crucial zones. This strategy could
14 be used to control the activities of the people in said areas.

15 (p) *Hospitals or health facilities* refer to any structure recognized and
16 known by the community as a facility where the sick and wounded are
17 provided with medical and/or health care services.

18 (q) *Humanitarian access* refers to the right of vulnerable populations to
19 receive international protection and assistance from an impartial humanitarian
20 relief operation to complement efforts of national authorities. Such action is
21 subject to the consent of the State or parties concerned and does not prescribe
22 coercive measures in the event of refusal, however unwarranted.

23 (r) *Humanitarian assistance* refers to aid that seeks to save lives and
24 alleviate suffering of a crisis-affected population. Humanitarian assistance
25 must be provided in accordance with the basic humanitarian principles of
26 humanity, impartiality, independence and neutrality. Assistance may be divided

1 into three (3) categories: direct assistance, indirect assistance and infrastructure
2 support, which have diminishing degrees of contact with the affected
3 population.

4 (s) *Internally Displaced Children (IDC)* refers to children or group of
5 children, whether separated or together with their families, who have been
6 forced or obliged to flee or to leave their homes or places of habitual
7 residence, in particular, as a result of or in order to avoid the effect of armed
8 conflict and situations of generalized violence.

9 (t) *Improvised Explosive Device (IED)* refers to a device that is
10 homemade or fabricated, constructed and deployed in ways other than
11 conventional military action; containing or having contents from indigenous
12 materials or substances that are destructive, lethal, noxious, pyrotechnic or
13 incendiary chemicals, and designed to destroy, kill, incapacitate, harass or
14 distract. IEDs are diverse in design such as, but not limited to, packages or
15 landmine or roadside bombs, and contain many types of initiators, detonators,
16 penetrators and explosive loads. These include shrapnel-generating objects
17 such as, but not limited to, nails, ball-bearings, small pieces of iron or steel
18 bars and alike that may be used individually or in combination. These are
19 triggered by various methods such as by remote control or command-
20 detonation.

21 (u) *Killing of children* refers to acts of all kinds in the context of armed
22 conflict that result in the death of one or more children. Among others, they
23 include the death of children as a result of direct targeting and indirect actions,
24 such as cross-fire, use of landmines, cluster munitions, ERW, all forms and
25 types of IED; or house demolitions, search and arrest campaigns, suicide
26 attacks and torture; they also include murder, homicide and such other similar
27 crimes as defined in the Revised Penal Code, as amended, and other special
28 laws.

1 (v) *Maiming of children* refers to acts of all kinds in the context of
2 armed conflict that result in serious or permanent or disabling injury, scarring
3 or defacing, or mutilation to one or more children. It shall cover intentional
4 maiming of children where they are directly targeted, and causal maiming of
5 children which result from indirect actions, such as cross-fire, use of
6 landmines, cluster munitions, ERW, all forms and types of IED; or in the
7 context of house demolitions, search and arrest campaigns, suicide attacks and
8 torture.

9 (w) *Other acts of gender-based violence* refer to physical or sexual
10 violence other than rape, and psychosocial harm that is committed against a
11 person as a result of power inequities that are based on gender roles. These
12 include, among others, sexual slavery, prostitution, forced marriage, forced
13 pregnancy or forced sterilization.

14 (x) *Rape* refers to the crime of rape as defined under Article 266-A of
15 the Revised Penal Code, as amended by Republic Act No. 8353 or the
16 Anti-Rape Law.

17 (y) *Recruitment* refers to compulsory, forced or voluntary conscription
18 or enlistment of children into the governmental armed force or forced or
19 voluntary membership into the armed group.

20 (z) *School* refers to any structure that is recognized and known by the
21 community as a learning space and marked by visible boundaries.

22 (aa) *Zone of Peace* refers to a site with sacred, religious, historic,
23 educational, cultural, geographical or environmental importance which is
24 protected and preserved by its own community and officially recognized by a
25 governmental authority. It is not merely a "Demilitarized Zone", but a
26 sanctuary that operates within ethical principles of nonviolence, free from
27 weapons, acts of violence, injustice and environmental degradation.

CHAPTER II

RIGHTS OF CHILDREN IN ARMED CONFLICT

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3 SEC. 6. *Children as Zones of Peace.* – Children are hereby declared
4 as zones of peace. The treatment of children as zones of peace shall extend
5 beyond territorial or geographical boundaries and focus on the person of the
6 child whose rights shall be promoted and protected at all times, especially in
7 situations of armed conflict or violence. The State and all sectors concerned
8 shall have the responsibility to resolve armed conflict in order to promote the
9 goal of children as zones of peace. As such, the community, governmental
10 authority and, if appropriate, religious leadership shall preserve the peaceful
11 integrity of children and shall exemplify mutual respect and nonviolent
12 behavior in the presence of children, and share their resources for furthering
13 peace and cooperation.

14 SEC. 7. *Rights of Children in Situations of Armed Conflict.* – Children
15 in Situations of Armed Conflict (CSAC) shall have the following rights:

16 (a) The right of special respect and protection against any form of
17 abuse, neglect, exploitation and violation, especially in the context of armed
18 conflict;

19 (b) The right of all children involved in, affected by or displaced by
20 armed conflict to be treated as victims. They shall be treated in accordance
21 with this Act and other applicable laws, consistent with the State obligation
22 under international law, within the framework of restorative justice, social
23 rehabilitation and promotion of their protection;

24 (c) The right to be considered as object of special respect and to be
25 protected from any form of direct or indiscriminate attacks and acts of violence
26 especially protection from the grave child rights violations as enumerated in
27 Section 8 of this Act;

1 (d) The right to be protected from recruitment into governmental armed
2 forces or armed groups and from participation in armed conflict. This shall
3 include the right to be protected from torture or any cruel, inhuman or
4 degrading practices that compel compliance or punish noncompliance with
5 recruitment or participation in armed conflict;

6 (e) The right to be immediately provided and have safe access to
7 essential, adequate and culturally appropriate food and nutrition; basic shelter
8 and housing; culturally appropriate clothing; water, sanitation and hygiene;
9 basic health services including essential drugs, medicines and vaccines, health
10 professional evaluation and appropriate intervention; education, including
11 religious and moral education; Early Childhood Care and Development
12 (ECCD) programs, psychosocial support and social services. All services
13 provided for children must be child and gender sensitive or responsive;

14 (f) The right to enjoy their freedom of thought, conscience, religion or
15 belief, opinion and expression; to associate freely and participate equally in
16 legitimate community affairs; to communicate in a language they understand
17 even in situations of armed conflict and whether or not they have been
18 internally displaced or are living in evacuation centers or settlements;

19 (g) The right of the wounded and sick children to be cared for and
20 provided with aid or assistance or medical services, whether because of their
21 age or for any other reason;

22 (h) The right of all children to be treated humanely in all
23 circumstances, without any adverse distinction founded on race, color, religion
24 or faith, gender, birth or wealth, or any other similar criteria;

25 (i) The right not to be interned in or confined in camp, especially IDC
26 and their families;

1 (j) The right of IDC, unaccompanied minors, expectant mothers,
2 children with disabilities, the wounded and the sick children to protection and
3 assistance required by their condition, and to treatment which takes into
4 account their special needs such as, but not limited to, their health needs,
5 reproductive health care as well as appropriate counseling, prevention of
6 contagious and infectious diseases, including HIV/AIDS and access to
7 psychosocial services;

8 (k) The right of children to be with their families, especially with their
9 mothers, during evacuations and in evacuation centers;

10 (l) The right to liberty of movement and freedom to choose their
11 residence especially the IDC and their families who shall have the right to
12 move freely in and out of evacuation centers or other settlements, subject to
13 existing rules and regulations in those centers or settlements;

14 (m) The right especially of IDC and their families to: leave the country;
15 seek safety in another part of the country; seek other service providers; seek
16 asylum in another country; and be protected against forcible return to
17 resettlement in any place where their life, safety, liberty or health would be at
18 risk;

19 (n) The right of all children to be reunited with their families in case of
20 separation due to armed conflict;

21 (o) The right to obtain necessary document/s to enjoy their legal rights.
22 The State shall have the duty to expedite services in the issuance of new
23 documents or the replacement of documents lost in the course of displacement,
24 without imposing unreasonable conditions and without discrimination against
25 female child and male child, who shall have equal rights to obtain and to be
26 issued the same in their own names;

1 (p) The right of access to justice including free legal aid when filing
2 cases against the perpetrators; and

3 (q) The right for the property and possessions of children and their
4 families to be protected in all circumstances.

5 The rights enumerated in this section shall not hinder the application of
6 other rights recognized and guaranteed in the Constitution and other existing
7 laws in keeping with the best interests of the child.

8 CHAPTER III

9 UNLAWFUL AND PROHIBITED ACTS

10 SEC. 8. *Unlawful or Prohibited Acts.* – (a) It shall be unlawful for
11 any person to commit the following acts of grave child rights violations:

12 (1) Killing of children;

13 (2) Torture committed against children. For purposes of this Act,
14 torture shall include those enumerated in Section 4 of Republic Act No. 9745
15 or the Anti-Torture Act;

16 (3) Intentional or causal maiming of children;

17 (4) Rape of children;

18 (5) Cruel, inhuman and degrading treatment or punishment committed
19 against children. For purposes of this Act, cruel, inhuman and degrading
20 treatment or punishment shall include those enumerated in Section 5 of
21 Republic Act No. 9745 or the Anti-Torture Act;

22 (6) Abduction of children;

23 (7) Taking children as hostages or using them as human shield;

24 (8) Recruitment, conscription or enlistment of children into
25 governmental armed forces and other armed groups;

26 (9) Other acts of gender-based violence against children;

1 (10) Refusal or denial of humanitarian access and/or assistance to
2 children;

3 (11) Use or involvement of CIAC in any capacity as defined in Section
4 5(h) of this Act; and

5 (12) Attack on schools, hospitals, places of worship, evacuation centers
6 and settlements and other public places where children can usually be found.

7 (b) Likewise, it shall be unlawful for any person to commit the
8 following acts:

9 (1) *Hamleting*;

10 (2) Food blockade;

11 (3) Intentional delayed reporting of a child in custody;

12 (4) False reporting of a child in custody; and

13 (5) False branding of children or labeling children as children
14 involved in armed conflict.

15 (c) It shall also be unlawful for parents, ascendants, guardians, step
16 parents or collateral relatives within the third (3rd) degree of consanguinity or
17 affinity, or any person having control or moral ascendancy to the child, to
18 allow, willfully encourage, compel, coerce or influence their child or children
19 to be part of an armed group or a governmental armed force.

20 CHAPTER IV

21 PENALTIES AND PRESCRIPTION OF CRIME

22 SEC. 9. *Penalties.* – The following penalties and sanctions are hereby
23 imposed for the offenses enumerated in this Act:

24 (a) Any person found guilty of committing any of the acts enumerated
25 in subparagraphs 1, 2, 3 and 4 of Paragraph (a), Section 8 of this Act shall
26 suffer the penalty of life imprisonment and a fine of not less than Two million
27 pesos (P2,000,000.00) but not more than Five million pesos (P5,000,000.00);

1 (b) Any person found guilty of committing any of the acts enumerated
2 in subparagraphs 5, 6, 7, 8, 9, 10, 11 and 12 of Paragraph (a), Section 8 of this
3 Act shall be punished with an imprisonment of not less than fourteen (14) years
4 but not more than twenty (20) years and a fine of not less than One million
5 pesos (P1,000,000.00) but not more than Two million pesos (P2,000,000.00):
6 *Provided*, That where the crimes committed resulted in the killing, torture,
7 maiming or rape of children in subparagraphs 1, 2, 3 and 4 of Paragraph (a),
8 Section 8, the penalty imposed shall be that of Section 9(a) of this Act;

9 (c) Any person found guilty of committing any of the acts enumerated
10 in subparagraphs 1, 2, 3, 4 and 5 of Paragraph (b), Section 8 of this Act shall
11 be punished with an imprisonment of not less than six (6) years but not more
12 than twelve (12) years and a fine of not less than Five hundred thousand pesos
13 (P500,000.00) but not more than One million pesos (P1,000,000.00); and

14 (d) Parents, ascendants, guardians, step parents or collateral relatives
15 within the third (3rd) degree of consanguinity or affinity or any person having
16 control or moral ascendancy to the child to allow, willfully encourage, compel,
17 coerce or influence their child or children to be part of an armed group shall be
18 punished with an imprisonment of not less than six (6) years but not more than
19 twelve (12) years: *Provided, however*, That parents, ascendants, guardians,
20 step parents or collateral relatives within the third (3rd) degree of consanguinity
21 or affinity or any person having control or moral ascendancy to the child found
22 guilty hereof may be allowed to serve the minimum period of imprisonment
23 based on the sound discretion of the courts guided by the principles of *parens*
24 *patriae*.

25 SEC. 10. *Non-implementation or Violation of Any Other Provisions of*
26 *this Act or the Rules and Regulations in General.* – Any public officer who
27 shall knowingly and maliciously prevent, prohibit, refuse or discontinue the
28 implementation of any provision of this Act or any rules and regulations

1 promulgated in accordance thereof, or in any other way violate them if such
2 officer has the duty to implement, shall be punished by imprisonment of not
3 less than six (6) years but not more than twelve (12) years and perpetual
4 absolute disqualification from public office.

5 Any such officer who shall prevent, prohibit, refuse or discontinue the
6 implementation of this Act or its rules and regulations, or in any other way
7 violate them by reason of inexcusable negligence or ignorance, shall be
8 punished with an imprisonment of not less than one (1) month but not more
9 than six (6) months and temporary special disqualification from public office.

10 The public officer liable under this section shall, in addition to the
11 imprisonment, be held administratively liable under existing applicable laws.

12 Any person who shall commit any other act not covered in Section 8,
13 which shall result in prejudicing the rights of CIAC, CAAC or IDC protected
14 under this Act, shall be punished with an imprisonment of not less than six (6)
15 months but not more than six (6) years.

16 SEC. 11. *Forfeiture of Proceeds, Property and Assets.* — The court
17 shall order the forfeiture of proceeds, property and assets derived, directly or
18 indirectly, from the crimes defined and penalized in this Act, without prejudice
19 to the rights of the *bona fide* third (3rd) party. The court shall impose the
20 corresponding accessory penalties under the Revised Penal Code, as amended,
21 especially where the offender is a public officer.

22 The liabilities imposed in this Act shall not prejudice the application of
23 other existing criminal, civil and administrative liabilities that may additionally
24 be imposed upon the person.

25 SEC. 12. *Nonprescription.* — The crimes defined and penalized under
26 this Act, their prosecution and the execution of sentences imposed on their
27 account shall not be subject to any prescription.

CHAPTER V

PRINCIPLES OF CRIMINAL LIABILITY AND
APPLICATION OF PENALTIES

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4 SEC. 13. *Individual Criminal Responsibilities.* – Any person
5 committing such crime shall be criminally liable for a crime defined and
6 penalized in this Act, whether as an individual, jointly with another or through
7 another person, regardless of whether that other person is criminally
8 responsible.

9 SEC. 14. *Irrelevance of Official Capacity.* – This Act shall apply
10 equally to all persons without any distinction based on official capacity. In no
11 case shall the official capacity exempt a person from criminal responsibility or
12 constitute a ground for reduction of sentence.

13 SEC. 15. *Responsibility of Superiors.* – In addition to other grounds of
14 criminal responsibility for crimes defined and penalized under this Act, a
15 superior shall be criminally responsible for such crimes committed by
16 subordinates where:

17 (a) That superior either knew or, owing to the circumstances at the
18 time, should have known that the subordinates were committing or about to
19 commit such crimes; or

20 (b) That superior failed to take all necessary, legitimate and reasonable
21 measures to prevent or repress their commission or to submit the matter to the
22 competent authorities for investigation and prosecution.

23 SEC. 16. *Orders from a Superior.* – The fact that a crime defined and
24 penalized under this Act has been committed by a person pursuant to an order
25 of a superior shall not relieve that person of criminal responsibility unless all of
26 the following elements occur:

1 (a) The person was under a legal obligation to obey orders of the
2 superior in question;

3 (b) The person did not know that the order was unlawful; and

4 (c) The order was not manifestly unlawful.

5 For purposes of this section, orders to commit grave child rights
6 violations enumerated in Section 8 are manifestly unlawful and shall be
7 punished under this Act and other applicable existing laws.

8 SEC. 17. *Unknown Superior.* – Where the crimes defined and
9 penalized under this Act have been committed by a person pursuant to an order
10 or command of unknown superior, any person who in fact directed the others,
11 spoke for them, signed receipts and other documents issued in their name, or
12 who has performed similar acts on behalf of the armed groups, shall be deemed
13 the superior.

14 CHAPTER VI

15 INVESTIGATION, PROSECUTION AND COURT

16 SEC. 18. *Court, Prosecutors and Investigators.* – The Family Courts
17 shall have original and exclusive jurisdiction over the crimes punishable under
18 this Act.

19 The Commission on Human Rights (CHR), the Department of Justice
20 (DOJ) and its attached agencies, the PNP or other concerned law enforcement
21 agencies shall designate prosecutors or investigators, as the case may be, for
22 cases involving crimes punishable under this Act.

23 The State shall ensure that judges, prosecutors and investigators,
24 especially those designated for purposes of this Act, receive effective training
25 in human rights particularly on the Convention on the Rights of the Child and
26 its Optional Protocol on the involvement of CIAC and related international
27 instruments, International Humanitarian Law and International Criminal Law.

1 SEC. 19. *Requirement and Procedures on Age Verification and*
2 *Presumption of Minority.* -- The child involved in, affected by or displaced by
3 armed conflict shall enjoy the presumption of minority and shall enjoy all the
4 rights of a child recognized in this Act and other applicable laws unless proven
5 to be eighteen (18) years or older.

6 The age of a child may be determined from the child's birth certificate,
7 baptismal certificate or any other pertinent documents. In the absence of these
8 documents, age may be based on information from the child, testimonies of
9 other persons, the physical appearance of the child and other relevant evidence.
10 In case of doubt as to the age of the child, it shall be resolved in favor of
11 minority.

12 Any person contesting the age of the child prior to the filing of the
13 information in any appropriate court may file a case in a summary proceeding
14 for the determination of age before the Family Court, which shall decide the
15 case within twenty-four (24) hours from receipt of the appropriate pleadings of
16 all interested parties.

17 If a case has been filed against the child and is pending in the
18 appropriate court, the person shall file a motion to determine the age of the
19 child in the same court where the case is pending. Pending hearing on the said
20 motion, proceedings on the main case shall be suspended.

21 In all proceedings, law enforcement officers, prosecutors, judges and
22 other government officials concerned shall exert all efforts at determining the
23 age of the child in armed conflict.

24 SEC. 20. *Protection of Victims and Witnesses.* -- In addition to
25 existing provisions in Philippine law for the protection of victims and
26 witnesses, the following measures shall be undertaken:

27 (a) The court shall take appropriate measures to protect the safety,
28 physical and psychological well-being, dignity and privacy of child victims and

1 witnesses. In so doing, the court shall have regard of all relevant factors,
2 including age, gender and health, and the nature of the crime, in particular, but
3 not limited to, where the crime involves sexual or gender-based violence or
4 violence against children;

5 (b) The court shall protect the privacy of child victims and witnesses
6 and observe confidentiality consistent with existing rules on examination of
7 child victims and witnesses;

8 (c) Where the personal interests of the child victims are affected, the
9 court shall consider the child victim's views and concerns in accordance with
10 established rules of procedure and evidence; and

11 (d) Where the disclosure of evidence or information may be prejudicial
12 to the security of the child, witness or the family, the prosecution may withhold
13 such evidence or information and instead submit a summary thereof consistent
14 with the rights of the accused to a fair and impartial trial.

15 SEC. 21. *Reparation to Victims.* – In addition to existing provisions in
16 Philippine law and procedural rules for reparations to victims, the following
17 measures shall be undertaken:

18 (a) The court shall follow the principles relating to the reparations to,
19 or in respect of, child victims, including restitution, compensation and
20 rehabilitation, taking into consideration the scope and extent of any damage,
21 loss or injury suffered by child victims;

22 (b) The court shall make an order directly against a convicted person
23 specifying appropriate reparations to child victims, including restitution,
24 compensation and rehabilitation; and

25 (c) Before making an order under this section, the court may invite and
26 shall take account of representations from or on behalf of the convicted person,
27 child victims or other interested persons.

1 of children's and people's organizations at the community level. These
2 organizations shall be involved in consultation and decision-making processes
3 and in the development and implementation of programs, projects and
4 activities established for them;

5 (f) Establish livelihood programs which shall be made available to
6 communities in identified priority areas in order to alleviate the living
7 conditions of the people;

8 (g) Make available basic health services in health facilities in identified
9 priority areas. Culturally-sensitive nutrition program and activities including,
10 but not limited to, supplementary feeding shall also be made available. Efforts
11 to support traditional health practices in indigenous peoples' area shall also be
12 initiated;

13 (h) Establish basic facilities and infrastructure needed;

14 (i) Ensure that child protection mechanisms are present and functional;
15 and

16 (j) Establish a comprehensive, effective and efficient system for
17 monitoring and reporting and response for violations as provided in Section 8
18 of this Act.

19 **SEC. 24. *Rescue, Rehabilitation and Reintegration.*** – The State shall
20 institute policies, programs and services for rescue, rehabilitation and
21 reintegration of CSAC. The programs shall aim at providing services for
22 children while involving their families, communities and other entities to
23 facilitate the children's reintegration process.

24 These services shall include, but not be limited to, psychosocial support,
25 health and nutrition, education, livelihood for families and other basic services,
26 and legal services as may be necessary.

1 Any program intervention shall be designed with due respect to the
2 culture of each child, family and community. The child shall, at all times, be
3 provided with legal assistance and physical security upon rescue.

4 The State shall take into account the following in the rescue,
5 rehabilitation and reintegration of children:

6 (a) Rescue: The State shall provide for adequate measures and
7 mechanisms to facilitate the recovery, either voluntary or involuntary, of
8 children from armed groups or governmental armed forces. It shall provide
9 legal and physical security to CIAC including services such as family tracing
10 and system of referral or response on various psychosocial services needed by
11 the victims;

12 (b) Rehabilitation: The State shall facilitate the normal development of
13 children victims in their post-involvement phase. It shall provide services
14 including therapeutic counseling, security and protection, educational
15 assistance and livelihood opportunities to their parents, relatives or guardians
16 or to the victims when they become of age;

17 (c) Reintegration: The State shall bring children back to their families
18 or communities whenever possible. This shall involve services including the
19 provision of alternative parental care. Trainings aimed to enhance community
20 readiness in the reintegration of these children shall also be undertaken.
21 Whenever possible, interventions for children shall be done with respect to
22 their opinion. Interventions for indigenous peoples (IP) children shall be
23 conducted in recognition of the traditional structures and institutions of their
24 communities.

25 SEC. 25. *Demobilization of Children Involved in Armed Conflict*
26 *(CIAC)*. -- The State shall take all feasible measures to ensure that children
27 recruited or used in hostilities contrary to this Act are demobilized or otherwise
28 released from service.

1 For purposes of this Act, demobilization activities shall be initiated
2 independent of any negotiated peace agreements.

3 The State, through its concerned agencies, in coordination with other
4 stakeholders shall have the following duties:

5 (a) Develop a child-specific demobilization program. This
6 demobilization program should not make as a requirement the surrender of
7 arms by CIAC who have assumed noncombatant roles;

8 (b) Monitor and document the status of CIAC who undergo either
9 formal or informal demobilization process;

10 (c) With due regard to the right to privacy of CIAC, their security and
11 safety, and considering the confidentiality of records, share data and
12 information by both government and nongovernment organizations to assess
13 the needs of demobilized CIAC and to formulate ways to address these needs,
14 and be informed of their status and updates of demobilized CIAC;

15 (d) Mobilize and strengthen networks for referrals;

16 (e) Provide free legal assistance to demobilized CIAC ensuring that the
17 legal needs of the former CIAC will be addressed, such as the prohibition or
18 stoppage of filing charges or dismissal of cases against CIAC as criminal or
19 political offenders irrespective of their association with any armed group or
20 force;

21 (f) Ensure the formal demobilization of CIAC through various
22 approaches such as negotiating through the Government Peace Negotiating
23 Panel (GPNP). Other criminal armed groups that utilize children and are not
24 involved in formal peace negotiation with the government shall, however, be
25 dealt in accordance with the peace and order or security policy as may be
26 provided by the appropriate government agency: *Provided*, That in any
27 demobilization action, the best interest of the child shall be observed.

1 SEC. 26. *Rescued or Surrendered Children Involved in Armed Conflict*
2 *(CIAC)*. – Where the CIAC have been rescued or surrendered, they shall at all
3 times be treated in a child-friendly and sensitive manner. The State, at all
4 times, shall consider the safety and security of the CIAC. The following
5 procedures shall apply without prejudice to the application of other existing
6 laws that will uphold the best interests of the child:

7 (a) The identity of rescued CIAC shall be protected. Any identifying
8 information regarding them shall remain confidential;

9 (b) Rescued CIAC shall not be used for any political propaganda nor
10 be unnecessarily exposed to media in violation of child rights to privacy,
11 security and confidentiality of their cases;

12 (c) Upon the rescue or surrender of CIAC, government agencies, in
13 particular, the AFP, the PNP, the Department of National Defense (DND), the
14 local government units (LGUs), other concerned government agencies or
15 nongovernment organizations (NGOs) in possession of CIAC shall report
16 immediately within twenty-four (24) hours the incident to the LSWDO and the
17 Council for the Welfare of Children (CWC);

18 (d) The LSWDO shall coordinate with the agency or NGO in
19 possession of CIAC for the turnover of custody of CIAC to the Department of
20 Social Welfare and Development (DSWD);

21 (e) The turnover to the LSWDO shall take place within twenty-four
22 (24) hours or in cases where turnover is not possible within the prescribed
23 twenty-four (24)-hour period due to valid reasons and without the fault of the
24 person having custody of the child, the turnover shall be done within the next
25 seventy-two (72) hours;

1 (f) The LSWDO shall facilitate the family tracing and coordinate with
2 parents, relatives or guardians of the CIAC to inform them of the turnover;

3 (g) The Local Health Office (LHO), in coordination with the LSWDO,
4 shall check and assess the medical and physical condition of CIAC. In cases
5 where medical needs are apparent, the LHO shall ensure that medical services
6 or treatment are received by the CIAC;

7 (h) The LSWDO shall assess the needs of the CIAC and refer to
8 concerned agencies to provide immediate assistance or appropriate services;

9 (i) The LSWDO, in coordination with other agencies, shall enter the
10 CIAC into the child-specific demobilization programs; and

11 (j) The CIAC shall be reintegrated into the community. In cases where
12 reintegration to original community of origin is not feasible for reasons of the
13 CIAC's security, a foster community or institution shall be identified.

14 CHAPTER VIII

15 INVOLVEMENT OF GOVERNMENT AND 16 NONGOVERNMENT ORGANIZATIONS

17 *SEC. 27. Involvement of Government Organizations (GOs) and*
18 *Nongovernment Organizations (NGOs).* -- To effectively address the issue of
19 CSAC, the CWC, together with its member agencies, shall be assisted by the
20 following government organizations (GOs) for the proper implementation of
21 this Act:

22 (a) Armed Forces of the Philippines (AFP);

23 (b) Commission on Human Rights (CHR);

24 (c) Department of National Defense (DND);

25 (d) Local government units (LGUs);

26 (e) National Commission on Indigenous Peoples (NCIP);

27 (f) National Commission on Muslim Filipinos (NCMF);

1 (g) National Disaster Risk Reduction and Management Council
2 (NDRRMC);

3 (h) Office of the Presidential Adviser on the Peace Process (OPAPP);

4 (i) Philippine Commission on Women (PCW); and

5 (j) Philippine National Police (PNP).

6 Child-focused NGOs, in caring for CSAC, shall take active part in and
7 strengthen their programs on protecting these children.

8 For proper implementation of this Act, all GOs and NGOs including,
9 but not limited to, those identified herein shall provide their respective
10 counterpart support including, but not limited to, technical, logistical and
11 financial assistance relative to the implementation of programs, projects and
12 activities for CSAC, in accordance with their mandate and in accordance with
13 existing accounting and auditing rules and regulations.

14 All programs should be participatory and should ensure the involvement
15 of children, their communities, NGOs, faith-based organizations or groups, and
16 other concerned groups.

17 CHAPTER IX

18 MONITORING AND REPORTING

19 SEC. 28. *Monitoring and Reporting System.* – The State, through the
20 CWC, in coordination with other concerned government organizations, shall
21 ensure the implementation of the provisions of this Act and shall submit to the
22 President and to Congress of the Philippines the annual report thereof. The
23 CWC shall establish and maintain a database for the monitoring and reporting
24 of CSAC concerns integrated in its monitoring system.

25 The CWC may hire additional personnel to complement its present
26 secretariat to perform its functions relative to this Act.

CHAPTER X

TRANSITORY PROVISIONS

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3 SEC. 29. *Children Involved in Armed Conflict.* – Upon the effectivity
4 of this Act, criminal cases against CIAC shall immediately be dismissed and
5 the child shall be referred to the LSWDO. Such office, upon thorough
6 assessment of the child, shall determine whether to release the child to the
7 custody of the parents, or refer the child to prevention, rehabilitation and
8 reintegration programs as provided under this Act. Those with suspended
9 sentences and undergoing rehabilitation at the youth rehabilitation center shall
10 likewise be released: *Provided,* That the Family Court shall, in consultation
11 with concerned agencies, determine and order the appropriate prevention,
12 rehabilitation and reintegration programs the person shall undergo as provided
13 under this Act.

14 SEC. 30. *Inventory of Custody of CSAC.* – The AFP, the PNP, the
15 Bureau of Jail Management and Penology (BJMP), the DSWD, the NCIP, the
16 NCMF and the concerned LGUs are hereby directed to submit to the CWC,
17 within ninety (90) days from the effectivity of this Act, an inventory of all
18 CSAC under their custody.

19 SEC. 31. *Children Who Reach the Age of Eighteen (18) Years Pending*
20 *Court Proceedings or in Suspended Sentences.* – In cases when a child
21 reaches the age of eighteen (18) years with pending case, the Family Court
22 shall dismiss the case against the person and determine, in consultation with
23 concerned agencies, whether or not there is a need for the person to undergo
24 appropriate rehabilitation and reintegration programs provided under this Act.

25 Those with suspended sentences and undergoing rehabilitation at the
26 youth rehabilitation center shall likewise be released: *Provided,* That the
27 Family Court shall, in consultation with concerned agencies, determine and

1 order the appropriate rehabilitation and reintegration programs the person shall
2 undergo as provided under this Act.

3 *SEC. 32. Children Who Have Been Convicted and are Serving*
4 *Sentence.* – Persons who have been convicted and are serving sentence at the
5 time of the effectivity of this Act and who were below the age of eighteen (18)
6 years at the time of the commission of the offense for which they were
7 convicted and are serving sentence shall likewise benefit from the retroactive
8 application of this Act. They shall be entitled to appropriate dispositions
9 provided under this Act, and their sentences shall be adjusted accordingly.
10 They shall be immediately released if they are so qualified under this Act or
11 other applicable law.

12 CHAPTER XI

13 FINAL PROVISIONS

14 *SEC. 33. Implementing Rules and Regulations.* – The CWC, together
15 with its member agencies and the OPAPP, with the involvement of the civil
16 society organizations, shall promulgate the implementing rules and regulations
17 of this Act within ninety (90) days from its approval. All government agencies
18 enumerated in Section 27 of this Act shall be consulted insofar as the drafting
19 of their responsibilities are concerned.

20 NGOs involved in caring for CSAC shall likewise be consulted in the
21 drafting of the implementing rules and regulations of this Act.

22 *SEC. 34. Appropriations.* – The amount necessary to cover the initial
23 implementation of this Act shall be charged against the current year's
24 appropriations of the concerned implementing departments/agencies.
25 Thereafter, the amount necessary for its continued implementation shall be
26 included in the budgets of the concerned departments/agencies in the annual
27 General Appropriations Act.

1 SEC. 35. *Repealing Clause.* – Article X, Sections 22 to 26 of
2 Republic Act No. 7610, otherwise known as the “Special Protection of
3 Children Against Child Abuse, Exploitation and Discrimination Act”, all laws,
4 acts, presidential decrees, executive orders, administrative orders, rules and
5 regulations inconsistent with or contrary to the provisions of this Act are
6 deemed amended, modified or repealed accordingly.

7 SEC. 36. *Separability Clause.* – If any part or provision of this Act is
8 declared invalid or unconstitutional, the other parts hereof not affected thereby
9 shall remain valid.

0 SEC. 37. *Effectivity Clause.* – This Act shall take effect fifteen (15)
1 days upon completion of its publication in at least two (2) national newspapers
2 of general circulation.

Approved,

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